

CANADA
PROVINCE OF QUEBEC
MUNICIPALITY OF LITCHFIELD

BY-LAW S.Q 2023-03

CONCERNING NUISANCES ENFORCEABLE BY THE SURETÉ DU QUÉBEC

WHEREAS under section 59 of the *Municipal Powers Act* (Q.R.S., chapter C- 47, 1), any local municipality may adopt by-laws relating to nuisances;

WHEREAS the municipality has received a request from the RCM of Pontiac asking it to update its by-laws in general;

WHEREAS a regular notice of motion was given on July 10, 2023;

CONSEQUENTLY, it is moved by Terry Racine that this by-law repeals and replaces all previous By-Laws relating to nuisances, as enforceable by the *Sureté du Québec*.

AND IT IS ALSO RESOLVED that this by-law be adopted:

"Preamble"	SECTION 1	The preamble forms an integral part of this by-law.
"Definition"	SECTION 2	For the purposes of this by-law, the term "waste" means: any abandoned, unusable, obsolete or deteriorated movable property or scrap of any kind and, without restricting the generality of the foregoing, any carcass of vehicles, residue of a production, transformation or use process, substance, material or product.
"Noise/general"	SECTION 3	It is a prohibited nuisance to provoke or incite in any way whatsoever, noise that is likely to disturb the peace and well-being of the neighborhood, or likely to be heard at the limits of the property.
"Works"	SECTION 4	It is a prohibited nuisance to cause noise that is likely to disturb the peace and well-being of the neighborhood by performing construction work, demolition or repairs to a building or vehicle, between 10:00 p.m. and 7:00 a.m., except in the case of emergency work intended for the safety of people or the premises.
"Show/music"	SECTION 5	It is a nuisance and prohibited to emit or permit the production of shows or the broadcasting of music, the sounds of which may be heard beyond the area from which the noise originates, except when and where authorized by the municipality by resolution or special permit.
"Fireworks"	SECTION 6	It is a prohibited nuisance to use firecrackers or fireworks or to allow their use.

The municipality or one of its representatives may issue a permit authorizing the use of fireworks.

"Firearms"	SECTION 7	<p>It is a prohibited nuisance to walk with, make use of or discharge a firearm, a compressed air or gas weapon, a spring weapon, a bow or a crossbow, a slingshot, a pea-shooter or any other device, instrument or system designed to launch projectiles:</p> <ul style="list-style-type: none"> a) at a distance of less than thirty (30) meters from any house, building or structure, without a reasonable excuse; b) from a public road as well as on a width of ten (10) meters on each exterior side of a right-of-way, without a reasonable excuse; c) from a fenced pasture in which are found farm animals; d) from a private property, without having first obtained permission from the owner, the owner's representative or the premises' occupant.
"Light"	SECTION 8	<p>It is a prohibited nuisance to project light outside the place of origin if it is likely to cause a danger for the public or an inconvenience to citizens.</p>
"Fire"	SECTION 9	<p>It is a prohibited nuisance to ignite a fire or maintain a fire ignited on a private property without a permit, except in the case of wood fires ignited in specially designed fireplaces.</p> <p>A compliant fireplace is one constructed of non-combustible materials and fitted with a screen or spark arrestor cover with openings no larger than 1 cm in diameter.</p> <p>The municipality or one of its representatives may issue a permit authorizing a fire for a specific event, subject to the following conditions:</p> <ul style="list-style-type: none"> a) The applicant undertakes to ensure constant supervision of premises by a responsible major person. b) A safety area as decided by the municipality must be established by the applicant, so that neighbouring areas and the general public are protected. c) The applicant undertakes to respect all applicable safety standards. d) The applicant shall ensure that an extinguishing product or agent is present, and in sufficient quantity. e) The applicant shall demonstrate that he or she possesses the appropriate public liability insurance. f) No open fire ban by the proper authorities shall be in force.
"Presence prohibited"	SECTION 10	<p>It is considered a prohibited nuisance for anyone to enter or to stay on a property, land or lot, building, yard, school or church yard, garden, shed, garage, depot or private lane, without the express consent of the owner, the owner's representative or the premises' occupant, and without a reasonable motive.</p>

It is also considered a prohibited nuisance for anyone to remain on a private property after being asked to leave by the owner, the owner's representative, or the premises' occupant, without a reasonable motive.

"Waste/objects"	SECTION 11	It is a nuisance and prohibited to leave, deposit or throw waste or any other residual material on public or private property.
"Right of inspection"	SECTION 12	Council authorizes officials of the municipality (inspectors) to visit and examine any movable or immovable property, between 7:00 a.m. and 7:00 p.m., as well as the exterior or interior of any house, building or structure, to discover whether by-laws are executed therein, and thus all owners, tenants or occupants of such houses, buildings and structures must receive these persons.
"Application"	SECTION 13	<p>The person responsible for the application of this by-law shall be any official or municipal employee appointed by Council.</p> <p>Council also authorizes all peace agents of the <i>Sûreté du Québec</i> to undertake criminal proceedings against any contravener, and to issue statements of violation for any offence to one of the provisions of this by-law.</p>
"Other remedies by the Municipality"	SECTION 14	Notwithstanding any criminal prosecution, the Municipality may pursue any other remedy necessary to enforce the provisions of this by-law.
"Penalty"	SECTION 15	<p>Whoever contravenes a provision of this by-law, with the exception of section 7, commits an offence and is liable to a fine of two hundred and fifty dollars (\$ 250.00) in the case of a natural person, and five hundred dollars (\$ 500.00) in the case of a legal entity, for a first infraction; the fine is five hundred dollars (\$ 500.00) in the case of a natural person, and one thousand dollars (\$ 1000.00) in the case of a legal entity, for any repeat offence during the following year; in each case, legal expenses shall be additional.</p> <p>Whoever contravenes section 7 of this by-law commits an offence and is liable to a fine of five hundred dollars (\$500.00), plus expenses.</p>
"Abrogation"	SECTION 16	This by-law abrogates all previous municipal by-laws, including By-Law 2011-03 which are incompatible with its provisions.
"Coming into force"	SECTION 17	This by-law shall come into force according to law.

Adopted by the Municipal Council during a meeting held on August 8, 2023 and signed by the Mayor and the Secretary-Treasurer.

Mayor, Colleen Lariviere

Julie Bertrand, Director General