

BY-LAW S.Q. 2011-03
CONCERNING NUISANCES
ENFORCEABLE BY THE QUEBEC PROVINCIAL POLICE

WHEREAS under section 59 of the *Municipal Powers Act* (Q.R.S., chapter C-47, 1), any local municipality may adopt by-laws relating to nuisances;

WHEREAS the municipality has received a request from the RCM of Pontiac asking it to update its by-laws in general, and

WHEREAS a regular notice of motion was given on December 6th 2011;

CONSEQUENTLY it is moved by Mona Marion that this by-law abrogate and replace all previous By-Laws relating to nuisances, as enforceable by the Quebec Provincial Police.

IT IS ALSO RESOLVED that this by-law be adopted:

"Preamble"	SECTION 1	<p>The preamble forms an integral part of this by-law.</p> <p>The schedules attached to this by-law form an integral part of it.</p>
"Noise/general"	SECTION 2	<p>It is a prohibited nuisance to provoke or incite in any way whatsoever, noise that is likely to disturb the peace and well-being of the neighbourhood, or likely to be heard at the limits of the property.</p>
"Works"	SECTION 3	<p>It is a prohibited nuisance to cause noise that is likely to disturb the peace and well-being of the neighbourhood by performing construction work, demolition or repairs to a building or vehicle, between 10:00 p.m. and 7:00 a.m., except in the case of emergency work intended for the safety of people or the premises.</p>
"Show/music"	SECTION 4	<p>It is a prohibited nuisance to allow the production of a show or the broadcast of music with sounds that can be heard beyond a 50-meter radius from the place of origin.</p>
"Fireworks"	SECTION 5	<p>It is a prohibited nuisance to use firecrackers or fireworks or to allow their use.</p> <p>The municipality or one of its representatives may issue a permit authorizing the use of fireworks.</p>
"Firearms"	SECTION 6	<p>It is a prohibited nuisance to walk with, make use of or discharge a firearm, a compressed air or gas weapon, a bow or a crossbow, a slingshot, a pea shooter or any other device, instrument or system designed to launch projectiles:</p>

- a) at a distance of less than one hundred (30) meters from any house, building or structure, without a reasonable excuse;
- b) from a public road as well as on a width of ten (10) meters on each exterior side of a right-of-way, without a reasonable excuse;
- c) from a fenced pasture in which are found farm animals;
- d) from a private property, without having first obtained permission from the owner, the owner's representative or the premises' occupant.

"Light"	SECTION 7	It is a prohibited nuisance to project light outside the place of origin if it is likely to cause a danger for the public or an inconvenience to citizens.
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"Fire"	SECTION 8	It is a prohibited nuisance to ignite a fire or maintain a fire ignited on a private property without a permit, except in the case of wood fires ignited in specially designed fireplaces.
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The municipality or one of its representatives may issue a permit authorizing a fire for a specific event, subject to the following conditions:

- a) The applicant undertakes to ensure constant supervision of premises by a responsible major person.
- b) A safety area as decided by the municipality must be established by the applicant, so that neighbouring areas and the general public are protected.
- c) The applicant undertakes to respect all applicable safety standards.
- d) The applicant shall ensure that an extinguishing product or agent is present, and in sufficient quantity.
- e) The applicant shall demonstrate that he or she possesses the appropriate public liability insurance.
- f) No open fire ban by the proper authorities shall be in force.

"Presence prohibited"	SECTION 9	It is considered a prohibited nuisance for anyone to enter or to stay on a property, land or lot, building, yard, school or church yard, garden, shed, garage, depot or private lane, without the express consent of the owner, the owner's representative or the premises' occupant, and without a reasonable motive.
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It is also considered a prohibited nuisance for anyone to remain on a private property after being asked to leave by the owner, the owner's representative or the premises' occupant, without a reasonable motive.

"Waste/objects"

SECTION 10 Constitutes a nuisance and is prohibited to let, deposit or throw any objects or residual material on a public or private field, except with the permission of the owner or the person responsible for the field.

"Right of inspection"

SECTION 11 Council authorizes officials of the municipality (inspectors) to visit and examine any movable or immovable property, between 7:00 a.m. and 7:00 p.m., as well as the exterior or interior of any house, building or structure, to discover whether by-laws are executed therein, and thus all owners, tenants or occupants of such houses, buildings and structures must receive these persons and answer all questions asked with respect to the execution of this by-law.

"Application"

SECTION 12 The person responsible for the application of this by-law shall be any official or municipal employee appointed by Council.

Council also authorizes all peace agents of the Quebec Provincial Police to undertake criminal proceedings against any contravener, and to issue statements of violation for any offence to one of the provisions of this by-law.

"Penalty"

SECTION 13 Whoever contravenes a provision of this by-law commits an offence and is liable to a fine of one hundred dollars (\$ 100.00) in the case of a natural person, and two hundred dollars (\$ 200.00) in the case of an artificial person, for a first infraction; the fine is two hundred dollars (\$ 200.00) in the case of a natural person, and four hundred dollars (\$ 400.00) in the case of an artificial person, for any repeat offence during the following year; in each case, legal expenses shall be additional.

Whoever contravenes section 6 of this by-law commits an offence and is liable to a fine of two hundred and fifty dollars (\$250.00), plus expenses.

"Abrogation"

SECTION 14 This by-law abrogates all previous municipal by-laws which are incompatible with its provisions.

"Effective date"

SECTION 15 This by-law shall become effective according to law.

Adopted by the Municipal Council during a meeting held on January 3rd 2012 and signed by the Mayor and the Secretary-Treasurer.

Garry Marchand _____
Mayor

Fernand Roy _____
Secretary-Treasurer