



## VILLAGE OF SENNEVILLE

### DRAFT BY-LAW NUMBER 451-5

#### BY-LAW MODIFYING PERMITS AND CERTIFICATES BY-LAW NO. 451 IN ORDER TO COMPLY WITH BY-LAW RCG 14-029-7 OF THE AGGLOMERATION OF MONTREAL RESPECTING WETLANDS OF INTEREST, AND TO MODIFY TREE-RELATED PENALTIES FOLLOWING AMENDMENTS TO THE PLANNING AND DEVELOPMENT ACT

- Whereas** the *By-law on Permits and Certificates no. 451* is in effect since November 10, 2014 and that it may be modified in accordance with the law;
- Whereas** the agglomeration of Montreal has amended its land use and development plan with the By-law RCG 14-029-7 concerning wetlands of interest to be protected or restored and their protection area;
- Whereas** the identification of wetlands of interest stems from the regional plan wetlands and water environments produced by the agglomeration under the *Act to affirm the collective nature of water resources and promote better governance of water and associated environments*;
- Whereas** pursuant to section 58 of the Act respecting land use planning and development, the Village of Senneville must adopt any concordance by-law within six (6) months of the coming into force of the by-law modifying the land use planning and development plan, that is any by-law modifying a planning by-law that is necessary to take into account the modification to the land use planning and development plan;
- Whereas** this draft by-law also updates the provisions relating to tree-felling penalties following changes to provincial legislation;
- Whereas** a notice of motion and the draft by-law were tabled on July 29, 2025.

Il est

**Proposé** par le

**Appuyé** par le

et **résolu** que:

## THE MUNICIPAL COUNCIL DECREES AS FOLLOWS :

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### **Article 1 :**

Article 1.3.3 "Terminology" is modified by :

1. The insertion of the definition of "Wetland protection area", which reads as follows:

#### **"WETLAND PROTECTION AREA**

A 30-meter wide area of land bordering a wetland of interest to be protected or restored, identified in Appendix 4 of the Zoning By-law or resulting from a characterization study".

2. The insertion of the definition "Characterization study" which reads as follows:

#### **"CHARACTERIZATION STUDY" (*wetlands*)**

A study to determine the exact boundaries of a wetland and its protection area, carried out by an expert in the field and meeting the requirements set out in this bylaw".

### **Article 2 :**

Chapter 2 "General Provisions Relating to Permits and Certificates" is modified by the addition of section 2.3, which reads as follows:

#### **"Section 2.3: Content of specific studies**

##### **2.3.1: Wetland characterization study**

When planning regulations require the deposit of a wetland characterization study, the study must comply with the following:

The purpose of such a study is to determine the exact boundaries of a wetland and its protection area, in order to determine whether any constructions, uses, works and, where applicable, excavation and backfilling activities or displacement of humus or non-invasive native vegetation or cadastral operations are located within these boundaries. If this is the case, the purpose of the study is to determine the composition of the wetland and its protection area.

The following paragraphs specify the basic requirements and elements that must be respected in a wetland characterization study, as well as the additional information that must be provided.

1. The characterisation study must include the following requirements:
  - a) The characterization study must be carried out by an expert in the field in accordance with the rules of the trade and must be signed by the person or persons who carried out the inventories and field observations;

- b) The characterization study must comply with the standards of the "Ministère de l'Environnement et de la Lutte contre les changements climatiques, de la Faune et des Parcs" (hereinafter the "MELCCFP"), contained in the document "Identification et délimitation des milieux humides du Québec méridional" (hereinafter the "MELCCFP Guide"). This document is available at the following address:  
<http://www.environnement.gouv.qc.ca/eau/rives/milieuxhumides.htm>
- c) The surveys must have been carried out during the growing season, i.e. between May 1 (or two weeks after the last spring thaw) and October 15 (or the first autumn frost).

These inventories are valid for five years.

The inventories must cover all the wetlands present on the land covered by the applicant's request. When a wetland extends over adjacent properties, it may be necessary to include part of these properties in the inventory so that the study can cover a minimum of 10% of the total area of the wetland.

The inventories must include, as a minimum, one inventory station per wetland and one inventory station per protected area.

For wetlands larger than 3,000 m<sup>2</sup>, additional inventory stations will be required. A minimum of one wetland station and one station in the protection area must be provided for each additional 3,000 m<sup>2</sup> of wetland on the site in question.

2. The characterization study must include the following basic elements:

- a) Mapping data relating to the delimitation of:
  - i. Wetlands to be protected or restored and their protection area identified in Appendix 4 of the Zoning By-law;
  - ii. Watercourses and other neighbouring wetlands identified on Map 14 - Natural Environment of the "Schéma d'aménagement et de développement de l'agglomération de Montréal".

This data must have been validated by the professional in charge of the study using field inventories. If the data collected during the field surveys differs from the reference data, the study must explain and justify these differences.

- b) The dates of the field surveys;
- c) The mapped location of the survey stations;
- d) The completed "Wetland Identification and Delimitation Form", available in Appendix 5 of the MELCCFP Guide, for each inventory station. Each form must contain information on vegetation, soil and hydrological indicators in accordance with the MELCCFP Guide;

- e) The type(s) of wetland (pond, marsh, swamp or bog) and whether it is riparian, isolated or partially riparian or isolated. Riparian means that the wetland is supplied with water by the watercourse (overflow plain of the watercourse) and is therefore an integral part of the watercourse. Isolated means that the wetland is fed by precipitation, snowmelt or groundwater. A wetland that is hydroconnected to a watercourse but drains into it is considered isolated;
  - f) An indication of the formation of a wetland complex when several wetlands are present;
  - g) The type(s) of terrestrial environment (forest stand, shrubby wasteland, herbaceous wasteland, man-made features, etc.) present on the site targeted by the characterization study;
  - h) At least one photograph representative of the type of environment per inventory station, i.e. at least one photograph of the wetland and one of the terrestrial environment (protected area);
  - i) The location and a photograph of each of the drainage beds with at least one of the following characteristics:
    - i. The flow bed is linked to a wetland located on the property covered by the characterization study;
    - ii. The flow bed runs through the protection area of a wetland.
  - j) A site plan drawn up by an expert, showing at least:
    - i. The property limits;
    - ii. The boundaries identified by the expert in charge of the study with respect to the wetland, the protection area, and when applicable, the shoreline, the riverbank and the floodplain boundaries
    - iii. The existing location of uses, constructions and lots.
  - k) A plan showing at least:
    - i. The proposed location of uses, constructions, works, excavation and backfilling activities, the displacement of humus or non-invasive native vegetation, as well as lots;
    - ii. The boundaries of the work zone.
3. When the mandatory content of the study set out in the preceding paragraph demonstrates that the uses, constructions, works or activities are located within a wetland of interest to be protected or restored or its protection area, the characterization study must include the following elements:
- a) For all homogeneous stands (terrestrial environments and wetlands) :
    - i. Their surface area;
    - ii. The occurrence of dominant, co-dominant and secondary species for each stratum (herbaceous, shrubby and arborescent);
    - iii. The absolute and relative percentage cover of each plant species;
    - iv. Description of the type of drainage and slope;
    - v. The nature of the soil (hydromorphic or not);
    - vi. Peat thickness, if applicable;

- vii. Hydrological indicators;
  - viii. The presence of the water table within the first 30 centimetres, if applicable.
- b) For homogeneous shrub or tree stands (terrestrial and wetlands, excluding herbaceous stands);
  - i. Average stand height;
  - ii. The age of tree stands;
  - iii. A description of the successional (climax) stage;
  - iv. Structure (uneven-aged or even-aged);
  - v. Percentage of canopy cover.
- c) For wetlands :
  - i. Indication of the applicability of a mosaic effect between wetlands.
- d) For water environments :
  - i. The mapping data found on Map 14 – Natural environments of the "Schéma d'aménagement et de développement de l'agglomération de Montréal". It is important to validate the status of all the drainage beds present, even if the mapping in the "Schéma" does not indicate the presence of watercourses;
  - ii. The limit of the littoral, the shoreline and, if applicable, the flood zones, when there is a watercourse on the property targeted by the study, as defined in section 4 of the *Regulation respecting activities in wetlands, water bodies and sensitive areas* (chapter Q-2, r. 0.1);
  - iii. To this end, the characterization study must also indicate the section and year of the flood recurrence ratings of the identified flood zones.
- e) ) For loss of natural environment:
  - i. The location and surface area of natural environments conserved or affected by homogeneous settlement (temporary or permanent encroachment);
  - ii. The projected loss of canopy due to the implementation of uses, constructions, works or activities involving excavation, backfilling or the displacement of humus or non-invasive native plants.
- 4. Geomatic data in Shapefile (in NAD 83, MTM zone 8) relating to:
  - a) At the boundaries of a wetland, in addition to data relating to adjacent properties for a distance of at least 30 metres on either side of the property in question;
  - b) At the limits of the protection area of a wetland covered by the characterization study;
  - c) Location of survey stations".

### **Article 3 :**

Article 8.1.2 "Infractions and penalties: provisions specific to the felling of trees" is modified by replacing the first and second indentation by the following:

"The felling of a tree in infraction of a provision of a planning by-law adopted under paragraph 12 of the second indentation of section 113 of the Act respecting land use planning and development (RLRQ, c. A-19.1) is punishable by a fine of at least \$ 500 plus:

1. In the case of a felling over an area of less than 1 hectare, a minimum of \$ 500 and a maximum of \$ 1,000 per tree felled illegally, up to a maximum of \$15,000;
2. In the case of a felling over an area of 1 hectare or more, a minimum fine of \$15,000 and a maximum fine of \$100,000 per full hectare cleared, plus, for each fraction of a hectare cleared, an amount determined in accordance with the preceding paragraph.

The felling of a tree in contravention of a provision of a planning by-law adopted under paragraph 12.1 of the second indentation of section 113 of the *Act respecting land use planning and development* (RLRQ, c. A-19.1) is punishable by a fine of at least \$ 500 plus:

1. In the case of a felling of an area equal to or less than 1,000 m<sup>2</sup>, a minimum amount of \$ 100 and a maximum amount of \$ 2,500;
2. In the case of a felling over an area of more than 1,000 m<sup>2</sup>, a minimum amount of \$ 5,000 and a maximum of \$15,000 per hectare cleared or, proportionally, per fraction of a hectare; where at least half the forest cover has been felled, the maximum amount is increased to \$ 30,000".

#### **Article 4 :**

The present by-law comes into force in accordance with the law.

Original signé / Original signed

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Julie Brisebois, Mayor

Original signé / Original signed

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Hamlyne Guirand, Town Clerk