

**BUILDING BYLAW -
NUMBER 729
VILLE DE HAMPSTEAD**

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PREAMBLE

Whereas
the Ville de Hampstead adopted on June 1, 1990, a Planning Program in conformity with
the Quebec Act respecting land use planning and development;

Whereas
the Ville de Hampstead adopted on September 1, 1990, a Building Bylaw having Number
647, in conformity with the Planning Program;

Whereas
the Ville de Hampstead has adopted amendments to Building Bylaw 647 in conformity with
the Quebec Act respecting land use planning and development;

Whereas
the Council of the Ville de Hampstead has adopted a first draft Building Bylaw on
July 31, 2001;

~~Whereas
the Ville de Hampstead has adopted a second draft Building Bylaw on June xx, 2001;~~

~~It was moved by Counsellor:~~

~~And seconded by Counsellor:~~

~~And resolved
that the present document be named Building Bylaw Number 729 of the Ville de
Hampstead and is adopted on this day of 2001, and as of this day the whole of the
territory of the Ville de Hampstead shall be administered in accordance with the provisions
of this Bylaw.~~

Chapter 1 Declaratory Provisions

1.1 Title and Effect

1. The present Bylaw is entitled the Building Bylaw of the Ville de Hampstead and bears Number 729. It is referred to herein as the Building Bylaw, the present Bylaw and the Bylaw, depending on the circumstances. The Ville de Hampstead is also referred to herein as the municipality.
2. The present Bylaw applies to all the territory of the Ville de Hampstead.
3. In the present Bylaw, the masculine gender includes the feminine gender and the singular includes the plural unless otherwise indicated within the text.
4. All dimensions and measures are provided in the international system (metric). English dimensions and measures are provided from time to time for information purposes only. If there is a contradiction between the two, the international system will prevail.
5. In the present Bylaw, the main text, except for the headings and table of contents, and all tables and symbols together form the enforceable content.
6. This Bylaw applies to all buildings and structures that shall be erected, modified, repaired, remodelled, transported or altered.
7. The number of stories of an existing building shall not be increased unless the entire building, including the new portion, is in full conformity with the present Bylaw. If there is a proposal to change the use or density of a building, such building including any alteration or modification shall comply entirely with the present Bylaw.

1.2 Repeal

The present Bylaw repeals Bylaw 647 of the Ville de Hampstead and all its amendments.

1.3 Contradiction between Provisions and Bylaws

If there should be a contradiction between the provisions of this Bylaw or between the provisions of this Bylaw and any other municipal Bylaw, the most stringent provision will apply.

1.4 Other Concordance Bylaws and Bylaws

The present Bylaw is a concordance bylaw as per the definition given in the Québec Act respecting land use planning and development (the Act). In erecting, restoring, renovating, transforming, repairing, modifying, arranging, occupying, demolishing or replacing a building or structure, the owner of a property must conform to all municipal concordance bylaws passed pursuant to the Act, as well as all other bylaws that the municipality may have adopted pursuant to other laws.

Chapter 2 Definitions

2.1 Terminology

The terminology used in the present Bylaw is defined in the Zoning Bylaw Number 727 of the Ville de Hampstead.

Chapter 3 Administrative Provisions

3.1 Enforcement of the Bylaw

The Building Inspector is entrusted with the enforcement of the Bylaw.

3.2 Infringements and Penalties

An infraction to this Bylaw is committed by whomever, is in contravention to a provision of this Bylaw.

Anyone committing an infraction to this Bylaw is liable to a fine and costs, and the person or persons responsible for the infraction must also, at its sole cost, remedy the situation so caused.

When an infraction of the present Bylaw occurs, the Building Inspector shall inform the person concerned of the infraction by written notice or order. If the person concerned does not then comply with the notice within ten (10) calendar days of receiving it, he is liable to a fine of five hundred dollars (\$500.00) plus costs for each infraction.

If the infraction continues, the offender shall be liable to pay an amount up to and including five hundred dollars (\$500.00) for each day during which the infraction continues.

Notwithstanding the foregoing, the municipality may exercise any recourse necessary to ensure that the provisions of the present Bylaw are observed, including recourse to the appropriate tribunals.

Chapter 4 Building Code

4.1 General – Building Code

All buildings and structures shall be built in compliance with the Building Code of Quebec (Code de construction, Chapitre 1 et le Code national du Bâtiment, 1995 modifié) and its amendments that may be adopted from time to time. Amendments made to the Building Code of Quebec shall automatically come into force in the Ville de Hampstead in conformity with the law. The Ville de Hampstead shall not be obligated to adopt a specific bylaw for every amendment made to the Building Code of Quebec including any and all laws, codes and provisions referred to therein.

Notwithstanding the provisions of the Building Code of Quebec and its amendments, the additional specific provisions prescribed in Chapter 5 of the present Bylaw shall apply on the territory of the Ville de Hampstead.

4.2 General – Plumbing Code

All buildings and structures shall be built in conformity with the most recent version of the Plumbing Code of Quebec (Loi sur les installations de tuyauterie) and all future amendments that may be adopted from time to time. Amendments to the Plumbing Code of Quebec (Loi sur les installations de tuyauterie) come into force in the municipality in conformity with the law and without the necessity of the Ville de Hampstead prescribing the applicability of every amendment made to the Code.

4.3 Order to Reconstruct or Repair

In case of fire or other event that destroys a building, renders it dangerous or renders the value of the building less than one half its value immediately prior to the event, the property owner shall take immediate steps to remedy the situation by reconstructing or repairing the building to bring it back up to at least the condition that it was in immediately prior to the event, or to demolish the building and thereby render the lands safe and secure for the public.

If the action by the property owner to address the situation is not immediate, and at the very least does not promptly deal with the issue of safety to the public, the Ville de Hampstead may take all legal and appropriate steps to order the property owner to fulfill his responsibilities as envisaged in the present Bylaw. In these cases, all penalties from the day of notice referred to in section 3.2 of this Bylaw, will be doubled.

The Ville de Hampstead retains the absolute right to undertake any works at any time to render the lands safe and secure for the public. The cost of such works shall be borne by the property owner, and if unpaid, shall become a charge on the property and shall be recoverable in the same manner as unpaid municipal taxes.

Chapter 5 Municipal Provisions – Building Code

5.1 Application

This Bylaw applies to the design and construction of all buildings and structures on the territory of the Ville de Hampstead when:

- a. a new building or structure is proposed on a vacant lot or on a lot where it is first proposed to demolish an existing building, including its footings and foundations;
- b. a new building or structure is to be built on a lot where, in whole or in part, existing footings or foundations will be used to support the new building or structure;
- c. a part of an existing building or structure is to be demolished with the remaining part of the building continuing to be used for its original use;
- d. a part of an existing building or structure is to be demolished with the remaining part of the building being enlarged by adding above and/or or alongside the retained structure;
- e. a part or all of a building or structure is altered in any way;
- f. a detached garage or accessory building is built, rebuilt or altered; and
- g. the use of a building or density, defined as the number of units within the building, is changed in which case this Bylaw applies to all parts of the immovable so affected.

It is the sole responsibility of the owner of the building to become aware of and apply all laws, bylaws and policies with respect to the construction, reconstruction, alteration, refurbishing, renovation and maintenance of buildings and structures.

Prior to initiating any project requiring municipal approval, an application shall be made for a Building Permit and the Building Permit must be issued prior to the commencement of the works.

The following sections of the present Bylaw apply to all main buildings and detached garages.

5.2 Foundations

All footings and exterior foundation walls of main buildings and detached garages shall be poured concrete of sufficient strength and adequately reinforced to suit the ground conditions on the site in accordance with the determination of a professional engineer.

The exterior foundation walls shall be at least 25.4 cm (10 inches) thick.

All interior solid basement bearing walls shall be at least 15.24 cm (6 inches) concrete or 20.31 cm (8 inches) solid brick or solid block construction, where required. A bearing stud partition may also be built provided that the studs be at a minimum 5.08 cm by 15.24 cm (2 inches by 6 inches) and placed not more than 30.5 cm (12 inches) apart, centre to centre, and that the entire partition be supported on a concrete footing that will keep the plate level 15.24 cm (6 inches) above the level of the basement floor slab.

The ground floor of all main buildings and detached garages shall rest on an exterior foundation wall.

There is no requirement to have a full basement under the ground floor of a building; however, the requirement of a continuous foundation wall remains. The clear space between the ground floor joists and the basement floor must be at least 60 cm (23.6 inches). The basement floor shall be of poured cement that is at least 15.24 cm (6 inches) thick. The clear space between the ground floor joists and the basement floor shall be accessible and heated.

5.3 Basement Floor Elevation

No basement floor which has a direct connection through a floor drain and the house drain to the sanitary sewer in the street shall be less than 90 cm (35.4 inches) above the level of the invert of such sanitary sewer at the point where the connection is made.

If access to a private garage is achieved by means of a sloping driveway downwards from the street to the garage, then at least 90 cm (35.4 inches) of such driveway adjacent to the

sidewalk shall be kept level with the sidewalk before commencing the downward slope. The garage threshold shall be no more than 61 cm (24 inches) below sidewalk level.

Notwithstanding the preceding paragraph, in the RA-1 zone of the municipality, in the case of a building alteration or a new building being constructed, the threshold of the garage may be placed more than 61 cm (24 inches) below the sidewalk level but the slope of the driveway shall not exceed 10% at any point. All other conditions of the preceding two paragraphs apply to the RA-1 zone.

5.4 Exterior Walls

For all single family detached and semi-detached houses, and all detached and semi-detached duplexes, exterior walls shall consist of a bearing construction, plus a non-bearing masonry veneer of brick, stone or block stucco that is a minimum of 9.5 cm (3.74 inches) thick.

Notwithstanding the preceding, other approved veneer products may be used on the exterior walls of single family detached and semi-detached houses provided that they are approved, do not account for more than 50% of the total exterior surface of the walls and are at least 5.00 cm (1.97 inches) thick.

The non-glazed components around a bay window are not considered to be exterior walls.

5.5 Party Walls

A minimum 20.32 cm (8 inches) of solid masonry wall will be installed between two semi-detached buildings.

The masonry construction will continue above the roof deck by at least 30 cm (11.8 inches) and no wood timber shall pierce the party wall.

5.6 Factory-Built Chimneys

The use of factory-built chimneys is permitted provided that they are located within the building and the exterior portion of the chimney, above the roof, shall only be clad with materials accepted by the municipality for exterior cladding of main buildings.

5.7 Materials Tests

Where tests of any materials are made to ensure conformity with this Bylaw or any municipal bylaw, records or the test data shall be kept available for inspection during the construction of the building and for such period thereafter that has been required by the municipality's representative.

Chapter 6 Municipal Provisions – Plumbing Code

6.1 Registration of Plumbers

Every plumber intending to do work in the municipality must first register with the Building Inspector. This requirement does not apply to situations requiring minor maintenance.

Such registration involves the provision of the plumber's name, the name of the company, the corporate status of the company, the address where the work is to be carried out and a description of the work. Every such plumber will be responsible for compliance with this Bylaw for the company and its employees, agents and sub-contractors.

The plumber must register for each assignment, work order or project.

6.2 Permit Required

It is forbidden to construct, modify, replace, repair, alter, extend, or to allow the construction, modification, replacement, repair or extension of a plumbing or oil-fitting system without first having a Building Permit to do so.

If the work is part of a larger project that has already been considered as part of the application for a Building Permit, and the Building Permit has been issued, no additional action is required.

However, if it is not part of another project for which a Building Permit has been issued, a separate Building Permit shall be issued. The property owner shall display the Building Permit during the construction period at all times in a prominent place on the property and visible from the street.

If the work involves the installation of water mains or sewer pipes that lead from the building to the street line, the applicant shall first obtain from the Public Works Department of the Ville de Hampstead, a description of the acceptable product and installation specifications.

The application for the Building Permit related solely to plumbing is treated in two ways as per the description in the Permits and Certificates Bylaw of the municipality.

Chapter 7 Coming into Force of the Bylaw

7.1 Coming into Force of the Bylaw

The present Bylaw will come into force in accordance with the Act.

Adopted the _____

Signed at the Ville de Hampstead by:

Mayor

Clerk