



PROVINCE OF QUEBEC
TOWN OF BAIE-D'URFÉ

BY-LAW NO. 969

BY-LAW CONCERNING NUISANCES WITHIN THE LIMITS OF THE MUNICIPALITY

969	Notice of motion: May 11 th , 1993 Adoption of by-law: June 8 th , 1993 Coming into force: June 23 rd , 1993
969-1	Notice of motion: March 10 th , 1998 Adoption of by-law: April 14 th , 1998 Coming into force: June 23 rd , 1998
969-2	Adoption of by-law: March 2 nd , 2004 (<i>borough Beaconsfield-Baie-D'Urfé</i>)
969-3	Adoption of by-law: August 3 rd , 2004 (<i>borough Beaconsfield-Baie-D'Urfé</i>)
969-4	Adoption of by-law: September 7 th , 2004 (<i>borough Beaconsfield-Baie-D'Urfé</i>)
969-5	Notice of motion: November 28 th , 2006 Adoption of by-law: December 12 th , 2006 Coming into force: December 20 th , 2006
969-6	Notice of motion: July 8 th , 2008 Adoption of by-law: August 12 th , 2008 Coming into force: August 27 th , 2008
969-7	Notice of motion: April 14 th , 2009 Adoption of by-law: May 12 th , 2009 Coming into force: May 20 th , 2009
969-8	Notice of motion: December 9 th , 2014 Adoption of by-law: January 13 th , 2015 Coming into force: January 21 st , 2015
969-9	Notice of motion: September 8 th , 2015 Adoption of by-law: October 13 th , 2015 Coming into force: October 21 st , 2015
969-10	Notice of motion: January 12 th , 2016 Adoption of by-law: February 9 th , 2016 Coming into force: February 24 th , 2016
969-11	Notice of motion: July 11, 2017 Adoption of By-law: December 12, 2017 Coming into force: December 20, 2017

A. DEFINITIONS

SECTION 1

In and for the purpose of this by-law, the following words shall mean:

Immoveable property: Land situated in the Town, including any buildings, structures or constructions erected thereon;

Info-Smog: a daily air-quality forecast and smog warning service for southern Quebec produced by Environment Canada in partnership with the Ministère du Développement durable, de l'Environnement et des Parcs (MDDEP), the Ministère de la Santé et des Services sociaux du Québec and its regional public health officials, and the City of Montreal.

(Amended by 969-10)

Motor vehicle: Any vehicle within the meaning of the Highway Safety Code of Quebec;

Person: any individual, corporation or partnership;

Public property: any street, sidewalk, place, grounds, lane, alley, pathway, driveway, park, waterway, pond, wading pool, swimming pool, building or other property owned by the Town;

Town: Town of Baie d'Urfé.

B. NOISE NUISANCES

SECTION 2

No person shall be present in any public park of the Town before 6:00 a.m. or after 11:00 p.m. without having previously obtained the written authorization of the Town.

SECTION 3

No person shall consume any alcoholic beverages in or on any public property within the Town, without having previously obtained the written authorization of the Town.

SECTION 4

No person shall perform any landscaping, construction, repair, modification, renovation or demolition work in the Town before 7:00 a.m. or after 8:00 p.m., Monday to Saturday, and all day on Sunday or any statutory or public holiday except for emergency situations.

The following are the permitted hours of operation for lawn mowers and other equipment:

Opérateur / Operator	Type d'équipement / Equipment type		
	Tondeuse à gazon, coupe-herbe, taille-haie ou autre dispositif similaire / Lawn mower, grass trimmer, hedge trimmer or other similar device		Scie à chaîne ou souffleuse à feuilles ¹ / Chain saw or leaf blower ¹
Entrepreneurs / Commercial contractors	Lundi – vendredi / Monday - Friday	7 h à 20 h 7:00 a.m. to 8:00 p.m.	7 h à 20 h 7:00 a.m. to 8:00 p.m.
	Samedi / Saturday	10 h à 16 h 10:00 a.m. to 4:00 p.m.	10 h à 16 h 10:00 a.m. to 4:00 p.m.
	Dimanche / Sunday	Interdit / Prohibited	Interdit / Prohibited
	Jour férié / Statutory or legal holiday	Interdit / Prohibited	Interdit / Prohibited
Toute autre personne/ Any other person	Lundi – vendredi / Monday - Friday	7 h à 20 h 7:00 a.m. to 8:00 p.m.	7 h à 20 h 7:00 a.m. to 8:00 p.m.
	Samedi / Saturday	7 h à 18 h 7:00 a.m. to 6:00 p.m.	10 h à 16 h 10:00 a.m. to 4:00 p.m.
	Dimanche / Sunday	10 h à 16 h 10:00 a.m. to 4:00 p.m.	Interdit / Prohibited
	Jour férié / Statutory or legal holiday	10 h à 16 h 10:00 a.m. to 4:00 p.m.	Interdit / Prohibited

¹ Souffleuse à feuilles tel que définie à l'article 4.1 du règlement /
Leaf blowers as defined in section 4.1 of the by-law

(Amended by 969-1, 969-2, 969-5, 969-8, 969-11).

SECTION 4.1: LEAF BLOWERS

Within the permitted usage periods provided in section 28, it is prohibited to use or operate, or cause to be used or operated, a leaf blower unless said leaf blower bears a clearly visible manufacturer's decal or label certifying that it meets the Category 1 – dBA ±65 (measured at 50 feet (15.24 m)) equipment standard set out in ANSI B175.2-2000.

A leaf blower shall be properly maintained to respect this standard at all times when being used. Notwithstanding the above, a person has until (*insert a date*) to comply with the norms of this section.

(Amended by 969-11)

SECTION 5

No person shall use any trumpet, horn, siren, rattle, whistle or other sound-making device in the Town for the purpose of calling attention to any business, show or performance without having previously obtained the written authorization of the Town.

SECTION 6

In that part of Baie d'Urfé south of highway 20, no person shall make or allow to be made noise from a heat pump, heating equipment, air conditioning or ventilating equipment, swimming pool filtration or pumping systems or other similar apparatus exceeding the A-weighted sound level of 48 decibels (48 dBA units) measured at any

point 4.5 meters from the device or at any point on the boundary of the property on which the device is located. The sound level shall be measured with a precision sound meter conforming to the American National Standards Institute specification ANSI S1.4-1983 or the International Electrotechnical Commission standard IEC 61672:1999 and set to slow response. **(Amended by 969-5).**

SECTION 7

No person shall use or allow to be used any sound-producing instrument or medium in such a way as to disturb the peace and tranquility of the neighbourhood. **(Amended by 969-8).**

SECTION 8

No person shall promote, cause, encourage, participate in, or attend any noisy gathering, affray, disturbance, disorderly assembly or violent or depraving exhibition within the Town.

SECTION 9

No person shall, within the Town, disturb or interfere with any legitimate public gathering in any manner whatsoever including and without limiting the generality of the foregoing, by making noise, whistling, shouting or by engaging in loud or indecent behavior.

SECTION 10

No person shall, within the Town, cause any disturbance or noise in or near any public property or trouble the peace and tranquility of other persons by disorderly shouting or signing, or by swearing, or by using insulting language.

SECTION 11

No person shall, within the Town, operate any motor vehicle or motorized equipment without a muffler or other noise reducing device in good working order.

C. HEALTH NUISANCES

SECTION 12

No person shall keep any farm or other non-domestic animals in the Town.

SECTION 13

No person shall throw, deposit, discharge or place any noxious or unsightly thing or matter, including any carcass, offal, garbage, rubbish, ashes, dirt, waste, tar, swill, refuse or other similar matters in any stream, ditch or other private or public property within the Town, including Lake St. Louis.

SECTION 14

No person shall discharge water containing any visible solids into any storm sewer or any drainage ditch within the Town.

SECTION 14.1

The use of a solid-fuel-burning heating device is prohibited when a smog warning issued by Info-Smog is in effect for the Montreal region, except when an electrical power outage affecting the Town has lasted for three hours or more.

(Amended by 969-10)

D. SAFETY NUISANCES

SECTION 15

No person shall circulate in or on a motor vehicle within the Town elsewhere than on a public street, except on private driveways or on places designed for parking, but only to enter or to leave same.

SECTION 16

No person shall walk, run or race on any public property in a manner that could create any danger, discomfort, disturbance or confusion.

SECTION 17

No person shall carry any gun, pistol or other firearm within the Town unless the weapon is unloaded, placed in a carrying case and unless such person is authorized to carry such gun, pistol or other firearm under any applicable provincial or federal legislation or regulation.

SECTION 18

No person shall throw any missile, discharge any gun, pistol or other firearm or use a bow and arrow, sling, catapult, peashooter or air gun within the Town, except in a duly authorized area designated by the Town or under any applicable provincial or federal legislation or regulation.

SECTION 19

No person shall throw or deposit snow or ice within three (3) meters of a Town's fire hydrant or in a manner that could prevent vehicular access between public streets and private or public driveways within the Town, or in a manner that could disturb or inconvenience any neighbour, except in the process of snow clearing by employees of the Town or contractors employed by the Town.

SECTION 20

No person within the Town shall place, allow to be placed or allow to remain any obstruction on pathways.

SECTION 21

No person shall use or place stones or other similar devices as markers on the road allowance of any property within the Town.

SECTION 21.1

No person shall allow that play equipment, such as basketball hoops installed on posts (whether permanently or not), be placed on public property located between the edge of the pavement and the private property line. **(Amended by 969-3).**

E. PERSONAL CONDUCT NUISANCES

SECTION 22

No person shall loiter in front of any shop, doorway or residence within the Town, or refuse to move with reasonable expedition when ordered to do so by any police officer.

SECTION 23

No person shall beg, solicit or importune within the Town.

SECTION 24

No person shall organize, lead or take part in a parade or procession on any public property within the Town without having previously obtained the written authorization of the Town.

SECTION 25

No person shall defile, pollute or alter the quality of or do anything that could defile, pollute or alter the quality of any public or private pond, wading pool, swimming pool or other body of water in the Town.

F. ADVERTISING AND NOTICES

SECTION 26

No person shall sell, canvass or auction any article or merchandise or solicit funds for any purpose, door-to-door or in or on any public property within the Town without having previously obtained the written authorization of the Town.

SECTION 27

No person shall use or place a flag, placard, banner or sign across, above, in or on any public property within the Town without having previously obtained the written authorization of the Town.

G. PUBLIC AND PRIVATE PROPERTY NUISANCES

SECTION 28

No builder, contractor, owner, lessee or occupant of any immovable property, and no employee of any of them, shall allow any waste material, rubbish, wrapping paper, bag or container of any kind to remain on or about the premises or to be blown or to be removed there from onto any private or public property within the Town.

SECTION 29

No person shall throw, drop, dump, deposit or leave any grass cuttings, leaves, branches, snow, ice, building materials, stone, brick, paper or other discarded material or similar matters in or on Lake St. Louis, any stream, ditch, vacant lot or public property within the Town.

SECTION 30

No owner or lessee of a vacant or uninhabited immovable property shall leave upon such property one or more unlicensed motor vehicles, trailers or other equipment that are in such a condition that they cannot be used or driven, or which have not been used for a period of at least two years.

SECTION 31

No person shall plant any shrub, tree or flower on public property without having previously obtained the written authorization of the Town.

SECTION 32

No person shall hold any circus, theatrical representation or show within the Town outside a building without having previously obtained the written authorization of the Town.

SECTION 33

No person shall allow weeds to grow on a vacant or uninhabited immovable property within the Town.

SECTION 33.1

No owner, administrator, occupant or tenant of an immovable may tolerate or let subsist on his property graffiti or marks. **(Amended by 969-3, 969-4, 969-6, 969-8).**

SECTION 33.2

When a nuisance described in the preceding paragraph is established, the Town or one of its representatives may advise, in writing, the owner, administrator, tenant or occupant of the property on which such nuisance exist, to take the necessary measures to eliminate such nuisance within the delay allotted in said notice which may not exceed ten (10) days. **(Amended by 969-3, 969-4, 969-8).**

SECTION 33.3

If the owner, administrator, tenant or occupant of the property refuses or neglects to conform to the notice referred to in article 33.2, the authority in charge of the application of the present by-law may, the day after the expiry of the date indicated in the notice, have the public works proceed with the removal of the nuisance and this, at the entire cost of the owner in default. The person in default is also liable to the fine and costs referred to in article 37. **(Amended by 969-3, 969-4).**

SECTION 33.4

The transportation and possession of material for the purpose of creating graffiti is prohibited. **(Amended by 969-8).**

SECTION 33.5

It shall be prohibited to gain access to the fenced area of any Town property outside of opening hours. **(Amended by 969-9).**

H. DAMAGES TO PUBLIC PROPERTY

SECTION 34

No person shall climb upon, remove, pick, prune, plant, cut, destroy, break or otherwise injure or cause damage to any tree, shrub, bush, flower, tree guard or tree support on any public property.

SECTION 35

No person shall attach any guy rope, cable, wire or fixture to any tree, shrub, bush, flower, tree guard or tree support on any public property.

SECTION 36

No person shall break, alter, remove, damage or relocate any sign, traffic signal, fence or barricade installed on any public property.

I. PENALTIES

SECTION 37

Without prejudice to other recourses of the Town, anyone contravening a provision of this by-law, or tolerating or permitting such a contravention, commits an infraction and is liable to the fine set out in the following table depending on the class of offence.

Class of Offense	Offences in this class by article number	Minimum Fine	Maximum Fine
A	15, 17, 18	\$500	\$1 000
B	4, 6, 8, 13, 14, 14.1, 19, 29, 30, 33.4, 36	\$200	\$400
C	2, 3, 5, 7, 9, 10, 11, 12, 16, 20, 21, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 33.1, 33.5, 34, 35	\$100	\$200

(Amended by 969-7, 969-8, 969-9, 969-10).

SECTION 38

In addition to penal recourse, the Town can take legal action before the appropriate court of justice to obtain compliance to the present by-law.

SECTION 39

The Town may take other action or cause other actions to be taken according to specific provisions of the by-law.

SECTION 40

If an offence continues for more than one day, it constitutes a separate offence for each day during which it continues.

SECTION 41

Where, in the opinion of a duly authorized representative of the Town, an offence has been, is being or will be committed, such representative, without prejudice to any other recourses provided by the present by-law, may give a written notice to the person responsible for committing the offence, the owner, the lessee or the occupant of the property or lots on which the offence has been, is or will be committed. Such notice will describe the offence and request the offender, owner, lessee or occupant to eliminate the nuisance no later than twenty-four (24) hours following the receipt of the written notice.

SECTION 42

If any part of the present by-law was declared illegal and of no effect by a court of justice, such decision would not affect the other parts of the by-law; Council hereby declares that it adopts this by-law part by part, notwithstanding the fact that one or more parts could be declared illegal and of no effect by a court of justice.

SECTION 43

The present by-law applies to any person or party within the Town and to the entire Town.

J. INTERPRETATION

SECTION 44

- a) Whatever the tense used in any provision of the present by-law, such provision shall be considered in force at all times and in all circumstances possible.
- b) In the present by-law, the singular extends to all persons or things of the same kind, whenever the context lends itself to that extension.
- c) In case of conflict between the French and English versions of the present by-law, the French version shall prevail.
- d) The infringement of any of the provisions of this by-law constitutes a nuisance.

SECTION 45

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