



100 Old Chelsea Road, Chelsea, Quebec J9B 1C1

MUNICIPALITY OF CHELSEA

By-law Number 638-05 respecting Construction

"In the case of a difference and/or an incompatibility between the French and English texts of any provision of this By-law, the French text shall prevail."

EFFECTIVE DATE: JUNE 28, 2005
Administrative compilation number 5 effective September 24, 2019

ADMINISTRATIVE COMPILATION

This current edition of the By-law Number 638-05 respecting Construction of the Municipality of Chelsea contains all of the regulatory texts that have been adopted since its effective date of June 28, 2005. The following table illustrates the amendments made as of this date: **September 24, 2019.**

Update Number	Notice of Motion	By-law Number	Description	Effective Date
1	April 15, 2014	884-14	Update the general provisions referring to the “National Building Code”	May 22, 2014
2	September 2, 2014	905-14	Provisions concerning fire protection of high and very high risk buildings	December 19, 2014
3	September 7, 2016	988-16	Provisions for grease interceptors and for backflow valves	November 28, 2016
4	April 3, 2017	1017-17	Provisions for preventative measures against radon	May 23, 2017
5	March 12, 2019	1117-19	Provisions on common walls	September 24, 2019

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1. LEGISLATIVE AND INTERPRETIVE CLAUSES

1.1 TITLE OF BY-LAW

This by-law bears number 638-05 and shall be known as the Municipality of Chelsea Construction By-law.

1.2 OBJECTIVES

This by-law is designed to ensure rational development of Municipality of Chelsea land and specify some of the construction standards applicable within the Municipality.

1.3 SUBJECT TERRITORY

This by-law, whose provisions apply to all individuals and legal persons established in the public or private interest, applies to all land within Municipality of Chelsea territorial boundaries.

1.4 COVERAGE

In addition to the provisions governing the issuance of a construction permit, this by-law applies to:

- any building or structure damaged by fire, earthquake, or other reason for which work is required to reconstruct the damaged portions of the building;
- any building or structure for which a hazardous condition exists inside or nearby for which work is required to correct the hazardous condition;
- any construction of a building or portion thereof.

This by-law does not apply to:

- public works carried out on a road;

- public utility poles or pylons, free-standing structures or television, radio, or other public telecommunications transmission structures;
- civil engineering projects not specifically mentioned in this by-law, for example, dams and other hydroelectric projects or flow regulations or mechanical equipment;

Seasonal homes must comply with all of the requirements of this by-law that apply to permanent homes, except with respect to heat insulation standards and foundations. Building support piles will be tolerated upon condition that said piles are built to withstand frost.

1.5 REPEALED BY-LAWS

The by-law listed hereinafter, and all afferent amendments are hereby repealed and replaced by this urban planning by-law:

- Municipality of Chelsea Construction By-law Number 473-97 and its amendments.

All other afferent regulations inconsistent with this by-law are also repealed.

1.6 AMENDING PROCEDURE

The provisions of this by-law can only be approved, modified, derogated or abrogated by an approved regulation pursuant to the provisions of the *Land Use Planning and Development Act*.

2. INTERPRETATION

2.1 INTERPRETING THE TEXT

The headings in this by-law form part and parcel of this text for legal purposes. In the event of a contradiction between headings and the text, the text shall prevail:

- a. verbs in present tense include future tense;
- b. the use of the singular includes the plural and vice versa, unless indicated by context;
- c. the use of the words SHALL, WILL or MUST indicates an absolute obligation; the use of the words COULD or MAY indicates an option;
- d. the words WHOSOEVER or ANY PERSON include all moral and physical persons;
- e. the words CORPORATION and MUNICIPALITY refer to the Municipality of Chelsea;
- f. the word COUNCIL refers to Chelsea Municipal Council;
- g. the abbreviation PSDAC refers to the Planning and Sustainable Development Advisory Committee of the Municipality of Chelsea;
- h. the expression MASTER PLAN refers to the Municipal of Chelsea urban plan pursuant to the provisions of the Quebec *Land Use Planning and Development Act*;
- i. a standard numbering system has been used for all by-laws. The first number refers to the chapter of the by-law, the second to the section of said chapter, the third to the sub-section, and the fourth to the article of the sub-section in question. For example only, the headings are numbered as follows:

1. CHAPTER

1.5 SECTION

1.5.1 Sub-section

1.5.1.1 Article

All measurements are expressed in units of the International System of Units (IS, metric system).

2.2 INTERPRETING TABLES

The tables, diagrams, specification grids, symbols and other forms of expression other than the actual text referring to said items, are legal part and parcel of this document.

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"In the case of a difference and/or an incompatibility between the French and English texts of any provision of this By-law, the French text shall prevail."

In the event of a contradiction between the text and tables, diagrams, graphs, symbols, and other forms of expression, the text shall prevail. In the event of a contradiction between a table and a graph, the graphic data shall prevail.

In the event that the restrictions or prohibitions in this by-law or any of its provisions prove to be inconsistent with or contradict any other provision of this by-law, the more stringent provision shall apply.

2.3 TERMINOLOGY

For the purposes of interpreting this by-law, unless otherwise indicated by context, all words and/or expressions shall be interpreted according to the significance given in Section 1.10 of Zoning By-law No. 636-05 and its amendments, with the exception of the following:

Geothermal energy. Heating and ventilation system that uses solar energy stored in the earth's crust.

Open geothermal system. Heating and ventilations system that uses groundwater to supply the thermo pump with water, which is then discharged into a ditch, stream, lake, or absorbing well.

Closed geothermal system. Heating and ventilation system consisting of a pipe loop filled with a liquid or gas that recirculates constantly between the thermo pump and the ground to absorb and transmit energy.

3. ADMINISTERING AUTHORITY

3.1 ADMINISTERING AUTHORITY

Responsibility for application of this by-law is entrusted to the Technical Services Director or to any other official designated for this purpose.

3.2 DUTIES AND AUTHORITY

The administering authority, his representative or deputy, duly authorized by Council, is responsible for monitoring and supervising buildings and uses. To this end, said individual is entrusted with the following:

- a. issues any required permit or certificate pursuant to current urban planning regulations. Denies permits and certificates for non-compliant projects. Submits any applications for minor variance or by-law amendments to the Planning and Sustainable Development Advisory Committee or Council, as required. At PSDAC or Council request, provides any and all information required to analyze a file regarding non-compliant projects.
- b. inspects or visits any building, structure, or part of a structure under construction, modification, or repair, relocation, or demolition, as well as existing buildings when the application of by-laws calls for a visit or inspection. The owner or tenant of the site(s) visited must allow the administering authority or other duly authorized person access and/or answer any and all questions regarding enforcement of the by-law.
- c. prepares a list of permits and certificates issued, as well as any contraventions, to be included in a monthly report to Council or by request from Council.
- d. notifies the property owner in writing of any proposed or ongoing use and/or construction that violates construction by-laws. Oversees the demolition or restoration of any non-compliant building or portion thereof.
- e. oversees the demolition or restoration, as required, of any non-compliant building or portion thereof pursuant to a court order.
- f. in accordance with a court order, the administering authority will see that any building that could pose a threat to human life is evacuated as a precautionary measure and reports immediately to Council. May require any reinforcement needed to ensure public safety.
- g. will use every necessary means to ensure the safety of the buildings or structures where poor construction presents a danger.

- h.** keeps up-to-date records of all applications received and permits and certificates issued, inspections and tests performed, reports submitted and received, and keeps copies of all papers and documents related to the performance of his duties.

3.3 SITE INSPECTION

In performing his duties, the administering authority has the right to visit and inspect a site between 7 AM and 7 PM daily, any property including the interior and exterior of houses, buildings, or other structures to ensure by visual inspection that the provisions of this by-law have been observed. Owners, tenants, or occupants of the sites visited are required to give the officer access and to answer any and all questions regarding the observance of urban planning regulations.

When it is possible to do so, the administering authority will advise owners of his visit at least 48 hours before the anticipated date of the inspection.

3.4 LIMITATIONS

The administering authority must answer any and all relevant questions regarding the provisions of this by-law.

However, except to provide general information regarding design, the administering authority will not participate in the preparation of plans or act as an engineering or architectural consultant.

3.5 SPECIFIC AUTHORITY

In performing his duties, the administering authority may specifically, and without reserve, carry out the following with respect to application of the Construction By-law:

- a.** notify any owner or applicant in writing to request correction of any situation constituting a violation of said by-law;
- b.** order any owner or applicant to suspend work that violates this by-law or poses a hazard;
- c.** order testing to be performed on any material, device, construction method, operational or structural component of construction, or on the condition of foundations, at the expense of the owner or applicant;
- d.** require the owner or applicant to provide, at their expense, adequate proof that a material, construction device, condition of foundations, structure or building complies with this by-law;
- e.** revoke or refuse to issue a permit in the event that the tests noted in sub-paragraph c) are unsatisfactory or the proof mentioned in sub-paragraph d) is inadequate;
- f.** revoke a permit in the event of a violation of any or all of the provisions of this by-law or of any or all of the conditions established on the permit;
- g.** initiate criminal proceedings against offenders with respect to any provision of this by-law; and, to do so deliver notices of violation.

4. GENERAL PROVISIONS

4.1 NATIONAL BUILDING CODE⁽¹⁾⁽²⁾

The Quebec Construction Code - National Building Code - Canada, current edition, as attached hereto is an integral part of this section in the same way as if it were reproduced in its entirety.

Amendments to the Quebec Construction Code - National Building Code - Canada, after the entry into force of this By-law are an integral part of this By-law without the need to amend it.

In the event of a contradiction between the provisions of this By-law and those of the Quebec Construction Code - National Building Code - Canada, the provisions of this By-law shall prevail.

4.2 CONDITIONS FOR APPLICATION OF THE NATIONAL BUILDING CODE⁽¹⁾

All construction, modification, repair, or extension projects on a main building must be performed in compliance with the provisions of the National Building Code, current edition.

4.3 BUILDINGS AT RISK⁽²⁾

All buildings at high or very high risk, as defined in Section 2.3 of the By-law N° 639-05 respecting Permits and Certificates must comply with the provisions of Division V of Chapter VIII of the Safety Code of the Building Act (c B-1.1, r 3).

(1) Amended by **By-law Number 884-14** (effective May 22, 2014)

(2) Amended by **By-law Number 905-14** (effective December 19, 2014)

(2) Introduced by **By-law Number 905-14** (effective December 19, 2014)

5. SPECIFIC PROVISIONS

5.1 DETERIORATION OF SOIL AND WATER RESOURCES

Notwithstanding any or all current urban planning regulations, any use likely to cause direct damage to or deterioration of soil and/or water resources is strictly prohibited.

5.2 RETAINING WALL

When building a retaining wall of one metre (1) or more in height at any point whatsoever, an engineering or architectural plan may be required. Said plan will show, *inter alia*, the topography of the existing soil, of the modified soil, elevation, the layout, and a cross section of the proposed wall.

The use of tires in the construction of a retaining wall is strictly prohibited.

A security fence must be installed at the top of any portion of a retaining wall that opens to a thoroughfare and exceeds two (2) metres in height.

In the event that a retaining wall poses a risk to public safety, the administering authority may require an engineering certificate certifying the stability of the wall, or may require demolition of the wall.

5.3 SECURITY FENCE

When building a retaining wall, the fence required in sub-section 5.2 shall be built to prevent the passage of any spherical object of one hundred (100) millimetres in diameter through or under the structure.

The fence must be at least one metre twenty centimetres (1.20 m) in height. This requirement does not apply to retaining walls for sunken garages.

5.4 ICE AND SNOW

All owners and/or occupants are required to remove ice and snow from the roof of a home or any other structure erected beside a public thoroughfare in the event that said ice or snow poses a risk to the public.

5.5 RESTAURANT WASTE STORAGE AREA

Operators of buildings used for food services must build and maintain a waste storage building having a cement floor and floor drain to facilitate cleaning. The structure will be built to prevent entry by any insects or vermin.

5.6 GEOTHERMAL SYSTEM

For all uses, only closed geothermal systems are approved.

6. ARCHITECTURE

6.1 PROHIBITED EXTERIOR FINISHING MATERIALS

- a. tar paper, mineral paper, or other like papers;
- b. asphalt shingles as wall finishing;
- c. paper simulating or appearing to imitate stone, brick, or other natural materials, in tile, roll, paper board, or other form;
- d. rigid insulation, thermal insulation or other insulation;
- e. plywood or chip board panels;
- f. non architectural metal panels;
- g. non architectural concrete blocks.

6.2 FINISHING OF EXTERIOR SURFACES

The exterior finishing of any building shown on the approved construction plan must be installed before the construction permit or its renewal expires, as applicable.

6.3 FORM OF BUILDING

The conversion of any vehicle intended for road use, including a bus or trailer, is strictly prohibited within the Municipality of Chelsea. This prohibition also includes vehicles from which certain parts have been removed, for example wheels, motor, etc.

6.4 HALF-CYLINDER SHAPED BUILDINGS

Any building having the general form of a horizontal half-cylinder (Quonset hut), i.e. a building whose walls and roof form a single unit and the cross section is a continuous line roughly circular or elliptical in shape, is strictly prohibited within the Municipality.

Farm buildings erected on land within an agricultural zone pursuant to the *Act respecting the preservation of agricultural land and agricultural activities* are exempted from this rule, however said buildings and structures must be built to accepted construction standards.

6.5 OBSTRUCTION OF SIDEWALKS OR THOROUGHFARES

When opened, no door or gate will obstruct a sidewalk or thoroughfare in any way whatsoever.

In addition to the set-back standards specified in the Zoning By-law, the Municipality may have removed, at the owner's expense, any stoop, staircase, porch, railing, gallery, building or other structure encroaching on the alignment of the road or obstructing a public thoroughfare.

6.6 MIXED USE BUILDINGS

For a building authorized for more than one land used, each portion of the building having a different use must have a separate entrance. However, this rule does not apply to secondary residential use where the entrance to a home and the entrance to the commercial use area may be one and the same.

6.7 COMMON WALL⁽⁵⁾

Notwithstanding Article 9.10.11.2 of the Quebec Construction Code, a common wall separating two semi-detached or contiguous single-family dwellings must form a fire separation consisting of a concrete block of at least 140 mm, covered on each side by gypsum of at least 12.7 mm, fixed to studs of at least 38 mm x 64 mm on the section of the block wall between the top of the foundation wall and the attic below the roof. The space between the posts must be filled with mineral fiber.

(5) Introduced by **By-law Number 1117-19** (effective September 24, 2019)

7. STANDARDS RESPECTING CERTAIN BUILDINGS AND BUILDING SITES

7.1 HAZARDOUS OR DILAPIDATED BUILDINGS

When a building or structure is in such a state that it could endanger people, work must be performed to ensure safety, or the building rendered inaccessible as soon as the situation is discovered. The owner, at his expense, must take every possible step to protect public safety. Such measures may include the installation of barricades, flashing lights, bracing, supports, or guard rails.

Notwithstanding the application of the temporary measures cited in the foregoing paragraph, a hazardous or dilapidated building must be restored, repaired, or demolished no more than ninety (90) days following discovery of the hazardous condition.

7.2 HAZARDOUS EXCAVATIONS

A high fence of two metres (2 m) minimum must be erected around hazardous excavations or construction sites to interdict public access.

7.3 UNOCCUPIED, UNFINISHED, OR ABANDONED BUILDINGS

Any unoccupied, unfinished, or abandoned building must be suitably closed up or barricaded to prevent accidents. Any unfinished construction must be suitably closed up or barricaded within thirty (30) days of work stoppage.

8. CAMPGROUND SANITATION STANDARDS

8.1 SANITATION SERVICES

The number of sanitary facilities must be proportional to the number of individual camp sites at each campground:

- a. one (1) potable water tap for every six (6) individual camp sites; to be placed according to the configuration of the individual sites;
- b. minimum four (4) toilet stalls and four (4) shower stalls (2 per gender) for a maximum of twenty-four (24) individual camp sites;
- c. for more than twenty-four (24) individual sites:
 - minimum two (2) toilet stalls (1 per gender) per group of twelve (12) or fewer individual sites and minimum two (2) shower stalls when individual sites do not have individual evacuation drains;
 - minimum two (2) toilet stalls (1 per gender) per group of fifty (50) or fewer individual sites and two (2) shower stalls when individual sites do not have individual evacuation drains;
- d. urinals may replace toilet stall for men on a maximum ratio of two to three (2/3);
- e. comfort stations shall be:
 - restricted to people of the same gender, said gender to be identified on the door by a symbol or in writing;
 - equipped with a separate entrance if facilities for both genders share the same roof;
 - laid out to ensure that toilet stalls and urinals are entirely invisible from the outside of the building;
 - ventilated, lit, clean, equipped with accessories needed to ensure users' comfort; i.e. mirrors, toilet paper and hand towel dispensers and hand dryers, liquid soap dispenser for each sink, and other accessories as required;
 - equipped with waterproof, washable walls and floors and floor drains;
 - equipped with one recessed sink built into a single piece counter for each group of two (2) or fewer toilet stalls or urinals;
 - equipped with one sink for each group of two (2) or fewer toilet stalls or urinals;

- f. toilets installed in the same room must be partitioned and equipped with latching doors;
- g. any picnic ground or recreation area used by people other than registered campers must be equipped with at least the following additional facilities:
 - two (2) comfort stations;
 - two (2) sinks;
- h. no person shall advertise or allow advertising indicating that trailer sites are available unless the camp site is equipped with an individual drain hook-up, or unless the camp ground has a central sewage waste station;
- i. septic waste station equipment will include a water tap and hose; said equipment shall be surrounded by a minimum one metre seventy-five centimetre (1.75 m) high wall;
- j. the service building shall be heated adequately during cold seasons; also, an adequate supply of hot water must be available at all times, especially in the shower facilities;
- k. when trailers are not equipped with individual sanitation facilities, the campground owner shall comply with the provisions of the National Building Code, 1995 edition, sub-section 3.6.4.2.

8.2 SWIMMING

1. In addition to the items stipulated in sub-section 4.5., a pool-equipped campground or a campground admitting users other than registered campers must install the following sanitation facilities:

a. For men:

- one (1) toilet for every sixty (60) or fewer men;
- one (1) urinal for every sixty (60) or fewer men;
- one (1) sink for every one hundred (100) or fewer men;
- one (1) shower for every forty (40) or fewer men.

b. For women:

- one (1) toilet for every forty (40) or fewer women;
- one (1) sink for every one hundred (100) or fewer women;
- one (1) shower for every forty (40) or fewer women.

2. A campground having a designated bathing area other than a pool and admitting users other than registered campers must install the following additional sanitation facilities:

a. For men:

- one (1) toilet for every sixty (60) or fewer men;
- one (1) urinal for every sixty (60) or fewer men;
- one (1) sink for every one hundred (100) or fewer men.

- b. For women:
 - one (1) toilet for every forty (40) or fewer women;
 - one (1) sink for every one hundred (100) or fewer women.

9. VARIOUS STANDARDS

9.1 RETENTION VALVES ⁽³⁾

The drainage system or sewage system of a building, including water from foundation drains, sumps, floor returns, holding pits, interceptors, tanks and siphons shall be fitted with one or more check valves or safety valves installed so as to prevent the backflow of water into the building. The non-return valve or the relief valve must be maintained in good working order and be easily accessible for servicing.

Sealing a floor return with a threaded plug does not relieve the need to install a check valve or a relief valve.

9.2 REROOFING

All roofing materials used as a support for the old roof must be removed to avoid creating a void or roof space.

9.3 BUILDING FORTIFICATION AND PROTECTION

The use, assembly, and maintenance of materials designed to armour or fortify a building against bullets, the use of explosives, direct hits or attack by vehicles or other types of assault, are strictly prohibited for buildings having the following uses, in whole or in part:

- hotels;
- motels;
- tourist homes;
- boarding houses;
- food services;
- taverns, bars, night clubs, social clubs;
- assembly halls;
- cabarets; civic, social associations, or fraternal organizations;
- residences;
- offices of businesses that do not receive clients on site;
- gymnasias and athletic clubs, recreational centres, including bowling alleys and billiard parlours;

(3) Amended by **By-law Number 988-16** (effective November 28, 2016)

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"In the case of a difference and/or an incompatibility between the French and English texts of any provision of this By-law, the French text shall prevail."

amusement sites.

Without limiting the scope of the foregoing, the following are prohibited for the buildings listed above:

- the installation and maintenance of steel protective plates inside or outside the building;
- the installation and maintenance of bullet-proof or other materials resistant to explosion, or direct hits around the openings of the building;
- the installation and maintenance of an armoured or specially reinforced door to resist the impact of bullets and other projectiles;
- the installation and maintenance of metal screens or bars at any entrance, door, or window, except on the basement or cellar level;

Any lamp standard more than 2.5 metres in height is prohibited on a residential property. Any exterior lighting system using a directional device (spotlight) with a light beam of more than 150 watts is limited to the use of two such devices, installed at the front or side entrance of a residential building.

Construction of a sentry-box, portal, or any other structure designed to control or prevent motor vehicle access to the driveway of a residential building is prohibited unless the surface area of the property housing the main building is at least 10,000 square meters or more or the residence is located more than thirty (30) metres from the edge of the thoroughfare.

A camera or image capturing device or other system designed for night time surveillance may only be installed and used on the outside of a building other than a commercial or industrial building to capture a scene on the front or on one other side of a main building.

Any building or structure that fails to comply with the provisions of this sub-section must be restored or rebuilt within six months of the effective date of this by-law to render said construction compliant.

9.4 INTERCEPTOR AND GREASE SEPARATOR⁽³⁾

Any commercial kitchen connected to the municipal sanitary sewer system, including restaurants and health care or detention facilities, must be equipped with a grease separator for each appliance that can accommodate grease or oil, of sufficient capacity for the purpose for which it is intended, conforms to the specifications of the plumbing service and to the provisions of Chapter III, Plumbing, of the *Quebec Construction Code*.

9.5 PROTECTION AGAINST RADON AND SOIL GASES⁽⁴⁾

A new main building and any new secondary building with a main use shall be equipped with a vapor barrier, a passive depressurization system, applicable measures to seal joints and the sump, and measures to provide for the pre-installation of a possible active depressurization system.

(3) Introduced by **By-law Number 988-16** (effective November 28, 2016)

(4) Introduced by **By-law Number 1017-17** (effective May 23, 2017)

9.5.1 Vapor barrier

A new main building and any new secondary building with a main use shall be equipped with a vapor barrier under the concrete slab.

The vapor barrier shall rest on a gas permeable layer of at least 100 mm (4 in) thick, clean coarse aggregate, installed under the entire surface of the floor in contact with the ground

This vapor barrier must be made of at least 0.15 mm thick polyethylene, placed under the entire concrete slab and sealed on the foundation walls before the concrete is poured.

The joints in the vapor barrier shall be lapped not less than 300 mm and must remain sealed at all times.

9.5.2 Radon vent pipe

A radon vent pipe through the barrier and concrete slab shall be installed in accordance with the following provisions:

- A pipe not less than 100 mm in diameter shall pass vertically through the floor. The lower opening of the pipe must be pressed into the layer of granular fill and its lower end must be near the centre of the concrete slab;
- The configuration of the radon vent pipe system must allow the full surface area of the ground below the building to be depressurized. In the event that obstacles (i.e.: footings or joint foundation walls) interrupt the continuity of the above-mentioned granular layer, piping shall be installed for each of the floor sections delineated by these boundaries.

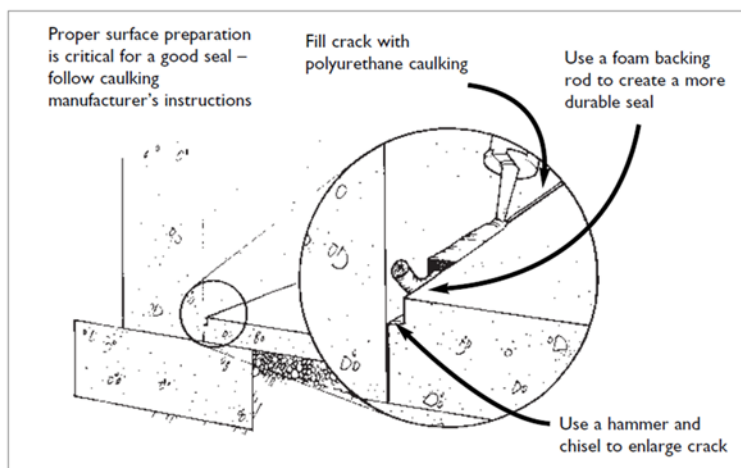
9.5.3 Passive depressurization system

In addition to the provisions of the preceding article, during construction, a passive depressurization system must be installed in order to provide for the installation of a possible active depressurization system. For this purpose, the passive depressurization system shall comply with the following provisions:

- A vertical vent pipe of not less than 100 mm in diameter shall be connected to the radon vent pipe through the slab as described in the previous article and it shall extend to the outside of the roof near its highest point and 30 cm above it;
- The vertical vent pipe shall be as straight as possible and completely sealed over its entire length;
- The section of the passive vent pipe passing through an unconditioned space (i.e.: attic) must be insulated against cold and humidity;
- The vertical vent must be equipped with a protective device at its upper end such as a fine stainless steel mesh to prevent blockage of the pipeline;
- The vertical vent should be labeled where it exits out of the ground, each 1.8 m and any change of direction to clearly indicate that its purpose is to collect soil gas;
- An electrical outlet must be installed in the attic to allow the possible connection of an exhaust fan.

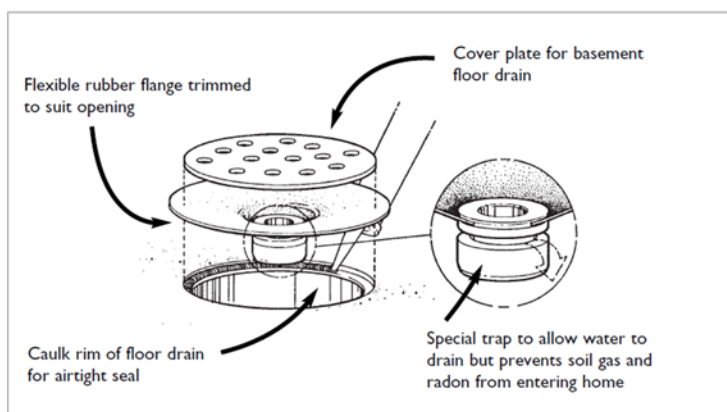
9.5.4 Sealing of the perimeter and penetrations

A floor-on-ground shall be sealed around the perimeter to the inner surface of adjacent walls using flexible sealant. (see figure)



All penetrations of a floor-on-ground by pipes or other objects shall be sealed against soil gas leakage.

All penetrations of a floor-on-ground that are required to drain water (floor drain) from the floor surface shall be sealed in a manner that prevents the upward flow of soil gas without preventing the downward flow of liquid water (see figure)



10. PENALTIES AND SANCTIONS

10.1 PENALTIES

In the event that an offender refuses or neglects to comply in all or in part with any provision of this by-law or with any order issued by the administering authority, the appropriate authority may petition the Quebec Superior Court pursuant to the *Land Use Planning and Development Act* (RSQ, Ch. A-19.1) to:

- a. issue a stop-work order with respect to any work or use failing to comply with this by-law;
- b. order, at the owner's expense, execution of work required to render the use or construction compliant with this by-law or, failing the existence of a workable solution, order the demolition of the structure and restoration of the property;
- c. authorize the Municipality to carry out the required work, demolition, or restoration, in lieu of the property or building owner and to proceed within the prescribed timeframe, and to recover incurred costs from the owner via a lien registered on the tax assessment roll.

Furthermore, any and all offenders are also subject to the sanctions prescribed in this by-law, as well as to any and all penalties and sanctions prescribed by legislation and regulations currently in effect in the Municipality of Chelsea.

10.2 GENERAL SANCTIONS

Any person or persons who contravenes any or all of the provisions of this by-law is guilty of an offence and, in addition to paying the costs for each infraction, is liable to a set fine of ONE THOUSAND DOLLARS (\$1000) if the offender is a physical person, or a set fine of TWO THOUSAND DOLLARS (\$2,000) if the offender is a corporation or other legal entity.

In the event of a repeat offence committed within two years of declaration of guilt for the same infraction, the offender, in addition to paying the costs for each infraction, is liable to a set fine of TWO THOUSAND DOLLARS (\$2,000) if the offender is a physical person, or a set fine of FOUR THOUSAND DOLLARS (\$4,000) if the offender is a corporation or other legal entity.

If an infraction continues for more than one (1) day, it shall constitute a separate offence for each day during which it continues, and may be detailed in a single charge.

10.3 CIVIL JURISDICTION

Without prejudice to proceedings under the criminal justice system, Council may institute any proceedings necessary under civil jurisdiction to enforce compliance with the provisions of this by-law.

11. FORCE AND EFFECT

11.1 FORCE AND EFFECT

This by-law will come into force according to the law.

GIVEN AT CHELSEA, QUEBEC this 19 day of the month of April 2005.

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Secretary-Treasurer

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Mayor

NOTICE OF MOTION:	February 7, 2005
ADOPTION OF THE FIRST DRAFT BY-LAW:	January 25, 2005
RESOLUTION NUMBER:	19-05
PUBLIC CONSULTATION:	April 4, 2005
ADOPTION OF THE BY-LAW:	April 19, 2005
RESOLUTION NUMBER:	80-05
CERTIFICATE OF COMPLIANCE:	June 28, 2005
EFFECTIVE DATE:	June 28, 2005