

Municipality of Cascapedia-St-Jules
Co. of Bonaventure
Province of Québec

By-Law #17-04

CONSIDERING THAT the Municipal Council judges it necessary to adopt a by-law governing nuisances to improve the general well-being of the citizens within the territory of the Municipality of Cascapedia-St-Jules;

CONSIDERING THAT the Municipal Council judges it necessary to adopt a by-law to define what constitutes a nuisance and how to avoid it, and to impose fines upon those who create or let exist such nuisances;

CONSIDERING THAT a notice of motion was given at the regular session of April 3rd, 2017.

It is therefore proposed by Councillor Susan Sexton and unanimously resolved by the Councillors present that By-Law #17-04 be decided and decreed that which follows, be known:

ARTICLE 1: Preamble

The preamble is an integral part of the present by-law.

ARTICLE 2: Definitions

Beach: A level stretch of land with little sloping, formed entirely of sand or bare gravel and situated beside a stretch of water.

Public Place: Parks, roads, yards and parking lots of Educational and Health buildings and other public areas.

Motorized vehicle: Road vehicle, off road vehicles, snowmobiles, all terrain vehicles(ATV).

Parks and Rest Stops: Parks and Rest Stops situated within the territory of the Municipality and which are under it's jurisdiction and include all the public areas whether they are grass or not, accessible to the public for the purpose of rest or relaxation, games or sports or other similar pursuits.

Public Area: Parking lots and yards where the responsibility and upkeep, or the owner is the Municipality. Open air spaces of commerce or a public building.

ARTICLE 3: Noise, Nuisances and work

That which constitutes a nuisance and is therefore prohibited is to make, provoke or incite in any manner noise to break the peace and well being of the neighborhood.

That which constitutes a nuisance and is therefore prohibited is to make or cause noise in a manner to break the peace and well being of the neighborhood by performing, between the hours of 10:00 PM and 7:00 AM, construction work, demolition or repairs to a building or vehicle, or to use a lawnmower, except when the work is an emergency and done to ensure the security of the area and or population.

ARTICLE 4: Radio, piano and other instruments

It is prohibited to break the peace and well being of the population by playing, too loudly, a radio, a record player, a piano, a television or any other instrument or group of sound making instruments, whether it be in the road, a public place, inside or outside of a dwelling.

More precisely, it is prohibited to use, on a playground, any instrument of music after 10:00 PM.

ARTICLE 5: Speakers, amplifiers

5.1 - Speakers and amplifiers are not to be installed or used outside of a building.

5.2 - Speakers and amplifiers are not to be installed or used inside of a building in a manner which projects the sound outside, towards roads or public places in the Municipality.

5.3 - The present article does not apply to playgrounds or amusement parks, or to public parks and places. It does not apply to either reunions, demonstrations, parties, festivals or public entertainment authorized by the Municipality for a period of time and in a specific place.

The Municipality can adopt a resolution:

- a) authorizing reunions, demonstrations, festivities, or public entertainment, etc.
- b) determining the frequency, the period of time, and the place of said events.

ARTICLE 6: Beach traffic

Constitutes a nuisance and is therefore prohibited to circulate a motorized vehicle on any beach situated within the territory of the Municipality.

ARTICLE 7: Accumulation of material on private property

Any accumulation of material on private property, likely to release nauseating odors or that constitutes a risk of fire or accident, is prohibited.

The present article does not apply to the running and working of authorized enterprises which are consistent with Municipal By-Laws regarding urbanization and also with regards to laws prescribed by a competent authority which controls this area in matters of public health.

ARTICLE 8: Presence of refuse on private property

Constitutes a nuisance and is therefore prohibited to throw or dispose of ashes, paper, waste, refuse, garbage, rubbish, metal, empty bottles or other materials or harmful obstructions, parts or frames of machinery and automobiles or all other refuse or garbage of any nature, in roads, alleys, yards, public or private land, public places, water or water courses within the Municipality.

We understand that by “parts or frames of automobiles” we mean an automobile that is no longer being used or without one or more of the necessary parts for its proper functioning.

Constitutes a nuisance and is prohibited that, the owner, tenant or occupant of a vacant lot, or partially constructed building or piece of land, to leave one or more automobiles that were manufactured more than seven (7) years ago, not licensed for the current year and out of function.

We understand “automobiles” to mean all vehicles in the sense of the Road Safety Code (law of Québec, RLRQ chapter C-24.2) all vehicles that can be moved by means other than physical force and adapted for transportation on public roads but not on rails.

ARTICLE 9: Obligatory use of the local dump site

It is prohibited to transport or to have transported to any place in the Municipality, other than the specified site or other place designated especially for this purpose, any contaminated or unhealthy substance or material.

ARTICLE 10: Dumping garbage in ditches

It is prohibited to dispose of, in public ditches, manure, garbage, earth, sand, gravel or other waste in a manner to block or obstruct the public ditch.

ARTICLE 11: Sparks, soot and smoke

To eject sparks, cinder, soot or smoke, or in general any nauseating odor, from a chimney or other source, is prohibited, **except for wood heating or other extra heating.**

ARTICLE 12: Cleanliness

12.1 - Cleaning up of roads after a permitted event.

Whosoever shall use a road or land, personally or by another individual, in such a case where the use is permitted, must clean the area and remove or have removed the debris and other materials found, without delay.

12.2 - It is prohibited to throw snow into the street.

- a) It is prohibited by whosoever in possession of a snow blower or other article to dispose of snow from their yard into the street.
- b) It is prohibited to transport, from one side of the street to that facing, any snow from the clearing of ones property.

ARTICLE 13: Dogs and all other animals

13.1 - Circulation

It is prohibited, that any owner of a dog or other animal within the Municipal limits, to let the animal wander on the roads or sidewalks, and on all public land as well as private land not belonging to the animal owner without the land owners consent.

A dog on a leash and accompanied by its owner can circulate on the roads, sidewalks and public places of the Municipality, except those places prohibited by the Municipality.

13.2 - Nuisance

Any dog barking, growling or howling in a manner to break the peace or to be a serious problem for the neighbors, causing damage to land, lawns, gardens, flowers, trees or shrubs, garbage, or which pursues, attacks or injures a pedestrian, cyclist or other domestic animal or livestock is considered to be a nuisance and his owner or guardian is liable for a fine as foreseen in the present By-Law.

ARTICLE 14: Parking in winter

It is prohibited to park or stop a vehicle on a public road between the hours of 11 pm and 7am from December 1st to March 31st (if signs specifying this restriction are posted in the Municipality).

ARTICLE 15: Application of the By-Law

Articles 7 to 12 of the present By-Law are not applicable by the Sûreté du Québec but by the person designated by resolution of the Municipal Council.

ARTICLE 16: Penalties

Whosoever contravenes or does not conform to the articles in the present By-Law, commits an infraction and is liable to be charged a fine plus **fees (1)** according to the following tables:

Article number	Fines	
	Minimum	Maximum
14	\$50	\$150
11	\$100	\$300
3,4,5,5.1,5.2,6,12,12.1,12.2,13,13.1	\$200	\$600
7,8,9,10,13.2	\$300	\$900

Fees*: The fees are those applicable in the By-Law on judicial tariffs in Penal matters (R.R.Q., 1981, c(-25.1)).

ARTICLE 17: Repeal

The present By-Law repeals any and all older versions of By-Laws concerning nuisances.

ARTICLE 18: Coming into force

The present by-law will enter into effect according to the law.

Adopted in Cascapedia-St-Jules, this 1st day of May 2017.

Réal Bujold, Pro-Mayor

Susan Legouffe, Director General

Fines

Cour du Québec
MRC of Avignon
MRC of Bonaventure

By-Law concerning Nuisances

Infraction	Fine	Code
Article 3 Provoke or incite to make noise susceptible to break the peace and well being of the neighbourhood	200\$	RM 450
Article 3 Perform construction, demolition or repair work on a building or vehicle susceptible to break the peace and wellbeing of the neighbourhood between the hours of 10 pm and 7 am	200\$	RM 450
Article 3 Use a lawn mower or chainsaw susceptible to break the peace and wellbeing of the neighbourhood between the hours of 10 pm and 7 am	200\$	RM450
Article 4 Have disturbed the tranquility and wellbeing of citizens by playing too loudly a radio, record player, piano or television be it on a road, a public place, interior or exterior of a dwelling	200\$	RM 450
Article 4 Have disturbed the tranquility and wellbeing of citizens by playing too loudly an instrument or group of instruments on a road, a public place, interior or exterior of a dwelling	200\$	RM 450
Article 4 Have disturbed the tranquility and wellbeing of citizens by using, in parks and rest stops, any instrument to play music after 10 pm	200\$	RM 450
Article 5 (5.1) Have installed or used, outside of a building, a speaker or amplifier	200\$	RM 450
Article 5 (5.2) Have installed or used a speaker, or amplifier inside a building in such a manner that the sound is heard outside in the streets, or public places of the Municipality	200\$	RM 450
Article 6 Have circulated a motorised vehicle on a beach, a public place, park or rest stop, or any public areas situated on the territory of the Municipality	200\$	RM 450
Article 7 Have accumulated material on private land which could give off nauseating odors or could constitute a fire or accident hazard	300\$	RM 450
Article 8 Let land, a vacant lot, or a partially constructed building, build up with branches weeds, scrap, paper, empty bottles, piles of rock, earth, sand, wood or garbage or pieces of disused machinery	300\$	RM 450
Article 9 To transport or have hauled somewhere other than to a landfill site or other area specifically approved, any infectious or unhealthy substance or matter	300\$	RM 450
Article 10 To deposit, in the ditches of a public road , manure, garbage, earth, sand, gravel or other garbage which could obstruct or block it	300\$	RM 450
Article 11 Have permitted the ejection of sparks, ash or smoke, in general any nauseating odor from a chimney or other source	100\$	RM 450
Article 12 (12.1) Have omitted to clean the streets after a permitted event, to transport or have transported the debris without delay	200\$	RM 450
Article 12 (12.2) Have dumped into the street, snow coming from your property with a blower or by any other means and/or have transported the snow from cleaning up your property from one side of the	200\$	RM 450

road to the other		
Article 13 (13.1) Allowed a dog or any other animal within the limits of the Municipality to wander or roam in the streets, sidewalks or public places and/or Allowed a dog or any other animal wander or roam on private land without consent from the owner of said property and/or Have circulated with a leashed dog in an forbidden area of the Municipality	200\$	RM 450
Article 13 (13.2) Allowed a dog to bark or wail in a way as to break the peace or be a serious enemy to the neighbourhood and/or Allowed a dog to cause damages to land, grass, gardens, flowers, shrubs or garbage and/or Allowed a dog to chase, attack or injure a pedestrian, a cyclist or another animal or cattle	300\$	RM 450
Article 14 Have stopped or parked a vehicle on a public road between 11pm and 7am From Dec. 1st to March 30th (if such a restriction exists in the Municipality)	50\$	RM 450