



MUNICIPALITY OF KAZABAZUA

BY-LAW NUMBER: SQ 2017-003

Notice of motion: February 7, 2017
Adopted: March 7, 2017
Publication and Entry into force: March 9, 2017

**CANADA
PROVINCE OF QUEBEC
MUNICIPALITY OF KAZABAZUA**

**BY-LAW CONCERNING NUISANCES
APPLICABLE BY THE SURETÉ DU QUEBEC**

WHEREAS the Council wishes to adopt a By-law concerning nuisances;

WHEREAS a copy of By-law 2017-003 was given to the members of the council no later than 2 legal days before the regular meeting of March 7, 2017, that all the members present declare having read the draft by-law and that they forfeit its reading .

CONSEQUENTLY, IT IS MOVED by Sandra Lacharity, **SECONDED** by Tanya Gabie and resolved at the majority

THAT: This by-law be adopted.

ARTICLE 1 The Preamble shall form an integral part of this by-law.

ARTICLE 2 For the purpose of these by-laws, the following expressions and words mean:

« **PUBLIC PLACE** » means parks, streets, beaches, wharves, public transportation vehicles, public areas, publicly accessible areas or places.

« **PARKS** » means the parks within the territory of the municipality that are under its jurisdiction and includes all public spaces, grassed or not, where the public has access for rest, relaxation, play or sport or for any other purpose Other similar purpose.

« **STREETS** » means streets, roads, alleys, bicycle paths and sidewalks and other public and private places dedicated to pedestrian traffic or vehicles located within the territory of the municipality.

« **PUBLIC AREAS** » means the parking areas maintained by the municipality, the common areas of a business, a public building or a residential building.

« **AREAS OR PLACES ACCESSIBLE TO THE PUBLIC** » Areas or places accessible to the public, such as church, fabrique lot, cemetery, shopping center, sports complex, cultural complex, tourist site, camping operated by SÉPAQ and others Areas or places accessible to the public.

ARTICLE 3 « **NOISE / GENERAL** » It is a nuisance and is prohibited to make, provoke or incite to do in any way, noise likely to disturb the peace and well-being of the neighborhood, or perceptible At the border of the property.

ARTICLE 4 « **WORK** » It is a nuisance and is prohibited to cause noise likely to disturb the peace and well-being of the neighborhood by carrying out construction, demolition or repair work between 10 pm and 7 am. A building or a vehicle, except in the case of emergency work to safeguard the safety of premises or persons.

ARTICLE 5 « **SHOW / MUSIC** » It is a nuisance and it is prohibited to issue or allow the production of a show or the dissemination of music, likely to disturb the peace and well-being of the neighborhood, or perceptible to the limit of the property.

This provision does not apply where a written consent of the municipality has been given by a designated municipal officer.

- ARTICLE 6** « **SOUND / PRODUCTION OF SOUND** » It is a nuisance and is prohibited, as owner, tenant or occupant of a building, to use a radio, a stereo, an amplifier, A musical instrument, or any other apparatus used to produce sounds, in such a way as to disturb the peace and well-being of the neighborhood.
- ARTICLE 7** « **SOUND / PUBLIC PLACE** » It is a nuisance and is prohibited to anyone in a public place to make or tolerate excessive noise by singing, shouting, or using a radio, A stereo, an amplifier, a musical instrument, or any other apparatus used to produce sounds, so as to disturb the peace and well-being of the neighborhood.
- ARTICLE 8** « **LOUDSPEAKER / AMPLIFIER** » It is a nuisance and is prohibited for a person to allow the sound produced by a loudspeaker, amplifier or other transmitting equipment connected to a radio or Other instrument of the same kind producing sounds, in or on a wall, door or window of a building, vehicle or boat, to a public place or private property so as to disturb the peace and well- Being of the neighborhood.
- ARTICLE 9** « **VEHICLE ALARM** » It is a nuisance and it is prohibited for an owner of a vehicle or the person in charge of the vehicle to leave an alarm of the vehicle activated or to allow the alarm of his vehicle to be activated, except in case of 'emergency. Where ownership of the vehicle is made, the owner is presumed to have committed the offense.
- ARTICLE 10** « **STATIONARY VEHICLE / STATIONARY ENGINE** » It is a nuisance and is prohibited to operate the engine of a stationary vehicle or a stationary engine so as to cause a noise in such a way as to disturb the peace and well-being of the neighborhood , Between 10 pm and 7 am. Where ownership of the vehicle is made, the owner is presumed to have committed the offense.
- ARTICLE 11** « **EXPLOSIVE** » Is a nuisance and is prohibited the use of firecrackers, chemical irritants or other explosives in a public place.
- ARTICLE 12** « **FIREARMS** » It is a nuisance and is prohibited to use a firearm, an airgun, a compressed air gun used for recreational purposes such as « paint- Ball » of an arc, a crossbow:
- a) within 100 meters of any house, building or structure;
 - b) from a public road and a width of ten (10) meters on each side of the right-of-way;
 - (c) from a pasture in which farm animals are or may be found without the permission of the owner.
- ARTICLE 13** « **LIGHT** » It is a nuisance and is prohibited to project a light outside the ground from which it originates if it is likely to cause a danger to the public or inconvenience to any citizen, or neighbor whatever Be it.
- ARTICLE 14** « **WASTE** » It is a nuisance and is prohibited to throw or store in a public or private place, any waste, material, substance or animal species. Where the ownership of the land where the waste is proved, the owner is presumed to have committed the offense.
- ARTICLE 15** « **SNOW OR ICE DEPOSIT** » It is a nuisance and is prohibited to dump or permit the discharge of snow or ice in a public place.
- ARTICLE 16** « **RIGHT OF INSPECTION** » The municipal council authorizes the officers of the municipality, any employee appointed by the council and the peace officers to visit and examine between 7 am

and 7 pm or beyond Reasonable cause, any movable or immovable property and the exterior or interior of any house, building or building, to determine whether the by-laws are executed therein and so any owner, lessee or occupant of such houses, buildings or buildings Shall receive such persons and answer all questions put to them in connection with the enforcement of these by-laws.

PENAL PROVISION

ARTICLE 17 « **APPLICATION** » The person responsible for the application of this by-law is any officer or municipal employee appointed by the council.

The council also authorizes all peace officers of the Sûreté du Québec to institute criminal proceedings against any offender and to issue statements of offense for any contravention of any of the provisions of this by-law.

ARTICLE 18 « **PENALTY** » Any person who contravenes a provision of this by-law is guilty of an offense and is liable to the following fines:

A person who commits a first offense is liable to a fine of not less than two hundred dollars (\$ 200.00) and not more than five hundred dollars (\$ 500.00) in the case of a natural person, And not less than three hundred dollars (\$ 300.00) and not more than one thousand dollars (\$ 1,000.00) in the case of a legal person.

A person who commits a second offense under the same provision within a period of two (2) years of the first offense is liable to a fine of not less than four hundred dollars (\$ 400.00) and not more than one thousand dollars In the case of a natural person, not less than five hundred dollars (\$ 500.00) and not more than one thousand five hundred dollars (\$ 1,500.00) if Is a legal person.

A person who commits a third offense within two (2) years of the first offense is liable to a fine of not less than five hundred dollars (\$ 500.00) and not more than one thousand two hundred dollars (\$ 1,200.00) in the case of a natural person, and not less than one thousand dollars (\$ 1,000.00) and not more than two thousand dollars (\$ 2,000.00) if Is a legal person.

ARTICLE 19 « **ABROGATION** » This by-law repeals and replaces in its entirety and for any purpose that By-Law 2011-003 as well as any previous municipal by-law incompatible with the provisions of this by-law.

This abrogation shall not be construed as affecting any matter or thing done or to be done under the by-law so repealed. Any offense or prosecution under the repealed By-law or any By-Law referred to therein may be continued in the manner prescribed in those by-laws.

ARTICLE 20 « **ENTRY INTO FORCE** » This by-law shall come into force in accordance with the law.

Pamela Lachapelle registers her dissidence.



Mayor

Secretary-treasurer

