



**VILLAGE OF SENNEVILLE  
PROVINCE OF QUEBEC**

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**BY-LAW NO. 482**

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**PERTAINING TO NUISANCES, PUBLIC  
HEALTH AND SECURITY, REPEALING  
BY-LAW NO. 428.**

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| Avis de motion / Notice of motion :  | 2019-10-28 | <u>Approvals</u>  |
| Présentation du projet de règlement /<br>Presentation of the draft By-law: | 2019-10-28 | <i>(original signed)</i>  |
| Adoption:  | 2019-11-25 | _____<br>Julie Brisebois, mairesse / Mayor                                  |
| Avis public de promulgation /<br>Public notice of coming into force:       | 2019-11-26 | <i>(Original signed)</i><br>_____<br>Francine Crête, greffière / Town Clerk |

WHEREAS at its meeting of April 16, 2012, the Council adopted by-law number 428 concerning nuisances, health and safety in the municipality, which repealed and replaced by-law number 417;

WHEREAS it is now appropriate to repeal by-law number 428 in order to adopt a new by-law modernizing the by-law and adapting it to current realities;

WHEREAS chapters V, VI, VII, VIII and article 85 of the *Municipal Powers Act* give municipalities the power to regulate on the environment, health, nuisances, security, public order, good government and the general welfare of their residents;

WHEREAS notice of motion was previously given during the regular meeting of October 28<sup>th</sup>, 2019 in compliance with article 356 of the *Cities and Towns Act*;

WHEREAS the draft by-law was tabled at the Council meeting held on October 28<sup>th</sup>, 2019;

THEREFORE:

It is **Moved** by François Vaqué  
**Seconded** by Christopher Jackson  
And **RESOLVED UNANIMOUSLY**

That by-law number 482 be adopted, ordering and requiring as followed:

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**CHAPTER I GENERAL PROVISIONS**

**Article 1 Terminology**

Unless expressly indicated to the contrary or unless the context indicates a different meaning, the following expressions, terms and words have the meaning and application defined below:

|                          |  |
|--------------------------|--|
| “landscaping”            | All trees, shrubs, plants, flowers and other ornamental elements arranged for a decorative purpose.  |
| “scrub”                  | Without limitation, thorns, brambles, weeds, tall grasses, shrubs or other plants growing in disorder, excluding vegetation cultivated for commerce, agriculture or landscaping.   |
| « continuous noise »     | For the purpose of applying Articles 7.3, 7.5(a) and 7.5(b) : any continuous noise whose perceived and measured intensity at the border of the property at the origin of the complaint that is greater than fifty (50) decibels at night (7 p.m. to 7 a.m.) and fifty-five (55) decibels in the daytime (7 a.m. to 7 p.m.), is deemed to be of a nature to disturb the peace, comfort and peaceful enjoyment of the said property.           |
| « excessive noise »      | For the purpose of applying Articles 7.5(a) and 7.5(b) : any continuous noise or occasional, discontinuous or intermittent noise whose perceived and measured intensity outside the property at the origin of the complaint is greater than seventy (70) decibels at any time of day or night, is considered to be loud enough to disturb public quiet, comfort and peaceful enjoyment with respect to any property.                         |
| “contaminant”            | Resin, lacquer, paint, oil or grease of mineral origin or combustible or explosive material, including motor or heating fuel.  |
| “watercourse”            | Any water that drains into a stream or riverbed, whether the flow is regular or intermittent, including a bed created or modified by human intervention, with the exception of a ditch along a public or private road, party ditch or drainage ditch. This definition includes bodies of water surrounding the municipality, specifically the St. Lawrence River and Lake of Two Mountains, as well as watercourses within the municipality. |
| “public place or domain” | Any road, street, alley, bridge, cycling track or strip, passage, walk, trail, sidewalk, swimming pool, beach, stairs, garden, park, playground, stage or public parking use, a municipal building and any outdoor meeting place where public has access.  |
| “public right-of-way”    | Land occupied by roadways and public utilities.  |
| “riparian way”           | The part of the public domain between the sidewalk, curb or pavement and the private property line.  |
| “flyer”                  | Any leaflet, brochure, circular or any other promotional item designed for the purpose of advertisement or advertising.  |
| “sign”                   | Any construction, writing, pictorial representation, emblem, flag or other object, shape, painting or light source located outside or inside a building (and visible from the public domain) and used to notify, inform, advertise, promote or attract attention.  |

|                          |   |
|--------------------------|---|
| “designated official”    | A municipal official or employee, appointed by council resolution, who is responsible for enforcing and administrating the present by-law.  |
| “grass”                  | Grass or other short, flexible, barkless vegetation.  |
| “property”               | Any lot or building, and everything considered as such by the <i>Quebec Civil Code</i> .  |
| “public place”           | Any location open to the public, including, schools, school grounds, terrace or businesses.   |
| “residual matter”        | Any residue from a production, transformation or use process; any substance, material or product, or more generally any movable good that is abandoned or intended to be abandoned by the owner.  |
| “weed”                   | Poison ivy ( <i>Rhus radicans</i> ) or any species of ragweed ( <i>Ambrosia spp.</i> ).   |
| “municipality”           | Village of Senneville   |
| “owner”                  | Means and includes the registered owner or occupant of any built-up lot, vacant lot or partially built-up lot.  |
| “triangle of visibility” | Means, in each quadrant of a street intersection, the triangle on the ground formed by a line connecting two points six (6) metres from the intersection as specified in the <i>Zoning by-law</i> . Where there is a turning radius, this distance is measured in a straight line extending from the end of the radius.         |
| “road vehicle”           | Vehicle as defined by the <i>Highway Safety Code</i> , (L.R.Q., chap. C-24.2).  |
| “off-highway vehicle”    | Vehicle as defined by the <i>Act respecting off-highway vehicles</i> (L.R.Q., chap. V-1.2).   |
| “public road”            | The surface of land or of a structure, the maintenance of which is the responsibility of the municipality, over part of which one or more roadways are used for public vehicular traffic and where such is the case, one or more cycle lanes are laid out, and also having a function to provide access to adjacent properties. |

**Article 2**      **Applicability**

The present by-law is applicable throughout the entire territory of the municipality.

**Article 3**      **Compliance with other by-laws and laws**

Compliance with the present by-law shall not diminish the obligation to comply with any other provincial or federal law, or any other municipal by-law applicable to the matter at hand.

**Article 4**      **Competent authority**

- a) The municipal inspector is the designated official responsible for enforcement of the present by-law. Should the inspector be absent or otherwise unable to act, any person performing the inspector's duties on an interim basis is invested with the powers associated with this function;
- b) Any agent of the Montreal police and/or fire departments, i.e. the Service de Police de la Ville de Montréal (SPVM) and/or the Service de sécurité incendie de Montréal (SIM).

**Article 5**      **Powers of the competent authority**

The competent authority is authorized to conduct any required inspection and issue notices of infraction in relation to the present by-law.

They may notify the owner or occupant of a building, in writing, of the infraction of which they are accused, and give the owner or occupant the opportunity to come into compliance with the by-law within ten (10) days of receipt of the said notice.

Should the offender refuse to comply with the municipal by-law as indicated in the notice, the municipality may, in addition to any penalties, file a motion with the Superior Court of Quebec to obtain authorization to eliminate the cause of the nuisance and to collect the cost of such elimination from the offender.

**CHAPTER II**      **NUISANCES**

**Article 6**      **Nuisances related to properties**

- 6.1 The following are deemed to be nuisances, and are therefore prohibited for the owner or occupant to keep or do on their property:
  - a) store one or more vehicles that are not registered and not in working order outside a closed building;
  - b) outside a closed building, to repair, maintain or modify a vehicle other than a road vehicle for the exclusive use of the owner. Only one vehicle at a time may be maintained, repaired or modified on the property;
  - c) allow to be stored, outside a closed building, any vehicle or trailer chassis, parts, debris or used tires;
  - d) residual materials other than those permitted by the waste management by-law;
  - e) scrap metal, paper, empty bottles, construction materials, offensive substances, furniture, electrical or mechanical devices or appliances intended for indoor use;
  - f) a pile or accumulation of branches, brush, weeds, vegetation trimmings, dirt, clay, rocks, roots, tree or shrub trimmings, except as permitted by the waste management by-law;

- g) excessive vegetation on a built-up property. Failure to maintain grass, or allowing it to grow to a height of more than 20 centimetres;
- h) excessive vegetation on a vacant property. Failure to maintain grass or allowing it to grow to a height of more than 60 centimetres;
  - The previous stipulation does not apply to a property designated protected agricultural land under the *Act respecting the preservation of agricultural land and agricultural activities* (L.R.Q., chap. P-41.1), to woodlands and to properties belonging to a nature conservation organization. However, the owner must cut and remove grass, weeds, branches and brush at least once a year, between the months of June and August.
- i) any construction or landscaping other than installation of a lawn or a floral planting in the riparian way or the visibility triangle, and failure to keep the public right-of-way or the visibility triangle, municipal fire hydrant, sidewalk and curb in front of their property free of all obstructions and encroachments;
- j) tolerate the presence of brush, weeds, shoots, branches, or mature ragweed:
  - on a built-up or vacant property;
  - within six metres of the street line for all properties bordering Senneville Road.
  - However, the present stipulation does not apply to woodlands and properties belonging to a nature conservation organization.
- k) the presence of ragweed. Ragweed must be uprooted or cut before maturity in order to prevent it from releasing allergens;
- l) vegetation, including branches, extending beyond the property line and creating a safety hazard;
- m) the presence of dead or diseased branches or trees, or branches or trees in such a precarious state that they are likely to fall or otherwise present a safety hazard;
- n) an excavation, open foundation or partially completed building, without taking the necessary precautions to prevent accidents and/or injuries;
- o) items causing noxious odours, such as:
  - the storage or spreading of non-deodorized manure on a property that is not under cultivation or in pasture

The preceding paragraph does not apply to a property designated as agricultural land protected by the *Act respecting the preservation of agricultural land and agricultural activities* (L.R.Q., chap. P-41.1).

  - To make compost in a manner that produces any odour that disrupts the welfare or comfort of one or more persons in the area.

6.2 The following are nuisances, and are therefore prohibited for an owner or occupant to keep on their property:

- a) stagnant, putrid, dirty or contaminated water, whether on the ground or in a natural depression, artificial depression or pond;
- b) a hole or depression that could collect stagnant, putrid or contaminated water, or that could pose a health or safety hazard;

The owner or occupant of such a property must take the necessary measures to drain such water.

- c) between June 1 and September 15, untreated or stagnant swimming pool water; this provision is intended to limit the proliferation of mosquitoes to the greatest possible extent;
- 6.3 It is a prohibited nuisance for the owner or occupant of a property to discard drainage water, wastewater runoff, or swimming pool water in the public domain, or in parks under conditions that could endanger the safety of persons or property.
- 6.4 It is a prohibited nuisance for any owner or occupant to obstruct, divert or allow any ditch to be diverted.
- 6.5 It is a prohibited nuisance for any person to discard or dump residual materials, furniture, appliances, construction materials, vegetation waste or any other similar material on a vacant property.
- 6.6 It is a prohibited nuisance for any owner, occupant or other person to tolerate or allow graffiti or other markings to remain on any dwelling unit or a public place.
- 6.7 It is a prohibited nuisance for any owner, occupant or other person:
- a) to permit or tolerate that a built property or apartment has no means of heating and/or a source of drinking water and/or working sanitary equipment or otherwise fails to comply with municipal building and other by-laws;
- 6.8 It is a prohibited nuisance:
- a) to ignite or maintain an open-air fire (bonfire, campfire, yard waste or tree-trimming burn pile, trash fire, burning of construction material, fire basket, etc.). Nevertheless, certain temporary activities making use of outdoor fire may be authorized by the Montreal fire department (Service de sécurité incendie de Montréal (SIM)) or the Montreal environment department (Direction de l'environnement) if they meet certain conditions. A permit is mandatory for all such activities.
  - b) to use a fireplace or woodstove outdoors, even if it is equipped with a fire screen;
  - c) to burn, outdoors, any of the following: wood, paper, refuse, leaves, waste or any other material;

## **Article 7      Nuisances related to noise**

### **7.1      General noise:**

It is a prohibited nuisance to make continuous excessive noise produced or caused by any person or thing, movable or immovable, likely to disturb the peace, quiet, comfort, rest and welfare of one or more persons in the area, more specifically:

- a) from Monday to Friday between 7 p.m. and 7 a.m.;
- b) Saturdays before 8 a.m. and after 6 p.m.;
- c) On Sundays and statutory holidays.

### **7.2      Noise caused by construction:**

Construction, renovation, repair or demolition work on a building, delivery of materials and other work are prohibited:



- a) Monday to Friday from 7 p.m. to 7 a.m.;
- b) Saturdays before 8 a.m. and after 6 p.m.;
- c) On Sundays and statutory holidays.

**7.3 Noise caused by the use of gas and/or electric tools and devices:**

The use of leaf blowers, lawn mowers, chainsaws and other power tools, whether powered by gasoline or electricity, is prohibited:

- a) Monday to Friday from 7 p.m. to 7 a.m.;
- b) Saturdays before 8 a.m. and after 6 p.m.;
- c) On Sundays and statutory holidays; except from October 1 to November 30, between 8 a.m. and 6 p.m.

**7.4 Exceptions**

The preceding article does not apply to the use of:

- a) a carillon or bell for religious worship, and alarm or anti-theft or security devices when used by necessity;
- b) employees, labourers, contractors or any other person acting on behalf of the municipality or the government of Quebec who are performing, at its request and with its authorization, maintenance, cleaning, repair, construction, landscaping, snow removal or other work or activities in a public place;
- c) emergency vehicles (police, fire, ambulance, first responders) and their drivers in the performance of their duties;
- d) activities authorized by the municipality.

**7.5 Commercial and industrial noise**

It is a prohibited nuisance to make any excessive or unwanted noise, in the conduct of commercial and industrial activities, that is likely to disturb the peace, quiet, comfort, rest and welfare of one or more persons in the area, more specifically:

- a) no person shall allow the conduct of manufacturing, goods handling, loading, unloading, excavation, demolition, construction, renovation, maintenance, landscaping or repair work of any nature, on any type of property, building, structure, vehicle, equipment, device, instrument or tool in the yard of a factory or business;
- b) it is prohibited to use or allow to be used any type of vehicle or equipment, whether heavy or light, or any type of device, instrument or tool that produces noise, particularly a mechanical ram, wheel loader, back loader, mechanical shovel, snow blower, tractor, chainsaw or power saw, audible from any place other than the property, lot or public place where it originates.

**7.6 Exceptions**

The present article does not apply to the use of:

- a) alert or antitheft alarm devices when used by necessity;

- b) employees, labourers, contractors or any other person acting on behalf of the municipality or the government of Quebec who are performing, at its request and with its authorization, maintenance, cleaning, repair, construction, landscaping, snow removal or other urgent work or activities.

**Article 8**      **Nuisances related to light**

- 8.1 It is a prohibited nuisance for any owner or occupant of a property to allow the use of any continuous, revolving or intermittent light, any device that reflects or projects light, any luminous device whether indoors or outdoors installed in a manner that disrupts traffic, public tranquility, or the comfort and peaceful enjoyment of any neighbouring property.
- 8.2 It is a prohibited nuisance to install, use or maintain, less than thirty (30) metres from a public roadway, a revolving or intermittent light or a light whose intensity or colour are not constant or stationary, or that resembles traffic lights and could mislead motorists.

The present article is not intended to prohibit the use and maintenance of an illuminated commercial sign as authorized by other municipal by-laws.

**Article 9**      **Nuisances related to signage**

- 9.1 It is a prohibited nuisance to install flags, banners and signs across any public road or public place, without first obtaining a permit issued by virtue of a relevant municipal by-law.
- 9.2 It is a prohibited nuisance to install posters, signs, pennants, flags and stickers on fences or other places without first obtaining a permit issued by virtue of a relevant municipal by-law.
- 9.3 It is a prohibited nuisance to post any notice, placard, banner or other such item at any time on any private property, with exception of those expressly allowed by the zoning by-law or otherwise permitted by the municipality.

**Article 10**      **Nuisances related to animals**

- 10.1 It is a prohibited nuisance for the owner or keeper of a domestic animal:
  - a) to walk their animal without a leash on any public road or public place;
  - b) to allow excessive barking or howling of an animal, to an extent that disturbs the peace and quiet of the neighbourhood;
  - c) to fail to collect, using appropriate means, their animal's fecal matter;
  - d) to allow their animal to defecate in places where appropriate signage prohibits it;
  - e) to keep any farm animal or fowl on any part of the municipal territory that is not within the agricultural zone or the designated municipal agricultural zone;
  - f) in the said agricultural zones, to keep or allow to run free any domestic animal, farm animal or fowl outside a fenced area or outbuilding designed for housing animals.
- 10.2 It is a prohibited nuisance for any person to capture, feed or take any action to shelter an animal of a species designated as wild by the Ministère des Forêts, de la Faune et des Parcs, or by any other competent government authority.

**Article 11**      **Nuisances related to the public domain**

11.1 It is a prohibited nuisance to soil the public domain.

Any person who soils the public domain must clean up the site if so, ordered by a competent authority. The cleaning must be done immediately or by the deadline given; failing which the offender shall owe the municipality the cost of cleaning done by the municipality, in addition to any other penalties.

11.2 It is a prohibited nuisance for any person to apply graffiti or tags or to make any other mark on a public building, on the public domain itself, or on any object constituting street furniture;

11.3 It is a prohibited nuisance to transport, use or possess any object or material for the purpose of making graffiti or tags;

11.4 It is a prohibited nuisance to:

- a) urinate or defecate in any place other than those provided for that purpose;
- b) discard, dump or allow to be discarded residual materials, cigarette butts, ashes, any paper, newspapers, circulars, cans, bottles, packaging or any container of any nature, refuse, putrescible waste, used auto parts, construction materials, tar, lime, bricks, mud, earth, sand, rocks, gravel, cement or any other similar material on the public domain or in a public place, watercourse, ditch or any other land;
- c) spread or allow to dump, using any road vehicle, any of the materials listed in the preceding paragraph on the public domain, in a public place, watercourse or ditch;
- d) pour, allow to be poured or permit anyone to pour, in any manner, water that is dirty, contaminated, corrupted or mixed with noxious substances, petroleum or chemical products or all other substances that are fetid, inflammable, hazardous or noxious, in a watercourse, ditch or sewer, or in the public domain or in a public place;
- e) to allow trees, tree trunks, branches or roots to obstruct or cause damage to a public place;
- f) place or allow to be placed any snow or ice on the public domain, in a public place, or in a watercourse.

**Exception**

The preceding provision does not apply to:

employees, labourers, contractors or any other person acting on behalf of the municipality or the government of Quebec who are performing snow removal operations at their request and with their authorization.

- g) discard, place or allow to be discarded lawn clippings or any other vegetation waste on the public domain, in a public place, in a watercourse, ditch or sump;
- h) obstruct the public domain, a public place, a watercourse or a ditch without first obtaining authorization in compliance with the applicable municipal by-law;
- i) fill, obstruct or place any debris, earth, stones, rocks, branches, leaves or grass clippings in any ditch, drain or underground conduit;

In addition to any other penalties levied, the municipality will remove any obstacle and claim the cost of the material damages it has suffered from any person who violates the preceding paragraphs.

- k) break, alter, move, relocate, paint or mark any public sign, traffic sign, lamppost, fire hydrant, public fence or any other street furniture;
- l) deteriorate, damage, paint, modify or soil in any manner lawns, paved surfaces, sidewalks, curbs or surfaces, and fire hydrants;
- m) open or attempt to open manhole covers.

In addition to any other penalty levied, the municipality will bill any person who violates the preceding paragraph for the amount of material damages it has suffered.

11.5 It is a prohibited nuisance for any person to place any obstruction within a radius of two (2) metres around a fire hydrant.

- a) Fire hydrants must be kept free of all obstacles in order to ensure residents' safety and facilitate the work of firefighters and crews of the Montreal fire department (Service de sécurité incendie de Montréal);
- b) Hedges, shrubs, trees, fences, car shelters and similar structures are obstacles to the work of firefighters and municipal public works employees and are not permitted within a two (2) metre radius of a fire hydrant.

11.6 It is a prohibited nuisance for any person to open, close or make any use of any fire hydrant.

11.7 It is a prohibited nuisance for any person to use lawn-watering equipment in a manner that causes water to drain into the street or onto neighbouring properties.

11.8 It is a prohibited nuisance for any person to allow municipal water to run-off onto neighbouring properties, the public domain or any other surface that drains directly or indirectly into a ditch or public sewer.

11.9 It is a prohibited nuisance to loiter and beg for the purpose of collecting alms or charity on the public domain and in public places.

11.10 It is a prohibited nuisance for any person to:

- a) repair or maintain a road vehicle on a public road or in a public place, except in case of emergency or necessity;
- b) leave a broken-down vehicle on a public road for more than three (3) hours;
- c) leave a vehicle parked or immobilized in a public space or on the public domain for the purpose of selling or trading it;
- d) remove, move or hide a notice of infraction left by a police officer.

### **CHAPTER III PROVISIONS RELATED TO SAFETY**

#### **Article 12 Nuisances related to public safety and the environment**

12.1 It is a prohibited nuisance to:

- a) trouble, discomfort, threaten or abuse any person in a public place by using offensive language or by any other means;
- b) refuse to vacate a public place after having been so ordered by a competent authority;

- c) prevent, impede or interfere with the work of, or to make blasphemous or obscene remarks toward, competent authorities or any authorized representative of the municipality;
- d) disturb the peace by screaming, swearing, blaspheming or participating in a verbal or physical altercation;
- e) disturb the peace by being drunk or under the influence of drugs;
- f) possess or consume alcohol in a public place without obtaining the required permit;
- g) smoke or vape within 9 metres of any door or window giving onto any public place;
- h) consume, prepare or display any drug other than cannabis, or any derivative product of such drugs, in a public place;
- i) consume cannabis in public places where the consumption of tobacco is prohibited, and in other specific places such as bus shelters, outdoor public transportation waiting areas, the grounds of educational institutions and parks;
- j) without authorization from the municipality, the Ministère des transports du Québec or the Service de police de la Ville de Montréal, access or trespass on Girwood Island and the road leading to it, whether by entering if the gate is unlocked or by committing an infraction.
- k) engage in door-to-door soliciting;
- l) distribute flyers door-to-door without placing them in places intended for mail delivery or, in the absence of such a place, without leaving them where they will not be blown away by the wind;
- m) leave flyers on the windshields of vehicles parked anywhere within the municipality;
- n) be stationary, prowl or loiter in a public place, or block or inconvenience pedestrians or vehicle passengers by standing in their path without a valid reason;
- o) trouble, discomfort or disturb participants or spectators in social, political, sporting, cultural or religious activities held in a public place;
- p) cause or allow to be dumped or tolerate the dumping of contaminants or waste in or on any property or watercourse;
- q) apply any primer, finish or paint likely to release dust, odours or contaminants into the environment, both inside and outside any vehicle or property;
- r) allow a stationary vehicle to idle for more than 3 minutes per 60 minutes, except for a diesel engine, which may be allowed to idle for 5 minutes per 60-minute period.

Nevertheless, a stationary heavy vehicle powered by a diesel engine that has not yet reached its operating temperature may be allowed to idle for more than 10 minutes per 60-minute period when the outdoor temperature is colder than -10°C.

- The following vehicles and situations are excluded from the present article:

- an emergency vehicle as defined by the *Highway Safety Code*;
- a vehicle used as a taxi as defined by the *Highway Safety Code*, during the period from November 1 to March 31, as long as at least one person, who may be the driver, is in the vehicle;
- a vehicle idling to engage the heating system because there is a person inside the vehicle, when the outdoor temperature is colder than -10°C ;

- a vehicle whose engine is used to perform a task, or to refrigerate food, or to keep food hot;
- a vehicle immobilized by a traffic jam, heavy traffic or traffic light;
- a vehicle affected by frost or freezing rain, for as long as needed to make it safe to drive;
- an armoured car;
- any vehicle powered, in whole or in part, by non-polluting energy;
- a heavy vehicle that needs to be left to idle in order to complete a pre-departure inspection in compliance with article 519.2 of the *Highway Safety Code*;
- Vehicles used by the municipality's public works department.

For purposes of application of the present by-law, the outdoor temperature is considered to be the temperature measured hourly by Environment Canada at Montreal Pierre Elliott Trudeau International Airport.

12.2 Each of the following activities is a prohibited nuisance:

- a) to be in a public place or in the public domain in possession of a weapon equipped with a barrel and capable of firing lead pellets, bullets or any other projectile, a replica firearm, slingshot, peashooter, crossbow, bow, knife, sword, machete or any weapon with a blade that could be used for assaulting a person.
- b) to throw stones, bottles or other projectiles in a public place.

12.3 It is a prohibited nuisance for any person to:

- a) be in or enter without permission a public place, swimming pool or tennis court, by accessing fenced-in areas outside opening hours;
- b) to loiter or sleep in any park or any other public place between 11 p.m. and 7 a.m.;
- c) to participate in, encourage or attend a depraved, indecent or sexual act in a public place or in public view.

### **Article 13**      **Pyrotechnics**

The use of firecrackers, torpedoes, Roman candles, rockets and other pyrotechnic devices or fireworks is prohibited without a permit from the Service de sécurité incendie de Montréal, except for those used during events organized by the municipality, under its supervision and presented to all residents.

## **CHAPTER IV      INFRACTIONS, PENALTIES AND RECOURSE**

### **Article 14**      **General sanctions**

- a) Whoever contravenes the present by-law is guilty of an infraction and subject to a fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500) for a physical person and not less than one thousand dollars (\$1000) and not more than two thousand dollars (\$2000) for a legal person.
- b) Repeat offenders are subject to a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1000) for a physical person and not less than two thousand dollars (\$2000) and not more than four thousand dollars (\$4000) for a legal person.
- c) If an infraction lasts more than one day, the infraction committed on each day constitutes a separate infraction and the penalties prescribed for each

infraction may be imposed for each day that the infraction persists, in accordance with the *Code of Penal Procedure* (L.R.Q. c. C-25.1).

- d) The municipality may claim judicial and extra-judicial costs, as well as fees for experts and expert reports, reasonably and legitimately incurred following issuance of a notice of infraction, in accordance with the *Code of Penal Procedure* (L.R.Q. c. C-25.1).
- e) The deadline for paying fines and fees imposed by virtue of the present article, and the consequences of failing to pay such fines and fees within the specified time, are established in accordance with the *Code of Penal Procedure* (L.R.Q. c. C-25.1).

**Article 15**      **Recourse before a court**

When the owner or occupant of a property is found guilty of infringing the present by-law, a judge may, in addition to imposing any other penalty, order the offender to eliminate the cause of the nuisance within a time limit determined by the judge, or to perform any work required to prevent the nuisance from recurring. Should the offender fail to take the required actions within the prescribed time, the municipality may remove the cause of the nuisance at the offender's expense.

**CHAPTER V**      **FINAL PROVISIONS**

**Article 16**      **Repeal**

The present bylaw repeals and replaces by-law number 428 and any other by-law concerning nuisances, health and safety within the municipal boundaries.

**Article 17**      **Coming into force**

The present by-law will come into force according to the law.

(ORIGINAL SIGNED)

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Julie Brisebois  
Mayor

(ORIGINAL SIGNED)

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Francine Crête  
Town clerk