

VILLE DE MONTRÉAL
BY-LAW
11-010

**BY-LAW CONCERNING THE PROTECTION OF BUILDINGS AGAINST SEWER
BACK-UP**

In view of sections 118, 119 and 120 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1);

In view of sections 4, 6, 19, 55 and 62 of the Municipal Powers Act (R.S.Q., chapter C-47.1);

In view of sections 369 and 411 of the Cities and Towns Act (R.S.Q., chapter C-19);

In view of sections 47, 51 and 80 of schedule C to the Charter of Ville de Montréal (R.S.Q., chapter C-14.1);

At its meeting of June 20, 2011, city council enacts:

CHAPTER I
GENERAL PROVISIONS

SECTION I
APPLICATION

1. The provisions in this by-law apply to the territory of boroughs shown in schedule A.
2. This by-law comes into force for each borough at the date shown in schedule A.
3. The executive committee may, by ordinance, amend the list of boroughs shown on schedule A and the date of coming into force of the by-law on each borough territory.
4. This by-law applies to:
 - (1) new buildings;
 - (2) buildings where transformation work on plumbing installations is being carried out;
 - (3) buildings having undergone a sewer back-up or flood.

SECTION II

INTERPRETATION

5. Titles, tables, sketches and symbols used in this by-law are an integral part of this by-law. In the case of a disparity between the titles, tables, sketches and symbols, the text prevails.

6. In this by-law, the following abbreviation means:

“Chapter III of the QCC”: Quebec Construction Code chapter III – Plumbing, National Plumbing Code – Canada 2005 as amended by the Order in Council 294-2008 of March 19, 2008.

7. For the purposes of this by-law, the following words mean:

“authority having jurisdiction”: the director of the *Service de l'eau* or the director of the borough department concerned provided that the application of the by-law is delegated;

“combined sewer system”: sewer system designed to conduct both runoff and wastewater;

“contractor”: contractor who checks a plumbing installation or who carries out plumbing work in a building covered by this by-law;

“ground water”: water that infiltrates or is retained in the ground;

“public sewer”: the underground pipeline belonging to the city and to which are connected the sewers connections;

“separate sewer system”: sewer system made up of two distinct systems used, one to conduct household and industrial wastewater and the other to conduct storm water.

8. Unless the context indicates a different meaning, any other word, expression or abbreviation used in this by-law carries the same meaning and interpretation as in section 1.4.1.2. of Chapter III of the QCC.

9. The provisions of this by-law prevail over any by-law or code pertaining to the same objects.

SECTION III

ADMINISTRATION

10. The authority having jurisdiction is responsible for the application of this by-law.

11. As part of its responsibilities, the authority having jurisdiction may namely:

- (1) visit and inspect or mandate a contractor whose services were retained by the city to visit and to inspect any immovable and movable property, at any reasonable time, to check for compliance with this by-law;

- (2) require that work be ceased where it is not in accordance with this by-law;
- (3) report on issued and denied permits;
- (4) require that work be ceased where trials are required by the officer in charge to show that the material used complies with the provisions under this by-law, until the results confirm such compliance;
- (5) require that the owner or contractor provide a certificate of compliance and good working order of any system or component required under this by-law.

12. Every person must accept the visit of the officer in charge, provide them with all the information required and provide access to every part of the building and property.

13. The authority having jurisdiction may, by way of a notice, order that the owner of a building that does not comply with this by-law render it compliant within a timeframe it determines, not to exceed 90 days.

The owner must comply with the notice provided in the first paragraph. In case of failure to comply, the authority having jurisdiction may carry out the work and take all necessary measures to render the immovable compliant and to ensure public safety.

The cost of work carried out by the authority having jurisdiction may be recovered from the owner and constitutes a prior claim on the immovable concerned, in the same way and with the same rank as the claims referred to in subparagraph (5) of section 2651 of the Civil Code of Québec. Those claims are also secured by a legal hypothec on the immovable.

CHAPTER II

PERMIT

14. Where the application of the by-law is delegated, the executive committee or borough council, may require, by ordinance, that an owner obtain a permit prior to carrying out work or mandating a third party to carry out work under this by-law.

15. Where a permit is required, no person may, without a permit:

- (1) install appliances or equipment under this by-law;
- (2) add sanitary appliances at a level beneath that of the adjacent street;
- (3) alter any existing plumbing fixture under this by-law.

16. The permit application must be filed by the owner or their agent using the form in schedule B to this by-law.

17. The permit application must:

- (1) provide the lot numbers and address of the property where work is to be carried out;
- (2) include plans drafted using a metric scale between 1:50 and 1:250 describing projected work;
- (3) include a cost estimate for the work;
- (4) include the owner's name, address, telephone number and email;
- (5) include the name, address, telephone number, email and *Régie du bâtiment du Québec* license number of the contractor;
- (6) include the payment for the permit in the amount set by the annual by-law concerning fees;
- (7) where the permit application is filed by an agent, include a power of attorney by the building owner;
- (8) include all other information necessary to confirm compliance with this by-law.

CHAPTER III

AMENDMENTS TO DIVISION B OF CHAPTER III OF THE CCQ

18. The provisions under Division B of Chapter III of the CCQ apply with the amendments under this chapter.

19. Sentence (2) of article 2.4.3.7. is amended by deleting the following:

“Despite the foregoing, for a single-family house, the fixture drain may be 3 inches in diameter.”.

20. Sentence (6) of article 2.4.3.7. is replaced by the following:

“(6) A retention pit shall be located inside the building and shall not be exposed to frost.”.

21. Sentence (7) of article 2.4.3.7. is replaced by the following:

“(7) The fixture drain of a retention pit:

- a) receiving only wastewater shall be directly connected to the sanitary drainage system and drain into it by gravity or in the manner described in article 2.4.6.3.;

- b) receiving only storm water and subsoil water shall be directly connected to:
 - i) a storm drainage system where the public sewer is a separate sewer system;
 - ii) a drainage system where the public sewer is a combined sewer system.

This fixture drain shall drain into it by gravity, where the depth of the sewer system allows, according to the standards provided in sentence (12). ».

22. Article 2.4.3.7. is amended by adding the following sentences:

“(12) Any retention pit receiving only storm water and subsoil water, located beneath the level of the adjacent street, shall be equipped with an automatic pumping mechanism:

- a) capable of pumping the contents so as to drain it into the drainage system;
- b) that is submersible or mounted;
- c) that does not use waterworks pressure or water stream flow as its energy source.

(13) the drainage pipes of the pumping mechanism of a retention pit only receiving storm water and subsoil water shall:

- a) be made up of three sections installed downstream in the following order:
 - i) a vertical section installed at the backflow of the pumping mechanism and equipped with a union fitting;
 - ii) a horizontal section installed above the level of the adjacent street and equipped with a backwater valve and a shut-off valve, in that order and downstream;
 - iii) a section connected to the building’s drainage system, downstream from any backwater valve and equipped with a bypass pipe installed above the level of the adjacent street and used to drain the content of the retention pit outside of the building, only if the building drain undergoes backflow;
- b) be firmly attached so that vibration is not transmitted to the structure of the building;

- c) have a diameter of at least 38 mm and the dimensions allowing optimal flow velocity in nominal operating conditions for the pump.

(14) The bypass dipping allowing for the drainage of the retention pit outside of the building shall be equipped with a deep seal trap.

(15) The drainage of the contents of the retention pit outside of the building shall:

- a) be directed toward the ground above the level of the adjacent street without posing a public safety hazard and without being spilled onto a neighboring property;
- b) be redirected outside of a building by drainage piping having an opening:
 - i) located at least 300 mm and at most 600 mm above the level of the adjacent ground;
 - ii) located at least 500 mm from any opening. This distance may be reduced to 250 mm where an extension is used and directed toward the ground as described in paragraph iii);
 - iii) protected by a vermin guard;
- c) be directed toward a bypass, an extension or a hard surface allowing for pumped water to flow away from the building and to discharge it at least 1.5 m away from the building's foundations, curb stones and all other surface adjacent to the building and below the neighboring land.”.

23. The executive committee may require, by ordinance, that despite subsentence a) of sentence (13) of article 2.4.3.7, added by article 22 of this by-law, the content of a retention pit be discharged exclusively outside of the building without connecting the drainage piping of the pumping mechanism to the building's drainage system, where the building layout complies with the standards provided in the ordinance.

24. Article 2.4.5.2. is amended by adding Sentence (4):

“(4) The connection of a drainage pipe carrying storm water from surfaces adjacent to the building and below the neighboring land to a drainage system shall be made upstream from the retention pit.”.

25. Sentence (1) of article 2.4.5.3. is replaced by the following:

“(1) The connection of a drainage pipe to a drainage system shall be made on the upstream side of a retention pit.”.

26. Article 2.4.5.3. is amended by adding sentence 2) :

“(2) An exterior drainage pipe shall be linked to the retention pit with a non perforated pipe.”.

27. Clause b) of sentence (2) of article 2.4.6.4. is amended by replacing the “.” by a “;” and by adding the word “and” after the “;”.

28. Sentence (2) of article 2.4.6.4. is amended by adding the following clauses:

“c) it serves an existing building; and

d) the building drain does not carry storm water; and

e) the drainage pipes of all pumping mechanisms are connected downstream from the backwater valve; and

f) it only serves sanitary appliances installed before the coming into force of this by-law.”.

29. Article 2.4.6.4. is amended by replacing sentence (3) by the following:

“(3) Subject to sentence (5), a backwater valve shall be installed on every drainage pipe that is connected to a building drain that serves a sanitary appliance located beneath the adjacent street.”.

30. Article 2.4.6.4. is amended by replacing sentence (4) by the following:

“(4) A backwater valve shall be installed downstream from the trap seal of a floor drain.”.

31. Article 2.4.6.4. is amended by replacing sentence (5) by the following:

“(5) Where several sanitary appliances connected to the same drainage connection, the backwater valve may be installed on the drainage connection.”.

32. Sentence (6) of article 2.4.6.4. is repealed.

33. Subsection 2.5.5. is amended by adding article 2.5.5.6. :

“2.5.5.6. Backwater valve

- (1) Subject to sentences 2) and 3), a nominally vertical vent pipe having a diameter equivalent to half of the diameter of the connection shall be directly connected downstream from every backwater valve; however, no vent pipe is required where there is a soil-or-waste stack or a secondary vent stack of at least 75 mm in diameter connected to the building drain between the backwater valve and every one of the interior leaders.
- (2) The vent pipe of a backwater valve installed atop a storm water drainage system shall be connected to the ventilation system of the storm water drainage system, at a point located at least 1 m above the level of the adjacent street.
- (3) The vent pipe of a backwater valve installed on a sanitary drainage system shall be connected to the ventilation system of the sanitary drainage system, at a point located at least 1 m above the level of the adjacent street.”.

34. Figure A-2.4.3.7. is replaced by the figure in schedule C.

35. Figure A-2.4.5.3. 1) is replaced by the figure in schedule D.

**CHAPTER IV
OWNER’S OBLIGATIONS**

36. The owner shall maintain appliances and equipment covered by this by-law in good operating condition by carrying out all necessary maintenance work.

37. The owner may not render inoperative in whole or in part any appliance or equipment covered by this by-law.

**CHAPTER V
PENAL PROVISIONS**

38. Any person who contravenes any provision of this by-law, or of an ordinance adopted under this by-law, is guilty of an offence and is liable:

- (1) in the case of an individual :
 - a) for a first offence, to a fine of \$350 to \$700;
 - b) for a second offence, to a fine of \$700 to \$1,400;
 - c) for any subsequent offence, to a fine of \$1,400 to \$2,000;

(2) in the case of a corporation:

- a) for a first offence, to a fine of \$700 to \$1,400;
- b) for a second offence, to a fine of \$1,400 to \$2,800;
- c) for any subsequent offence, to a fine of \$2,800 to \$4,000.

CHAPTER VI
AMENDING PROVISIONS

39. The By-law concerning the delegation of city council powers to borough councils (02-002) is amended by:

(1) adding subparagraph (k) to paragraph (2) of the first paragraph of article 1:

“k) the protection of buildings against sewer back-up;”

(2) adding, after the second paragraph of article 1, the following paragraph:

« For the application of powers delegated under subparagraph (k) of paragraph (2) of the first paragraph of article 1, the borough council must produce and submit no later than March 1 of every year, to the *Directeur du Service de l'eau*, an Excel file containing the list of addresses having been inspected during the previous calendar year to check for compliance with the by-law. For every address, every recorded non-compliance and its correction must be listed, as the case may be.”

SCHEDULE A

LIST OF TERRITORIES COVERED AND DATES OF COMING INTO FORCE OF THE BY-LAW

SCHEDULE B

PERMIT APPLICATION FORM

SCHEDULE C

FIGURE A-2.4.3.7.

SCHEDULE D

FIGURE A-2.4.5.3. 1)

The public notice relating to this by-law was posted at city hall and published in *The Gazette* on June 27, 2011.

SCHEDULE A

LIST OF TERRITORIES AND EFFECTIVE DATES

Borough	Effective date
Ahuntsic-Cartierville	July 1, 2011
Anjou	July 1, 2011
Côte-des-Neiges-Notre-Dame-de-Grâce	July 1, 2011
Lachine	July 1, 2011
Lasalle	July 1, 2011
Île-Bizard-Sainte-Geneviève	July 1, 2011
Mercier-Hochelaga-Maisonneuve	July 1, 2011
Montréal-Nord	July 1, 2011
Outremont	July 1, 2011
Pierrefonds-Roxboro	September 1, 2011
Rosemont-la-Petite-Patrie	July 1, 2011
Saint-Laurent	July 1, 2011
Saint-Léonard	July 1, 2011
Verdun	July 1, 2011
Ville-Marie	July 1, 2011
Villeray-Saint-Michel-Parc-Extension	July 1, 2011

FORMULAIRE DE DEMANDE DE PERMIS

VILLE DE MONTRÉAL

Demande de permis pour des travaux de protection d'un bâtiment contre les refoulements d'égout

<p>Il est interdit d'effectuer sans permis:</p> <ul style="list-style-type: none"> - 1° l'installation d'appareils ou d'équipements visés par le règlement sur la protection des bâtiments contre les refoulements d'égout; - 2° l'ajout d'appareils sanitaires situés à un niveau inférieur au niveau de la rue adjacente; - 3° toute modification à une installation de plomberie existante visée par le règlement sur la protection des bâtiments contre les refoulements d'égout. <p>Les travaux doivent être effectués conformément au règlement sur la protection des bâtiments contre les refoulements d'égout de la Ville de Montréal.</p>	<p>Section réservée aux employés de la Ville:</p> <p>Demande N : _____</p> <p>Reçu le : _____</p> <p>Reçu par : _____</p> <p>Coût du permis : _____</p> <p>Payé le : _____</p> <p>Procuration : <input type="checkbox"/> oui <input type="checkbox"/> non</p>
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I - Identification du propriétaire:

Madame Monsieur

Nom : _____ Prénom : _____

adresse: _____ Code postal: _____

Courriel: _____, Montréal Téléphone: (514) - _____

Section pour une personne morale

Dénomination : _____

N°: _____ Téléphone: () - _____

adresse: _____ Code postal: _____

Madame Monsieur

Représentant du propriétaire

Nom : _____ Prénom: _____

adresse: _____ Code postal: _____

Courriel: _____ Téléphone: () - _____

J'accepte de recevoir par courriel les documents transmis en cours d'instruction par l'administration

II - Identification de l'entrepreneur qui effectuera les travaux:

Dénomination : _____

Numéro de licence de la Régie du bâtiment: _____ Téléphone: () - _____

adresse: _____ Code postal: _____

Représentant de L'entreprise de réalisation: Madame Monsieur

Nom : _____ Prénom: _____

adresse: _____ Code postal: _____

Courriel: _____ Téléphone: () - _____



ANNEXE B - page 2.

FORMULAIRE DE DEMANDE DE PERMIS

VILLE DE MONTRÉAL

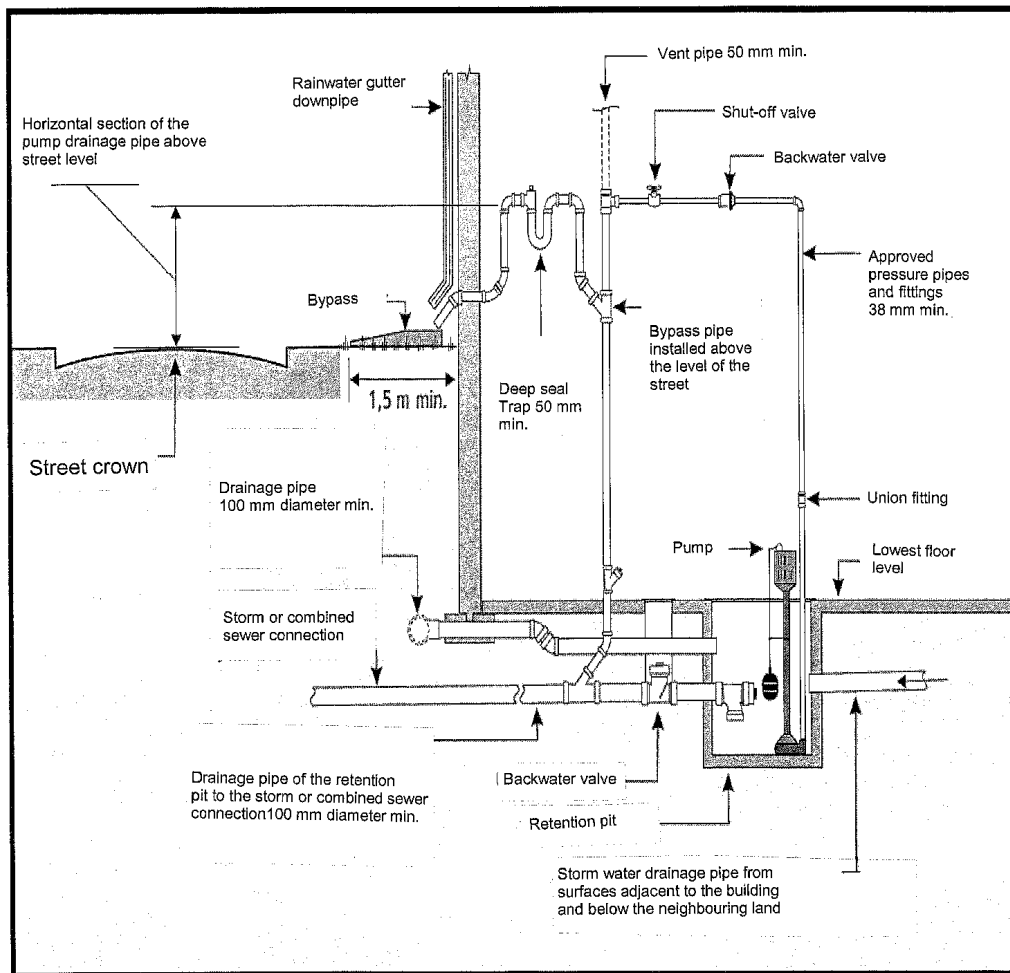
III - Identification du bâtiment où s'effectueront les travaux:			
Adresse:	<input type="text"/>	Code postal:	<input type="text"/>
Lots cadastral:	<input type="text"/>	Compte foncier	<input type="text"/>

IV - Déclaration du propriétaire			
<u>Description du bâtiment:</u>			
1	Le bâtiment est existant.		oui non
2	Le bâtiment a déjà subi un refoulement ou une inondation.	oui non	Année du dernier sinistre: <input type="text"/>
3	Il y a des surfaces adjacentes au bâtiment en contrebas du terrain avoisinant (par exemple une descente de garage, une cour anglaise, etc.) et/ou le bâtiment est muni d'un drain français.		oui non
4	Il y a des appareils sanitaires situés sous le niveau de la rue adjacente au bâtiment.		oui non
5	Le bâtiment n'a qu'un seul logement.		oui non
6	Le collecteur principal du bâtiment n'achemine pas d'eau de pluie (par exemple la descente pluviale d'un toit plat).		oui non
7	L'évacuation de tout équipement de relevage est située en aval des clapets antiretour.		oui non
8	Tous les appareils sanitaires situés sous le niveau de la rue adjacente au bâtiment ont été installés avant l'entrée en vigueur du règlement sur la protection des bâtiments contre les refoulements d'égout de la Ville de Montréal.		oui non
<u>Description des travaux</u>			
9	Un clapet de type normalement ouvert sera installé sur le collecteur principal.		oui non
10	Une fosse de retenue sera installée avec un équipement de relevage et une tuyauterie d'évacuation permettant un rejet vers l'extérieur du bâtiment.		oui non
11	Des clapets de retenue de type normalement fermé seront installés sur le tuyau d'évacuation de TOUT appareil sanitaire situé sous le niveau de la rue ou sur TOUT branchement d'évacuation si plusieurs appareils sanitaires y sont raccordés.		oui non
12	Des clapets de retenue de type normalement fermé seront installés sur le tuyau d'évacuation des NOUVEAUX appareils sanitaires situés sous le niveau de la rue SEULEMENT ou sur chaque NOUVEAU branchement d'évacuation si plusieurs appareils sanitaires y sont raccordés.		oui non
13	Évaluation du coût total des travaux (incluant les honoraires professionnels si applicable)	<input type="text"/>	
<u>Documents accompagnant la demande</u>			
14	La demande est accompagnée de plans tracés à une échelle métrique entre 1:50 et 1:250 et décrivant les travaux projetés.		oui non
<p>Je reconnais avoir reçu, dûment signée, une copie de cette demande et avoir pris connaissance du règlement sur la protection des bâtiments contre les refoulements d'égout de la Ville de Montréal.</p>			
Signature: <input type="text"/>		Date: <input type="text"/>	



SCHEDULE C

FIGURE A-2.4.3.7



SCHEDULE D

FIGURE A-2.4.5.3. 1)

