

CANADA
PROVINCE DE QUÉBEC
MRC MEMPHRÉMAGOG
MUNICIPALITÉ DU CANTON DE STANSTEAD

**By-law number 392-2016
concerning nuisances**

WHEREAS the municipalities served by the Sûreté du Québec post of Memphrémagog RCM agree to adopt standardized by-laws to facilitate their application by the Sûreté du Québec;

WHEREAS in order to maintain this standardization the following municipalities: Ayer's Cliff, East Bolton, Eastman, Canton de Hatley, Hatley, Ogden, North Hatley, Township of Potton, St-Étienne-de-Bolton, Stukely-Sud, Town of Stanstead, Stanstead Township and Saint-Benoît-du-Lac, all serviced by the Sûreté du Québec, Memphrémagog post, should not amend this by-law without consultation;

WHEREAS the Council wishes to adopt a by-law to define what constitutes a nuisance and to have it abolished, as well as to impose fines on persons who create or leave such nuisances;

WHEREAS a notice of motion was given regularly on June 6th, 2016;

CONSEQUENTLY, THE MUNICIPAL COUNCIL HAS DECIDED TO ADOPT THIS BY-LAW

1. PREAMBLE

The preamble is an integral part of this by-law.

2. REPLACEMENT

This by-law replaces by-law number 378-2015 and its amendments.

3. DEFINITIONS

For the purposes of this by-law, the following expressions and words have the meanings and meanings assigned to them in this section:

"Pleasure Craft"

Any vessel or vessel or any other type of vessel used by an individual for pleasure and not for commercial purposes.

"Private place"

Any place that is not a public place as defined in this section.

"Public place"

The term "public place" means churches, cemeteries, hospitals, schools, community centers, municipal or government buildings, including municipal wharves and bridges, any other similar establishment where services are offered to the public including Parks, public squares and streets, or any place where the public is admitted and where services are provided or goods offered for sale, such as a restaurant, a cinema, a drinking place, a retail establishment.

"Park"

Any park located on the territory of the municipality that is under its jurisdiction, including playgrounds, rest areas, promenades, swimming pools, tennis, baseball, soccer or other sports, and any public beach, and the land and buildings serving these spaces, islands of greenery, ecological zones, bike trails, multi-purpose trails, whether or not they are landscaped and all public spaces or not as well as all public spaces that are equipped or not, where the public has access to rest or relaxation, play or sports or for any similar purpose, but does not include streets, paths, alleys and sidewalks adjacent to streets, roads and lanes as well as other places reserved for vehicular traffic.

"Park-school"

Any park within the territory of the municipality that is under the jurisdiction of the school, which includes, on the edge of a primary or secondary school, including playgrounds, rest areas, promenades, lands and buildings which serve them.

"Public area»

The expression "public area" means any road, street, ditch, lane, driveway, passageway, pavement, staircase, garden, park, park-school, promenade, playground, multifunctional trail, platform, public parking, any outdoor gathering place where the public has access, including any public beach owned by a municipality.

"Street"

Streets, roads, lanes, bicycle paths and sidewalks and other places devoted to pedestrian traffic or vehicles located on the territory of the municipality, regardless of whether the work is in the public domain or in the private domain.

"Road vehicle"

A motorized vehicle that can travel on a road; road vehicles, rail-powered vehicles, power-assisted bicycles and electrically powered wheelchairs are excluded from road vehicles; trailers, semi-trailers and removable axles shall be assimilated to road vehicles.

4. NOISE / GENERAL

It constitutes a nuisance and is prohibited to make, provoke or incite to do in any way, noise likely to disturb the peace, tranquility, comfort, rest, or well-being of citizens or likely to interfere with the peaceful use of property in the neighborhood.

5. OWNER AND TENANT

"The owner of a tourist accommodation establishment corresponding to the category" Tourist Residence ", as defined in the by-law respecting tourist accommodation establishments (c. E 14.2, r.1), must place, inside and outside the tourist residence so users can see it, a sign indicating clearly the following text:

**STANSTEAD TOWNSHIP MUNICIPALITY
BY-LAW NUMBER 392-2016 CONCERNING NUISANCES**

Noise / General

It constitutes a nuisance and is prohibited to make, provoke or incite to do in any way, noise likely to disturb the peace, tranquility, comfort, rest, or well-being of citizens or likely to interfere with the peaceful use of property in the neighborhood.

Fines

Every person who contravenes any provision of this by-law is guilty of an offense and is liable to a fine of not less than two hundred dollars (\$ 200.00) for a first offense if the offender is a natural person and three hundred dollars (\$ 300.00) for a first offense if the offender is a corporation; a minimum fine of four hundred dollars (\$ 400.00) for a subsequent offense if the offender is a natural person and a minimum fine of six hundred dollars (\$ 600.00) for a second offense if the offender is a Corporation ;the maximum fine is one thousand dollars (\$ 1,000.00) for a first offense if the offender is a natural person and two thousand dollars (\$ 2,000.00) for a first offense if the offender is a legal person; for a subsequent offense, the maximum fine is two thousand dollars (\$ 2,000.00) if the offender is a natural person and four thousand (\$ 4,000.00) dollars if the offender is a corporation.

Other offender

Any person who performs or fails to perform anything that helps another person to act in contravention of these by-laws, or who encourages, by Council, permission, consent, authorization, ratification, tolerance or otherwise, another person to act in contravention of this by-law, commits an offense and is liable to the same penalties as the person who contravenes this by-law.

5.1 OWNER AND TENANT

"The owner of a tourist accommodation establishment corresponding to the category" Tourist Residence "within the meaning of the By-law respecting tourist accommodation establishments (c. E 14.2, r.1), must notify the tenant to comply with the text of the sign referred to in section 5 and notify him that he must inform all the occupants of the establishment that they must also comply with the text of this sign.

6. WORK AND ANY OTHER ACTIVITIES WHICH MAY CAUSE PEACE TO BE TROUBLED BY NOISE

It is a nuisance and is prohibited to cause noise by performing, between 9 pm and 7 am, construction, demolition or repair work on a building or vehicle, use of a lawnmower, a chainsaw or other motorized gardening equipment, except in the case of emergency work to safeguard the safety of premises or persons.

The preceding paragraph shall not apply to persons performing public works or cutting down a tree for safety reasons or to persons performing agricultural work.

Notwithstanding what appears in the first paragraph, it is permitted during the period from November 1st to April 1st to clear snow with appropriate equipment.

7. NOISE AND DISTURBANCE IN PLEASURE CRAFT

7.1. It constitutes a nuisance and is prohibited to produce a disturbing noise in a pleasure craft, with a musical instrument intended to produce or amplify the sound, which is likely to disturb the peace, tranquility, comfort, rest or welfare of persons who reside in the neighbourhood or are in the vicinity or likely to interfere with the peaceful use of the property in the vicinity and the person who makes such noise, who is the owner or the user or the guardian or the controller of the source of such noise or tolerating its emission, is guilty of an offense against these by-laws.

7.2. It constitutes a nuisance and is prohibited to produce a disturbing noise in a pleasure craft by shouting, vociferating or singing to such an extent that the noise produced is likely to disturb the peace, tranquility, comfort, Rest or welfare of persons who reside or are in the vicinity or likely to interfere with the peaceful use of property in the vicinity and the person who makes such noise is guilty of an offense against these by-laws.

7.3. Within the meaning of Articles 7.1 and 7.2, disturbing noise means any noise that can be distinguished from ambient noise.

8. MUSIC / SHOW / SPEAKER

It is a nuisance and is prohibited to broadcast, to disperse, to propagate, to broadcast music or to participate in a performance, for any purpose whatsoever, or by any means, whose sounds can be heard beyond a radius of 15 meters from the place from which the noise originates and which are likely to disturb the peace, tranquility, comfort, rest, well-being of citizens or to prevent the peaceful use of the property in the neighborhood.

It is a nuisance and is prohibited to install a loudspeaker or other reproductive instrument or sound diffuser near the walls, doors or windows of a building so that the sound emitted from such a building is projected to streets, public area, public places or private places.

This section does not apply to performances or to the broadcasting of music taking place during an irregular activity, organized by a non-profit organization and authorized by resolution of the council.

9. WOOD SHREDDING

It is a nuisance and is prohibited to saw wood between 9 pm and 7 am every day.

The preceding paragraph does not apply to employees of the municipality who cut down a tree for safety reasons.

10. LIGHT

It constitutes a nuisance and is prohibited the projection of direct or dazzling light outside the ground from which it originates.

11. IMMONDICES

It is a nuisance and is prohibited to leave, deposit or throw in a private place, dirty or stagnant water, thrash, dead animals, faeces or other unhealthy and harmful materials.

12. WOOD AND WOOD BRILLS

It is a nuisance and is prohibited to leave, deposit or throw logs of wood or branches in a street or in the right of way of a street.

It is a nuisance and is prohibited to let a tree or a branch grow in the right-of-way of a street or above the roadway, which is harmful to street users.

A tree or part of a tree that threatens to fall into the right of a street or on the roadway constitutes a nuisance.

13. DEBRIS

It is a nuisance and is prohibited to leave, deposit or throw in a private place, dead branches, debris, waste, demolition residues, scrap metal, paper, empty bottles, glass Or foul-smelling substances.

14 ROAD VEHICLE AND APPARATUS

It is a nuisance and is prohibited to leave, deposit or throw in a private place:

14.1. One or more road vehicles or parts thereof:

14.1.1. Manufactured for more than seven (7) years and not registered for the current year for use on the highway;

14.1.2. Or out of order;

14.2. An appliance or object manufactured for more than seven years or out of service.

15. CONSTRUCTIONS / STRUCTURES

It is a nuisance and is prohibited to leave constructions, structures or parts of buildings or structures in a state of poor maintenance so that decay, rust, vermin are likely to constitute a danger to public safety or public health, or to cause a depreciation of any neighboring property.

16. MAINTENANCE AND CLEANLINESS

It is a nuisance and is prohibited not to maintain any land or building there or to cause branches, brushwood or weeds to grow there.

17. WEEDS

It is a nuisance and is prohibited to let weeds grow on the ground. The following plants are considered as weeds:

- ragweed (Ambrosia SPP)
- flea grass (Rhusradicans)

18. TREE

It constitutes a nuisance and is prohibited by an owner to maintain or allow a tree to be kept on its property in such a condition as to constitute a danger to persons or property.

19. OIL

It is a nuisance and is prohibited to deposit or allow oils of vegetable, animal or mineral origin or vegetable, animal or mineral grease outside a building, other than in a waterproof container, made of metal or plastic material and provided and closed by a sealed lid itself.

20. SNOW, ICE OR EARTH

It is a nuisance and is prohibited to discard, deposit or launch or allow to be dropped, thrown on a highway, street, walkway, sidewalk, public place or municipal watercourses, in a ditch, snow, ice or earth, gravel or sand from private land unless authorized by the municipality to do so.

21. KITCHEN WASTE

It is a nuisance and is prohibited to pour into the ditches or into the sewers, by pouring in the sinks, drains, toilets or otherwise, waste of kitchen or table not crushed, oils of vegetable, animal or mineral, grease of vegetable, animal or mineral, or gasoline or hydrocarbons.

22. WASTES ON THE PUBLIC PLACE

It is a nuisance and is prohibited to soil any public place or park, in particular by depositing or throwing dirt, sand, mud, stones, clay, domestic waste dirty water, paper, oil, gasoline, hydrocarbons or any other object, substance or thing listed in Articles 11, 13, 14, 15, 16, 12, 17, 18 19, 20 and 21.

23. VEHICLE WASTE

It is a nuisance and is prohibited to travel with a vehicle that leaks into a street, water, snow, ice, debris, garbage, mud, earth, stones, gravel, fuel, sawdust, chemicals or any other similar material.

Cleaning: The driver and the owner of the vehicle may be obliged to clean or have the street to be cleaned, within twenty-four (24) hours, the municipality is authorized to clean and charge may be claimed.

Contractor's liability: For the purposes of this section, a contractor is responsible of its employees, servants or subcontractors.

24. OBSTRUCTION TO CIRCULATION SIGNALS

It is a nuisance and is prohibited to place or cause to be erected, maintain or maintain on an immovable, a canopy, a banner, an advertisement, a sign or any obstruction likely to impair the visibility of a traffic signal. It is also prohibited to keep shrubs or trees whose branches or masks in whole or in part the visibility of a traffic signal.

25. OBSTRUCTION TO INTERSECTION

It constitutes a nuisance and is prohibited by the fact that, within a triangle of visibility as hereinafter defined, to install or place a construction, fence, hedge, fixture or movable object exceeding 76 centimeters of height measured in relation to the level of the center of the street.

The visibility triangle is equal to the smaller of the following two triangles:

- an isosceles triangle whose equal sides are 7.5 meters and correspond to the limits of the right-of-way of intersecting streets;

- an isosceles triangle whose equal sides correspond to the boundaries of intersecting streets and whose base touches the most advanced part of the main building.

26. SCRAP METAL

It is a nuisance and is prohibited to drive a vehicle loaded with scrap or other noisy items without having taken the necessary means to mute this noise.

27. OBJECT

No person shall throw, drop or allow to be thrown, dropped any object or snow on any street, passage, public place or park.

28. CLOSED STREET

It may be permitted by Council resolution that a street in the public domain or part of a street be closed to allow a group of citizens to participate in a community event.

29. HORSE USE

No horse or animal-drawn vehicle may engage in or operate in a park, green space or bike path that is owned by the municipality unless authorized by the municipality.

The driver or person having custody of a horse on a public road must pick up the dung from the horse under his control.

30. RIGHT OF INSPECTION

The Council authorizes any peace officer, every officer responsible for issuing permits and certificates to be issued under any by-law passed under the Act respecting land use planning and development, and any person appointed by resolution or by to examine any movable or immovable property and the exterior or interior of any property, homes, buildings and buildings between 7 am and 7 pm, for the purpose of ascertaining whether this by-law and every owner, lessee or occupant of such houses, buildings and buildings shall receive such persons, allow them to enter and answer all questions asked of them in connection with the enforcement of this by-law.

INFRINGEMENT AND CRIMINAL PROVISION

31. FINES

Every person who contravenes any provision of this by-law is guilty of an offense and is liable to a fine of not less than two hundred dollars (\$ 200.00) for a first offense if the offender is a natural person and three hundred dollars \$ 300.00) for a first offense if the offender is a corporation; a minimum fine of four hundred dollars (\$ 400.00) for a subsequent offense if the offender is a natural person and a minimum fine of six hundred dollars (\$ 600.00) for a second offense if the offender is a Corporation; the maximum fine is one thousand dollars (\$ 1,000.00) for a first offense if the offender is a natural person and two thousand dollars (\$ 2,000.00) for a first offense if the offender is a legal person; for a subsequent offense, the maximum fine is two thousand dollars (\$ 2,000.00) if the offender is a natural person and four thousand (\$ 4,000.00) dollars if the offender is a corporation.

In any case, the costs of the prosecution are in addition.

The time limits for the payment of fines and charges imposed under this section and the consequences of failure to pay fines and costs within the prescribed time limits shall be established in accordance with the Code of Criminal Procedure of Quebec (RSQ, c. -25.1).

32. CONTINUING INFRINGEMENT

If an offense lasts more than one day, the offense committed on each day is a separate offense and the penalties for each offense may be imposed for each day of the offense in accordance with this section.

33. COMPETENT AUTHORITY AND FINDING OF INFRINGEMENT

The Council generally authorizes any peace officer, any officer responsible for issuing permits and certificates to be issued under any by-law passed under the Act respecting land use planning and development and any person appointed by resolution or by by-law of the municipal Council, to prosecute any person who contravenes any provision of this by-law and, for that purpose, generally authorizes such persons to issue findings of offense; these persons are responsible for the application of this by-law.

34. OTHER OFFENDER

Any person who performs or fails to perform anything that helps another person to act in contravention of these By-laws, or who encourages, by counsel, permission, consent, authorization, ratification, tolerance or otherwise, Another person to act in contravention of this By-law, commits an offense and is liable to the same penalties as the person who contravenes this By-law.

Where an infringement of this by-law is committed by the lessee, occupier or user of movable or immovable property made available to him by the owner of the movable or immovable property, the owner of such movable or immovable property is presumed to have committed the offense himself unless he establishes that he exercised due diligence by taking all necessary precautions to prevent the commission of the offense.

35. ENTRY INTO FORCE AND REPEAL

This by-law comes into force in accordance with the Act and replaces by-law 378-2015, which is repealed effective from the coming into force of this by-law.

Francine Caron Markwell,
Mayor

Me Josiane Hudon
Director General & secretary-treasurer

Notice of motion:
Adoption:
Public notice entry in force:
Entry in force

June 6th, 2016
July 4th, 2016
July 7th, 2016
July 7th, 2016

THE PRESENT VERSION IS NOT OFFICIAL, THUS THE FRENCH TEXT PREVAILS.