

BYLAW # 306
NUISANCE

WHEREAS, Notice of Motion has been duly given at a previous sitting of Council according to the provisions of the Municipal Code;

THEREFORE, it is proposed by Cr. Drummond that By-Law # 306 be adopted as follows; and that By-Law # 194 be repealed;

It is hereby enacted and ordained to further suppress nuisances, in the Municipal Corporation of Bristol, under Article 404 of the Municipal Code and amendment 8;

WHEREAS Council has the right to enact by-laws for the peace, order and good government;

WHEREAS Council has the right to enact by-laws to define what shall constitute a nuisance and to abate the same and to impose fines upon persons who may create, continue or allow nuisances to exist;

WHEREAS in the opinion of Council the existing nuisance by-laws are antiquated and it is in the interest of the municipality and of its citizens that a by-law be enacted for the above-mentioned reasons;

SECTION 1 - DEFINITIONS

In the present by-law, unless the context otherwise specifies, the following expressions shall mean:

- 1.1 **Annoyance:** The psychological state of being irritated or causing slight anger.
- 1.2 **Authorized representative:** Building Inspector & By-Law Enforcement Officer.
- 1.3 **Dilapidated:** In deplorable condition.
- 1.4 **Disorderly:** Undisciplined, unruly or offensive behavior. / Messiness.
- 1.5 **Disturbance:** The psychological state of being unhappy, worried or causing slight anger.
- 1.6 **Excessive:** Beyond normal limits.
- 1.7 **Eyesore:** Something very ugly and offensive.
- 1.8 **Impede:** Block passage through. Obstruct the path.
- 1.9 **Loitering:** Hang about or linger idly with no legal purpose or intent.
- 1.10 **Municipality:** Municipality of Bristol.

- 1.11 **Neighborhood:** People living near one another.
- 1.12 **Neglect:** Lack of attention and due care. Leave something undone.
- 1.13 **Projectile:** Weapon that is thrown or projected.
- 1.14 **Public property:** Streets, alleys, right of ways, parks, beaches, green spaces and other public places, or places the public has access to whether expressly or tacitly.
- 1.15 **Residential concentration:** Increase in density. Properties crowded together.
- 1.16 **Rowdyism:** Rowdy behavior. Roughness.
- 1.17 **Tamed:** Brought from wildness into a domesticated state.
- 1.18 **Trespassing:** Entry to public or private land or property without permission.
- 1.19 **Unsightly:** Unpleasant to look at.
- 1.20 **Zoning by-law:** The *zoning by-law* in force in the Municipality of Bristol at the time of the infraction.
- 1.21 **Motor Vehicle:** Any means of transportation with a combustible or battery powered engine.
- 1.22 **Watercraft:** Boat or other vessel that travels on water.
- 1.23 **Intoxicated:** Under the influence of drugs or alcohol.

SECTION 2 – NOISE

Constitutes a nuisance and is prohibited within the *municipality*:

- 2.1 Making or permitting to be made on private or public property any *disturbance* at any time, in particular between 11:00 p.m. and 7:00 a.m. of such a nature as to disturb the peace and tranquility of the *neighborhood*.
- 2.2 Keeping any animal that howls, cries, or barks in such a manner or at such times as to cause *annoyance* to the occupants of property in close proximity.
- 2.3 Operation of a motorized vehicle or watercraft not equipped with a muffling device that effectively reduces the noise of the motorized vehicle or watercraft.

- 2.4 Operation of a radio or other sound-producing device in a motorized vehicle or watercraft at any time or in any manner or between 11:00 p.m. and 7:00 a.m. for any purpose and loud enough as to cause *annoyance* or *disturbance*.
- 2.5 Use of horn, warning device or unnecessary noises of motorized vehicle or watercraft caused during its operation, except in cases where the use thereof is absolutely necessary.
- 2.6 All acts of *rowdyism*.

SECTION 3 - PUBLIC PEACE AND SAFETY

Constitutes a nuisance and is prohibited within the *municipality*:

- 3.1 Being intoxicated and *disorderly* in public.
- 3.2 Urinating, defecating or spitting in public view on public or private property.
- 3.3 Throwing any stone, snow or ice or other *projectile*, or the use of a bow and arrow, cross bow, slingshot, catapult or peashooter, or carrying or discharging any firearm or air gun with intent to harm or with a destructive purpose.
- 3.5 Begging, *loitering* or wandering on public property or impeding, inconveniencing or annoying any person by standing across any footpath, or by using any insulting or profane language or gesture, or in any other way, or refusing to move on with reasonable expediency when ordered so to do by any *authorized representative* of the *municipality*.
- 3.6 Loitering in front of any shop or doorway or refusing to move on with reasonable expediency when ordered to do so by the property owner or *authorized representative* of the *municipality*.
- 3.7 *Trespassing* on any public or private property.
- 3.8 The positioning of outdoor lighting in such a manner that is an *annoyance* to close proximity property owners or creates a safety hazard.
- 3.9 Careless use of any glass containers on public properties and the use of glass containers where prohibited by posted signs.
- 3.10 To participate in, encourage, or attend any depraved, indecent or sexual act or exhibition on public or private properties in view of the public.
- 3.11 To obstruct, hinder, or interfere with any *authorized municipal representative* in the execution of his or her duty.

- 3.12 To climb, scale or ascend any fixed structure on a public property that is not specifically designed for that purpose.
- 3.13 To disturb, remove or interfere with a barricade or warning device placed in a street or on public property as a warning of danger.

SECTION 4 – CLEANLINESS OF PROPERTY

Constitutes a nuisance and is prohibited within the *municipality*:

- 4.1 Any action or omission on the part of any person, firm, corporation, association, or body which results in the establishing, maintaining or allowing to remain within the *municipality*, any *unsightly* situation which may be commonly termed as an *eyesore* to be *unsightly*, untidy or unsafe.
- 4.2 The presence, on any private properties, of dumping, accumulation or piling up, in *disorderly* or disturbing manner, exposed to the public view, without limiting the generality of the following, any watercrafts, vehicles, scrap, machinery, metals, tires, wood, garbage, tools or other equipment.
- 4.3 The presence of, on any private properties, of branches, brush, rubbish, papers, empty bottles, rotting wood, or garbage.
- 4.4 Throwing on public or private property any rubbish of any kind, including, without limiting the generality of the following, any paper, paper bags, tin cans, bottles, wrappers, cigarette butts or any containers of any nature whatsoever.
- 4.5 The act, by any person as the owner, lessee or occupant of an immovable or any private property, to *neglect* the lawn resulting in grass or weeds in excess of 18” in *residential concentrations*.
- 4.6 Having on any private property, any trees or *dilapidated* buildings which in the opinion of Municipal Council, expressed by resolution, constitute a danger to persons or property.
- 4.7 Attaching or placing upon any part of any building, or upon a wall of an enclosure or fence, anything of an offensive nature.
- 4.8 Placing, dumping or depositing on any public road, any containers, earth, stone, trees and construction materials without a permit, or not signalling or warning of an obstruction appropriately to the *municipality*.

SECTION 5 – CONSTRUCTION & MOTOR VEHICLE REPAIR AND MOTOR USE.

Constitutes a nuisance and is prohibited within the *municipality*:

- 5.1 Any construction, building, repairing or alteration to any building or part of a building or to any motor vehicle, boiler, engine or machinery between 11:00 pm and 7:00 am.
- 5.2 The act, outside of a closed building on any private property situated in a zone other than reserved for the usage “motor vehicle” as described in the *zoning by-law*, by any person, of repairing, maintaining or modifying, a road vehicle, except if it is a passenger vehicle reserved for the exclusive use of the occupant.
- 5.3 Is limited to 1 vehicle for any person who wishes to dismantle or alter in any way any road vehicle, registered or not, for the exclusive use of the occupant, in public view on any private properties located in Zoning LC-401, LC-701, LC-702, LC-703, LC-704, LC-705, LC-706, LC-707, LC-708, LC-709, LC-710, LC-711, LC-712, LC-901, RT-201, RT-202, RT-302, RT-303, RT-304 and RT-305.
- 5.4 Any excessive parking of vehicles, trailers, watercraft or other equipments in public view which in the opinion of Municipal Council, expressed by resolution, constitute a nuisance or *eyesore*.
- 5.6 Parking any vehicle in a way to *impede* the flow and visibility of traffic.

SECTION 6 – DESTRUCTION, OBSTRUCTION OR DAMAGE TO PROPERTY

Constitutes a nuisance and is prohibited within the *municipality*:

- 6.1 Dumping in or on the Ottawa River (Rivière des Outaouais) or in or on any stream, ditch, drains, culverts, streets, public or private property of any carcass, offal, garbage, grass cuttings, leaves, tree branches, earth, refuse or other noxious or *unsightly* matter.
- 6.2 The defacing, destruction or removal of any notice posted on instruction of the Mayor, the Council, the Director General or any other Director or Officer of the Municipality, the Director of Police or Fire Chief.

SECTION 7 – ANIMAL CONTROL

Constitutes a nuisance and is prohibited within the *municipality*:

SUB-SECTION 7A – TRAPS

7A-1 The installation of traps on public property, except when authorized by the municipality. In this case, the concerned sector will be identified by signage for the safety of the public.

7A-2 The installation of traps on private property not belonging to the trapper, without receiving written authorisation from the owner. A copy of this authorization must be provided to the municipality upon request.

SUB-SECTION 7B – ANIMALS

7B-1 Keeping any cattle, horses, geese, ducks, pigeons or other live fowl anywhere outside the permitted agricultural zones as specified in the municipal by-laws.

7B-2 Keeping and breeding animals recognized by the ministry responsible of the fauna of Québec Government, or any other authorized governmental authority, as wild species, whether *tamed* or not

Amendment: 306.1

SECTION 8 – OBLIGATIONS – PUBLIC PROPERTY

- 8.1 On public property, when a nuisance is noticed while it happens, the municipality or one of its representatives may advise the person in default immediately, to put a stop to the nuisance and may emit a fine and costs provided by this by-law.
- 8.2 On public property, when a complaint is received of a nuisance or noticed while it happens, the municipality or one of its representatives may advise, in writing, the person in default that such nuisance exists, to take the necessary measures to eliminate the nuisance within the delay specified in said notice. If the person in default refuses or neglects to conform within the delay, the authorized official may ask the municipality or its representative to remove, have removed, destroy or have the nuisance destroyed, at the entire cost of the person in default. This person is also liable to the fine and costs provided by this by-law.
- 8.3 On public property, when a nuisance is noticed but the person in default is unknown, the municipality or one of its representatives may proceed with the removal of the nuisance. If the said person in default comes forward or requests to take back their belongings, the entire cost of removal will be charged to this person and is also liable to the fine and costs provided by this by-law.

SECTION 9 – OBLIGATIONS – PRIVATE PROPERTY

- 9.1 The owner or occupant of any private property, who permits the commission of any of the mentioned nuisances, as well as the person actually committing the same, shall both be liable for any infraction under this by-law.
- 9.2 When a nuisance described in the present by-law is noticed, the authorized official shall advise in writing, the owner, lessee or occupant of a vacant, built or partially built upon lot or of any land on which such a nuisance exists, to take the necessary means to eliminate this nuisance within the delay specified in the notice. In the case where the person in default neglects to conform to the order received from the authorized official, the Council may, by resolution, authorize the official or any person that it designates to remove, have removed, destroy or have the nuisance destroyed, at the entire cost of the person in default. This person is also liable to the fine and costs provided by this by-law.

SECTION 10 – ENFORCEMENT

- 10.1 The provisions of the present by-law will be enforced by the By-Law Enforcement Officer appointed by the Council.

SECTION 11 – FINES

- 11.1 Every person or legal entity who contravenes any provision of this by-law shall be liable to a fine of:

Section	Violation	\$ Amount Person (Maximum Amount)	\$ Amount Legal Entity (Maximum Amount)
Section 2	Noise	\$ 150	\$ 300
Section 3	Public Peace	\$ 200	\$ 400
	Public Safety (3.3, 3.8, 3.10, 3.13)	\$ 300	\$ 600
Section 4	Cleanliness of Property	\$ 500	\$ 1000
Section 5	Construction, Vehicles & Motor use	\$ 500	\$ 1000
Section 6	Destruction & Damage to Property (6.1)	\$ 500	\$ 1000
	Destruction & Damage to Property (6.2)	\$ 200	\$ 400
Section 7	Animals	\$ 500	\$ 1000

- 11.2 In the case of a subsequent conviction, the said fine shall be **doubled**.

SECTION 12 – COMING INTO FORCE

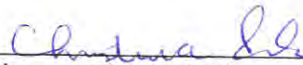
12.1 The by-law shall come into force according to law.

Date of adoption of the by-law:

Date of publication:



Mayor Brent Orr



Director General Christina Peck