

**BY-LAW NUMBER 2018-02
REGARDING NUISANCES**

WHEREAS the municipalities served by the Sûreté du Québec, Memphremagog RCM district, have agreed to adopt regulations to facilitate standardized application by the *Sûreté du Québec*;

WHEREAS in order to maintain this uniformity, the following municipalities: Ayer's Cliff, Bolton-East, Eastman, Hatley Township, Hatley, Ogden, North Hatley, Potton Township, St-Étienne-de-Bolton, South Stukely, Town of Stanstead, Stanstead Township and Saint-Benoît-du-Lac, all served by the *Sûreté du Québec*, Memphremagog RCM district, should not amend these by-laws without consultation of the group;

WHEREAS the Council wishes to adopt a by-law to define what constitutes a nuisance and how to eliminate it, as well as imposing fines on those who create such nuisances or allow them to continue;

WHEREAS a notice of motion for this by-law was duly given at the regular meeting of Council held on September 4th, 2018 ;

CONSEQUENTLY,

**IT IS MOVED BY Councillor Stéphane Richard;
SECONDED BY Councillor Robert Lacoste;
AND RESOLVED**

THAT this by-law is adopted.

ARTICLE 1. PREAMBLE

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

ARTICLE 2. REPLACEMENT

The present by-law repeals By-law number 2014-11 and its amendments.

ARTICLE 3. DEFINITIONS

For the purpose of this by-law, the following words and expressions shall have the meaning and scope attributed through this article :

« *Pleasure craft* »

Any ship or boat or any other description of vessel used by an individual for his own pleasure and not for commercial purposes.

« *Private location* »

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

« Public location »

The words "*public location*" mean the churches, cemeteries, hospitals, schools, community centers, municipal or government buildings including municipal docks and bridges, other similar establishments 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 sold, such as a restaurant, a cinema, a tavern, a retail establishment;

« Park »

Any park located on the territory of the municipality and which is under its jurisdiction, which includes playgrounds, rest areas, walks, swimming pools, tennis courts, baseball, soccer or other sports fields, and any public beach, and land and buildings serving those locations, green areas, ecological areas, bike paths, multipurpose trails, whether developed or not, and all landscaped public spaces or not, where the public has access for the purpose of rest or relaxation, play or sport, or for any similar purpose, but does not include streets, roads, alleys and sidewalks adjacent to streets, roads and streets as well as other areas reserved for vehicle traffic;

« School park »

Any park located on the territory of the municipality which is under school jurisdiction, including, beside an elementary or secondary school, including playgrounds, rest areas, walks, land and buildings serving them;

« Public place »

The term "*public place*" means any road, street, ditch, lane, alley, passage, pavement, stairs, garden, park, school park, promenade, playground, multi-use trail, stage, parking lot for the public, outdoor meeting place where the public has access, including any public beach which is municipal property.

« Street »

Streets, roads, alleys, bike paths and sidewalks and other areas dedicated to pedestrian or vehicles in the territory of the municipality and whose maintenance is dependent on the responsibility of the Quebec Ministry of Transportation.

« Véhicule routier »

Un véhicule motorisé qui peut circuler sur un chemin; sont exclus des véhicules routiers les véhicules pouvant circuler uniquement sur rails, les bicyclettes assistées et les fauteuils roulants mûs électriquement; les remorques, les semi-remorques et les essieux amovibles sont assimilés aux véhicules routiers.

ARTICLE 4. PROHIBITION OF DISTURBING A PUBLIC ACTIVITY

It is forbidden to disturb or inconvenience a public meeting, a demonstration, a parade, a march, a race or any other activity of the same nature duly authorized by the Competent Authority, the Council or authorized by the present by-law with noise or unbecoming conduct in or near the place so as to disturb the order or solemnity of the activity. It is also forbidden to make noise and inconvenience a performance, exhibition or public reading.

ARTICLE 5. PROHIBITION TO USE FIRECRACKERS

It is forbidden for anyone to use firecrackers in a public or private place open to the public.

ARTICLE 6. NOISE / GENERAL

Constitutes a nuisance and is prohibited the act of causing or encouraging in any way whatsoever, noise likely to disturb the peace, tranquility, comfort, rest, or well-being of citizens or likely to harm the peaceful use of property in the neighborhood

ARTICLE 7. OWNER AND TENANT

The owner of a tourist accommodation establishment corresponding to the category "Tourist residence", within the meaning of the *Regulation respecting tourist accommodation establishments* (c E 14.2, r.1), shall place, in plain view of the users, inside and outside the tourist residence, a sign clearly indicating the following text:

MUNICIPALITY OF THE VILLAGE OF AYER’S CLIFF

BY-LAW NUMBER RU 2018-02 CONCERNING NUISANCES

Noise / General

Constitutes a nuisance and is prohibited the making, provoking or inciting to do in any way, noise likely to disturb the peace, the tranquility, the comfort, the rest, or the well-being of the citizens or likely to interfere with the peaceful use of the property in the neighborhood.

Fines

Whosoever contravenes any provision of this By-law commits an offense and is liable to a fine of 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 moral person; to a fine of four hundred dollars (\$ 400.00) for a subsequent offense if the offender is a natural person, a fine of six hundred dollars (\$ 600.00) for a subsequent offense if the offender is a moral person; the maximum fine of 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 moral person; for a second 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 moral person.

Other offender

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

ARTICLE 7.1 OWNER AND TENANT

The owner of a tourist accommodation establishment corresponding to the category "Tourist residence", within the meaning of the *Regulation respecting tourist accommodation establishments* (c E 14.2, r.1), must inform the tenant to comply with the notice referred to in section 7 and must inform all the occupants of the establishment that they must also comply with the text of this sign.

ARTICLE 8. WORK AND ANY OTHER ACTIVITIES SUSCEPTIBLE OF DISTURBING THE PEACE WITH NOISE

Constitutes a nuisance and is prohibited, the causing of noise by running a mower, a chainsaw, or any other motorized gardening tool, between 9 pm and 7 am, for construction work, demolition or repair of a building or vehicle, except in the case of urgent work to safeguard the security of property or people.

The preceding paragraph shall not apply to persons performing public works or cutting a tree for safety reasons, nor to persons who perform agricultural work.

Notwithstanding the first paragraph, from November 1st to April 1st, it is permitted to carry out snow removal using the appropriate equipment.

ARTICLE 9. NOISE AND DISTURBANCE IN PLEASURE CRAFTS

9.1 Constitutes a nuisance and is prohibited the act of producing a disturbing noise in a pleasure craft, with a musical instrument used to generate or amplify sounds likely to disturb the peace, tranquility, comfort, rest or welfare of persons residing or located in the vicinity or likely to impair the peaceful use of property in the vicinity, and the person who emits such a noise, who is the owner, user or has the custody or control of the source of the noise or who tolerate the issuance of it, commits a violation of this by-law.

9.2 Constitutes a nuisance and is prohibited the act of producing a disturbing noise in a pleasure craft, screaming, shouting or singing to a point where the noise is likely to disturb the peace, tranquility, comfort, rest or welfare of persons residing or located in the vicinity or likely to harm the peaceful use of property in the vicinity, and the person who makes such a noise, commits a violation of this by-law.

9.3 Under Articles 9.1 and 9.2, a disturbing noise means all sound which is distinctly recognizable from the surrounding sounds.

ARTICLE 10. MUSIC / SHOW / LOUD SPEAKER

Subject to the provisions of ANNEX 1 joined to the present by-law, constitutes a nuisance and is prohibited the act of diffusing or dispersing music or to participate in a show, for any purpose or by any means whatsoever, of which the sounds can be heard beyond a radius of 15 meters from the place where the sound originates and which are likely to disturb the peace, tranquility, comfort, rest, well-being of citizens or prevent the peaceful use of property in the vicinity.

Subject to the provisions of ANNEX 1, constitutes a nuisance and is prohibited the act of installing a loudspeaker or other device for reproducing or diffusing sound near the walls, doors or windows of a building in a manner that the sound from this building is projected towards the streets, public squares, public places or private places.

This article does not apply to shows or the playing of music occurring in relation to a special activity held by a non-profit organization which is authorized through a resolution of Council.

ARTICLE 11. SAWING OF WOOD

Subject to the provisions of ANNEX 2 joined to the present by-law, constitutes a nuisance and is prohibited the act of sawing wood between 9 pm and 7 am each day.

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

ARTICLE 12. LIGHT

Constitutes a nuisance and is prohibited the fact of projecting a light directly outside of the landsite where it comes from

ARTICLE 13. UNCLEANLINESS

Constitutes a nuisance and is prohibited the act of leaving, placing or dumping dirty or stagnant water, filth, dead animals, feces or other unhealthy and harmful materials in a private location.

ARTICLE 14. WOOD LOGS AND BRANCHES

Constitutes a nuisance and is prohibited the act of leaving or depositing logs or branches, on a street or on the side of a street.

Constitutes 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 detrimental to the users of the street.

Constitutes a nuisance tree or part of a tree that threatens to fall in the right of way of a street or on the roadway.

ARTICLE 15. DEBRIS

Constitutes a nuisance and is prohibited the act of leaving, placing or dumping in a private location, dead branches, debris, garbage, demolition residues, scrap metal, paper, empty bottles, glass or foul-smelling substances.

ARTICLE 16. MOTOR VEHICLE AND APPARATUS

Constitutes a nuisance and is prohibited the act of leaving, placing or dumping in a private location:

16.1 one or more motor vehicles or parts of motor vehicles:

16.1.1 manufactured more than seven (7) years prior and not licensed for the current year;

16.1.2 Or not in running condition.

16.2 An apparatus or object manufactured more than seven (7) years or not in running condition.

ARTICLE 17. CONSTRUCTIONS / STRUCTURES

Constitutes a nuisance and is prohibited the act of leaving buildings, structures or parts of buildings or structures in a poorly maintained state such that rot, rust, pests are likely to constitute a danger to public security or public health or to constitute a cause depreciation of any neighboring property.

ARTICLE 18. MAINTENANCE AND CLEANLINESS

Constitutes a nuisance and is prohibited the act of not maintaining a land site or a building therein or to let branches, brush or weeds grow.

ARTICLE 19. WEEDS

Constitutes a nuisance and is prohibited the act of letting weeds grow on a land site. The following plants are considered as weeds :

- ragweed (ambrosia SPP)
- poison ivy (Rhusradicans).

ARTICLE 20. TREE

Constitutes a nuisance and is prohibited the fact that a land owner maintains or allows to be kept on his property, a tree in state that is likely to constitute a danger to people or property.

ARTICLE 21. OIL

Constitutes a nuisance and is prohibited the act of depositing or allowing the deposit of vegetable, animal or mineral oil or plant, animal or mineral fat outside a building, other than in a sealed container made of metal or plastic equipped with a sealed lid.

ARTICLE 22. SNOW, ICE OR DIRT

Constitutes a nuisance and is prohibited the act of throwing, depositing or launching or allowing to be deposited, thrown or launched on a highway, a street, a passage, a sidewalk, a public place or public area, and municipal streams, snow, ice or dirt, gravel or sand from a private land site, unless authorization to the contrary is obtained from the municipality.

ARTICLE 23. KITCHEN WASTE

Constitutes a nuisance and is prohibited the act of dumping, or allowing to be dumped into ditches or sewers, through sinks, drains, toilets or otherwise, kitchen or table waste which is not ground up, vegetable, animal or mineral oils, vegetable, animal or mineral fat, or gas or hydrocarbons.

Constitue une nuisance et est prohibé le fait de ne pas entretenir un terrain ou un bâtiment s'y trouvant ou d'y laisser pousser des branches, des broussailles ou des mauvaises herbes.

ARTICLE 24. WASTE ON A PUBLIC PLACE

Constitutes a nuisance and is prohibited the act of contaminating any public place or park, including the depositing or throwing of earth, sand, mud, stones, clay, domestic waste or refuse, dirty water, paper, oil, gasoline, hydrocarbons or any other object or substance listed in Articles 13,14,15,16,17,18,19,20,21,22 and 23.

ARTICLE 25. VEHICLE WASTE

Constitutes a nuisance and is prohibited the act of operating a vehicle which drops water, snow, ice, debris, waste, mud, earth, stones, gravel, fuel, sawdust, chemicals or any other similar material onto a street.

Cleaning: The driver and the owner of the vehicle may be forced to clean or have cleaned the affected street and if failure to do so within twenty-four (24) hours, the municipality is authorized to carry out cleaning and fees may be charged to them.

Responsibility of the contractor: For the purposes of this section, a contractor is responsible for its employees, representatives or subcontractors.

ARTICLE 26. OBSTRUCTION AT TRAFFIC LIGHTS

Constitutes a nuisance and is prohibited the act of placing or installing, keeping or maintaining a building, awning, canopy, banner, advertisement, sign or any kind of obstruction which obstructs the visibility of a traffic light; it is also forbidden to keep shrubs or trees whose branches or leaves hide in whole or in part the visibility of a traffic light.

ARTICLE 27. OBSTRUCTION AT INTERSECTIONS

Constitutes a nuisance and is prohibited the act of, within a visibility triangle as defined below, installing or placing any structure, fence, hedge, landscaping or a movable item exceeding 76 centimeters in height measured from the level of the center of the street.

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

- An isosceles triangle with equal sides totalling 7.5 meters and corresponds to the boundaries of-the intersecting streets;

- An isosceles triangle with equal sides corresponding to the boundaries of the intersecting streets for which the base touches the foremost part of the main building.

ARTICLE 28. SCRAP METAL

Constitutes a nuisance and is prohibited the act of driving a vehicle loaded with scrap metal or other noisy items without having taken the necessary measures to muffle the noise.

ARTICLE 29. OBJECT

No one shall discard, deposit or throw, or allow to be discarded, deposited or thrown, any object in a street, a passage, a public place or park.

ARTICLE 30. CLOSED STREET

It may be allowed, through a resolution of Council, that a street, or part of, be closed in order to allow a group of citizens to participate in a community event.

ARTICLE 31. USE OF HORSES

No horse or horse-drawn vehicle can go into or travel through a park, a green space or bicycle trail owned by the municipality, unless authorization for this purpose has been obtained from the municipality.

The driver or person who has control of a horse on a public road must pick up their manure.

ARTICLE 32. RIGHT TO INSPECTION – MUNICIPAL INSPECTOR

The Council authorizes municipal inspectors, including any officer or representative responsible for the issuance of permits and certificates to be issued under any by-law adopted in accordance with the *Act Respecting Land Use and Urban Planning*, to visit and examine, between 7 am and 7 pm, any movable or immovable property as well as the exterior or interior of any property, house, building and structure, to ensure that this by-law is respected and any owner, tenant or occupant of these houses, buildings and structures must receive these people, let them enter and answer all the questions asked regarding the implementation of this by-law.

INFRACTIONS AND LEGAL STIPULATIONS

ARTICLE 33. FINES

Whosoever contravenes any provision of this By-law commits an offense and is liable to a fine of 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 moral person; to a fine of four hundred dollars (\$ 400.00) for a subsequent offense if the offender is a natural person, a fine of six hundred dollars (\$ 600.00) for a subsequent offense if the offender is a moral person; the maximum fine of 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 moral person; for a second 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 moral person.

In all cases, the prosecution costs are extra.

The deadlines for payment of fines and costs imposed through this article, and the consequences of failure to pay the said fines and costs within the prescribed time, are established in accordance with the *Quebec Criminal Procedure Code* (RSQ, c. C -25.1).

ARTICLE 34. CONTINUED INFRACTION

If an offense lasts more than one day, each subsequent day constitutes a separate offense and the penalties imposed for each offense may be imposed for each day that the offense continues, in accordance with this article.

ARTICLE 35. COMPETENT AUTHORITY

The Council generally authorizes any police officer, any municipal inspector, including any officer or municipal representative responsible for the issuance of permits and certificates, to issue, in accordance with any by-law adopted in accordance with the *Act Respecting Land Use and Urban Planning*, and any person appointed by resolution or through a by-law of Council, to undertake criminal proceedings against any person infringing any provision of this By-law, and therefore generally authorizes the people responsible for the application of this By-law to issue a statement of violation.

ARTICLE 36. OTHER OFFENDER

Any person who does or omits to do something that helps another person to act in contravention of this By-law or encourages, through counsel, permission, consent, authorization, ratification, tolerance or otherwise, any another person to act in contravention of this By-law commits himself an offense and is liable to the same penalty as the person who contravenes this By-law.

ARTICLE 37. COMING INTO FORCE

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

Signed and adopted by the Municipality of Ayer's Cliff at the regular meeting held on October 2, 2018.

Kimball Smith
Director General / Secretary-treasurer

Vincent Gérin
Mayor

Notice of motion : September 4, 2018
Adoption : October 2, 2018
Coming into force October 3, 2018