

Municipality of Cascapedia-St-Jules  
Co. of Bonaventure  
Province of Québec

By-Law #19-06

CONSIDERING THAT the Municipal Council judges it necessary to adopt a by-law governing nuisances to improve the general well-being of the citizens within the territory of the Municipality of Cascapedia-St-Jules;

CONSIDERING THAT the Municipal Council judges it necessary to adopt a by-law to define what constitutes a nuisance and how to avoid it, and to impose fines upon those who create or let exist such nuisances;

CONSIDERING THAT a notice of motion was given at the regular session of July 2<sup>nd</sup>, 2019.

It is therefore proposed by Councillor Margaret-Anne Cooke and unanimously resolved by the Councillors present

THAT all previous By-Laws concerning nuisances be rescinded;

THAT By-Law #19-06 be decided and decreed that which follows;

#### **ARTICLE 1: Preamble**

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

#### **ARTICLE 2: Definitions**

**Public Area:** Parking lots and yards where the responsibility and upkeep, or the owner is the Municipality. Open air spaces of commerce or a public building.

**Public Place:** Parks, roads, yards and parking lots of Educational and Health buildings and other public areas.

**Camping:** Installation of a mobile home, tent trailer, tent, camping van, motorhome or any other shelter destined to serve as temporary housing. Is also considered as camping, any person sleeping in a vehicle.

**Parks and Rest Stops:** Parks and Rest Stops situated within the territory of the Municipality and which are under its jurisdiction and include all the public areas whether they are grass or not, accessible to the public for the purpose of rest or relaxation, games or sports or other similar pursuits.

**Beach:** A level stretch of land with little sloping, formed entirely of sand or bare gravel and situated beside a stretch of water.

**Automobile scrap or junk:** Motor vehicle no longer in use or missing one or more parts essential for its proper functioning.

**Motor vehicle:** All vehicles within the *Code de la sécurité routière (loi du Québec, RLRQ, chapitre C-24.2)* that means any motorized road vehicle that is adapted for the transportation of a person or property.

**Motorized vehicle:** Road vehicle, off road vehicles, snowmobiles, all terrain vehicles(ATV).

### **ARTICLE 3: Noise, Nuisances and work**

3.1 That which constitutes a nuisance and is therefore prohibited is to make, provoke or incite in any manner noise to break the peace and well being of the neighborhood.

3.2 That which constitutes a nuisance and is therefore prohibited is to make or cause noise in a manner to break the peace and well being of the neighborhood by performing, between the hours of 10:00 PM and 7:00 AM, construction work, demolition or repairs to a building or vehicle, except when the work is an emergency and done to ensure the security of the area and or population.

3.3 That which constitutes a nuisance and it therefore prohibited to make noise susceptible to break the peace and well-being of the neighborhood by using, between the hours of 10 PM and 7 AM, a lawn mower or chain saw, except when the work is an emergency and done to ensure the security of the area and or population.

### **ARTICLE 4: Musical instruments and other noise producing equipment**

4.1 It is prohibited for any person to make noise susceptible to break the peace and well-being of the neighbourhood by loudly playing instrument or group of musical instruments as well as any other noise producing equipment in a public place, inside or outside of a dwelling.

4.2 More precisely, it is prohibited to use, in a park or at a rest stop, any musical instrument or other noise producing equipment after 10:00 PM.

### **ARTICLE 5: Speakers, amplifiers**

5.1 - Speakers and amplifiers are not to be installed or used outside of a building.

5.2 - Speakers and amplifiers are not to be installed or used inside of a building in a manner which projects the sound outside, towards roads or public places in the Municipality.

5.3 - The present article does not apply to public places. It does not apply to either reunions, demonstrations, parties, festivals or public entertainment authorized by the Municipality for a period of time and in a specific place.

#### **ARTICLE 6: Beach traffic**

Constitutes a nuisance and is therefore prohibited to circulate in a motorized vehicle on any beach situated within the territory of the Municipality.

#### **ARTICLE 7: Dogs and all other animals**

##### **7.1 - Circulation**

It is prohibited, that any owner of a dog or other animal within the Municipal limits, to let the animal wander on the roads or sidewalks, and on all public land as well as private land not belonging to the animal owner without the land owners consent.

A dog on a leash and accompanied by its owner can circulate on the roads, sidewalks and public places of the Municipality, except those places prohibited by the Municipality.

##### **7.2 - Nuisance**

Any dog barking, growling or howling in a manner to break the peace or to be a serious problem for the neighbors, causing damage to land, lawns, gardens, flowers, trees or shrubs, garbage, or which pursues, attacks or injures a pedestrian, cyclist or other domestic animal or livestock is considered to be a nuisance and his owner or guardian is liable for a fine as foreseen in the present By-Law.

#### **ARTICLE 8: Parking in winter**

It is prohibited to park or stop a vehicle on a public road between the hours of 11 pm and 7am from December 1<sup>st</sup> to March 31<sup>st</sup> (if signs specifying this restriction are posted in the Municipality).

#### **ARTICLE 9: Prohibited to throw snow into the street**

##### **9.1 Dumping snow in the street**

It is prohibited by whosoever in possession of a snow blower or other equipment to dispose of snow from their yard into the street.

##### **9.2 Transport snow from one side of the street to the other**

It is prohibited to transport, from one side of the street to that facing, any snow from the clearing of ones property.

**ARTICLE 9: Camping in public areas or on a beach**

It is prohibited to camp in public areas and on beaches where signs specifying this restriction are posted in the Municipality.

**ARTICLE 10: Application of the By-Law**

The articles of the present By-Law are applicable by the Sûreté du Québec, which authorizes their members to initiate criminal prosecution against the offender on behalf of the municipality and to give fines. They are also applicable by the person appointed by the Municipality.

**ARTICLE 11: Penalties**

Whosoever contravenes or does not conform to the articles in the present By-Law, commits an infraction and is liable to be charged a fine plus **fees (1)** according to the following tables:

<b>Article number</b>	<b>Fines</b>	
	<b>Minimum</b>	<b>Maximum</b>
8	\$50	\$150
9	\$100	\$300
3.1, 3.2, 3.3, 4.1, 4.2, 5.1, 5.2, 6, 7.1, 9.1, 9.2	\$200	\$600
7.2	\$300	\$900

**Fees\*:** The fees are those applicable in the By-Law on judicial tariffs in Penal matters (R.R.Q., 1981, c(25.1)).

**ARTICLE 12: Coming into force**

The present by-law will enter into effect according to the law.

Adopted in Cascapedia-St-Jules, this 2<sup>nd</sup> day of September 2019.

Gaétan Boudreau, Mayor

Susan Legouffe, Director General

## Fines

Cour du Québec  
MRC of Avignon  
MRC of Bonaventure

### **By-Law concerning Nuisances**

Infraction	Fine	Code
<b>Article 3.1</b> Provoke or incite to make noise susceptible to break the peace and well being of the neighbourhood	200\$	RM 450
<b>Article 3.2</b> Perform construction, demolition or repair work on a building or vehicle susceptible to break the peace and wellbeing of the neighbourhood between the hours of 10 pm and 7 am	200\$	RM 450
<b>Article 3.3</b> Use a lawn mower or chainsaw susceptible to break the peace and wellbeing of the neighbourhood between the hours of 10 pm and 7 am	200\$	RM450
<b>Article 4.1</b> Have disturbed the tranquility and wellbeing of citizens by playing an instrument or group of musical instruments or any noise making equipment in a public place, interior or exterior of a dwelling	200\$	RM 450
<b>Article 4.2</b> Have disturbed the tranquility and wellbeing of citizens by loudly playing an instrument or group of instruments or any noise making equipment in a park or rest stop after 10 pm.	200\$	RM 450
<b>Article 5 (5.1)</b> Have installed or used, outside of a building, a speaker or amplifier	200\$	RM 450
<b>Article 5 (5.2)</b> Have installed or used a speaker, or amplifier inside a building in such a manner that the sound is heard outside in the streets, or public places of the Municipality	200\$	RM 450
<b>Article 6</b> Have circulated a motorised vehicle on a beach on the territory of the Municipality	200\$	RM 450
<b>Article 7 (7.1)</b> Allowed a dog or any other animal within the limits of the Municipality to wander or roam in the streets, sidewalks or public places <b>and/or</b> Allowed a dog or any other animal wander or roam on private land without consent from the owner of said property <b>and/or</b> Have circulated with a leashed dog in an forbidden area of the Municipality	200\$	RM 450
<b>Article 7 (7.2)</b> Allowed a dog to bark or wail in a way as to break the peace or be a serious enemy to the neighbourhood <b>and/or</b> Allowed a dog to cause damages to land, grass, gardens, flowers, shrubs or garbage <b>and/or</b> Allowed a dog to chase, attack or injure a pedestrian, a cyclist, animal or farm animal	300\$	RM 450
<b>Article 8</b> Have stopped or parked a vehicle on a public road between 11pm and 7am From Dec. 1st to March 30th (if signs restricting it exist in the Municipality)	50\$	RM 450
<b>Article 9.1</b> Have dumped snow from your property into the street with a blower or other equipment	200\$	RM 450
<b>Article 9.2</b> Have transported snow from cleaning your property, from one side of the road to the other	200\$	RM 450
<b>Article 10</b> Have been camping in a public place or beach if signs restricting it exist in the Municipality	100\$	RM 450