

**ADMINISTRATIVE COMPILATION
BYLAW NUMBER 06-24**

BYLAW 06-24 CONCERNING NUISANCES

Adopted by the Municipal Council on March 12, 2024

Entry into force on *March 14, 2024*.

Name and/or number of bylaw, policy, resolution	Date of Council's approval	Coming into force	Status
Bylaw 20-13	August 13, 2013	September 13, 2013	Repealed and replaced

PREFACE

The reader is hereby advised that any errors or omissions that may be identified in the text below do not affect the enforceability of the regulations and amendments referred to therein, as sanctioned in their original version.

BYLAW 06-24 CONCERNING NUISANCES

REGULAR meeting of the Council of the Municipality of Pontiac, held on March 12, 2024, at 7:30 p.m., at the Luskville Community Centre, at which meeting were present:

The Mayor, Mr. Roger Larose

The Council Members:

Diane Lacasse

Garry Dagenais

Serge Laforest

Chantal Allen

Jean Amyotte

Members of the Board and forming quorum.

WHEREAS the Municipality of Pontiac has adopted a bylaw concerning public nuisances to ensure peace, order and cleanliness on the territory of the Municipality of Pontiac;

WHEREAS bylaw number 20-13 concerning public nuisances on the territory of the Municipality of Pontiac came into force on September 13, 2013, and is obsolete;

WHEREAS it is necessary to add definitions to the bylaw;

WHEREAS it is necessary to add clarifications on what is a nuisance, on the storage of non-functional vehicles, on advertisements, on nuisances and maintenance of municipal property;

WHEREAS the Municipal Council of the Municipality of Pontiac deems it advisable and in the public interest to revise the current nuisance bylaw;

WHEREAS a notice of motion for the present bylaw was duly given at the Council meeting held February 13, 2024, and that the draft was presented and tabled at the same meeting;

THEREFORE, it is moved by Councillor Dr. Jean Amyotte and seconded by Councillor Diane Lacasse.

AND RESOLVED THAT the Council of the Municipality of Pontiac enact the following:

CHAPTER 1 – DECLARATORY PROVISIONS

1.1 The preamble is an integral part of this bylaw.

1.2 Bylaw number 20-13 concerning public nuisances on the territory of the Municipality of Pontiac and its amendments is repealed and replaced by the present bylaw.

CHAPTER 2 - PURPOSE OF THE BYLAW

- 2.1 The purpose of this bylaw is to enable the Municipality of Pontiac to enact behaviour standards in society and to constitute measures for the protection of collective interests and public order.
- 2.2 The present bylaw defines what constitutes a nuisance and provides the Municipality with a tool that allows it to require a property owner, lessee, occupant or possessor of the building, within a timeframe it determines, to eliminate the nuisance or carry out the necessary work to prevent it from recurring. In the event of non-compliance, this bylaw allows the imposition of fines on individuals who create or allow nuisances to persist.
- 2.3 This bylaw does not recognize acquired rights regarding nuisances.

CHAPTER 3 - GENERAL PROVISIONS

3.1 Terminology

In these rules, the following words mean:

- "Parking space": A unitary space designed specifically for parking a single motor vehicle.
- "Construction": An assembly of materials connected or not to the ground or attached to any object connected to the ground, including, but not limited to, tanks, gas pumps, platforms, swimming pools, sheds, and buildings.
- "Contaminant": Solid, liquid, or gaseous material likely to alter the quality of the environment in any way, including but not limited to resin, lacquer, paint, oil, or grease of mineral origin, or a combustible or explosive material, including motor or heating fuels and aerosols.
- "Watercourse": Any body of water that flows in a bed with a regular or intermittent flow, including those created or modified by human intervention, excluding a public or private road ditch, a common boundary ditch, and a drainage ditch used solely for drainage and irrigation purposes, which exists solely due to human intervention and whose watershed area is less than 100 hectares.
- "Waste": Includes, but is not limited to, abandoned, or deteriorated personal property, household refuse, paper, empty bottles, scrap metal, rejects from a commercial or industrial process, animal carcasses, construction, and demolition debris, mechanical or electrical appliances no longer in working order or discarded, and unused containers.
- "Right-of-way": Area of land occupied or intended to be occupied by a thoroughfare or utility infrastructure.
- " Advertising insert ": Any pamphlet, leaflet, flyer or any other advertising item designed for the purpose of announcing or advertising.

"Light maintenance":	Action aimed at ensuring the normal flow of water in a ditch and consisting of cutting or removing by hand, using a shovel, a lawnmower or all other similar tools, all vegetation, waste or materials. Light maintenance does not include work requiring the use of heavy machinery, or excavation, backfilling, digging, reprofiling, slope adjustment or slope stabilization.
"Off-street parking space":	Developed space outside of a road, surfaced area, or structure, intended for the parking of motor vehicles and including parking spaces and the driveways providing access to the spaces or rows of spaces.
"Scrap metal":	Iron or steel waste, iron instruments or old pieces, carcasses, or parts of carcasses of vehicles or household appliances.
"Responsible official":	<ul style="list-style-type: none"> a) The Director of the Department of Urban Planning and Sustainable Development and their representatives; b) The Director of the Department of Public Works and Infrastructure and their representatives.
"Maintainable ditch":	Any roadside ditch bordering a lot over a maximum length of 120 metres and having a side slope of 2 in 1 on each side and a maximum depth of 1 metre, or having a side slope of 3 in 1 on each side and a maximum depth of 1.5 metres.
"Public Road ditch":	A small depression in the ground used for surface water runoff and drainage of a public road.
"Common ditch":	A common ditch serves as a dividing line between neighbouring properties and is a drainage device for stormwater management.
"Drainage ditch":	The drainage ditch is used solely for drainage purposes.
"Grass":	Lawn or any small, flexible vegetation devoid of bark.
"Ragweed":	<i>Ambrosia artemisiifolia</i> L. and <i>Ambrosia trifida</i> .
"building":	A lot or a structure.
"Inhabited place":	Any building occupied or frequented by people who reside, work, or stay there, and includes, non-exhaustively, a dwelling, a business, an office building, a hospital, a vessel, a camp, or any similar place or part of such a place that constitutes a distinct space.
"High-water line":	<p>Line used to delimit the littoral and shoreline of lakes, watercourses, and wetlands. It is determined, as the case may be, by one of the following methods:</p> <ul style="list-style-type: none"> a) Where there is a water retention structure, the limit of the littoral is located at the maximum operating elevation of the hydraulic structure for the part

of the water body located upstream of the structure, within its zone of influence;

- b) Where there is a retaining wall, the limit of the littoral is located at the top of this structure;
- c) In cases other than those mentioned in paragraphs a) & b), by the expert botanical or biophysical method, based on the plant species or physical marks present;
- d) Where none of the above methods is applicable, to the flood limit associated with a 2-year flood.

"Lot": A parcel of land identified and delimited on an official cadastral plan made, deposited and published in accordance with the Cadastre Act (R.S.Q., c. C-1) or the Civil Code of Québec (R.S.Q., 1991, c. 64).

"Invasive and noxious plants":

- a) Giant Hogweed (*H. mantegazzianum*) ;
- b) Manitoba maple (*A. negundo*) ;
- c) Ragweed (*A. artemisiifolia*) ;
- d) Japanese butterbur (*P. japonicus*).

"Slash": Plant debris left on the ground after silvicultural or arboricultural treatment or following natural disturbance.

"Servitude": Right imposed on a property in favour of the Municipality in the name of the general interest.

"Natural land": Land preserved for the purpose of conserving or protecting biodiversity, including but not limited to parks, woodlands, and wetlands.

"Motor vehicle": A motorized road vehicle that is adapted primarily for the transportation of a person or property.

"Immobilized vehicle": Anything that is not a road vehicle as defined in the Quebec Road Safety Code (c. C-24.2).

"Public thoroughfare": Land maintained by or on behalf of a public body that is used for traffic, including, but not limited to, a right-of-way, road, lane, sidewalk, bridge, pedestrian path, bicycle path, snowmobile trail, hiking trail, public square, railway, or public parking area.

Scope: The bylaw applies to the entire territory of the Municipality of Pontiac.

CHAPTER 4 - LOT CLEANLINESS AND MAINTENANCE

Any person who leaves, deposits or tolerates on a lot the presence of:

- a) garbage or foul-smelling substances ;

- b) building materials or piles of soil, sand, stones or gravel that are not incorporated or intended to be incorporated into a construction on this lot for which a building permit has been previously issued if required;
- c) scrap metal ;
- d) a diseased or dead tree, or a tree in such a precarious condition that it is likely to fall onto the public thoroughfare;
- e) any tree, shrub, landscaping, hedges or other vegetation that encroaches on the public highway, conceals road signs, diminishes the illumination of the public lighting system, interferes in any way with municipal property or its use, or constitutes a danger to users of a public highway;
- f) tires, whatever their condition, outside an enclosed building;
- g) stagnant water, other than a watercourse, between June 1 and October 1.

For the purposes of paragraph d) above, any tree, shrub, landscape or hedge must be pruned or trimmed so that the clearance under any branch complies with the minimum prescribed in the following paragraphs. The clearance must be measured between the underside of the branch and the highest point of the reference element, at the vertical of the branch:

- i. 4.85 m above the pavement of a road on which heavy vehicle traffic is authorized, above an access road for fire department vehicles required by the applicable building code, and above a footpath or emergency road required for a dead-end road by the subdivision bylaw in force;
- ii. 4 m above the pavement of a road other than that referred to in paragraph i.;
- iii. 3 m above a sidewalk or footpath other than a footpath referred to in paragraph i.

4.1 Any property owner, lessee, occupant or possessor of a lot who tolerates a general state of uncleanness or condition of the lot such that its visual appearance causes aesthetic prejudice to neighbouring buildings and the neighbourhood commits a nuisance.

4.2 Commits a nuisance, anyone who leaves, deposits, or tolerates on a lot, the presence of residues.

For the application of article 4.2, the presence of residues is authorized on a natural lot if the owner, lessee, occupant or possessor of the lot satisfies all the following conditions:

- i. The residues are located within a radius of 30 metres from their point of origin;
- ii. The residues must occupy a height of less than 60 centimetres from ground level, with the exception of shavings whose maximum height is set at 20 centimetres;
- iii. All residues must not harm residual trees over 2 metres in height;
- iv. The residues must not fall within the following boundaries:
 - 5 metres from a footpath
 - 5 metres from a sidewalk
 - 5 metres from a road
 - 1.5 metres from a property line

□ Riparian zone of a watercourse, determined by the high-water line.

4.3 Commits a nuisance, the owner, lessee, occupant or possessor of a built lot who leaves or tolerates the presence of invasive and harmful plants.

This article does not apply to a right-of-way maintained by the Municipality, to natural land or to land designated as agricultural land protected by the Act respecting the preservation of agricultural land and agricultural activities (LRQ, c. P-41.1).

4.4 For the application of Article 4.3, the owner, lessee, occupant or possessor of a plot of land on which invasive and harmful plants are found must proceed with their eradication or, at a minimum, their cutting to ensure that these plants do not come into bloom.

4.5 The riparian strips of watercourses and ditches are excluded from the application of article 4.3.

CHAPTER 5 - PUBLIC ROAD MAINTENANCE AND EASEMENTS

5.1 Commits a nuisance, anyone who deposits, leaves, or tolerates any materials, waste, or vegetation that obstructs or impede the flow of water in a public road ditch.

5.2 Commits a nuisance, anyone who deposits, leaves or tolerates any material, waste or vegetation that obstructs or prevents the surface water flow in a stormwater structure, such as a catch basin, culvert, common ditch, drainage ditch, swale, retention basin, etc.,

5.3 Commits a nuisance, anyone who fills in, diverts or otherwise carries out work that alters the shape, end or course of a public road ditch without prior written authorization from the Municipality.

5.4 Commits a nuisance, anyone who fills in, diverts or otherwise carries out work that alters the shape, end or course of a common ditch, drainage ditch or gully in a servitude, without prior written authorization from the Municipality.

5.5 Commits a nuisance, the owner, lessee, occupant or possessor of a lot bordered by a public road ditch who fails to ensure its maintenance for the normal flow of water. This obligation falls on the owner, lessee, occupant or possessor of a lot when the necessary maintenance is minor, and it concerns a maintainable ditch.

5.6 Commits a nuisance, the owner, lessee, occupant or possessor of a lot bordered or crossed by a common boundary ditch, a drainage ditch, or a channel established in an easement who fails to ensure its maintenance for the normal flow of water.

5.7 Commits a nuisance, any property owner, lessee, occupant or possessor or possessor of a built lot who fails to maintain the portion of the right-of-way adjacent to his or her lot.

Landscaping installed by the Municipality and trees in the right-of-way is excluded from the application of this article.

5.8 Commits a nuisance, any property owner, lessee, occupant or possessor of a built lot who fails to maintain the portion of the right-of-way adjacent to his or her lot.

- 5.9** Commits a nuisance, any person who soils municipal property, including but not limited to a public thoroughfare or public building, by depositing, leaving or disposing of waste, foul-smelling substances, sewage, snow, contaminants, construction materials, signs or any other object, material or substance.
- 5.10** Commits a nuisance, anyone who leaves on municipal property, during the execution of works, a tree stump or a tree cut halfway.
- 5.11** Commits a nuisance, anyone who installs or has installed a dispenser that distributes, offers, or displays periodicals, printed materials, articles, or any consumer goods within the right-of-way of a public road.
- 5.12** Commits a nuisance, any property owner, lessee, occupant or possessor who tolerates the accumulation of snow, ice or icicles on a sloped roof that spills or may spill onto a public thoroughfare.

CHAPTER 6 - ENVIRONMENTAL PROTECTION

- 6.1** Commits a nuisance, any person who dumps or allows to be dumped any contaminant or waste on or in any building or in any wetland, water body or ditch.
- 6.2** Commits a nuisance, every person who tolerates on a lot the presence of a contaminant outside its container or in an unsealed or damaged container.
- 6.3** Commits a nuisance, any person who does, tolerates or allows any work to be carried out in a watercourse or performs any act likely to stop, modify, increase, reduce, divert or otherwise alter or affect the said watercourse in any way whatsoever without prior authorization from the authorities having jurisdiction in the matter.
- 6.4** Commits a nuisance, any person who uses or permits the use of a watercourse for recreational or any other purposes in such a way as to alter, damage or interfere with the peaceful enjoyment of the same watercourse by persons entitled to use it.
- 6.5** Commits a nuisance, any person who buries or allows to be buried construction materials, contaminants, household garbage, recyclable materials, compostable materials, waste, hazardous products or any other product harmful to the environment.

CHAPTER 7 - RESIDUAL MATERIAL

- 7.1** Commits a nuisance, any property owner, lessee, occupant or possessor who leaves, deposits or tolerates the presence of :
- a) residual materials or residual material bags not stored in a shed, container or garbage can;
 - b) unsealed or damaged plastic bags or other containers containing residual materials;
 - c) a container for residual materials or a garbage bin containing residual materials, whose lid is in the open position or not equipped with a tight-fitting lid;
 - d) a container for residual materials or garbage can with a soiled exterior or interior;
 - e) a grease or cooking oil container with its lid open or not equipped with a tight-fitting lid;

- f) a grease or cooking oil container with a soiled exterior.

SECTION 8 - ROAD VEHICLES AND SCRAP METAL

- 8.1** Commits a nuisance, the owner, lessee, occupant or possessor of a building who leaves, deposits, or tolerates the presence, outside of a closed structure:
- a) scrap metal;
 - b) out of working order road vehicles;
 - c) one or more carcasses of road vehicles;
 - d) road vehicles parts or debris;
 - e) mechanical appliances not in working order;
 - f) parts or debris of mechanical appliances;
 - g) parts or debris of vehicles of any kind;
 - h) road vehicle(s) not registered for the current year or out of working order.

This article does not apply to a lot on which an authorized use is exercised under the zoning bylaw allowing the presence of such vehicles.

- 8.2** Despite the preceding article, a vehicle with a storage plate may be stored outdoors for one year. However, the presence of the said vehicle must not have an impact or be detrimental to public safety, health, the environment (traces of contamination or loss of liquid) or the well-being of the community (carcass visible from the road).
- 8.3** Commits a nuisance, anyone who performs or allows to be performed repeatedly or frequently on or within the same building, the maintenance, repair, dismantling, or modification of vehicles outside of a closed structure.

CHAPTER 9 – STORAGE

- 9.1** Commits a nuisance, anyone who uses or allows the use of any vehicle or part thereof for storage.
- 9.2** Commits a nuisance, anyone who uses or allows the use of a temporary shelter for storage purposes (between April 16 and October 14) or leaves it in a state of disrepair.
- 9.3** Commits a nuisance, anyone who uses or allows the use of a vacant lot for storage purposes."

CHAPTER 10 - ADVERTISING INSERTS

Commits a nuisance, anyone who distributes advertising inserts on public property or door-to-door, without placing them in mailboxes or, failing that, without depositing them in a manner that prevents them from being blown away by the wind.

CHAPTER 11 – PROJECTILES

- 11.1** Commits a nuisance, anyone who intentionally throws or allows to be thrown a ball or other projectile onto another property without the consent of its owner.
- 11.2** Commits a nuisance, the owner, occupant or possessor, or operator of public or private land, who does not take appropriate measures to prevent the repeated throwing or projecting of a ball or other projectile that could endanger the safety of persons or property outside the area from which it originates.

CHAPTER 12 – DUST

- 12.1** Commits a nuisance, anyone who creates or allows the creation of dust that impairs the well-being and comfort of the public by using any motor vehicle, street sweeper, leaf blower, or any similar motorized device in an off-street parking area consisting of more than ten parking spaces.
- 12.2** Commits a nuisance, anyone who engages in or allows the use of a product, substance, object, means, or device emitting dust or any particles in a manner that inconveniences or disturbs the well-being of one or more persons in the neighbourhood.

CHAPTER 13 - MANURE SPREADING AND ODOURS

- 13.1** Commits a nuisance, the owner, lessee, occupant or possessor who tolerates the storage or spreading of non-deodorized manure on land that is not in cultivation or pasture.
- 13.2** Commits a nuisance, anyone who emits or allows the emission of nauseating or unpleasant odours, through or by using any substance or product in a manner that disturbs or inconveniences one or more persons in the neighbourhood.
- 13.3** Articles 13.1 and 13.2 do not apply to activities permitted and in compliance with the provisions of the Act respecting the preservation of agricultural land and agricultural activities (LRQ, c. P-41.1), and manure must be stored in accordance with provincial Environmental Quality regulations.

CHAPTER 14 - VERMIN AND RODENTS

Commits a nuisance, anyone who causes or tolerates any condition conducive to the presence or proliferation of vermin or rodents in a building or on a property.

CHAPTER 15 - POWERS OF THE RESPONSIBLE OFFICIAL

- 15.1** The responsible official is authorized to visit and examine any building or movable in application of the bylaw to ensure that the provisions of the bylaw are being complied with.

Upon request, the inspecting officer must establish his or her identity.

- 15.2** Where a responsible officer has reasonable grounds to believe that a person has committed an offence, he or she may require the person to declare his or her name, address and date of birth.

The officer in charge may also require such person to provide information to confirm the accuracy of such information.

A person may refuse to declare his or her name, address and date of birth, or to provide information to confirm their accuracy, until he or she is informed of the offence alleged against him or her.

15.3 Any property owner, lessee, occupant or possessor of an immovable or piece of furniture must allow access to the official in charge and allow the latter to carry out an inspection. Any person present during such an inspection must refrain from insulting, molesting, intimidating or threatening the official in charge and must not at any time interfere with the performance of his duties in any way whatsoever. Any person using or storing a hazardous material must notify the officer in charge during the inspection.

15.4 The responsible official shall give written notice to any owner, lessee, occupant or possessor of an immovable to cease, within a given time, any nuisance decreed by the present bylaw.

Any notice to be given pursuant to this article shall be served in accordance with the provisions of articles 424 to 430 of the Quebec Municipal Code (LRQ, c. C-27.1).

15.5 Any person who soils municipal property must carry out the clean-up in such a way as to restore the property to the condition it was in before it was soiled. Clean-up must be carried out immediately or, as the case may be, within a time limit set by the responsible official. In the event that clean-up requires the interruption or detour of road or pedestrian traffic, the party responsible for clean-up must give prior notice to the official in charge.

Upon expiry of the time limits mentioned in the preceding paragraph, the responsible official may have the work carried out at the offender's expense, and any expenses incurred under this article, including administrative costs, will be billed to the offender as soon as the cost is established.

CHAPTER 16 - PENALTIES AND SANCTIONS

16.1 The Council generally authorizes the responsible official to initiate criminal proceedings against any violator of any provision of the regulation and generally authorizes these individuals to issue offence notices for this purpose; these individuals are responsible for enforcing the regulation.

16.2 Anyone who contravenes or fails to comply with any of the provisions of this regulation commits an offence and is liable, in addition to the costs for each offence, to a fixed fine of \$1,000.00 if the offender is a natural person, or a fixed fine of \$2,000.00 if it is a legal entity.

In the case of a repeat offence, within two years of the guilty verdict for the same offence, the offender is liable, in addition to the costs for each offence, to a fixed fine of \$2,000.00 if the offender is a natural person, or a fixed fine of \$4,000.00 if the offender is a legal entity.

In all cases, prosecution costs are additional. The deadlines for the payment of fines and costs imposed under this section, and the consequences of failing to pay such fines and costs within the prescribed deadlines, are established in accordance with the Code of Criminal Procedure of Quebec (LRQ, c. C-25.1).

16.3 The payment of the fine does not exempt the offender from complying with the provisions of this regulation.

16.4 When an offence lasts more than one day, as many separate offences are counted as there are days or fractions of a day it has lasted, and these offences can be described in a single charge.

16.5 In the event that the court pronounces a sentence regarding a violation of the regulation, it may, in addition to the fine and costs, order that the nuisances that are the subject of the offence be removed by anyone found guilty of the offence.

In the event of failure by that person or those people to comply within the specified timeframe, the municipality may remove the nuisance at the expense of that person or those persons.

A notice of the application for the order must be given by the prosecutor to the person whom the order may require to remove the nuisance, unless that person is in the presence of the judge.

16.6 The Municipality reserves the right to exercise any other recourse provided by law.

CHAPTER 17 - COMING INTO FORCE

This bylaw will come into force once the formalities prescribed by law have been completed.

GIVEN AT PONTIAC, this March 12, 2024



Mr. Louis-Alexandre Monast
Assistant Director General and
Clerk, Secretary-treasurer



M. Roger Larose
Mayor

<u>Notice of motion:</u>	February 13, 2024
<u>Tabling of the draft bylaw</u>	February 13, 2024
<u>Adoption:</u>	March 12, 2024
<u>Resolution:</u>	24-03-5208
<u>Publication date and coming into force:</u>	March 14, 2024

