



**PROVINCE OF QUÉBEC
MRC DES LAURENTIDES
TOWN OF BARKMERE**

BYLAW NUMBER 271

NUISANCE REGULATIONS

WHEREAS the council wishes to regulate in terms of nuisances and sanitation, aimed at ensuring the safety of the population;

WHEREAS the municipality is acting hereunder by virtue of the powers conferred on it by the Municipal Powers Act (CQLR, c. C-47.1) and more particularly by virtue of sections 55 and 59 of this law;

WHEREAS a notice of motion has been given and that a draft by-law has been tabled at the meeting of August 13th 2022, a copy of the draft by-law also being made available to the public at this meeting;

WHEREAS the mayor mentions that the purpose of this by-law is to regulate nuisances on the territory of the Town of Barkmere;

WHEREAS the mayor also mentions that the by-law presented for adoption does not include any modification compared to the draft by-law tabled at the council meeting of August 13th 2022;

FOR THESE REASONS, THE COUNCIL DECREES AS FOLLOWS:

1. DEFINITIONS AND SCOPE

1.1. Preamble and annexes

The preamble and all the annexes attached to these regulations form an integral part thereof; all standards, obligations or indications found therein are also part of it as if they had been enacted therein.

1.2. Definitions

For the purpose of these rules, unless the context indicates a different meaning, the following terms and expressions mean:

« *Boat* » : means a boat, canoe, kayak, paddle board or any other craft designed, used or usable – whether or not exclusively – for navigation on, below or slightly

above water, regardless of its mode of propulsion or the absence of propulsion or the fact that it is still under construction, all as understood in the *Canada Shipping Act (SC 2001, c. 26)*.

« public roads » : means a road the maintenance of which is the responsibility of the municipality, a government or one of its agencies, and on a part of which are laid out one or more roadways open to public vehicle traffic and, where applicable, one or more cycle lanes.

« public area » : means any public road, sidewalk, park, land and municipal building and any other area of a public nature, especially the lake Des Écorces. Also includes any green space or playground to which the public has access for the purposes of rest or relaxation, play or sport, or for any other purpose, as well as any vehicle assigned to the public transport of nobody.

« Materials » : collectively means hazardous, unhealthy or harmful and residual materials, as defined in this article.

« dangerous material » : means a material which, because of its properties, presents a danger to safety, health or the environment, in particular batteries or cylinders that are not connected or not in working order.

« *Unhealthy or harmful material* » : includes rubbish, dirty or stagnant water, filth, manure, dead animals, faeces, ashes or other unhealthy and harmful waste.

« *Residual material* » : means final waste, bulky items, recyclable materials, organic materials and hazardous household waste, all as provided for in the Regulation respecting the disposal of residual materials of the MRC des Laurentides in force at the time of the commission of the offence.

« *Officer* » : means any natural person designated by the council, any employee of a legal person or a security agency under contract with the municipality or any

member of the Sûreté du Québec responsible for the application of all or part of this regulation.

« *Vehicle* » : means any road vehicle within the meaning of the Highway Safety Code (CQLR, c. C-24.2)

1.3. Application

This by-law applies throughout the territory of the town of Barkmere in public places, on private and commercial properties, unless otherwise provided.

1.4. Accountability

For the purposes of the application of the present, the owner of the building from which the nuisances originate is also responsible for the nuisances committed by the persons to whom he rents his building or to whom he allows access.

1.5. Application exceptions

The provisions of this by-law do not apply to municipal employees, to security agencies under contract with the municipality and to any member of the Sûreté du Québec when they are performing their duties.

2. CONTEXT RELATING TO NUISANCES

This regulation defines nuisances as serious and non-ephemeral phenomena of a harmful nature. For example, not all noise is a nuisance, it is rather the abuse of noise, its frequency or its repetition, at odd hours or not, which makes it a nuisance, because it is likely to disturb peaceful and quiet character. Nuisance can therefore target the existence of a specific object, but also the use made of it.

No one may create or allow one or more nuisances described in this by-law to persist.

3. GENERAL NUISANCES

3.1. Distribution of printed matter

Constitutes a nuisance and is prohibited the fact of distributing printed matter by depositing leaflets on the windshield or on any other part of the vehicle.

3.2. Peddling

Constitutes a nuisance and is prohibited the fact of peddling

3.3. Snow or Ice

Constitutes a nuisance and is prohibited the fact of throwing or depositing snow or ice from a private or commercial land on a public place, on or in a lake or watercourse, including the shore and the littoral, or on any other land without the consent of its owner.

3.4. Piling up or accumulation N/A

3.5. Debris

Constitutes a nuisance and is prohibited the fact of leaving on any land or in any building debris, demolition debris, wood, scrap metal or any material.

3.6. Oil or fat

Constitutes a nuisance and is prohibited the fact of depositing or allowing the deposit of oils or greases of any kind outside a building, other than in a waterproof container.

The container must be made of metal or plastic, equipped with a tight lid and an anti-spill device, animal proof and must be emptied annually by a specialized company.

3.7. Construction Materials

Constitutes a nuisance and is prohibited the fact of leaving on any land or in any building any disorderly accumulation of construction materials, unless work in progress justifies their presence.

3.8. Objects outside a building

Constitutes a nuisance and is prohibited the fact of leaving outside any building furniture intended to be inside a building, household appliances, electronic products, bathroom elements and any other equipment.

3.9. Plants

The growth of weeds, smart grass or any other harmful and invasive species identified in **Appendix 3.9** to this Regulation constitutes a nuisance and is prohibited.;

3.10. Vehicles or machinery

Constitutes a nuisance and is prohibited the fact of leaving on any land one or more vehicles inoperative or unregistered, boats or machinery inoperative and any part or accessory associated therewith.

3.11. Light

Constitutes a nuisance and is prohibited the fact of projecting, directly or indirectly, a light outside the land or the building where the light source is located, likely to cause a public danger, an inconvenience or disturb the peace of one or more people.

3.12. Smell and smoke

Constitutes a nuisance and is prohibited the fact of emitting in any way whatsoever foul odors or smoke likely to cause a public danger, an inconvenience or disturb the peace of one or more people.

3.13. Fire Hydrant

Constitutes a nuisance and is prohibited the fact of placing or depositing any object or material whatsoever within a radius of 2 meters from a fire hydrant.

3.14. Howling from an animal and barking

Constitutes a nuisance and is prohibited any howl from an animal and barking likely to disturb the peace of one or more people.

4. NUISANCES BY ARMS

4.1. Firearm or compressed air

Constitutes a nuisance and is prohibited the use of a firearm or a compressed air weapon unless:

- 1° 150 to 300 meters from any construction or works
- 2° 150 meters from any public place;
- 3° 150 meters from any public road.

4.2. Multiple shots with a firearm or airgun

Constitutes a nuisance and is prohibited the fact of using a firearm or a compressed air weapon in such a way as to multiply the shots, without being in a business provided for this purpose holding the necessary permits for its operation.

4.3. Bow and crossbow

Constitutes a nuisance and is prohibited the use of a bow or crossbow unless:

- 1° 150 to 300 meters from any construction or works
- 2° 150 meters from any public place;
- 3° 150 meters from any public road.

4.4. Explosive target

Constitutes a nuisance and is prohibited the fact of using as a target an explosive target, with an explosive potential or intended to cause a deflagration of any kind whatsoever.

5. NUISANCE BY NOISE

5.1. General offense

Notwithstanding the specific offenses of this chapter, constitutes a nuisance and is prohibited the fact of making or causing noise or allowing noise to be made or caused in such a way as to disturb the peace or tranquility of one or more persons.

5.2. Noise from construction, demolition, repair of a building or vehicle

Constitutes a nuisance and is prohibited, the fact of causing noise from work likely to disturb the peace or well-being of one or more people, by carrying out construction, demolition or repair work on a building or a vehicle, or by using any tool likely to cause noise:

- 1° Monday to Friday, between 7 p.m. and 7 a.m.; and
- 2° Saturdays, Sundays and public holidays, between 5 p.m. and 9 a.m.

5.3. Noise from grounds maintenance

Constitutes a nuisance and is prohibited, the fact of causing noise from grounds maintenance, either with a lawnmower, a lawn tractor, a trimmer, a leaf blower or with any other equipment intended for the grounds maintenance between 9 p.m. and 8 a.m.

5.4. Noise from a loud speaker or amplifying device

Constitutes a nuisance and is prohibited, the fact of using or letting use a loudspeaker or an amplifying device outside or inside a building or a boat, so that the sound emitted is audible at a distance of 15 meters or more from the edge of the lot, building or boat.

5.5. Noise from show or music

Constitutes a nuisance and is prohibited the fact of causing noise from a show or music, by emitting or letting emit a noise so that the sound is audible at a distance of 15 meters or more from the boundary of the land or the building on which the activity generating the sound is located.

5.6. Noise from pyrotechnic piece

It is an offence and prohibited to cause noise from a pyrotechnic by using or permitting the use of a pyrotechnic (firecracker or fireworks display) without a municipal authorization.

The municipality may authorize the authorization of pyrotechnics under the conditions set out in **Appendix 5.6** to this By-law.

5.7. Trade specific noise

Constitutes a nuisance and is prohibited, for commercial and industrial use between 10 p.m. and 7 a.m., the fact:

- 1° to use or permit the use of a commercial and industrial loading and unloading area;
- 2° to load and unload merchandise;
- 3° to park or leave parked a vehicle whose engine or air conditioning unit is running, and whose net mass is equal to or greater than 3000 kilograms in a commercial and industrial loading and unloading area.

5.8. Exceptions

This chapter does not apply during the production of any noise caused::

- 1° during an activity organized or authorized by the municipality
- 2° by an emergency vehicle horn, or by a back-up horn;
- 3° by a domestic or commercial alarm system or an emergency alarm system in good working order and used for the purposes for which it is intended, which does not contravene the provisions of the Regulation respecting alarm systems in force
- 4° during maintenance, cleaning or snow removal work carried out by or for the municipality,
- 5° during the collection of residual materials;
- 6° by agricultural activities and forestry activities;
- 7° N/A

6. NUISANCES ARISING FROM MATERIALS

6.1. Defile a public place

Constitutes a nuisance and is prohibited the fact of soiling any public place by throwing or letting escape any matter whatsoever, or by letting escape or detach any matter from a vehicle, without immediately cleaning it.

Failing to do so, anyone found guilty of the offense provided for in this article may be ordered to pay the clean-up costs incurred by the municipality, in addition to the fine provided for.

6.2. Unhealthy or harmful material or hazardous material

Constitutes a nuisance and is prohibited the fact of dumping, spreading, throwing, storing or accumulating on any land or in any building unhealthy or harmful materials or hazardous materials.

6.3. Residual material

Constitutes a nuisance and is prohibited the fact of disposing of its residual materials other than what is prescribed under the terms of the Regulation respecting the disposal of residual materials of the MRC des Laurentides in effect at the time of the commission of the offence.

6.4. Bin along a public road

Constitutes a nuisance and is prohibited the fact of leaving any waste bin (recyclable materials, organic materials or ultimate waste) along a public road more than 24 hours before or after collection.

7. PENAL PROVISIONS

7.1. Traffic ticket

Any violation of this by-law constitutes an offense and is prohibited.

7.2. Fine

Any natural person who contravenes any of the provisions of this by-law commits an offense and is liable to a minimum fine of \$200 and a maximum of \$1,000 for a first offense and a minimum fine of \$400 \$ and maximum of \$2,000 for any subsequent offence.

Any legal person who contravenes any of the provisions of this by-law commits an offense and is liable to a minimum fine of \$400 and a maximum of \$2,000 for a first offense and a minimum fine of \$800 \$ and maximum of \$4,000 for any subsequent offence.

In all cases, prosecution costs are extra.

The time limits for the payment of fines and costs imposed under this article and the consequences of failure to pay said fines and costs within the prescribed time limits are established in accordance with the Code of Penal Procedure of Quebec (CQLR, c. C-25.1).

If an offense lasts more than one day, the offense committed on each of the days constitutes a separate offense and the penalties enacted for each of the offenses may be imposed for each day that the offense lasts.

7.3. Authorization

The council generally authorizes any officer to undertake penal proceedings against any contravener of any provision of this by-law and authorizes him, consequently, to issue the statements of offense useful for this purpose.

For the purpose of enforcing the provisions of this by-law, the municipality may exercise, cumulatively or alternatively, all appropriate remedies of a civil or penal nature, without limitation.

8. FINAL PROVISIONS

8.1. Repeal

This by-law repeals and replaces by-law number 136 and its amendments.

This by-law does not, however, repeal any resolutions that may have been adopted by the municipality and which decree the installation of signage as well as the obligation to comply with it.

8.2. Coming into effect

These rules come into force in accordance with the law.

(original signed) Luc Trépanier
Luc Trépanier, Mayor

(original signed) Martin Paul Gélinas
Martin Paul Gélinas,
Secretary Treasurer

Entry into force procedure	
Notice of motion	August 13th 2022
Adoption of the by-law	September 10 th 2022
Coming into effect	September 10 th 2022

Certified copy
This September 13th 2022



Martin Paul Gélinas, secretary treasurer

APPENDIX 3.9

Plants – Harmful and invasive species

The following pests and invasive species are prohibited from growing:

- 1° Japanese knotweed (*Fallopia japonica*);
- 2° Common reed or exotic phragmites (*Phragmites australis* or *Phragmites communis*);
- 3° Hogweed (*Heracleum mantegazzianum*).

APPENDIX 5.6

Noise from pyrotechnic piece