

**TO INTERESTED PARTIES ENTITLED TO SIGN A
REFERENDUM APPLICATION**

SECOND DRAFT BY-LAW NUMBER CA29 0040-23 ENTITLED:

SECOND DRAFT BY-LAW NUMBER CA29 0040-23 MODIFYING ZONING BY-LAW NUMBER CA29 0040 IN ORDER TO MODIFY SECTIONS 24, 138, 143, 274 AND TO ADD SECTION 143.1 APPLICABLE TO SWIMMING POOLS AND SPAS FOLLOWING THE COMING INTO FORCE OF THE CONSOLIDATION OF URBAN PLANNING BY-LAWS AND PROVINCIAL LEGISLATION ON RESIDENTIAL POOL SAFETY AND TO ALLOW TEMPERED GLASS AS FENCING MATERIAL

1. Object of the draft and referendum application

Following the regular sitting held on September 12, 2016, the council of the Borough of Pierrefonds-Roxboro adopted a second draft by-law entitled as hereinabove.

This second draft contains provisions that may be the object of an application from interested parties of the concerned and contiguous zones to request that a by-law containing said provisions be submitted to their approval in compliance with the Act respecting elections and referendums in municipalities.

These provisions are:

1. Article 3: replace Article 143 of zoning by-law CA29 0040 on the provisions applicable to in-ground and semi in-ground swimming pools;
2. Article 4: add Article 143.1 on the provisions applicable to above-ground swimming pools and spas

Such an application requires that the by-law containing these provisions be submitted to the approval of qualified voters in the concerned zone and in any contiguous zone from where a valid application originates.

Therefore, an application concerning Articles 3 and 4 may originate from a concerned residential zone H or from a contiguous zone situated on the territory of the Borough of Pierrefonds-Roxboro or from a contiguous zone situated on the territory of the Borough of l'Île-Bizard-Ste-Geneviève or of the Borough of Saint-Laurent.

The provisions applying to more than one zone are deemed to be separate provisions applying specifically to each zone.

2. Conditions and validity of an application

To be valid, any application must:

- clearly indicate the provision being the object of the application and the zone from which it originates;
- clearly indicate the name, address and status of the petitioner next to his or her signature;
- be received at the borough secretary's office at the latest on **Friday, September 30, 2016 at noon;**
- be signed by at least 12 interested parties from the zone where it originates or by at least the majority of them if the number of interested parties in the zone does not exceed 21.

3. Interested parties

3.1 Is an interested party anyone who is not disqualified from voting and who meets the following conditions on **September 12, 2016;**

AND

- be of full age, Canadian citizen and not be under curatorship;
- be domiciled in a zone from which a valid application can originate, situated in the Borough of Pierrefonds-Roxboro or in the Borough of l'Île-Bizard-Ste-Geneviève or in the Borough of Saint-Laurent, and **for at least six months**, in Quebec;

OR

- be, for at least twelve months, owner of an immovable or occupant of a place of business in compliance with the Act respecting municipal taxation (Chapter F-2.1) located in one of the abovementioned zones.
- 3.2 Additional condition to undivided co-owners of an immovable or co-occupants of a place of business: be designated by means of a power of attorney signed by the majority of co-owners or co-occupants, as the one entitled to sign the application on their behalf.
- 3.3 Condition to exercise the right to sign an application by a legal person: any legal party must designate among its members, directors and employees, by resolution, someone who, on **September 12, 2016**, is of full age and Canadian citizen and who is not under curatorship.
- 3.4 Corporations, co-owners or co-occupants must provide their resolution or power of attorney along with the application.

4. Lack of applications

The provisions of the second draft that will not have been the object of a valid application may be included in a by-law that will not have to be approved by qualified voters.

5. Consultation of the draft and description of the zones

This by-law may be consulted during business hours, Monday to Thursday, from 8 a.m. to noon and from 1 p.m. to 4:45 p.m., on Friday, from 8 a.m. to noon, and during opening hours for the register. It is also available on the page of "Public Notices" on the Borough's website at www.ville.montreal.qc.ca/pierrefonds-roxboro.

GIVEN IN MONTREAL, Borough of Pierrefonds-Roxboro
this twenty first day of September of the year 2016.

Suzanne Corbeil, Attorney
Secretary of the Borough

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PROVINCE DE QUÉBEC

VILLE DE MONTRÉAL

ARRONDISSEMENT DE PIERREFONDS-ROXBORO

SECOND DRAFT BY-LAW CA29 0040-23

SECOND BY-LAW NUMBER CA29 0040-23 MODIFYING ZONING BY-LAW NUMBER CA29 0040 IN ORDER TO MODIFY SECTIONS 25, 138, 143, 274 AND TO ADD SECTION 143.1 APPLICABLE TO SWIMMING POOLS AND SPA FOLLOWING THE COMING INTO FORCE OF THE CONSOLIDATION OF URBAN PLANNING BY-LAWS AND PROVINCIAL LEGISLATION ON RESIDENTIAL POOL SAFETY AND TO ALLOW TEMPERED GLASS AS FENCING MATERIAL

At the Borough of Pierrefonds-Roxboro regular sitting held at the Westview Bible Church situated at 16789, boulevard de Pierrefonds in Pierrefonds, on September 12, 2016 at 7 p.m., in conformity with the Cities and Towns Act (L.R.Q., Chapter C-19), at which were present:

Mayor of the Borough

Dimitrios (Jim) Beis

Councillors

Catherine Clément-Talbot
Justine McIntyre
Yves Gignac
Roger Trottier

All members of the Council and forming a quorum under the chairmanship of the Mayor of the Borough, Mr. Dimitrios (Jim) Beis.

The Director of the Borough, Mr. Dominique Jacob and the Secretary of the Borough, M^c Suzanne Corbeil, were also present.

THE BOROUGH COUNCIL ENACTS THE FOLLOWING:

The zoning by-law CA29 0040 is modified as follows:

SECTION I

ARTICLE 1 Paragraph 1 of Article 25 of zoning by-law CA29 0040 of the Borough of Pierrefonds-Roxboro is modified by:

1° The addition of the definition « enclosure » as follows:

ENCLOSURE

See « Fence »

2° The addition of the definition « opening » as follows:

OPENING

An opening is a rupture in a wall for the ventilation or lighting,

such as, without limiting the generality of the above, a door or a gate, a window or a bay window.

3° The modification of the definition «swimming pool» as follows:

SWIMMING POOL

indoor or outdoor basin at least 60 cm deep, which can be filled or emptied as needed and designed for swimming or aquatic activities excluding a whirlpool or hot tub when their capacity does not exceed 2000 litres.

ARTICLE 2 Subsections 24 b) and 25 b) of Article 138 of zoning by-law CA29 0040 of the Borough of Pierrefonds-Roxboro are modified by adding the reference to Article 143.1 opposite the subparagraphs b) «Other applicable standards» of subsection 24 and 25 to be read:

« See Articles 143 and 143.1 »

ARTICLE 3 Article 143 of zoning by-law CA29 0040 of the Borough of Pierrefonds-Roxboro is replaced by the following:

143. ADDITIONAL PROVISIONS APPLICABLE TO AN IN-GROUND OR TO A SEMI IN-GROUND SWIMMING POOL

In addition to the provisions applicable in virtue of Article 138, the following provisions apply to an in-ground or semi in-ground swimming pool:

- 1° The surface area of a swimming pool cannot exceed a third of the area of the landsite on which it is built. Moreover, if it is located in the rear yard, it cannot exceed 50% of the area of this yard. Every swimming pool must be equipped with a ladder or steps allowing to get in and out of the water.
- 2° A swimming pool must be located at least 2 m from the main building and at least 1 m from an accessory building.
- 3° A swimming pool must be completely surrounded by a fence or a building wall with a minimum height of 1.5 m, located at a minimum distance of 1 m from the edge of the pool. The wall forming part of an enclosure must be provided with no opening.
- 4° Notwithstanding the preceding subsection, a fence of a minimum height of 1.2 m can be placed so as to prevent access to the pool from the residence on the ground of which the swimming pool is located.
- 5° A fence must:
 - a) be located at 1 m from any structure, equipment or furnishings that may facilitate climbing;
 - b) prevent the passage of a spherical object of 10 cm diameter;

- c) be rigid and fixed permanently;
- d) be devoid of any attachment element, projection or open parts enabling climbing;
- e) be composed of vertical elements, panels or chain link if the spacing between the meshes is less than or equal to 5.1 cm or having slats preventing climbing.

Every passage in the fence must be closed by a door incorporating the same features as the fence, equipped with a self-closing device and a permanent locking mechanism which engages automatically on the inside of the fence and on the top part of the door.

When the fence is located on a deck or platform giving access to the swimming pool, the fence height is calculated from the floor level, where appropriate.

Lattice cannot be used as material for the fence of a swimming pool. In addition, a hedge or shrubs cannot constitute a fence.

- 6° A patio or terrace attached to the main building, which provides direct access to the swimming pool can be located at a minimum distance of 2 m from a rear and side property line.
- 7° Any facility intended to provide or prevent access to a swimming pool must be maintained in good operating condition.
- 8° Wastewater from the swimming pool must be discharged into the storm sewer or using pumps in drainage ditches.
- 9° During the installation work of the swimming pool, if any, a rigid temporary fence of 1.2 m must be installed safely to control access.

ARTICLE 4 Article 143.1 is added after Article 143 of the zoning by-law CA29 0040 of the Borough of Pierrefonds-Roxboro as follows:

143.1 ADDITIONAL PROVISIONS APPLICABLE TO AN ABOVE-GROUND SWIMMING POOL OR A SPA

In addition to the provisions applicable in virtue of Article 138, the following provisions apply to an above-ground swimming pool or spa:

- 1° The surface area of a swimming pool cannot exceed a third of the area of the landsite on which it is built. Moreover, if it is located in the rear yard, it cannot exceed 50% of area of this yard. Every swimming pool must be equipped with a ladder or steps allowing to get in and out of the water.

- 2° A swimming pool must be located at least 2 m from the main building and at least 1 m from an accessory building.
- 3° A swimming pool must be completely surrounded by a fence or a building wall with a minimum height of 1.5 m, located at a minimum distance of 1 m from the edge of the pool. The wall forming part of an enclosure must be provided with no opening. However, access between the swimming pool and the building can be protected by a fence or a pool wall of a minimum of 1.2 m so as to protect access to by either of the following ways:
- a) by means of a ladder with a security door that closes and locks automatically with the same characteristics provided in subsection 5.
 - b) from a platform to which access is protected by a fence of a minimum of 1.2 m with the same characteristics provided in subsection 5 .
 - c) from a terrace attached to the residence and arranged so that its opening to the swimming pool is protected by a fence of a minimum of 1.2 m with the same characteristics provided in subsection 5.
- 4° Notwithstanding the preceding subsection, a swimming pool with an incorporated manufactured fence, whose height is at least 1.5 m need not be surrounded by a fence when access to the pool is carried out in one or any of the ways listed above.
- 5° A fence must:
- a) be located at 1 m from any structure, equipment or furnishings that may facilitate climbing;
 - b) prevent the passage of a spherical object of 10 cm diameter;
 - c) be rigid and fixed permanently;
 - d) be devoid of any attachment element, projection or open parts enabling climbing;
 - e) be composed of vertical elements, panels or chain link if the spacing between the meshes is less than or equal to 5.1 cm or having slats preventing climbing.

Every passage in the fence must be closed by a door incorporating the same features as the fence, equipped with a self-closing device and a permanent locking mechanism which engages automatically on the inside of the fence and on the top part of the door.

When the fence is located on a deck or platform giving access to the swimming pool, the fence height is calculated from the floor level, where appropriate.

Lattice cannot be used as material for the fence of a swimming pool.
In addition, a hedge or shrubs cannot constitute a fence.

- 6° A spa must be provided with a lid equipped with a locking system.
When not in use, the spa must be locked.
- 7° The pipes connecting the device to the swimming pool should be flexible and should not be installed to facilitate climbing the wall of the swimming pool or the fence, accordingly.
- 8° A patio or terrace attached to the main building, which provides direct access to the swimming pool can be located at a minimum distance of 2 m from a rear and side property line.
- 9° Any facility intended to provide or prevent access to a swimming pool must be maintained in good operating condition.
- 10° Wastewater from the swimming pool must be discharged into the storm sewer or using pumps in drainage ditches.
- 11° During the installation work of the swimming pool, if any, a rigid temporary fence of 1.2 m must be installed safely to control access.

ARTICLE 5 Paragraph 1 of Article 274 of the zoning by-law CA29 0040 of the Borough of Pierrefonds-Roxboro is modified by adding, after subsection 7°, subsection 8° as follows:

8° Pannels of tempered glass.

ARTICLE 6 The present by-law comes into force according to the Law.