



EXTRACT of Minutes of the regular meeting of the Council of the Town of Hudson held at the Community Centre on September 8th, 2009 during which the following by-law was adopted:

BY-LAW N° 562

NUISANCE – RMH 450

WHEREAS the municipal Council wishes to replace regulations concerning nuisance;

WHEREAS a notice of motion was duly given at the regular Council meeting held on July 6th, 2009;

WHEREAS the requirements of Article 356 of the Cities and Towns Act have been met and that council declares having read By-Law N° 562 and relinquishes its reading;

THEREFORE, it is **moved** by Councillor David Morton, **seconded** by Councillor Gordon Drewett and unanimously resolved that by-law bearing number 562 be adopted and decreed as follows:

PART I – GENERAL PROVISIONS

1. **“Title of By-law”**

This by-law is titled “*By-Law concerning Nuisance – RMH 450*”

2. **“Definitions”**

For the purpose of this by-law, the following words mean;

1. **Special Activity:** An activity recognized as such by Council.
2. **Noise:** Any sound or group of sounds, harmonious or not.
3. **Public road:** Streets, roads, alleys, places, bridges, footpaths or cyclable paths, sidewalks, road allowances or any other areas that is not public domain and any other installation or usage, including a ditch, which are useful for their development, operation or management.
4. **Private Area:** Any area that is not a public area as defined in this article.
5. **Public Area:** A public area that the public can access such as stores, places of worship, health centres, schools, community centres, municipal and government buildings, public areas, parks or any other establishments that offer services to the public.
6. **Officer:** Any physical person designated by Council and all members of the Sûreté du Québec may be in charge of the application of this By-Law in part or in its entirety.

3. **“Authorisation”**

The Municipal Council authorises, by resolution, any authority having jurisdiction to deliver, on behalf of the municipality, a ticket for an infraction to the provisions of this by-law.

4. **“Damages”**

Constitutes a nuisance and is prohibited the fact, by anyone, of causing damages to public areas, paving,



sewer pipes, water pipes, drains, ditches, manholes, fire hydrants, water valves, pumps and pumping stations, bridges, culverts or any other infrastructure located on public property or belonging to the municipality or to any other public organization.

Also constitutes a nuisance and is also prohibited the fact, by anyone, of cutting, damaging or deteriorating trees, shrubs, flowers, bulbs that have been planted in the right of way of municipal buildings or public areas.

5. “Encroachment”

Constitutes a nuisance and is prohibited the fact, by anyone without having obtained authorization from the authority having jurisdiction, of installing or using a piece or pieces of wood, crushed stone, stones, asphalt or any other material or device allowing access to the roadside or the sidewalk and so reach an immovable or part of an immovable.

6. “Arms”

Constitutes a nuisance and is prohibited the fact, by anyone, of using a gun, rifle loaded by the barrel, slingshot, airgun, bow, paint-ball gun, bow, crossbow or other similar devices intended to throw objects at less than 300 meters of any house, building or public place.

Constitutes a nuisance and is prohibited the fact of using a rifle used with percussion bullets at less than 500 metres of any house, building or public place.

7. “Lights”

Constitutes a nuisance and is prohibited, the fact of projecting a light directly outside from the lot where it originates if it is likely to cause a danger for the public or an inconvenience to citizens.

8. “Refuse and debris”

Constitutes a nuisance and is prohibited the fact of leaving, dumping or throwing any refuse or debris on a lot or a waterway, such as manure, dead animals, fecal matters, branches, wood logs, construction material, demolition debris, scrap metal, garbage, paper, plastic, glass or noxious matters.

9. “Sewers”

Constitutes a nuisance and is prohibited the fact that non-crushed kitchen and table refuse, vegetable, animal or mineral oils of any kind, vegetable or animal grease or gasoline be spilled or allowed to be spilled in sewers by way of sinks, drains, toilets or otherwise.

10. “Odors”

Constitutes a nuisance, the fact of giving off foul smelling odours by means of or by using a product, substance, object or refuse, likely to trouble the comfort, the peace of citizens or to inconvenience the neighbourhood.

11. “Motor Vehicle”

Constitutes a nuisance and is prohibited the fact of leaving, dumping or throwing on a lot, one or more motor vehicles that are in non-working order, unlicensed for the current year and more than seven (7) years old.

12. “Tree”



Constitutes a nuisance and is prohibited the fact that the owner of a property maintain or allows a tree which is in a state that would constitute a danger for the people circulating on a public road or walking in a public area.

13. “Oil”

Constitutes a nuisance and is prohibited the fact of depositing or allowing to be deposit oils or grease outside a building, elsewhere than in a leak proof container made of metal or plastic having and being closed with a leak proof lid.

14. “Snow”

Constitutes a nuisance and is prohibited the fact of leaving or throwing snow or ice from a private property onto public areas, into municipal water and waterways, at the end of culverts and around fire hydrants.

15. “Accumulated Snow”

Constitutes a nuisance and is prohibited the fact of leaving snow, ice or icicles accumulate on a slanted roof that pours onto or towards a public area.

16. “Refuse in public areas”

Constitutes a nuisance and is prohibited the fact of throwing or allowing that snow, crushed stone or sand or any other harmful matter be left or thrown on municipal public areas.

The offender may be compelled to clean or to have the concerned public area cleaned and, failing to do so within a twenty-four (24) hour delay, the municipality is authorized to do the clean-up and the offender becomes indebted towards the municipality for the cost of the clean-up done by the latter.

17. “Indecent or Obscene Object”

Constitutes a nuisance and is prohibited the fact of displaying or allowing to be displayed any indecent or obscene article or object, on any public area or in any window or door of a store or building.

NOISE

18. “Noise/General”

Constitutes a nuisance and is prohibited by anyone, the fact of making or tolerating an excessive and unusual noise likely to disrupt the peace and tranquility of the neighbourhood.

This article does not apply to popular holidays or special events organized in public areas and duly authorized by Council.

19. “Noise/Work”

During the operation of the industry, business, trade, occupation or means of subsistence, constitutes a nuisance and is prohibited the fact of not using noiseless machinery if it exists; if not to install special devices on the equipment in order to absorb the noise as to not disturb the comfort and well being and normal tranquility of nearby residents.

20. “Voice”



Constitutes a nuisance and is prohibited the fact of singing, shouting or produce any other sound the human voice can produce, that would trouble the peace and tranquility of the neighbourhood.

21. “Noise devices, unusual noises and motors”

Constitutes a nuisance and is prohibited, between 22h00 and 7h00, the fact of making or tolerating noise in a manner to disrupt the peace and tranquility of the neighbourhood:

- 1° of bells, sirens, whistles and chimes;
- 2° of sound systems, radios, microphones or any other device reproducing a sound;
- 3° of any other instrument causing a noise.

Paragraph 3° preceding does not apply to farmers performing their farming activities

22. “Works”

Constitutes a nuisance and is prohibited the fact of causing between 22h00 and 7h00 noise susceptible to disrupt the peace and well being of the neighbourhood by proceeding with construction, demolition or repairs to buildings or vehicles, the use of a lawn mower or chainsaw, unless it is for an emergency matter intended to preserve the safety of the people and premises.

The present article does not apply for emergency works to ensure the security of the premises or people, nor to farmers during their farming activities.

ANIMALS

23. “Animals”

Constitutes a nuisance and is prohibited the fact of having under its care, any animal that causes a nuisance to the well being and tranquility of residents, either by intermittent singing, barking, howling or strident scream.

24. “Animals roaming free”

No one may allow a farm animal or a dog to roam free outside the boundaries of the guardian’s building, apartment or property. A dog must be kept on a leash and must be accompanied and under the control of a responsible person when leaving these boundaries.

25. “Private property”

Constitutes a nuisance and is prohibited the presence of a dog on a private property without the formal consent of the owner or occupant of this lot. Its guardian is liable to the penalties decreed by this by-law.

26. “Feces”

The guardian must immediately pick up the faeces produced by an animal in a private or public area or a public road and dispose of them in an hygienic manner.

27. “Damages”

Constitutes a nuisance and is prohibited for an animal to cause damages to a terrace, garden, flowers or flower garden, shrubs or other plants. The guardian is liable to the penalties decreed by this by-law.



28. “Abandoned animal”

Constitutes a nuisance and is prohibited the fact of abandoning an animal on the territory of the municipality.

FIRES

29. “Emissions from a chimney”

Constitutes a nuisance and is prohibited, by the owner, tenant or occupant of an immovable, the fact of causing the emission of sparks, bits of grit, soot or dust coming from a chimney or any other source creating smoke with a density being harmful to the viability, public health and property.

30. “Harmful smoke”

Constitutes a nuisance and is prohibited the fact of operating by the owner, tenant or occupant of an immovable, lighting, or allowing fires to be light, creating smoke with a density being harmful to the viability, public health and property.

INSPECTION RIGHTS

31. “Inspection”

The municipal council authorizes an appointed officer to visit and examine any moveable or immovable property, as well as the interior or exterior of any residence or building whatsoever, to verify if by-laws are being complied to, and thus, any property owner, tenant or occupant of these residences and buildings must receive these persons and answer all their questions pertaining to the application of these by-laws.

ADMINISTRATIVE AND PENAL CLAUSES

32. “Penalty”

Anyone in contravention with this by-law is liable, besides the costs:

- 1° for a first infraction, to a fine of a minimum two hundred dollars (\$200) and a maximum of one thousand dollars (\$1,000), if the offender is a physical person, or a minimum of four hundred dollars (\$400) and a maximum of two thousand dollars (\$2,000) if the offender is a moral person.
- 2° for each repeat infraction, to a fine of a minimum of four hundred dollars (\$400) and a maximum of two thousand dollars (\$2,000) if the offender is a physical person, or a minimum of eight hundred dollars (\$800) and a maximum of four thousand dollars (\$4,000) if the offender is a moral person.

PART IV – MISCELLANEOUS PROVISIONS

33. “Noise/Work”



Notwithstanding Article 22. constitutes a nuisance and is prohibited the fact of causing noise susceptible to disrupt the peace and well being of the neighbourhood by proceeding with construction, demolition or repairs to buildings or vehicles, the use of a lawn mower or chainsaw, unless it is for an emergency matter intended to preserve the safety of the people and premises. The only times they will be permitted will be:

7:00 a.m. to 9:00 p.m. on Mondays to Fridays

8:00 a.m. to 5:00 p.m. on Saturdays

10:00 a.m. to 5:00 p.m. on Sundays

34. “Maintenance”

Constitutes a nuisance and is prohibited the fact that a property owner or occupant of a lot, does not maintain his lot or lets vegetation grow to a height of 60 cm or over on his lot, in a manner to cause an aesthetic or other prejudice to the neighbourhood or to create a danger risk.

35. “Replacement”

This by-law replaces By-Law No 466 « *By-Law concerning Nuisance – RMH 450* » adopted on July 19th, 2004.

This replacement will not affect any pending cases, legal proceedings and infractions committed before the coming into force of this by-law.

36. “Coming into Effect”

This by-law will come into effect according to the law.

CARRIED

Original signed: Elizabeth A. Corker, Mayor

Louise L. Villandré, Director General

Certified Extract

**Louise L. Villandré, o.m.a.
Director General**