



BY-LAW 632-2022
regarding cleanliness, maintenance and building occupancy

EXPLANATORY NOTE

The present by-law established standards pertaining to the cleanliness, maintenance and occupancy of buildings and allows for the Municipality to exercise its powers as stipulated at Articles 85 and following of the Municipal Powers Act (RLRQ, ch. C-47.1) as well as respecting the obligations of Article 145.41 of the Act respecting land use planning and development (RLRQ, ch. A-19.1).

It updates many 10-year existing norms and makes many corrections in order to facilitate their application.

It establishes the principle of favouring amicable agreements to ensure the respect of the provisions of the by-law.

Finally, the by-law updates infringements and fines.

WHEREAS THAT the municipal council may, in accordance to Articles 145.41 to 145.41.7 of the Act respecting Land use planning and development (RLRQ, ch. A-19.1), may govern the occupancy and maintenance of buildings;

CONSIDERING the Municipality's Urbanism plan;

CONSIDERING the Municipality's 2020-2030 strategic vision statement and its mission regarding the maintenance of the quality of life;

WHEREAS THAT the Municipality intends on modernizing its regulation pertaining to cleanliness, maintenance and building occupancy;

CONSIDERING THAT the municipal council would like to be able to use its power to protect heritage immovables as specified in the local cultural heritage;

WHEREAS THAT a notice of motion was given by Councillor Leigh MacLeod at the regular council meeting of March 9th, 2022;

WHEREAS THAT the draft by-law was presented to Council and explained by the Director general at the regular meeting of March 9th, 2022;

CONSEQUENTLY, the municipal council decrees the following:

CHAPTER 1: INTRODUCTORY PROVISIONS

1. **Goal** – The present by-law is to establish the standards and recommend measures pertaining to occupancy, cleanliness and the maintenance of buildings, impose a timeline, take action or render mandatory the work for repairs, maintenance or demolition of buildings in a state of dilapidation or disrepair and if necessary, forward a request to the Superior Code to have the work done and claim the costs as a priority debt obligation to the tax account.
2. **Objectives** – The objectives of the by-law are to protect the health and ensure the well-being of the general population, preserve the quality of life and guarantee transparency of the true condition of immovables.
3. **Definitions** – In the present by-law, unless otherwise described, the following terms are defined as follows:

Immovable : Every construction, vacant or not, used or destined to be used to house or greet people, animals, objects or any other use and comprised of a structure supported by a roof and walls including an accessory building;

When a construction is separated by a common wall, each section is considered as a distinct building, conditional to it being attached to a piece of land registered and independent forming a distinct property;

Accessory building : Furnished property or construction related to or non to a building for which it constitutes a dependency;

Deteriorated building : A poorly preserved building which is in dissatisfied condition to allow for the use for which it has been destined or designed;

Building in good condition :
A building which has been preserved or in satisfactory condition to allow of the use for which it has been destined or designed;

Construction : Any assembly of one or more materials laid or connected to the ground or attached to any object connected to the ground, for shelter, support, backing or other similar purposes including, but not limited to, buildings, signs, fences, parking lots, billboards and retaining walls. It may be a structure.

Additional construction (or an accessory or secondary) :
Construction accompanying a main construction, used for convenience or usefulness and which constitutes a normal extension to the main construction.

Main construction : Construction used for the land without a building on the land where it has been built.

Construction debris : All construction material, specifically wood, rubble and plaster, pieces of metal and masonry and pavement.

Dilapidation : A bad appearance caused by disrepair or failure to maintain.

Designated officer :	Any inspector from the Urbanism and Environment department, its director, director of the Fire department, assistant director of the fire department.
Building :	Any building as per Article 900 of the Quebec Civil Code specifically, land, construction and other permanent work which may be found forming an integral part hereof.
Heritage building :	A property registered in accordance to the Cultural Heritage Act (RLRQ, chapitre P-9.002), an immovable located within a heritage according to this same Act, an immovable registered in accordance to the Historic sites and monuments Act (LRC (1985), chapter H-4) or an immovable listed in an inventory of properties representing a heritage asset in accordance to Article 120 de la Cultural Heritage Act.
Architectural integrity :	Any part of a building, a projection, a decorative element, exterior siding material including paint and stain, gutters, openings, etc. which is specific to the building's architectural styles.
Dwelling :	Building which includes a room or rooms used or destined to be used as a home where one or more people may generally prepare and consume meals and sleep;
Health :	Character of a building or part of a building which is, by the quality of its condition and environment, favorable to the health and safety of residents or public by way of the use being made or its condition.
Dilapidation :	State of deterioration because of time and normal use.

CHAPTER 2 : SCOPE OF APPLICATION

4. ***Specified territory*** – The by-law applies to the Municipality's entire territory.
5. ***Targeted individuals*** – The by-law is aimed at any property owner of a building built on the Municipality's territory.

CHAPTER 3 : HEALTH

6. ***General health and safety principle*** – A building or dwelling must not be a health or safety hazard for residents or the public because of its use or condition in which it is found.

Consequently, are specifically prohibited and must be eliminated:

- a) Uncleanliness, deterioration or space requirement of a main building, dwelling, balcony or accessory building.
- b) The presence of dead animals.
- c) The storage or use of products or material which give off foul odors or toxic smells.

- d) The dumping of household garbage or recyclable material other than in bins provided for this purpose as well as the accumulation of combustible material, inside or around a building because of the quantity or their location may present a risk of fire.
- e) The hindrance of a means of escape.
- f) An obstacle preventing the closure and locking of a door in a required fire separation.
- g) The presence of ice or condensation on an interior surface other than a window.
- h) The piling of debris, material, spoiled or putrid material, excrement or other uncleanness.
- i) The presence of vermin, rodents, insects or visible mold as well as conditions which favor their proliferation.

7. **Structure of immovables** – An element of structure, its insulation and its finishes which is affected by water infiltration or by liquid or fire must be cleaned, completely dried or replaced in order to eliminate the presence of odor or mold and their proliferation.

Material affected by a fire which does not respect their first quality must be replaced.

8. **Contaminant or dangerous product** – Any contaminant or dangerous product must be removed or eliminated (other than household maintenance products regularly sold) which may be identified following a requested analysis as per Article 33 of the present By-law.

CHAPTER 4: OCCUPANCY

9. **Water, plumbing, heating, lighting** – A dwelling must be supplied by a drinking water system, plumbing, heating and lighting which must be continuously maintained in proper operating order and be able to be used for their purposes.

10. **Basic sanitary installations** – A dwelling must at least have :

- a) a kitchen sink;
- b) a toilet (toilet cubicle);
- c) a sink;
- d) a bath or shower

All of this equipment must be directly connected to a plumbing and used water evacuation system.

The kitchen sink and the bath or shower must be connected to hot and cold water; the hot water temperature must not be inferior to 45 C°.

11. **Heating installation** – A dwelling must have a permanent heating installation in proper operating order which allows the occupant to maintain, in living areas, a minimum temperature of 19 C°.

This temperature must be maintained until the exterior temperature is inferior to - 23 C°.

The indoor temperature of a dwelling must be taken at the center of each liveable area, one meter from the floor.

A vacant or non-liveable dwelling must be equipped with a permanent heating installation which maintains the temperature at 15 C°.

12. ***Access to sanitary installations*** - The occupants of a dwelling must have access to at least one closed room including a toilet, a bath or shower and a sink.

The surface area of this room must be sufficient enough to allow for the installation and use of the apparatus required by the present Article.

In the case of a rooming house, this room may be used by the occupants exclusively or be common to another room.

It must not be necessary to access more than one floor to access it.

13. ***Mechanical ventilation for a bathroom or toilet*** - In a building, a bathroom or a toilet room which is not ventilated by the circulation of natural air must be equipped with a mechanical ventilation installation expelling the air to the exterior and ensuring the regular air exchange.

14. ***Ventilation by natural air circulation within a room*** - A room must be ventilated by natural air circulation by one or more windows giving access to the exterior.

15. ***Area for the preparation of meals*** – Each dwelling must be comprised of one sink in proper operating order within an area dedicated to the preparation of meals.

This area must be big enough to allow for the installation and use of a cooking appliance and a refrigerator.

The area located above the one used or destined for the use of cooking appliances must include a hood attached to an air evacuation conduit connected to the outdoors, to an air circulation hood or a carbon filter hood.

Also, it must be possible to connect a cooking appliance to a 220 volt electrical source or to a natural gas or propane source.

16. ***Air infiltration*** – The area located between the door frame giving access to the exterior or to a window and wall must be sealed.

The area located between the base of the door giving access to the outdoors and the threshold must be equipped with a weather-stripper.

17. ***Maintenance of openings*** – Doors, windows and screens as well as their frames must be in good shape or replaced when they are damaged.

18. ***Drinking water and used water*** – A dwelling must be equipped with a drinking water supply system and a used water evacuation plumbing system which must be constantly maintained in proper operating order.

A sanitary apparatus must be directly connected to the used water evacuation plumbing system and must be in proper operating order.

19. ***Lighting*** – A dwelling must be equipped with an electrical installation in proper operating order allowing for lighting in each room, common interior areas, interior and outdoor stairs as well as common exterior entrances.

CHAPTER 5 : MAINTENANCE

20. ***General maintenance regulations*** – All parts constituting a building must be maintained in proper operating order and must meet the functions for which they have been designed.

Without restricting the above-mentioned generality, the owner or occupant of a building must notably ensure that:

- a) the maintenance of all components of the building in order to offer the necessary stability to resist nature's inclement weather;
- b) to preserve the building in good condition for it to be used for the purpose for which it was destined;
- c) the adequate maintenance of the main building and any accessory building for them to appear in good shape instead of in an abandoned shape;
- d) the maintenance of any building in a state to preserve its preservation and avoid its deterioration.

21. ***Maintenance obligations*** – Without restricting the generalities of the elements included in Article 20 of the present by-law, the following are specifically prohibited and must be deleted or corrected:

- a) the presence of a crack on a foundation jeopardizing the solidity of the building;
- b) any twisted beam, collapsed joist, mold or rot or sloping wall;
- c) any part of a staircase, including stairs, damaged or affected by rot;
- d) any carpentry or damaged balcony or gallery structure either by chipped paint or guardrail which does not adequately protect the occupants;
- e) broken windowpanes or rotten window frames;
- f) any gutter causing erosion to the ground or is rusted or corroded;
- g) any roof without covering, completely or partly damages;
- h) any exterior wall of a main or accessory building which is not covered by compliant exterior siding or damaged or rotten siding, affected by corrosion, any non-sealed building envelope ;
- i) generally, the presence of vermin, rodents, insects or visible mold as well s conditions favouring their proliferation;
- j) the uncleanliness, deterioration or clutter of a main building, dwelling, balcony or accessory building;
- k) the presence of dead animals or excrement, animal or human urine;
- l) the condition of a building which affects the health and safety of residents or public because of the use or its condition;
- m) the excessive accumulation of material, newspaper, clothing, garbage, etc, (hoarding);
- n) the absence of means of heating;
- o) presence of stagnant water, humidity within the building causing mold;
- p) toxic fumes, within a building on contaminated land, gas oil leak, carbon monoxide, radon or other chemical products such as formaldehyde, COV ;
- q) ventilation problem (dirty ventilation system).

22. ***Stability of constituent parts*** – All constituent parts of a main or accessory building must have sufficient stability to resist to live and dead loads which may be submitted and be repaired or replaced if necessary.

23. ***Snow and ice*** - A balcony, a gallery, a bridge, an exterior stairway, must be free of snow accumulation or ice which may cause danger or hinder its use.

24. **Exterior envelope** – The exterior envelope of a main building or accessory building such as a roof, an exterior wall, a foundation wall, must be waterproof.

Exterior surfaces and components of a building or construction must be designed and maintained in order to prevent the intrusion of birds, vermin, rodents, insects or other animals which can be a nuisance within the building and walls.

These surfaces must have a consistent appearance and not be without its siding.

If necessary, it must be protected with the application of paint, varnish or coating corresponding to the material to be protected.

The openings of the building's exterior siding such as a door and window as well as their perimeter must be waterproof.

25. **Water accumulation and humidity** – It is prohibited to have any presence of water accumulation or humidity causing the deterioration of the structure or finishes or the presence of visible mold.

26. **Walls and ceilings** – Walls and ceilings must be maintained in proper condition and be exempt of holes and cracks.

Covering that is crumbling or threatening to fall off should be repaired or replaced.

27. **Floors** – A floor must be maintained in good condition and must not have poorly joined, twisted or rotten boards which may be dangerous or cause accidents.

28. **Sanitary void** - The ground of a sanitary void or basement must be dry and arranged in such a way as to prevent or eliminate water infiltration.

29. **Bathroom flooring** – Bathroom and washroom floorings as well as the walls around the shower or bath must be protected against humidity, covered with a waterproof covering and maintained in proper condition to avoid water infiltrations into adjacent partitions.

The flooring of a common laundry room must always be protected from humidity with waterproof covering and maintained in proper condition. It must also be periodically cleaned to keep the laundry room sanitary.

Garbage chutes, waste and recycling containers and their storage areas shall be maintained in good repair and cleaned periodically to keep the premises sanitary.

30. **Equipment maintenance** – A mechanical system, appliance or equipment such as plumbing, plumbing fixture, heating system or appliance, electrical or lighting system, elevator and ventilation system, shall be maintained and kept in good working order.

CHAPTER 6 : APPLICATION OF THE REGULATION

31. **Visit of the premises** – During an inspection under section 42 of this by-law, the designated officer or competent authority may :

- a) conduct tests and take photographs or make recordings in a building or any part thereof;
- b) take, without charge, samples of any kind for the purpose of analysis and may even dismantle structures to take such samples;

- c) require the production of any books, records and documents relating to the matters referred to in this by-law or require any other information relating thereto that the inspector considers necessary or advisable;
- d) be accompanied by a person whose assistance or expertise is required;

32. ***Cessation of occupancy of a building*** – A designated officer or competent authority may, pursuant to the by-law:

(a) notify an owner, lessee, occupant or any other person to cease work or occupancy of a building where he or she finds that such work or occupancy is being done or carried on in contravention of this by-law, the by-laws referred to in this by-law and any amendments thereto, and to refrain from any action or activity that may result in the continuation of the contravention.

(b) require any owner, lessee or occupant to rectify any situation constituting a violation of this by-law or the by-laws referred to in this by-law and any amendments thereto, including but not limited to, restoring things to the condition they were in before the cause of the violation occurred.

33. ***Analysis and tests*** – A designated officer or competent authority may, pursuant to the by-law:

(a) require any owner, lessee or occupant of a building to have a test, analysis or verification of a material, equipment, water and/or air quality or installation performed at his or her own expense to ensure compliance with this by-law or the by-laws referred to in this by-law and any amendments thereto, and to provide a certificate of compliance, safety and proper operation by a person with expertise in the field;

(b) require the installation of a measuring device or order an owner, tenant or occupant of a building to install one and to transmit the data collected to the officer, at the expense of the latter.

34. **Professional Services** - The designated officer or authority having jurisdiction may, pursuant to the by-law, require any owner, tenant or occupant to submit a report from a person having expertise in the field, where the presence of rodents or insects, mould, excessive moisture, stale air or a condition conducive to the growth thereof is found and to require proof of their eradication in the building.

35. **Intervention by the Municipality** - In the event of failure by the owner, tenant or occupant to comply with any of the provisions of the by-law, the Municipality may, with the authorization of the Superior Court, in addition to any other remedy provided by law, carry out or cause to be carried out at the expense of such owner, tenant or occupant, any intervention aimed at bringing the building in question into compliance with the by-law.

The costs incurred by the Municipality, pursuant to this section, constitute a priority claim on the building in question, in the same way and with the same rank as the claims referred to in the Civil Code of Quebec.

These costs are assimilated to a municipal tax and are recoverable according to the laws in force;

36. **Notice of non-compliance** - The designated officer or appropriate authority may, pursuant to the by-law;

(a) issue a notice of non-compliance in accordance with sections 145.41 to 145.41.5 of the Community Planning Act;

(b) institute criminal proceedings or any necessary legal action on behalf of the City for a contravention of this by-law or the by-laws referred to in this by-law and amendments thereto;

37. **Notice of Deterioration** - The designated officer or appropriate authority may recommend to Council that any action be taken to stop a contravention of the by-law including, but not limited to, a notice of deterioration as provided for in Section 145.41.1 of the Community Planning Act;

38. **Acquisition by Agreement or Expropriation** - In accordance with the provisions of the Act, the City may acquire by agreement or by expropriation any real property :

(a) in respect of which a notice of deterioration has been registered in the land registry for at least 60 days;

(b) on which the work required by such notice has not been done;

(c) is in a state of disrepair that poses a risk to the health or safety of persons;

(d) which has been vacant for at least one year (excluding, in this case, a heritage building).

Such an immovable may then be alienated, for valuable consideration, to any person or, for free, to a person referred to in section 7 or 14.2 of the Municipal Code (R.S.Q., c. C-27.1) in accordance with sections 145.41 to 145.41.5 of the Act respecting land use planning and development.

Notwithstanding the first paragraph, no notice of deterioration may be registered in respect of an immovable that is the property of a public body within the meaning of the Act respecting access to documents held by public bodies and the protection of personal information.

39. **Evacuation order** - The designated officer or appropriate authority may, with the approval of the Superior Court, issue a notice ordering the evacuation and closure of a building or dwelling not in compliance with this by-law.

Personal property in a place ordered to be vacated and closed may be removed to a location determined by the administering authority at the expense of the owner, tenant or occupant.

CHAPTER 7 : OFFENCES AND FINES

40. **Offences** - Every person who contravenes or permits the contravention of any provision of this by-law is guilty of an offence and is liable to a minimum fine of four hundred dollars (\$400) if the offender is a natural person and eight hundred dollars (\$800) if the offender is a corporation for a first offence.

The maximum fine that may be imposed is one thousand dollars (\$1,000) if the offender is an individual and two thousand dollars (\$2,000) if the offender is a corporation for a first offence.

In all cases, costs are added to the fine.

41. **Repeat Offence** - The minimum fine for a repeat offence is eight hundred dollars (\$800) if the offender is a natural person and one thousand four hundred dollars (\$1,400) if the offender is a corporation.

In the case of a subsequent offence, the maximum fine is two thousand dollars (\$2,000) if the offender is a natural person and four thousand dollars (\$4,000) if the offender is a corporation.

In the case of a continuing offense, such continuation shall constitute a separate offense on a day-by-day basis.

42. **Right of Entry** - An inspector, his assistant or any person authorized by resolution of Council, may at any reasonable time enter and examine any movable or immovable property, both the interior and exterior of any house, building or structure, to ascertain whether this by-law is being complied with, to take photographs and take the necessary measures, to issue any notice of modification as well as the time limits granted to correct the situation and to bring the building into conformity with the prescribed standards and measures and, where applicable, to issue notices of violation.

43. **Obstructing entry** - The owner, lessee or occupant of any such property, building or structure shall be obliged to allow the designated officer or officers to enter at all reasonable times. Refusal or obstruction of access to the property shall render the owner or occupant of the premises liable to fines as provided for in this by-law.

44. **Persons authorized to issue a statement of offence** - The following persons designated for the application of this by-law are authorized to issue a statement of offence for any infraction of this by-law

Director, Planning and Environment Department
Inspectors of the Urbanism and Environment Department
Director, Fire department
Director, Public works and infrastructures department
Foreman, roads and mechanics
Foreman of the aqueduct, parks and buildings department
Director general

45. **Cessation of an infraction** - In the event that a court pronounces a sentence with respect to an infraction whose object is contrary to the standards of the present by-law, it may, in addition to the fine and costs provided for in Section 41, order that such infractions be eliminated by the offender within a period of time set by the court, and that, if the offender fails to comply within the said period of time, the said infraction be eliminated by appropriate work carried out by the Municipality at the expense of the offender.

CHAPTER 8: TRANSITIONAL AND FINAL PROVISIONS

46. **Repeals and replacements** – The by-law repeals and replaces By-law (509-2013) which establishes the health standards applicable to immovables throughout the territory of the Municipality of Morin-Heights.

47. ***Entering into effect*** – The by-law enters into effect in accordance to the Law.



Timothy Watchorn
Mayor



Hugo Lépine
Director general / Registrar-treasurer

We, head of Council and registrar-treasurer, certify that the dates of approval required by Law and recorded in this certificate are valid.

Given in Morin-Heights, this 12th day of May 2022.