

**PROVISIONS CONCERNING THE PROTECTION OF THE ENVIRONMENT**

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**9.1 General standards regarding methods and processes**

- a) Area of application, application for permit and burden of proof

Any application to locate a new establishment, or enlarge or modify an existing establishment other than a residential establishment, shall be submitted to the City of Pointe-Claire, accompanied by:

- i) Documents necessary for a proper understanding of the project, prepared by recognized professionals, such as drawings and specifications for construction and development and a description of the industrial processes, in order to enable the City to ensure that the standards are observed;
- ii) A certification signed by the applicant stating that the standards in effect at the time of the application are being, and will be, observed.

The burden of proof with respect to the compliance with standards rests with the applicant, and it shall be at the discretion of the City to require, as deemed appropriate, such proof in order to ensure that the standards are observed at all times.

- b) Other laws and by-laws

Prior approval from the City procured by the applicants, as required by paragraph a), shall not relieve applicants of their responsibility for obtaining any permits that may be required under other federal, provincial or municipal laws and regulations.

c) Control and verification

The City of Pointe-Claire is authorised to take all necessary measures required to verify that any establishment being built or in operation, conforms to the standards, including:

- i) Visiting the establishment;
- ii) Installing monitoring instruments;
- iii) Taking samples inside or outside the establishment.

d) Obligatory and continuous nature of the standards

The standards are compulsory and continuous in nature with respect to their application and shall apply irrespective of any change in owner, tenant, occupant or use.

**9.2 Prohibited nuisances**

All outdoor industrial activity is prohibited in all zones and for all uses and establishments.

In all zones and for all uses and establishments, no use or activity shall create any of the following nuisances beyond the limits of the property:

- i) Ground vibrations;
- ii) Emission of heat or vapour from industrial processes;
- iii) Smoke, dust, ash or soot;
- iv) Emission of toxic substances;
- v) Emission of unpleasant odours capable of being perceived by the human olfactory system ;
- vi) Flashes of light;
- vii) Constant or intermittent noise louder than 50 decibels.

The prohibited nuisances described in this article apply, in particular, to collection or recycling establishments, rubber processing plants and plants manufacturing oilcloth or tar; factories making soap, chemical fertilizer, creosote products, or alcoholic beverages; distillation plants; foundries, tanneries and refineries; plants where decomposing animal matter is processed; establishments where coal, firewood or other fuels are stored or sold; and depots of petroleum products.

**9.3 Explosive, inflammable, radioactive or toxic substances**

In all zones and for all uses or establishments:

a) Explosives

The use of explosives is permitted only for construction work in compliance with the safety code of the Commission de la Santé et de la Sécurité du Travail and provided it can be shown that it causes no nuisance to neighbouring uses and activities.

b) Inflammable materials

The production or processing of highly inflammable or explosive materials is prohibited.

c) Radioactive substances

The production of radioactive substances is prohibited. The storage and use of radioactive substances shall comply with the standards of the Atomic Energy Control Board of Canada and is limited to that normally required to operate measurement and detection instruments.

d) Hazardous or toxic materials

Chemical industries with outdoor facilities are prohibited, as well as chemical industries whose principal activity consists of producing, storing or distributing significant quantities of industrial chemicals that could be hazardous or toxic; and manufacturing plants, depots and sites for the disposal, recycling or burying of toxic products or products that can in any way pose a hazard to the health or well-being of the population, in particular any use involving the destruction, recycling, processing, use or storage of polychlorinated biphenyls (PCB), or any hazardous material as defined in [Quebec's Regulation respecting hazardous materials](#) or with properties characteristic of hazardous materials as defined in article 3 of the aforementioned regulation.

9.4 [Protection of shores and riverbeds](#) of waterways

This article applies to all waterways with a constant or intermittent flow; however, ditches as defined in [Appendix "1"](#) are not considered waterways.

a) Operations prohibited on the riverbank or the riverbed of a waterway

In any area defined as "riverbank" in [Appendix "1"](#) of this by-law, as well as in any area defined as "riverbed" in this by-law, the following is prohibited:

- i) Any construction;
- ii) Any structure;
- iii) Any work.

b) Exceptions on the riverbank

i) Notwithstanding the provisions of paragraph a), the following operations are authorised on the riverbank:

- a* Maintenance, repair and demolition of existing constructions or structures used for residential purposes;
- b* Fence installation (masonry walls are not permitted);
- c* Aboveground constructions such as balconies and cantilevered or suspended constructions;
- d* Vegetation clearing to create an opening 5 metres (16.4 feet) wide with a path or stairway that provides access to the water and laid out in a manner that prevents erosion; limited to one (1) such opening per land site;
- e* Municipal undertakings or structures used as public access points and in accordance with the requirements of the [Environment Quality Act](#);
- f* Shore restoration projects and projects for the restoration of a permanent and sustainable vegetation cover, i.e. the planting or seeding of plant species, trees or shrubs, as well as any work to scarify, level and add arable soil that is required for these purposes;
- g* Structures and mechanical or vegetal stabilization work such as ripraps, gabions or retaining walls, with priority to the technique most likely to facilitate a future natural vegetation establishment, upon acceptance by the City of a report prepared by a professional,

demonstrating that the slope, nature of the soil and conditions of the landsite are not favourable to the reestablishment of the vegetation cover and the natural aspect of the shore by means described in sub-section “f” above;

- h Undertakings and works required for any building, structure, or work authorised on the riverbed in accordance with paragraph c) below;
  - i With regards to tree felling, only sanitation cutting.
- ii) Additional exceptions to the riverbank of a waterway other than Lake Saint-Louis

In addition to the exceptions referred to in the preceding paragraph, the following actions are permitted on the riverbank of a waterway other than Lake Saint-Louis, such as the Terra Cotta Park, Denis and St. James Streams:

- a The construction or extension of a main building for residential purposes under the following conditions:
  - The dimensions of the lot no longer allow for the construction or extension of the main building following the coming into force of the riverbank protection measures applicable to the waterways, and the construction or extension cannot be reasonably created elsewhere on the property;
  - The allotment was created before December 21, 1983, date of the coming into force of the Interim Control By-Law of the Montreal Urban Community (By-Law 65);
  - A protective strip of land of a minimum of 5 metres (16.4 feet) shall be kept in its current state or returned to its natural state.
- b The construction or erection of a swimming pool, of a deck, of a shed, or of a detached garage or other ancillary building, only on the part of the riverbank that is no longer in a natural state and under the following conditions:
  - The dimensions of the lot no longer allow for the construction or erection of a swimming pool, of a deck or of an ancillary building, following the coming into force of the riverbank protection measures applicable to the waterways;
  - The allotment was created before December 21, 1983, date of the coming into force of the Interim Control By-Law of the Montreal Urban Community (By-Law 65);
  - A protective strip of land of a minimum of 5 metres (16.4 feet) shall be kept in its current state or returned to its natural state ;
  - The ancillary building shall rest on the landsite and no excavation or filling shall be undertaken.

c) Exceptions for the riverbed

Notwithstanding the provisions of paragraph a), the following operations are authorised in the riverbed:

- i) Docks built of floating platforms, of a maximum area of 20 square metres (215 square feet);
- ii) Docks constructed on piles or on posts and serving marinas situated in public ‘Pa’ zones;
- iii) Water intakes, limited to the installation of a pump and a screen, without any dredging or backfilling work or the creation of a ledge;
- iv) Encroachments on the riverbed required to carry out the work authorised on the riverbank;
- v) Buildings, structures and work for municipal purposes or for purposes of public access, including their maintenance, repair and demolition, subject to obtaining authorisation under the applicable laws.

## 9.5 Floodplain

### a) Definition

A floodplain is the area occupied by a lake or a waterway during floods. It corresponds to the geographical area of flooded sectors. For Lake Saint-Louis, its boundaries correspond to the following elevations:

- i) Geodesic elevation of 21.99 metres for the 2-year floodplain;
- ii) Geodesic elevation of 22.75 metres for the 20-year floodplain;
- iii) Geodesic elevation of 23.2 metres for the 100-year floodplain;

The above was established in a study undertaken by the Ministère du Développement Durable, de l'Environnement et des Parcs for the Saint-Lawrence River, which includes Lake Saint-Louis (technical report number MH-85-03 published in 1985).

### b) Actions prohibited in the floodplain

The following actions are prohibited in the 20-year and 100-year floodplains:

- i) Any construction;
- ii) Any structure;
- iii) Any well and septic installation;
- iv) Any filling or excavation work other than that required as flood-proofing precautionary standards to authorised buildings and structures.

Any excavation followed by filling of the same volume in order to strengthen the ground and improve its carrying capacity does not constitute filling under this section.

### c) Exceptions

Notwithstanding the provisions of paragraph b), the following operations are authorised in the floodplain:

- i) Work that is intended to keep the land in good condition or to maintain, repair, modernize or demolish existing buildings and structures, provided that such work does not increase the area of the property exposed to flooding.

However, during upgrade or reconstruction work to an infrastructure related to a public thoroughfare, the area of the structure exposed to flooding may be increased by 25% for public safety reasons or to make the infrastructure compliant with applicable standards.

In the case of the reconstruction of foundations on existing buildings and structures, flood-proofing precautionary standards must be applied to the entire building or structure;

- ii) Work, buildings or structures intended for public access or for municipal purposes;
- iii) Linear underground public utility facilities such as electrical lines and telephone lines, as well as water mains and sewer lines with no service connection for buildings or structures located below the 20-year floodplain;
- iv) An open space facility for recreational purposes, other than a golf course, that can be created without excavation or filling work;
- v) Pools and spas, without any increase in the level of the land level through backfilling.

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d) Flood-proofing precautionary standards

For the principal constructions authorised under the preceding exceptions, the flood-proofing precautionary standards established in the [Construction By-Law](#) for constructions in certain floodplains shall apply.

e) Exceptions in the 100-year floodplain

Principal constructions that meet the flood-proofing precautionary standards referred to in the [Construction By-Law](#) for constructions in certain floodplains are permitted in the floodplain located between the 20-year floodplain elevations and the 100-year floodplain elevations.