



PROVINCE DE QUÉBEC
DISTRICT DE PONTIAC
MUNICIPALITÉ CAMPBELL'S BAY

BYLAW NUMBER 101-2020

BYLAW REGARDING PROPERTY STANDARDS IN MATTERS OF SANITATION AND NUISANCES IN ORDER TO MAINTAIN PEACE AND ORDER ON THE TERRITORY OF THE MUNICIPALITY OF CAMPBELL'S BAY.

CONSIDERING THAT Article 55 of the Municipal Powers Act allows a Municipality to adopt a By-law in matters of sanitation to determine a property standard, in order to enforce such standards as well as prescribe fines to persons creating one or several nuisances and to maintain peace and order;

CONSIDERING THAT Article 59 of the Municipal Powers Act allows a Municipality to adopt a By-law in matters of nuisances to determine a property standard, in order to enforce such standards as well as prescribe fines to persons creating one or several nuisances and to maintain peace and order;

CONSIDERING THAT this Council deems it necessary and of public interest to implement a property standards & nuisance By-law;

CONSIDERING THAT a Notice of Motion and presentation of project Bylaw is given on June 5th 2020.

CONSIDERING THAT the formalities provided for in Municipal Powers Act have been respected;

ARTICLE 1 - PREAMBLE

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

A nuisance property is one that shows a serious disregard for general maintenance or upkeep by being untidy, unsightly, offensive, dangerous, or interferes with the use or enjoyment of neighbouring properties. This can include the overall condition of the property itself, or any structures, buildings or houses on the property. This Bylaw requires that all occupied buildings, unoccupied buildings, and other structures on private property be kept in good repair to promote welcoming and attractive neighbourhoods and ensure community safety.

ARTICLE 2 - DEFINITION OF TERMS

Garbage: All residual product from agricultural activity, domestic, residential, commercial, industrial, construction, demolition, including household garbage and other residue including naturally occurring substances, such as clay, rocks, sand, and wood, twigs and leaves.

Rubbish: All waste material, refuse or litter.

Nauseating substances: All substances or materials causing or liable to cause a feeling of nausea or disgust.

Scrap metal: Any product composed in whole or in part of metal or mineral.

Responsible Officer: By-law enforcement officer or the Municipal Inspector, which has been delegated by resolution from Council.

Municipality: The Municipality of Campbell's Bay.

- Vehicle:** Any means of transportation or locomotion.
- Structure:** Something of many parts that is put together, used commonly to describe buildings.
- Building materials:** Any material which is used for construction purpose and/or used to construct buildings.
- Toxic waste:** Any unwanted material in all forms that can cause harm and that can pollute the air and contaminate soil and water, including new or used oils and all petroleum derivatives on a property.

ARTICLE 3 - TERRITORY

The present By-law applies to the entire territory under the jurisdiction of the Municipality of Campbell's Bay.

ARTICLE 4 - OFFICER RESPONSIBLE

The officer responsible, while exercising his/her duties, has the right to visit, all immovable properties, in order to determine if the present By-law is respected, between the hours of 8:00am and 6:00pm, including weekends. The owners, tenants, or occupants are obliged to answer all questions in order to respect of the present By-law.

Moreover, the officer responsible may take photos as well as any samples that he deems necessary.

ARTICLE 5 - INSPECTION BY THE OFFICER RESPONSIBLE

Anyone who is present when the inspector is doing an inspection must not insult, intimidate or threaten the officer, and must not in any circumstance, do harm in the exercising of his functions in any way.

ARTICLE 6 - VIOLATION

By means of the present By-law, anyone doing the following is considered in violation:

- a) Causes or tolerates the presence of garbage, rubbish, nauseating substances, steel and/or metal scrap, toxic waste on a property.
- b) Stores outdoors, household appliances and/or interior furniture.
- c) Anyone that accumulates building materials on a property that a building permit from the Municipality of Campbell's Bay was not previously issued.
- d) Anyone that accumulates scraps of building material on his property once the construction or renovation is finished. During construction, the scraps must be kept in the appropriate containers.
- e) Anyone who allows a part of a vehicle, a vehicle, a trailer, a semi-trailer, a watercraft, farm equipment or recreational vehicle that is no longer functional, with the exception of a car pound or storage site that is conforming with the zoning By-laws and having the necessary permits of authorization.

The fact of leaving, disposing or storing, on an immovable property, one or several vehicles more than seven (7) years old, and is not licensed for the current year, is out of order, is not being used for its original design, also constitutes a nuisance and is prohibited.

- f) Anyone storing more than eight (8) tires outdoors.

This article does not apply to a site designated for the recycling of tires and that has the necessary permits for this purpose.

g) Emits nauseating odors (including burning of) or use of certain products, substances, objects or garbage, that interferes with the comfort and the well-being of the citizens or the neighboring communities.

h) It is forbidden to burn any garbage or toxic material whatsoever such as tires, gas, oil, plastic, etc.

i) a property that is unkempt and unsightly with the presence of tall weeds and tall grass (over 12”).

j) Anyone using a structure for the use of storage that is not intended for its original purpose, this includes tractor trailers, camping trailers, c cans.

k) Anyone not maintaining or has abandoned a pool. Anyone not carrying out regular maintenance of their pool or spa causing the water to be scrambled, tainted or contaminated with algae.

ARTICLE 7 – SANCTION / INFRACTION

Whosoever contravenes a provision of this By-law commits an offence and will receive a warning letter with a specific time period for correction by the owner of the property. In failing to perform corrections in the specified time frame, the owner of the property is liable to a fine of two hundred dollars (\$200) in the case of a natural person and four hundred dollars (\$400) in the case of a moral person, for the first infraction.

For any repeat offences, the fine is four hundred dollars (\$400) in case of a natural person, and eight hundred dollars (\$800) in the case of a moral person. In each instance, legal expenses shall be additional and at the expense of the offender.

ARTICLE 8 – POWER OF THE JUDGE

In a case where the Court Judge gives a sentence concerning an infraction to the By-law, he may, over and above the fine and legal costs, order the necessary correction in the prescribed delay, and failing to comply with the sentence, he may authorise the municipality to make the necessary corrections to the said infraction, at the offender’s cost. If the offender refuses to pay, the cost of the corrections, as well as the amount for the fine will be added to the offender’s tax bill.

ARTICLE 9 – COMPATIBLE

This By-law abrogates all previous municipal By-laws which are incompatible with these provisions, save for and in exception to any SQ by-laws adopted by the municipality.

ARTICLE 10 – COMING INTO FORCE

The present By-law shall come into force according to law.

Notice of Motion: June 2, 2020

Presentation of Project Bylaw: June 2, 2020

Adoption of the By-law: June 18, 2020

Notice of publication: June 19, 2020

Coming into force: June 19, 2020

Maurice Beauregard, Mayor

Sarah Bertrand, Director General