

BY-LAW BEAC-033
BY-LAW ON NUISANCES
CONSOLIDATED

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BEAC-033-1 – 2012-09-24
BEAC-033-2 – 2013-03-25
BEAC-033-3 – 2016-06-07
BEAC-033-4 – 2016-09-26
BEAC-033-5 – 2018-07-09
BEAC-033-6 – 2018-07-09
BEAC-033-7 – 2018-11-19
BEAC-033-8 – 2020-11-16

**PROVINCE OF QUEBEC
CITY OF BEACONSFIELD**

**BY-LAW BEAC-033
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At the Regular meeting of the City of Beaconsfield Municipal Council, held in City Hall, 303, Beaconsfield Boulevard, Beaconsfield, Quebec, on Monday, September 22, 2008, at 8:00 p.m.

WERE PRESENT: His Honour the Mayor Bob Benedetti, Councillors Jimmy Shiro Hasegawa, Karen Messier, Wade Staddon, Kate Coulter, Roy Baird and David Pollock.

On motion of Councillor W. Staddon, seconded by Councillor K. Messier, it is RESOLVED as follows:

VOTES IN FAVOUR: Councillors J. S. Hasegawa, K. Messier, W. Staddon, K. Coulter and R. Baird;

VOTE OPPOSED: Councillor D. Pollock;

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 City and of its citizens that a by-law be enacted for the above-mentioned reasons;

WHEREAS Notice of motion of the presentation of this by-law was given at the Council's regular meeting, held on Monday August 25th, 2008.

CONSEQUENTLY, THE MUNICIPAL COUNCIL DECREES AS FOLLOWS:

SECTION 1 – DEFINITIONS

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

- 1.1 Annoyance (désagrément): Cause slight anger or mental distress.
- 1.2 Authorized representative (représentant autorisé): Any member of the City of Montreal Police Department, as well as any municipal patrol officer, or authorized employee of the City of Beaconsfield.
- 1.3 City (ville): City of Beaconsfield and its territory.
- 1.4 Disorderly (perturbateur): Unruly or offensive behavior.
- 1.5 Excessive noise (bruit excessif): Means a sound, or a combination, succession or repetition of sounds, so loud or shrill or prolonged or likely to disturb the tranquility, peace, rest, enjoyment or comfort of the neighborhood or persons in the vicinity.
- 1.6 Loitering (flâner): Hang about, linger idly with no legal purpose or intent.
- 1.7 Motor (moteur): A combustion motor.
- 1.8 Obstruct (obstruction): To interrupt, hinder, oppose, block or close.

- 1.9 Person (personne): Unless otherwise specified, means a natural person and a legal person.
- 1.10 Public property (propriété publique): Streets, alleys, parks, green spaces and other public places, or places the public has access to whether expressly or tacitly.
- 1.11 Statutory or public holiday (conge statutaire ou public): Public holiday established by federal or provincial statute, and in the case of Canada Day, the date of July 1 only.

(BEAC-033-8, sec. 1)

- 1.12 Trespassing (introduction): Entry to public or private land or property without permission.
- 1.13 Vehicle (véhicule): A motor vehicle, a commercial vehicle, a passenger vehicle, a tool vehicle, a heavy vehicle or a road vehicle as determined by the Highway Safety Code (R.S.Q., chapter C-24.2) as well as a snow mobile, a motorized all-terrain vehicle or any other motorized vehicle intended to circulate off the public roads as determined by the Highway Safety Code for vehicles off a public road (R.S.Q. chapter V-1.2);
- 1.14 Zoning by-law (règlement de zonage): The zoning by-law in force in the City of Beaconsfield at the time of the infraction.
- 1.15 Solid fuel (combustible solide): Any solid material that can be burned.

(BEAC-033-2, section 1)

- 1.16 Info-Smog: A daily air-quality forecast and smog-warning service for southern Quebec produced by Environnement 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.

(BEAC-033-2, section 1)

SECTION 2 – NOISE

Constitutes a nuisance and is prohibited within the City:

- 2.1 Ringing bells and chimes, except ringing church bells and chimes, blowing whistles and making other noises.
- 2.2 Making or permitting to be made on private or public property any noise at any time, in particular after 10:00 p.m., of such a nature as to disturb the peace and tranquility of the neighborhood.
- 2.3 Keeping any animal that howls, cries, or barks in such a manner or at such times as to cause annoyance to the occupants of any property.
- 2.4 Operation of a motor vehicle or motor boat not equipped with a muffler that effectively reduces the noise of the exhaust from the motor of such vehicle or boat.
- 2.5 Operation of a radio or other sound-producing device in a motor vehicle or motor boat at any time or in any manner for advertising purposes or between 10:00 p.m. and 7:00 a.m. for any purpose and loud enough as to cause annoyance to the occupants of any dwelling.
- 2.6 Use of any horn or other warning device on a vehicle or otherwise, except in cases where the use thereof is absolutely necessary.

SECTION 3 – CLEANLINESS OF PROPERTY

Constitutes a nuisance and is prohibited within the City:

- 3.1 The presence, on any lot, of branches, brush, scrap-iron, rubbish, papers, empty bottles, rotting wood or any waste matter.
- 3.2 The presence on any land of any stagnant or putrid water or any filthy, infected or putrid matter.
- 3.3 Throwing on any street, public or private property any rubbish of any kind, including, without limiting the generality of the foregoing, any paper, paper bag, tin can, bottle, wrapper, cigarette butt or any container of any nature whatsoever.
- 3.4 Failure to provide proper surface drainage on any lot.
- 3.5 The act, by any person as the owner, lessee or occupant of an immovable or part of an immovable, to leave the lawn or any weed at a height of more than fifteen (15) centimeters.
- 3.6 Attaching or placing upon any part of any building, or upon a wall of an enclosure or fence, anything of a filthy, disgusting or offensive nature.
- 3.7 The act by the owner, the administrator or the tenant of a commercial or industrial establishment, for the owner of public utilities or communication or transportation installations to tolerate or let subsist on his or her property graffiti or marks.
- 3.8 Transporting, using or being in possession of any object or material with a view to drawing tags or graffiti.

SECTION 4 – PUBLIC PEACE AND SAFETY

Constitutes a nuisance and is prohibited within the City:

- 4.1 Being drunk and disorderly in a public property.
- 4.2 Urinating, defecating or spitting in public or private property.
- 4.3 Throwing any stone, snow or ice or other missile, or the use of a bow and arrow, slingshot, catapult or peashooter, or carrying or discharging any firearm or air gun.
- 4.4 Skating, coasting, skiing, tobogganing onto or across any sidewalk, street, or public property other than places specifically set aside for such purposes.
- 4.5 Begging, loitering or wandering in any street, road or public property or impeding, incommoding or annoying any person by standing across any sidewalk or 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.
- 4.6 Posting any notice or placard at any time on any public or private property, other than those specified in the zoning by-law or otherwise authorized by the City.
- 4.7 Loitering in front of any shop or doorway or refusing to move on with reasonable expediency when ordered to do so by a police officer, or authorized representative of the City.
- 4.8 Trespassing on any public or private property.

- 4.9 Carrying or having in his or her possession on public property, any knife, sword, machete or any other similar object without proper and reasonable motive - the proof of which shall rest upon any person found in possession of or carrying such an object.
- For the purpose of this Section "similar object" shall mean - without limiting the generality of that expression - any object capable of being used to assault a person.
- 4.10 The positioning of outdoor lighting in such a manner that:
- i. rays of light are directed at an adjacent site; or
 - ii. in the opinion of the City, traffic safety is adversely affected.
- 4.11 Possession of any glass container in any park. Glass container shall include, without limiting the generality of this section, any glass jar, bottle, pot, or drinking glass.
- 4.12 To take part in, encourage, or attend any depraved, indecent or sexual act or exhibition on public property or on private property in view of the public.
- 4.13 To obstruct, hinder, or interfere with any authorized City representative in the execution of his or her duty.
- 4.14 To willfully or deliberately raise any false alarm of fire, or call, without cause, upon the City of Montréal Police Department or Fire Department or municipal patrol, or make any other similar appeal.
- 4.15 To climb, scale or ascend any fixed structure on a public property that is not specifically designed for that purpose.
- 4.16 Possession or consumption of alcohol on public property, without the required permit.
- 4.17 To set off fireworks or fire crackers within the City without a permit from the City of Montreal Fire Department.
- 4.18 To hold a meeting, gathering, reunion, show, or brutal or disorderly amusement in a street, park, or public property.
- 4.19 To use without lawful cause a doorbell or any other means of calling occupants of any building.
- 4.20 To disturb, remove or shut off a barricade or warning device placed in a street or on public property as a warning of danger.
- 4.21 To hold without lawful cause, on any public or private property any protest meeting, picketing, or sit-in or to occupy without lawful cause any public or private property.
- 4.22 To disturb the peace without lawful cause.
- 4.23 To light and maintain any exterior fire or bonfire on any public or private property or to use an outdoor wood burning fireplace or exterior wood stove.
- 4.24 The emission of sparks, cinders or soot from a chimney or other source.
- 4.25 The use of all types of cooking appliances within City's public properties, without the appropriate permit.

(BEAC-033-3, section 1.1)

- 4.26 The smoking of tobacco products as well as any other products or substances, whether natural or chemical, that may be smoked by any means, including electronic cigarettes or any other device of this nature, on public property, excluding streets, alleys and sidewalks.

(BEAC-033-6, section 1)

SECTION 5 – CONSTRUCTION, BUILDING OR MOTOR VEHICLE REPAIR AND MOTOR USE

Constitutes a nuisance and is prohibited within the City:

- 5.1 The operation, from Monday to Friday between 9 p.m. and 7 a.m., Saturday after 5 p.m., on Sunday or during statutory or public holidays of any motor machine or mechanism, tool or instrument, with the exception of a snow removal operation during and within 6 hours after the end of a snowfall;

(BEAC-033-1, section 1)

- 5.2 The use or operation of any chain-saw, leaf blower, lawn mower, grass trimmer, hedge trimmer or other similar devices on Sunday and during statutory or public holidays before noon or after 4:00 p.m., or from Monday to Friday between 9 p.m. and 7 a.m. and Saturday after 5 p.m.;

(BEAC-033-1, section 1)

- 5.2.1 Notwithstanding section 5.2, the use or operation of a leaf blower is prohibited from June 1 to September 30.

(BEAC-033-5, section 2)

- 5.3 Any construction, building, repairing or alteration to any building or part of a building or to any motor vehicle, boiler, engine or machinery at any place on Sunday and during statutory or public holidays, or from Monday to Friday between 9 p.m. and 7 a.m. and Saturday after 5 p.m.;

(BEAC-033-1, section 1)

- 5.4 The act, outside of a closed building on any immovable 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. Only one (1) vehicle may be repaired, modified or under maintenance at a time.

- 5.5 The act, by any person, to store, dismantle or alter in any way any road vehicle, registered or not, on any immovable or part of an immovable, outside of a building.

- 5.6 The application by any person of any primer, finisher or paint liable to emit dust, odour and any other contaminant in the environment, to the interior or to the exterior of any road vehicle, if in or on any immovable situated in a zone other than reserved for the usage «motor vehicle» as described in the zoning by-law.

- 5.7 Excavating earth or rock on any land or leaving a partially constructed building of any nature without taking the necessary precautions to prevent either from becoming a danger to health and life.

- 5.8 Parking a commercial vehicle on a residential landsite, if the vehicle is higher than 2.5 meters or if the product of the length by width by the height of the vehicle exceeds 45m³, or if it has more than 2 axles.

5.9 The act of storing outside of a commercial vehicle, the cargo, tools, equipment, accessories, normally used or intended to be used for industrial or commercial purposes, if visible from the street.

5.10 The act of producing dust or particles into the air in a manner that disturbs the neighbourhood by cutting concrete, cement, brick, stone or unistone

(BEAC-033-3, section 1.2)

5.11 The act of producing dust or particles into the air in a manner that disturbs the neighbourhood by sand blasting.

(BEAC-033-4, section 1.1)

SECTION 6 – DESTRUCTION, OBSTRUCTION OR DAMAGE TO PROPERTY

Constitutes a nuisance and is prohibited within the City:

6.1 Dumping in or on Lake Saint-Louis or in or on any stream, ditch, street, public or private property of any carcass, offal, garbage, grass cuttings, leaves, tree branches, earth, refuse or other noxious or unsightly thing or matter.

6.2 Filling, blocking or placing any debris, earth, stones, rocks, tree branches, leaves, grass in any ditches, drains or culverts.

6.3 Cutting, damaging or defacing any tree on private or public property except when such cutting is necessary to prevent injury to persons or for the purpose of preserving the health of the tree, subject to any permit required.

6.4 The defacing, destruction or removal of any notice posted on instruction of the Mayor, the Council, the General Director or any other Director or officer of the City, the Director of Police or Firefighter Director, or the governmental, school or Agglomeration authorities.

6.5 Extinguishing without cause any lamp or other means of illumination on any public property.

6.6 Soiling a public property.

6.7 Obstructing any fire escape, service stairs or any part thereof, including entrances and landings.

6.8 Dumping or throwing any snow or other material upon any street, sidewalk, public or private property.

SECTION 7 – ANIMALS

Constitutes a nuisance and is prohibited within the City:

7.1 Keeping any cattle, horse, goose, duck, pigeon or other live fowl anywhere in the City.

7.2 Keeping and breeding animals recognized by the “Ministère des ressources naturelles et de la faune”, or any other authorized governmental authority, as wild species, whether tamed or not.

7.3 Intentionally keeping, feeding or attracting raccoons, squirrels or other wild animals anywhere in the City.

(BEAC-033-3, section 1.3)

SECTION 8 – USE OF THE PUBLIC PROPERTY AND SAFETY

Constitutes a nuisance and is prohibited within the City:

- 8.1 Playing or practicing golf in any public park.
- 8.2 Using a hockey stick on any rink maintained by the City, except during hours as scheduled for playing hockey.
- 8.3 The use of any go-cart, snowmobile or like vehicle, other than on the private property of the owner or as permitted by any law of any competent authority.
- 8.4 Play equipment, such as basketball hoops, installed on posts whether permanently or not, on public property located between the edge of the pavement and the private property line.
- 8.5 The keeping outside of a closed building, of any road vehicle not registered for the current year.
- 8.6 Placing, dumping or depositing on any public road, any container, earth, stone, and construction or paving materials without a permit, or not signaling or warning of an obstruction appropriately.
- 8.7 Altering, changing, building upon, or performing any work on public property without obtaining the required permit.
- 8.8 Between November 1st and April 30th, the use of any object placed on public property closer than one (1) meter to the street pavement.
- 8.9 The use of property markers between April 15 and October 31 which are:
 - i. made of any material other than concrete;
 - ii. any color other than white;
 - iii. higher than 250 mm;
 - iv. longer than 200 mm;
 - v. placed on the asphalt pavement;
 - vi. fixed to the ground in any way;
 - vii. placed closer than 3 meters apart.

(BEAC-033-8, sec. 2)
- 8.10 Opening, closing or using any fire hydrant by unauthorized person.
- 8.11 Maintaining on any property, any trees or branches of trees which in the opinion of Council, expressed by resolution, constitute a danger to life or property.
- 8.12 The parking or permitting to be parked of any truck or van, commercial vehicle, bus or delivery vehicle, on or in front of a property in any section of the City where commercial establishments are not permitted or in any portion of the City for a period of 3 hours or longer. However, said vehicle may be parked on the premises if commercial work is being carried out on the property and does not contravene the zoning by-law or any other by-law.
- 8.13 To transport within the City any waste matter, earth, stone, sand, branches, leaves, or other substances or matter with a vehicle that is not enclosed or covered with a securely fastened tarpaulin; Or to allow any part of the substance or matter to drop or fall from the vehicle in the process of such transport, whether the vehicle be enclosed or not, or covered with a tarpaulin or not.
- 8.14 The use or occupation of any dwelling, office, residence, business, or any out-buildings, in which any sink, washtub, bath, urinal or toilet is not provided with running water and fixed pipes for the draining and flushing thereof into the City's sewers, if such sewers are available, or otherwise into one or more septic tanks of approved design, properly installed and kept free and clean from dirt or obstruction.
- 8.15 The presence upon or within the confines of the parks hereinafter mentioned between the hours of 10:00 p.m. and 7:00 a.m.:

- a) Memorial Park
- b) Centennial Park
- c) Lakeview Park
- d) Angell Bay Park
- e) St. Louis Park
- f) St. James Park

(BEAC-033-3, article 1.4)

- 8.16 The presence upon or within the confines of the public property known as the Skatepark between the hours of 9:00 p.m. and 9:00 a.m.

(BEAC-033-3, section 1.4)

- 8.17 The presence upon or within the confines of any other City property between the hours of 11:00 p.m. and 7:00 a.m.

(BEAC-033-3, section 1.4)

- 8.18 However, a facility permit to exceed the hours permitted in articles 8.15 to 8.17 may be obtained from and granted by the Culture and Leisure Service.

(BEAC-033-3, section 1.4)

SECTION 9 – ENVIRONMENT AND AIR QUALITY

Constitutes a nuisance and is prohibited within the City:

- 9.1 The act of leaving the motor of an immobilized vehicle running for more than 3 minutes, by period of 60 minutes, except in the case of a diesel motor, where the limit is 5 minutes per period of 60 minutes.

However, in the case of an immobilized heavy vehicle with a diesel motor which has not reached its normal functioning temperature, shall constitute a nuisance the act of leaving the motor running for more than 10 minutes, by period of 60 minutes, when the exterior temperature is below 0°C.

- 9.2 The following vehicles and situations are excluded from the application of the present section:
- i. an emergency vehicle as determined by the Highway Safety Code.
 - ii. a vehicle used as a taxi, as determined by the Highway Safety Code, for the period comprised between November 1st and March 31st, as long as a person, who can be the driver, is present inside the vehicle.
 - iii. a vehicle for which the motor is used to accomplish some work or to keep food hot or refrigerated.
 - iv. a vehicle immobilized due to road congestion, heavy traffic or a street light.
 - v. a vehicle affected by frost or ice during the time required to make driving safe.
 - vi. an armored safety vehicle.
 - vii. any vehicle driven, all or in part by a non polluting energy, such as a hybrid vehicle.
 - viii. a heavy vehicle when the motor is left running in order to verify the proper functioning before leaving, in conformity with section 519.2 of the Highway Safety Code.
 - ix. when the motor of a vehicle activates the heating system for a person present inside the vehicle, if the exterior temperature is below -10°C.

- 9.3 For the purpose of application of the present section, the exterior temperature is the one measured on the hour by Environment Canada at the Montreal–Pierre Elliott Trudeau International Airport.

- 9.4 The use of a solid fuel-burning supplementary heating device is prohibited when a smog warning, issued by Info-Smog, is in effect for the Montreal region.

(BEAC-033-2, section 1)

SECTION 10 - OBLIGATIONS – PUBLIC PROPERTY

- 10.1 Any person who soils public property must carry out cleaning operations if so required by the City or by one of its representatives. The cleaning must be carried out immediately or within the delay allotted for this purpose.
- 10.2 When a nuisance is ascertained, the City or one of its representatives may advise, in writing, the owner, administrator, lessee or occupant of the property on which such nuisance exists, to take the necessary measures to eliminate the nuisance within the delay allotted in said notice, not exceeding ten (10) days.
- 10.3 If the owner, administrator, lessee or occupant of the property refuses or neglects to conform within the delay specified in the notice, the authorized official may ask the City or its representative to proceed with the removal of the nuisance, at the entire cost of the person in default. The person in default is also liable to the fine and costs provided by this by-law.

SECTION 11 - OBLIGATIONS – PRIVATE PROPERTY

- 11.1 The proprietor or occupant of any lot or land, vacant or built, who permits the commission of any of the above mentioned nuisances, as well as the person actually committing the same, shall both be liable for any infraction under this by-law.
- 11.2 When a nuisance described in the present by-law is ascertained, 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, in the time allotted in the notice, not exceeding ten (10) days.
- 11.3 The owner, lessee or occupant of a vacant, built or partially built upon lot or any land, shall remove from the premises that he or she owns or occupies, any nuisance defined in the present by-law, and in the case where he or she 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, with costs to the owner, lessee or occupant.

SECTION 12 - FINES

- 12.1 Every person who contravenes any provision of this by-law shall be liable to a minimum fine of \$100 and a maximum fine of \$1,000 if the offender is a natural person, or \$2,000 if the offender is a legal person, with costs. In the case of a subsequent conviction, the offender shall be liable to a minimum fine of \$300.00 and a maximum fine of \$2,000 if the offender is a natural person or \$4,000 if the offender is a legal person.
- 12.2 Every person who contravenes article 9.4 of this by-law shall be liable to a minimum fine of \$500 and a maximum fine of \$1,000 if the offender is a natural person, or a minimum fine of \$1,000 and a maximum fine of \$2,000 if the offender is a legal person, plus costs. In the case of a subsequent offence, the offender shall be liable to a minimum fine of \$1,000 and a maximum fine of \$2,000 if the offender is a natural person, or a minimum fine of \$2,000 and a maximum fine of \$4,000 if the offender is a legal person, plus fees.

(BEAC-033-2, section 1)

- 12.3 Every person who contravenes to provision 4.26 of this By-law shall be liable to a minimum fine of five hundred dollars (\$500) and a maximum fine of one thousand five hundred dollars (\$1,500), with costs. In the case of a subsequent conviction, the offender shall be liable to a minimum fine of one thousand dollars (\$1,000) and a maximum fine of three thousand dollars (\$3,000), with costs.

(BEAC-033-7, section 1)

SECTION 13- AUTHORIZATIONS

- 13.1 The officers of the City of Montreal Police Department as well as officers and employees of the City designated for this purpose are responsible for the enforcement of this by-law. They may visit and examine all moveable and immovable property, the interior or exterior of any house, building and edifice, to ascertain if the provisions of this by-law are executed in respect thereof.

SECTION 14 – REPEALING OF BY-LAWS

- 14.1 By-law no. 418 entitled “By-law to secure the peace, order, good government, health, general welfare and improvement of the municipality and to control and abate nuisances and its amendments nos. 418-1 to 418-14 as well as BEAC-016 are hereby repealed.

SECTION 15 – COMING INTO FORCE

- 15.1 This by-law shall come into force according to law.

MAYOR

CITY CLERK