

**MUNICIPALITY OF LOW**

**BYLAW NUMBER: SQ 2017-003**  
**Municipal By-law: LOW-03-2017**

NOTICE OF MOTION: April 27, 2017

CARRIED ON: May 1, 2017

PUBLICATION: May 2, 2017

COMING INTO FORCE: May 2, 2017

CANADA  
PROVINCE OF QUEBEC  
MUNICIPALITY OF LOW

**BY-LAW ON NUISANCES  
ENFORCEABLE BY THE SÛRETÉ OF QUÉBEC**

**WHEREAS** the Council wishes to adopt a by-law concerning nuisances;

**WHEREAS** a copy of by-law 2017-003 was given to the members of the Council no later than 2 legal days before the regular meeting of May 1, 2017, that all the members attending declare having read the draft by-law and wishing to forfeit its reading.

**CONSEQUENTLY,**

It is moved by Michèle Logue-Wakeling  
Seconded by Joanne Mayer  
And resolved

**THAT :**  
This By-law be adopted.

**SECTION 1** The Preamble shall form an integral part of this By-law.

**SECTION 2** For the purposes of this by-law, the following expressions and words apply:

**"PUBLIC AREAS"** means parks, streets, beaches, wharves, public transportation vehicles, public spaces, publicly accessible areas or places.

**"PARKS"** means the parks within the territory of the Municipality that are under its jurisdiction and includes all public spaces, with grass or not, where the public has access for rest, relaxation, play or sport or for any other similar purpose.

**"STREETS"** means streets, roads, alleys, bicycle paths and

sidewalks and other public and private places dedicated to pedestrian traffic or vehicles within the territory of the Municipality.

**"PUBLIC AREAS"** means the parking areas maintained by the Municipality, the common areas of a business, a public building or a residential building.

**"AREAS OR PLACES ACCESSIBLE TO THE PUBLIC"** Areas or places accessible to the public, such as a church, vestries, cemetery, shopping center, sports complex, cultural complex, tourist site, camping operated by SÉPAQ and others areas or places accessible to the public.

**SECTION 3 "NOISE / GENERAL"** It is a nuisance and it is prohibited to make noises, or provoke or incite noises, in any way, which is likely to disturb the peace and well-being of the neighborhood, and which is audible at the limit of one's property.

**SECTION 4 "WORK"** It is a nuisance and it is prohibited to cause noise likely to disturb the peace and well-being of the neighborhood by carrying out construction, demolition or repair work on a building or a vehicle between **10 pm and 7 am**, except in the case of emergency work to safeguard the safety of premises or persons.

**SECTION 5 "SHOW / MUSIC"** It is a nuisance and it is prohibited to produce or allow the production of a show or music playing likely to disturb the peace and well-being of the neighborhood, or music which is audible at the limit of one's property.

This provision does not apply where a written consent of the Municipality has been given by a designated municipal officer.

**SECTION 6 " MUSIC/ SOUND PRODUCTION"** It is a nuisance and it is prohibited, as an owner, tenant or occupant of a building, to use a radio, a stereo, an amplifier, a musical instrument, or any other apparatus used to produce sounds, in such a way as to disturb the peace and well-being of the neighborhood.

**SECTION 7 "SOUND / PUBLIC PLACE"**. It is a nuisance and is prohibited to anyone in a public place to make or tolerate excessive noise by singing, shouting, or using a radio, a stereo, an amplifier, a musical instrument, or any other apparatus used to produce sounds likely to disturb the peace and well-being of the neighborhood.

**SECTION 8 "LOUDSPEAKER / AMPLIFIER"**. It is a nuisance and it is prohibited to allow the sound produced by a loudspeaker, amplifier or other transmitting equipment connected to a radio or other similar

instrument producing sounds, in or on a wall, door or window of a building, vehicle or boat, in the direction of a public place or private property so as to disturb the peace and well-being of the neighborhood.

**SECTION 9 "VEHICLE ALARM"**. It is a nuisance and it is prohibited for an owner of a vehicle or the person in charge of a vehicle to leave a vehicle alarm on or to allow such alarm to be activated, except in case of emergency. Where ownership of the vehicle is established, the owner is deemed having committed the offense.

**SECTION 10 "STATIONARY VEHICLE / STATIONARY ENGINE"** It is a nuisance and it is prohibited to let the engine of a stationary vehicle or a stationary engine run so as to cause noise in such a way as to disturb the peace and well-being of the neighborhood between **10 pm and 7 am**. Where ownership of the vehicle is established, the owner is presumed to have committed the offense.

**SECTION 11 "EXPLOSIVES"** It is a nuisance and it is prohibited to use firecrackers, chemical irritants or other explosive devices in a public place.

**SECTION 12 "FIREARMS"** It is a nuisance and it is prohibited to use a firearm, a compressed air gun, or a compressed air gun used for recreational purposes such as "paint-balls" a bow, or a crossbow:

- a) Within one hundred (100) meters of any house, building or structure;
- b) From a public road and a width of ten (10) meters on each side of the right-of-way; or
- c) From a pasture in which farm animals are or may be found without the permission of the owner.

**SECTION 13 "LIGHTS"** are a nuisance and it is prohibited to project a light outside the ground from which it originates if it is likely to cause a danger to the public or an inconvenience to any citizen, or neighbors whoever they may be.

**SECTION 14 "WASTES"** are a nuisance and it is prohibited to throw or store in a public or private place any waste, material, substance or animal waste. Where the ownership of the land with the waste is proven, the owner is presumed to have committed the offense.

**SECTION 15 "SNOW OR ICE DEPOSITS"** are a nuisance and it is prohibited to dump or permit the discharge of snow or ice in a public place.

**SECTION 16 "RIGHT OF INSPECTION"** The municipal Council authorizes the officers of the Municipality, any employee appointed by the Council and the peace officers to visit and examine between 7 am and 7 pm, or outside this time limit where there is reasonable cause, any movable or immovable property and the exterior or interior of any house, building or building, to determine whether the by-laws are applied therein and so any owner, tenant or occupant of such houses, buildings or structures shall receive such persons and answer all questions put to them in connection with the enforcement of this by-law.

### **PENALTIES**

**SECTION 17 "APPLICATION"** The person responsible for the application of this by-law is any officer or municipal employee appointed by the Council.

The Council also authorizes all police officers of the Sûreté du Québec to institute criminal proceedings against any offender and to issue statements of offense for any contravention of this by-law.

**SECTION 18 "PENALTY"** Any person who contravenes a provision of this by-law is guilty of an offense and is liable to the following fines:

A person who commits a first offense is liable to a fine of not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00) in the case of a person, and not less than three hundred dollars (\$300.00) and not more than one thousand dollars (\$1,000.00) in the case of a legal entity.

A person who commits a second offense under the same provision within a period of two (2) years of the first offense is liable to a fine of not less than four hundred dollars (\$400.00) and not more than one thousand dollars (\$1000.00) in the case of a person, and not less than five hundred dollars (\$500.00) and not more than one thousand five hundred dollars (\$1,500.00) for a legal entity.

A person who commits a third offense within two (2) years of the first offense is liable to a fine of not less than five hundred dollars (\$500.00) and not more than one thousand two hundred dollars (\$1,200.00) in the case of a person, and not less than one thousand dollars (\$1,000.00) and not more than two thousand dollars (\$2,000.00) in the case of a legal entity.

**SECTION 19 "REPEAL"** This by-law repeals and replaces in its entirety and for any purpose by-law 2011-003 as well as any previous municipal by-law incompatible with the provisions of this by-law.

This repeal shall not be construed as affecting any matter or action done or to be done under the by-law so repealed. Any offense or prosecution under the repealed by-law or any regulation referred to therein may be continued in the manner prescribed in those regulations.

**SECTION 20 "ENTRY INTO FORCE"** This by-law shall come into force in accordance with the law.

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Mayor

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Secretary/Treasurer

Notice of motion given on: April 27, 2017

By-law adopted on: May 1, 2017

Publication and Entry into force: May 2, 2017