

**BY-LAW REGARDING NUISANCES – 2010-001**

*En cas de divergence, le règlement français a préséance sur le texte anglais / In case of discrepancy, the French by-law prevails over the English translation*

WHEREAS any local municipality may adopt by-laws regarding nuisances;

WHEREAS a notice of motion for such a by-law was previously given;  
CONSEQUENTLY,

It is proposed by : Madam councillor Louise Royer  
seconded by : Mister councillor Steve Shaw  
and resolved that the following by-law be adopted :

**ARTICLE 1.**

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

**DEFINITIONS**

**ARTICLE 2.**

For the interpretation of this by-law, the following words and expressions mean:

- «wild animal» : Animals which, usually or in their natural state live in the woods, in the deserts or in the forests; includes among others the animals mentioned in Annex A;
- «public property» : all the lakes and any public access road, park or building owned and maintained by the municipality which are generally accessible by the public;
- «pet owner» : any individual who owns, shelters, feeds, walks or acts as the master of the animal, or is its owner;
- «public road»: any road, path, street, alley, public square, bridge, pedestrian or bicycle path, sidewalk or any other thoroughfare which is not private as well as any work or installations, including a ditch used for their management, operation or maintenance.

**UNHEALTHY AND HARMFUL MATTERS**

**ARTICLE 3.**

Leaving, putting or throwing dirty or stagnant waters, trash, manure, dead animals, faecal matters and other unhealthy or harmful matters on or inside a building is prohibited.

**ARTICLE 4.**

Leaving, putting or throwing demolition debris, scrap, garbage, paper, empty bottles, glass or foul-smelling substances on or inside a building is prohibited.

## **ARTICLE 5.**

The installation of equipment to prevent ice formation during the winter season on Lake Tremblant, Lake Bibitte and Lake Gervais is prohibited.

However and notwithstanding the above paragraph, a device to prevent ice formation on a lake during the winter season can be installed providing that a permit has previously been issued by the municipal inspector and that all the following conditions are met:

1. Such a device can only be installed under a boathouse or a wharf and strictly for the purpose of preventing ice formation under the boathouse or the wharf only, that might damage the structure.
2. The owner must install and anchor a partition around his boathouse or his wharf which must not exceed the horizontal projection of the exterior walls of the boathouse or of the wharf sides.
3. That partition must be affixed on the periphery of the boathouse or of the wharf in such a way as to allow normal ice formation outside the partition and water circulation under the partition.
4. Any water surface left unfrozen by this device must be covered by the wharf or the boathouse and so that it is inaccessible by any individual.

## **ARTICLE 6.**

The request of a permit in pursuance of the preceding article must be submitted in writing on the designated form and must include a \$50.00 fee. The duration of the permit cannot exceed twelve (12) months.

## **NUISANCES ON PUBLIC PLACES**

### **ARTICLE 7.**

The owner, tenant or occupant of a property whose vehicles exit with tires, mudguards, body or cargo box that are soiled or loaded with earth, mud, clay, stone or any other substance which may fall must take appropriate measures:

1. to remove from tires, mudguards, body or exterior of the cargo box of any vehicle, any dirt, sand, mud, stone, clay or any other substance which may fall onto the public road;
2. to block access to the public road from a property, to any vehicle whose operations described in the previous paragraph have not been done.

### **ARTICLE 8.**

To soil public property by putting or spreading any earth, sand, mud, stones, clay, garbage or refuse, dirty water or snow, paper, grease, oil or any other object or substances is prohibited.

### **ARTICLE 9.**

Anyone who soils public property must clean it in order to render the public property in the same state it was in before becoming soiled; any such person must begin this process within one hour following the event and must continue cleaning without any interruptions until it is to the municipal inspector's satisfaction.

Should the cleaning necessitate an interruption or the diverting of the traffic, the person responsible for doing this must beforehand, obtain the municipal inspector's authorisation.

**ARTICLE 10.**

Anyone who contravenes to one of the obligations stipulated in the first paragraph of the preceding article, other than penalties stipulated in the present by-law, becomes responsible to the Municipality for the costs of the cleaning that needs to be done.

**ARTICLE 11.**

Throwing or putting snow or ice from one property onto a public property is prohibited.

**ODOURS, NOISE AND ORDER**

**ARTICLE 12.**

The emission of foul odours caused by the direct or indirect use of any product, substance, object or trash, susceptible of disrupting the comfort and well-being of citizens or of inconveniencing the neighbouring properties is prohibited.

**ARTICLE 13.**

To make, provoke or encourage in any way, noise that is susceptible of disturbing the peace, the tranquillity, the comfort, the repose and the well-being of citizens or in any way prevent the peacefulness of the neighbouring properties is prohibited.

The present article constitutes a general offence and is distinct from the ones outlined in articles 14 and 15.

**ARTICLE 14.**

Any noise between 10:00 p.m. and 07:00 a.m. the next day, of an intensity of 40 decibels or more, emanating from the public property or measured at the property line from which it comes from, is prohibited.

**ARTICLE 15.**

Any noise between 07:00 a.m. and 10:00 p.m., of an intensity of 60 decibels or more, emanating from the public property or measured at the property line from which it comes from, is prohibited.

**ARTICLE 16.**

No one may install or have installed, use or let someone use loud speakers or an amplifier outside of a building if the resulting noise produced by such speakers or amplifier is susceptible of disturbing the peace, the tranquillity, the comfort, the repose and the well-being of citizens or in any way prevent the peacefulness of the neighbouring properties.

**ARTICLE 17.**

No one may use or let someone use loud speakers or an amplifier inside of a building if the resulting sound is projected outside of the building and the resulting noise produced by the loud speakers or amplifier is susceptible of disturbing the peace, the tranquillity, the comfort, the repose and the well-being of citizens or in any way prevent the peacefulness of the neighbouring properties.

**ARTICLE 18.**

The use of a lawnmower or a chainsaw between 09:00 p.m. and 07:00 a.m. the next day is prohibited.

**ARTICLE 19.**

The use of a radio controlled or fuel operated miniature automobile within 500 meters of a residence is prohibited.

**ANIMALS**

**ARTICLE 20.**

Dog barking and howling susceptible of disturbing the peace and well-being of citizens is prohibited.

**ARTICLE 21.**

Keeping any wild animal is prohibited.

**ARTICLE 22.**

Keeping the following dogs is prohibited:

- 1° Any dog having an aggressive behaviour or carrying rabies;
- 2° Any dog prone to attack or having been trained to attack an individual or an animal, on command or signal;
- 3° Any bull-terrier, Staffordshire bull-terrier, American bull-terrier or American Staffordshire terrier dog breed;
- 4° Any mixed-breed dog issued from the interbreeding of one of the above mentioned breeds and a dog of a different breed;
- 5° Any cross-breed dog having the same inherent characteristics as outlined in paragraph 3 of the present article.

**ARTICLE 23.**

A maximum of three animals, not prohibited in the present by-law, may be kept simultaneously inside or on a property.

**OTHER NUISANCES**

**ARTICLE 24.**

The direct projecting of light, outside of a lot from where it comes from, susceptible of causing danger to the public or inconvenience to citizens who are on another lot, is prohibited.

**ADMINISTRATION AND PENALTY**

**ARTICLE 25.**

All the prohibitions provided in the present by-law are deemed to constitute a nuisance.

**ARTICLE 26.**

In general, the municipal council authorizes any peace officer and the municipal inspector to undertake legal proceedings against anyone who contravenes any provision of the present by-law and

generally authorizes the latter to deliver the necessary statements of offence; the municipal inspector is responsible for the application of the present by-law.

#### **ARTICLE 27.**

The person responsible for the application of the present by-law is authorized to visit and examine, between 7:00 a.m. and 7:00 p.m., any movable and immovable property, as well as the interior and exterior of any house, dwelling or building, to establish if the present by-law is being adhered to, and the owner, tenant or occupant of those properties, houses, dwellings and buildings must let that person in and answer all questions asked regarding the application of the present by-law.

#### **ARTICLE 28.**

Whomever contravenes to any provisions of the present by-law commits an offence and is liable to a fine of at least \$200,00 for a first offence if the offender is an individual and of at least \$300,00 for a first offence if the offender is of legal entity; to a fine of at least \$400,00 for a second offence if the offender is an individual and of at least \$600,00 for a second offence if the offender is of legal entity; the maximum fine that can be imposed for a first offence is \$1 000,00 if the offender is an individual and \$2 000,00 if the offender is of legal entity; for a second offence, the maximum fine is \$2 000,00 if the offender is an individual and \$4 000,00 if the offender is of legal entity.

In every case, any legal fees will be added.

Delays in payment of incurred fines and fees pertaining to the present article and any consequences of non-payment of said fines and fees within the specified time limit are established in accordance to the *Code de procédure pénale du Québec* (L.R.Q., c. C-25.1).

If an offence lasts more than one day, the offence committed on each of these days constitutes a distinct infringement and penalties given for each of these infringements may be given for each day of this infringement, in accordance to the present article.

#### **ARTICLE 29.**

The present by-law will enter into effect as per the Law.

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Jean Grégoire  
Mayor

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Martin-Paul Gélinas  
Secretary-treasurer

**Notice of motion :**

**December 29, 2009**

**Adoption:**

**January 23, 2010**

**Publication of post-adoption notice :**

**January 23, 2010**

**Coming into force :**

**January 23, 2010**

## **ANNEX « A »**

### **WILD ANIMALS**

- All marsupials (for example : kangaroo, koala)
- All simians and lemurians : (for example : chimpanzee, etc.)
- All venomous arthropods : (for example : tarantula, scorpion)
- All birds of prey: (for example : falcon)
- All edentate mammals: (for example : tatou)
- All bats
- All ratites : (for example : ostrich)

### **CARNIVORES :**

- All canidae excluding the domestic dog : (for example : wolf)
- All felids excluding the domestic cat : (for example : lynx)
- All mustelidae excluding the domestic ferret : (for example : skunk)
- All ursidae : (for example : bear)
- All hyenidae : (for example : hyena)
- All pinnipedia : (for example : seal)
- All procyonidae : (for example : raccoon)

### **HOOFED ANIMALS :**

- All perissodactyls excluding the domestic horse : (for example : rhinoceros)
- All artiodactyls excluding the domestic goat, sheep, pig and bovine : (for example : buffalo, antelope)
- All proboscidiens : (for example : elephant)

### **REPTILES :**

- All lacertilians : (for example : iguana)
- All ophidians : (for example : royal python, garter snake)
- All crocodylians : (for example : alligator)