

**BYLAW 2014-004
TO REPLACE BYLAW 2011-002
REGARDING NUISANCES**

WHEREAS the Municipality of Grosse Ile has the mandate, among others, to ensure peace, order, the general well-being and the improvement of the quality of life for its citizens;

WHEREAS the council wishes to adopt a bylaw to define what constitutes a nuisance and when to remove it, as well as imposing penalties on people who create or leave behind such nuisances;

WHEREAS the territory of the municipality is already governed by diverse bylaws concerning nuisances, however, from the council's point of view, it is necessary to update these bylaws and make them more conform to today's realities;

WHEREAS a notice of motion was given at a sitting of council held on March 3, 2014;

WHEREAS a copy of the present bylaw was given to the members of council two working days prior to the sitting of council;

WHEREAS the Director-General reads this present bylaw to the members of council;

THEREFORE

It is moved by Steve Clarke

Seconded by Vanessa Goodwin

And unanimously approved by the members of council present

THAT bylaw 2014-004 entitled Bylaw Regarding Nuisances be hereby adopted and that the following is ordered and decreed by the said bylaw:

ARTICLE 1 The preamble is an integral part of this present bylaw.

ARTICLE 2 NUISANCES ON OR AROUND PRIVATE BUILDINGS

Article 2.1 It is prohibited to leave, to dispose of or to throw on or around any building the following objects: dirty or stagnant water, trash, manure, dead animals, fecal matter and other unsanitary and harmful matter; this constitutes a nuisance;

Article 2.2 It is prohibited to leave, to dispose of or to throw on or around any building or any vacant lot within the territory, the following objects: dead branches, demolition debris, scrap metal, garbage, paper, empty bottles, glass or foul substances; this constitutes a nuisance;

Article 2.3 It is prohibited to leave or to dispose of around any building or any vacant lot within the territory, one or more automotive vehicles which, for the purpose of enforcing this present article, signifies any vehicle as defined by the Highway Safety Code of Quebec (L.R.Q.,c.C-24.2), manufactured more than ten years ago, not licensed for the current year and not in working condition; this constitutes a nuisance;

ARTICLE 3 NUISANCES IN PUBLIC AREAS

Article 3.1 It is prohibited to soil public areas such as roads, sidewalks, alleys, paths, yards, parks, beaches or any other public building by disposing of or

throwing objects at it such as soil, sand, mud, rocks, clay, domestic or other waste, dirty water, paper, oil, gas or any other object or substance; this constitutes a nuisance;

Article 3.2 Any person who soils a public area must clean the said area in order to restore it to its identical state before a nuisance as such took place; all persons must begin this obligation within the hour following the event and continue the clean-up without interruption until it is completed;

In the event that the clean-up must be interrupted or the road traffic or pedestrians diverted, the person responsible for the clean-up must advise the municipal inspector beforehand or any other person responsible for enforcing this present bylaw;

Article 3.3 Any offender to one or another of the obligations foreseen in the first paragraph of the previous article, in addition to the foreseen penalties of this bylaw, becomes the debtor to the municipality for the cost of the clean-up that was carried out by the municipality;

Article 3.4 It is prohibited to throw or to leave snow and/or ice that come from private properties on sidewalks and roads or in alleys, yards, public properties, public areas, municipal waters or waterways; this constitutes a nuisance;

ARTICLE 4 NUISANCES CAUSED BY NOISE

Article 4.1 The following constitutes a nuisance and is prohibited:

4.1.1 Any noise resulting from a vehicle used for transporting merchandise or equipment attached thereto, including a refrigeration unit, when the vehicle is parked between 9:00 pm and 7:00 am, less than 200 meters from any property used in whole or in part as a residence;

4.1.2 The owner, tenant or occupant of the property on which is parked a vehicle aimed at in paragraphs 4.1.1 of this present article, violates this bylaw in the same manner as the operator of the vehicle;

ARTICLE 5 ADMINISTRATIVE AND LEGAL PROVISIONS

Article 5.1 Any violation to this present bylaw constitutes a nuisance and is prohibited.

Article 5.2 Generally, the council authorizes the municipal inspector to undertake legal action against any offender who violates any provision of this bylaw, and consequently, authorizes the inspector to issue the statement of offense suitable for this purpose; the municipal inspector is responsible for the enforcement of this present bylaw.

Article 5.3 The person responsible for the enforcement of this bylaw is authorized to visit and to examine, at any reasonable hour, any movable or immovable property, as well as the interior or exterior of any house, building or structure in order to see if the present bylaw is being followed and any owner, tenant, occupant or operator of these properties, houses, buildings and structures must let him enter.

Article 5.4 Whoever violates one or another of the provisions of this bylaw commits an infraction and is liable to a minimum fine of \$200 for a first offense if the offender is an individual and \$300 for a first infraction if the offender is a corporation; a minimum fine of \$400 for a repeated

offense if the offender is an individual and a minimum fine of \$600 for a repeated offense if the offender is a corporation; the maximum fine that can be imposed is \$1 000 for a first offense if the offender is an individual and \$2 000 for a first offense if the offender is a corporation; for a repeated offense, the maximum fine is \$2 000 if the offender is an individual and \$4 000 if the offender is a corporation.

In all cases, the prosecution fees are not included.

The deadline for the payment of the imposed fines and fees in virtue of this article, and the consequences of failing to pay the said fines and fees within the specified time period, are established in accordance to the *Quebec Criminal Code (L.R.Q., c. C-25.1)*.

In accordance to this present article, if an infraction lasts longer than a day, the committed infraction of each of these days constitutes a distinct infraction and the penalties stipulated for each of the infractions may be imposed for each day that the infraction lasts.

Article 5.5 The present bylaw repeals and replaces all other bylaws adopted concerning nuisances.

Article 5.6 The present bylaw comes into force according to the law.

Rose Elmonde Clarke
Mayor

Janice Turnbull
Director General

NOTICE OF MOTION: March 3, 2014
ADOPTION: April 7, 2014
PUBLICATION: April 15, 2014