



CANADA
PROVINCE OF QUEBEC
COUNTY OF ARGENTEUIL
MUNICIPALITY OF THE TOWNSHIP OF GORE

BY-LAW NUMBER 272

CONCERNING NUISANCES

WHEREAS articles 59 and 60 of the Municipal Powers Act (CQLR, c.C-47.1) allow the municipality to adopt any by-law to define what constitutes a nuisance in order to eliminate it as well as to prescribe sanctions to those who create or allow nuisances to persist;

WHEREAS section 492 of the Municipal Code of Québec authorizes a local municipality to adopt, amend or repeal by-laws allowing its officers to visit and examine, between 7 a.m. and 7 p.m., any movable or immovable property, including the interior and exterior of any house, building or immovable, in order to verify compliance with municipal by-laws;

WHEREAS the Council deems it appropriate and of public interest to revise its current by-law to adopt an adapted version that is complementary to Public Safety By-law Number 450-2019 concerning nuisances;

WHEREAS a notice of motion and the presentation of the present by-law was given by Councillor Anik Korosec at the regular meeting of October 7, 2019;

WHEREAS a copy of the by-law was given to the members of council 72 hours prior to the meeting where this by-law is presented for adoption;

WHEREAS copies of the by-law were made available to the public at the beginning of the meeting;

WHEREAS the Mayor presented the by-law in accordance with article 445 of the Quebec Municipal Code(C-27.1).

CONSEQUENTLY,

IT IS **MOVED** BY: Councillor Shirley Roy

SECONDED BY: Councillor Anselmo Marandola

AND **RESOLVED** unanimously by Councillors (6):

THAT the by-law be adopted as follows:



CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1: PREAMBLE

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

ARTICLE 2: TITLE

The title given to this by-law is "By-law 272 concerning nuisances".

ARTICLE 3: TERMINOLOGY

Unless the context indicates differently, the expressions and words mentioned below have the following meaning:

- a) **Contaminant:** A solid, liquid or gaseous substance that, in any way, affects the quality of the environment. This includes, but is not limited to resin, lacquer, paint, oil, grease or a combustible or explosive material, including fuels with motor or heating and aerosols.
- b) **Mobile container:** A container designed for the transport or temporary use of substances such as paint, oil, oil or any other contaminant, usually of small or medium capacity, that can be moved manually or with the help of equipment. This type of container is not intended for permanent storage at a site and must be disposed of or used in accordance with the provisions of these Regulations.
- c) **Watercourse:** Any body of water with regular or intermittent flow, including those created or modified by human intervention. Are not considered as a watercourses: a private or public road's ditch, a shared ditch as defined by Article 1002 of the Civil Code of Quebec (CQQ-1991) and a drainage ditch that meets the following requirements:
 - i. Is used solely for draining and irrigating;
 - ii. Exists only because of human intervention; and
 - iii. Its catchment area is less than 100 hectares.
- d) **Waste:** In a non-restrictive manner, includes all abandoned and/or damaged movable property, garbage, paper, empty bottles, scrap metal, unwanted commercial or industrial by-products, residual material or surpluses, animal carcasses, construction and demolition debris, out of order or discarded mechanical or electrical appliances and unused containers.
- e) **Right of way:** an area of land occupied or intended to be occupied by a traffic lane or a public service infrastructure.
- f) **Environment:** Water, atmosphere, soil or any combination of one or the other or, in general, the environment with which living species have dynamic relationships.



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- g) Public road ditch:** A small depression along the length of the soil used for draining surface water from a public road.
- h) Immovable:** A lot or a building
- i) Inspection:** Any visit, audit or examination by a person authorized by the municipality to determine compliance with the provisions of this by-law or any other applicable by-law. The inspection may include observing the condition of the premises, taking photographs, gathering information, interviewing occupants or owners, and reviewing relevant documents.
- j) Lot:** Land identified and delineated on an official cadastre plan made, filed and published in accordance with the Cadastre Act (RSQ, c C-1) or the Civil Code of Quebec (CCQ-1991).
- k) Motor vehicle:** A motorized road vehicle that is primarily used for the transportation of a person or property.
- l) Public Road :** Land serviced by or on behalf of a public body that is used for traffic; more specifically but not limited to, a road, an alley, a sidewalk, a bridge, a pedestrian path, a bicycle path, a snowmobile trail, a hiking trail, a public square, a railway line or a public parking area.

ARTICLE 4: APPLICATION

This by-law is applicable within the entire territory of the Municipality of the Township of Gore.



CHAPTER 2

CLEANLINESS AND MAINTENANCE OF LOTS

ARTICLE 5: CLEANLINESS

Constitutes a nuisance and is prohibited for the owner, tenant or occupant of an immovable to deposit, allow or tolerate, on a lot:

- a) the presence of waste or nauseating substances.
- b) the presence of building materials or piles of earth, sand, stone or gravel that is not incorporated or intended to be incorporated into a construction project on that lot for which a building permit has been previously issued, if required.
- c) The deposit of contaminants on the outside of a building, other than in a leak-proof container.

The container must be made of metal or plastic, equipped with a waterproof lid and an anti-spill device, which is animal-proof, and must be emptied annually by a specialized company. The presence of such containers on the lot must be justified and authorized based on the permitted use.

Notwithstanding the provisions of this paragraph, mobile containers of paint, oil, petroleum or other contaminants must be disposed of appropriately in an authorized location (such as an ecocentre or hazardous materials collection site), except when they are temporarily present on the premises as part of ongoing work that warrants their use.

- d) Outside any building, furniture intended to be inside a building, appliances, electronics, bathroom elements, and any other equipment.

ARTICLE 6: CONTAMINANT OR WASTE SPILL

Constitutes a nuisance and is prohibited to dump or allow any contaminants or waste to be dumped on any immovable or in any wetland or water environment.

ARTICLE 7: GENERAL STATE OF UNCLEANLINESS

Constitutes a nuisance and is prohibited for the owner, the tenant or the occupant of an immovable to:

- a) Allow the existence of stagnant or dirty water accumulations or the existence of fat, oil or petrol puddles on the immovable.



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- b) Leave an immovable or part of an immovable in such a state that its visual appearance causes an aesthetic prejudice or other type of harm to the neighbourhood or creates a security risk.
- c) Leave one or more constructions in a state of deterioration or poor repair such that rot, rust and/or vermin infiltrate it and threaten its long-term safety to public health or constitutes a danger or causes the depreciation of neighbouring properties.

ARTICLE 8: MODIFICATION OF A PUBLIC ROAD DITCH

Constitutes a nuisance and is prohibited to divert or otherwise carry out work that modifies the shape, the purpose or the course of a public road ditch without first obtaining a written authorization from the Municipality.

ARTICLE 9: FERTILIZER

Constitutes a nuisance and is prohibited for the owner, tenant or occupant of an immovable to tolerate the storage or spread of undeodorized manure on land that is not being cultivated or not being used as a pasture.

The first paragraph does not apply to activities that are permitted and are executed in accordance with the Act respecting the preservation of agricultural land and agricultural activities (RSQ, chapter P-41.1).

ARTICLE 10: UNDESIRABLE PLANTS

Constitutes a nuisance and is prohibited to allow weeds, poison ivy or any other harmful and invasive species identified below to grow:

- a) **Allergenic or dangerous species:**
 - Ragweed (*Ambrosia artemisiifolia*)
 - Great ragweed (*Ambrosia trifida*)
 - Poison ivy (*Toxicodendron radicans*)

These must be uprooted, cut or destroyed between July 15th and August 1st of each year and the land must remain free of such grasses.

- b) **Invasive alien species:**
 - Japanese knotweed (*Reynoutria japonica*)
 - Giant hogweed (*Heracleum mantegazzianum*)
 - Common warbler (*Phragmites australis* subsp. *australis*)
 - Japanese butterbur (*Petasites japonicus*)
 - Podagraria egopod (*Aegopodium podagraria*)
 - Frog Hydrocharide (*Hydrocharis morsus-ranae*)
 - Water chestnut (*Trapa natans*)

These must be disposed of or destroyed by appropriate and safe means.



ARTICLE 11: AUTOMOBILE

Constitutes a nuisance and is prohibited for the owner, tenant or occupant of an immovable to leave, deposit or tolerate, outside a closed building, the presence of one or more inoperable motor vehicles having no valid registration, the presence of boats or machinery that are out of order or that are not registered, or the presence of any part or accessory thereof.

This section does not apply to an immovable authorized to accommodate such a usage under the Zoning By-Law.



CHAPTER 3

LIGHTING

ARTICLE 12: LIGHT

Constitutes a light nuisance and is prohibited any source of light emitted in a building or on a property that:

- a) Is installed on a dock;
- b) Penetrates directly into a neighboring building;
- c) Permanently illuminates a natural, open or developed space located more than five (5) meters from a main or secondary building or from a space other than a vehicular driveway, a pedestrian walkway, a parking lot, a patio or balcony;
- d) Exceeds fifteen thousand (15,000) lumens outdoors;
- e) Exceeds six thousand (6000) lumens outdoors without a motion detector;
- f) Exceeds 3000°K for an outside LED bulb whose light color is expressed in degrees Kelvin (°K);
- g) Has an angle of more than seventy-five (75) degrees from the ground.



CHAPTER 4

RESIDUAL MATERIALS

ARTICLE 13: HOUSEHOLD WASTE

Constitutes a nuisance and is prohibited for the owner, the tenant or the occupant of an immovable to deposit, leave or tolerate, on an immovable, the presence of:

- a) Residual materials or bags of residual materials that are not stored in a shed, container or bin;
- b) A plastic bag or other unsealed or damaged container containing residual materials;
- c) A waste container or garbage bin containing residual materials that does not have a watertight lid;
- d) A waste container or bin with a soiled exterior or interior.



CHAPTER 5

NUISANCE ON MUNICIPAL PROPERTY

ARTICLE 14: SOILING

Constitutes a nuisance and is prohibited for anyone to sully and/or defile municipal property, including but not limited to, a public road or immovable, by depositing, leaving or throwing dirt, mud, sand, clay, rock, waste, foul-smelling substances, sewage, contaminants, building materials, papers/posters or any other object, material or substance.

Anyone who sully's or defiles municipal property will be responsible for the cleaning of said property in order to render the public area as it was before it was so soiled. Any offender becomes liable to the municipality for the cost of the cleaning, including any administrative costs and in addition to the penalties provided for in this by-law.

In the event that the clean-up requires the interruption or detouring of traffic, the offender must obtain the necessary authorizations from the appropriate municipal officer before beginning work.

ARTICLE 15: SNOW AND ICE

Constitutes a nuisance and is prohibited for anyone to throw, discard or deposit snow or ice from a private property onto municipal property.

ARTICLE 16: DISTRIBUTION OF MERCHANDISE

Constitutes a nuisance and is prohibited for anyone to install or have installed a distributor that either distributes, offers or displays periodicals, printed material, articles or any consumer goods along a public road or in its right of way.

Constitutes a nuisance and is prohibited to distribute printed matter by placing leaflets on the windscreen or on any other part of the vehicle.



CHAPTER 6

APPLICATION OF THE BY-LAW

ARTICLE 17: PERSON RESPONSIBLE FOR ENFORCING THE BY-LAW

The designated officers, as well as all other persons duly mandated by the municipal council, are responsible for the enforcement of the present by-law.

ARTICLE 18: POWER OF INSPECTION

The person responsible for the enforcement of the by-law is authorized by this by-law to visit and examine, between 7 a.m. and 7 p.m., every day, any movable or immovable property, including the interior and exterior of any house, building or immovable of any kind, to ascertain whether the by-laws entrusted to him for the administration of are being complied with, to verify any information or to ascertain any fact necessary for the performance of his duties.

ARTICLE 19: OBLIGATION TO COOPERATE DURING AN INSPECTION

The owner, tenant or occupant of a place subject to an inspection must allow access to the premises to the person responsible for the enforcement of the by-law and cooperate with the said person by answering any questions asked in relation to the enforcement of the by-laws.

Denying access to a property or facility to which this article applies is an offence punishable by the sanctions set out in this by-law.

ARTICLE 20: DECORUM DURING AN INSPECTION

a) Identification of individuals

Upon request, the person responsible for the enforcement of the by-law must establish his or her identity and attest to his or her official status as a person designated under article 17 of this by law.

The person responsible for the enforcement of the by-law, having reasonable grounds to believe that an offence has been committed, may require any person concerned to declare his or her name, address and date of birth. They may also require the information necessary to confirm the accuracy of the information.

A person may refuse to provide their name, address and date of birth, or any information that would confirm their accuracy, until they have been informed of the alleged offence against them.



b) Behaviour to adopt

Any person present during an inspection must refrain from insulting, molesting, intimidating or threatening the person responsible for the enforcement of the by-law. They must not, at any time, interfere with the performance of his or her functions in any way whatsoever.

Any person who uses or stores a hazardous material on the inspected premises must inform the person responsible for the enforcement of the by-law at the time of the inspection.

ARTICLE 21: ACCOMPANIMENT DURING AN INSPECTION

The person responsible for the enforcement of the by-law may be accompanied, during an inspection, by any person whose assistance is deemed necessary for the performance of his duties. This person is deemed to be acting under the authority of the person responsible for the enforcement of the by-law and has the same rights of access to the premises inspected.

SECTION 22: NOTICE OF CESSATION OF NUISANCE

The person responsible for the enforcement of the by-law must notify any owner, tenant or occupant of an immovable in writing to cease any nuisance observed under this by-law.

The notice must allow a minimum of five (5) days and a maximum of fifteen (15) days, from the date of receipt, to allow the addressee to comply with the requirements of the by-law.



CHAPTER 7

FINAL DISPOSITIONS

ARTICLE 23: PENALTIES AND SANCTIONS

a) Authorization

The council authorizes the person responsible for the enforcement of the present by-law to undertake proceedings against whomsoever contravenes any provision of the by-law and authorizes the person to issue the relevant notices of offense designed for that purpose.

b) General Offences

Whomsoever contravenes any provision provided for in this by-law is guilty of an offense and is liable to a fine of no less than three hundred dollars (\$ 300) and no more than one thousand (\$ 1 000) for a first offense, if the offender is a physical person and is fined no less than six hundred dollars (\$ 600) and no more than two thousand (\$ 2 000) for a first offense, if the offender is a corporation.

Whomsoever commits a second offense under the same provision within two (2) years of the first offense is liable to a fine of no less than six hundred dollars (\$ 600) and no more than two thousand dollars (\$ 2 000) in the case of a physical person, and no less than one thousand two hundred dollars (\$ 1 200) and no more than four thousand dollars (\$ 4 000) in the case of a corporation.

Whomsoever commits any subsequent offense to the same provision within two (2) years of the first offense is liable to a fine of no less than nine hundred dollars (\$ 900) and no more than three thousand dollars (\$ 3 000) in the case of a physical person, and no less than one thousand eight hundred dollars (\$ 1 800) no more than three thousand six hundred (\$ 3 600) in the case of a corporation.

In all cases, prosecution costs are extra. The time limits for the payment of fines and fees imposed under this section and the consequences of failure to pay such fines and fees within the prescribed time are established in accordance with the Quebec Code of Penal Procedure (RSQ, c C-25).

If an offense lasts more than one day, the offense committed on each day constitutes a separate offense and the penalties imposed for each offense may be imposed for each day of the offense, in accordance with this section.

c) Refusal or prevention of access to a public servant

It is an offence for any person to refuse or prevent access to a building, immovable or property to the person responsible for the enforcement of the present by-law or to any person duly authorized by the municipality in connection with an inspection under this by-law.



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This offence is punishable by a fine of not less than one hundred dollars (\$100) and not more than three hundred dollars (\$300) for a first offence, if the offender is an individual, and a fine of not less than two hundred dollars (\$200) and not more than six hundred dollars (\$600) for a first offence, if the offender is a corporation.

Each refusal or impediment observed, separated by a period of at least one (1) day, constitutes a separate offence.

ARTICLE 24: FEES AND PAYMENT DEADLINES

a) Prosecution costs

In all cases, the costs of a prosecution under this by-law shall be borne by the offender, in addition to any fine imposed.

b) Payment terms and default

The time limits for the payment of fines and costs, as well as the consequences of failure to pay within the prescribed time limits, are established in accordance with the provisions of the Code of Penal Procedure of Québec (CQLR, c. C-25.1).

SECTION 25: APPLICATION FOR ORDER

In the event that the judge pronounces a sentence concerning an offence under the by-law, he may, in addition to the fine and costs, order that the nuisance which is the subject of the offence be removed by any person convicted of the offence.

If the offender fails to comply within the prescribed period, the nuisance may be removed by the municipality at the offender's expense.

Notice of the application for an order must be given by the prosecutor to the person whom the order might require to remove the nuisance, unless that person is in the presence of the judge.

ARTICLE 26: PROPERTY TAX

In accordance with section 96 of the Municipal Powers Act (RSQ, c C-47.1) which states that any amount due to the Municipality as a result of its intervention under this Act is considered a property tax if the receivable is connected to an immovable and if the debtor is the owner of that immovable.

ARTICLE 27: REPEAL AND REPLACEMENT

The present by-law replaces and repeals By-law number 226 concerning nuisances.



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ARTICLE 28: EFFECTIVE DATE

The present by-law comes into effect in accordance with the law.

Scott Pearce,
Mayor

Sarah Channell,
Clerk-Treasurer

NOTICE OF MOTION AND PRESENTATION:	2025-07-07
ADOPTION OF THE BY-LAW:	2025-08-04
NOTICE OF PUBLICATION:	2025-08-05
COMING INTO EFFECT:	2025-08-05