

BY-LAW 01-2010 ENTITLED “PUBLIC NUISANCES BY-LAW TO MAINTAIN PEACE AND ORDER ON THE TERRITORY OF THE MUNICIPALITY OF THORNE”

WHEREAS Articles 59, 60 and 61 of the *Municipal Powers Act, R.S.Q. c. C-47.1* allow municipalities to adopt a by-law on nuisances;

WHEREAS This Council finds it necessary to adopt a by-law regulating nuisances;

WHEREAS Notice of Motion of the presentation of this by-law has been given on February 2, 2010;

WHEREAS reading of the by-law was waived;

IT IS ORDAINED AND ENACTED THAT:

SECTION 1 – PREAMBLE

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

SECTION 2 – TERMINOLOGY

The following words and expressions, when they appear capitalized in the by-law shall be construed according to the definitions set out below, unless there be an implicit or explicit derogation there from in the text:

Built up areas: Any area with 3 or more dwellings, less than 100 metres apart from each other.

Garbage: Any dead carcass, filth or dirt, mud, clay, dust, garden debris, leaves, household or commercial or industrial waste, residual material generated by agricultural or construction – including demolition – activities or other noxious matter or substance.

Motor Vehicle: Vehicle which is propelled or driven otherwise than by muscular power, whether or not said vehicle is functional and also whether or not it is lacking one or several components essential to its operation such as the engine, transmission, axle, or part of the steering or braking system. This also includes the carcass of a vehicle.

Municipality: The municipality of Thorne.

Person Responsible: The officer authorised by a resolution of council to issue permits for the Municipality.

SECTION 3 – TERRITORY

The present by-law applies to the entire territory in the jurisdiction of the Municipality of Thorne.

SECTION 4 – POWERS OF THE PERSON RESPONSIBLE

The Person Responsible may, in the performance of his duties, visit, enter and examine any property situated in the territory of the Municipality.

The Person Responsible may take any photograph or sample as he deems necessary.

If the Person Responsible notes nuisances in connection with a property, he may send a formal notice to the owner or occupant of the property requiring the owner or occupant, within the time the Person Responsible prescribes, to abate them or do the necessary work to prevent their recurrence. After the

expiration of the delay, the Person Responsible may cause the said property to be cleaned at the cost and charge of the owner of the property.

SECTION 5 – HINDRANCE OF THE PERSON RESPONSIBLE

Every person who refuses access to any property to the Person Responsible, or hinders him, without legitimate reason, is guilty of an infraction and is liable to the penalty hereinafter provided.

Every person who interrupts, insults, intimidates, threatens, molests or interferes in any manner the Person Responsible in the performance of his duties is guilty of an infraction and is liable to the penalty hereinafter provided.

SECTION 6 – INFRACTIONS

Commits an infraction, every person who:

- A)** Commits or contributes to a nuisance, an inconvenience, a prejudice, an embarrassment or a danger to the public health and safety or diminishes in any manner the quality of life or the well-being of persons or of the environment, including on an aesthetic level.
- B)** Causes or tolerates the presence of Garbage, steel or scrap metal, foul or nauseating matter on a public or private property.
- C)** Stores household appliances or furniture on a property, outside of a building.
- D)** Fails to maintain or tolerates that a property is not maintained in good condition or that, by his action or omission, repairs need to be done to a property.
- E)** Accumulates building material waste without using appropriate container on a construction site either during or after work has been performed.
- F)** Keeps on a property a Motor Vehicle, trailer or semi-trailer unfit for use on a public road, unless for those properties who have been issued a permit authorising the exploitation of a scrap yard or a wrecking yard. However, two Motor Vehicles of the same make and model can be kept on a property for the purpose of salvaging parts as long as a corresponding functional Motor Vehicle is registered under the name of the owner or occupant of said property.
- G)** Causes or tolerates conditions on a property promoting the presence or proliferation of wild animals, rodents or vermin.
- H)** Demolishes a building without properly securing the surrounding area, without levelling the surrounding ground or clearing the property of the debris and Garbage.
- I)** Stores more than eight tires, whatever their condition, outside of a building unless the property is used as an agricultural operation or as an authorised collection and recycling point for tires.
- J)** Tolerates the existence on a property in a Built-Up Area of any bushes, shrubs, trees, plants or parts thereof which are harmful or nauseous.
- K)** Keeps, on a property in a Built-Up Area, piles of earth, sand, stones or boulders.
- L)** Defaces private or public property or damages or modifies signs or any other object located on public property.
- M)** Burns toxic materials such as tires, fuel, gas, oil and plastics in an appliance not specifically intended for such purpose.
- N)** Uses a lighting system projecting a light beam outside his property.

SECTION 7 – PENALTIES

Any person who commits an infraction is liable to a fine. In the event of a first infraction, if the offender is a natural person, the fine shall not be less than \$50 and not exceed \$500. In the case of a second or subsequent infraction, the fine shall not be less than \$150 nor exceed \$1,000.

In the event of a first infraction committed by a legal person, the fine shall not be less than \$150 nor exceed \$1,000. In the case of a second or subsequent infraction, the fine shall not be less than \$400 nor exceed \$2,000.

If an infraction continues, such continuation shall constitute a separate offence day by day.

SECTION 8 – ORDER OF COURT

If the owner or occupant of an immovable is convicted of an infraction against the present by-law, a judge, in addition to imposing any other penalty, may order the offender to abate the nuisance within the time the judge prescribes or to have the necessary work carried out to prevent its recurrence. If the person fails to comply within the prescribed time, the nuisance may be abated by the Municipality at the expense of that person.

Prior notice of the application for an order must be given by the prosecutor to the person, who could be compelled, under such an order, to abate the nuisance, except if the parties are in the presence of the judge.

SECTION 9 – COMING INTO FORCE

This by-law shall come into force according to law.