WHEREAS As per Articles 546 and 547 of the Quebec Municipal Code, L.R.Q., c C-27.1, the Municipal Council may adopt a by-law to define what constitutes a nuisance and eliminate it, as well as impose fines to people who create or allow such nuisances;

WHEREAS Council agrees that such a by-law is necessary to insure security, peace and order throughout the Municipality;

WHEREAS: A notice of motion was given by Councillor Owen LeGallee with the exemption of its reading at the regular meeting of March 13th, 2002;

CONSEQUENTLY, the following is ordained, statued and decreed as follows:

ARTICLE 1: The preamble forms an integral part of the present document.

The attached annexes form an integral part of the present by-law.

« Noise/General »:

ARTICLE 2: Is considered a nuisance and is prohibited the making, provoking or encouraging the making of noise, whether it be noise susceptible of disturbing the peace and the well-being in the neighbourhood or of only one citizen, perceptible at the property's limits.

« Work »:

ARTICLE 3: Is considered a nuisance and is prohibited the making of noise which is susceptible of disturbing the peace and well-being of others in the neighbourhood by undertaking construction work, demolitions or repairs to a building or a vehicle between 10:00 p.m. and 7:00 a.m. except if the work is considered an emergency and is beneficial to a person's security in this area or perceptible at the property's limits.

« Musical Shows »:

ARTICLE 4: Is considered a nuisance and is prohibited the fact of making or allowing the production of a show or the broadcasting of music with sounds which can be heard beyond a radius of fifty (50) meters from where the noise comes from.

« Fireworks »:

ARTICLE 5: Is considered a nuisance and is prohibited the use or allowing the use of firecrackers or fireworks.

The Municipality or one of its representatives may issue a permit authorizing the use of fireworks. Conditions for the issuance of permits are described in Article 44.9.
« Firearms » :

ARTICLE 6 :

Is considered a nuisance and is prohibited the use of firearms or compressed air firearms, bows or crossbows or any kind of imitation firearm (example, paintball):

d) less than one hundred (100) meters from a house or building;

e) from a public road as well as over a width of ten (10) meters from each side of the exterior property;

f) from a fenced pasture where farm animals can be found, without having obtained the owner's permission.

« Lights » :

ARTICLE 7 :

Is considered a nuisance and is prohibited the projecting of light outside of a property from where it comes from if it is susceptible of causing danger to the public or inconvenience to citizens.

« Fire » :

ARTICLE 8 :

Is considered a nuisance and is prohibited the lighting or maintaining of a fire within a private area without a permit except if it is a wood fire lit in a fireplace used for this purpose. The conditions for the issuance of permits are described in Article 47.

« Inspection rights » :

ARTICLE 9 :

The Municipal Council authorizes the Municipality's officers (municipal inspectors) to visit and examiner, between 7:00 a.m. and 7:00 p.m., any movable or immovable property as well as the exterior or interior of any house or building, to observe if the by-laws are followed as well as any owner, tenant or occupant of these houses or buildings must allow these individuals to enter and answer questions asked regarding the application of this by-law.

ARTICLES 10 TO 28 :

N/A - Sûreté du Québec

ARTICLE 29 :

Leaving, putting or throwing on one or more properties, dirty or stagnant waters, trash, manure, dead animals, faecal matters and other unhealthy or harmful matters constitutes a nuisance and is prohibited.

ARTICLE 30 :

Leaving, putting or throwing dead branches, demolition debris, pieces of wood or pallets used for support for the transportation of merchandise, scrap, garbage, paper, empty bottles, glass, interior or exterior furniture which is no longer usable or foul-smelling substances on any property constitutes a nuisance and is prohibited.

ARTICLE 31 :

31.1 Leaving, putting or throwing on any property, one or more vehicles more than seven years old which are not plated for the current year and are not in shape to be driven constitutes a nuisance and is prohibited.

31.2 Leaving or allowing anyone to leave on any property one or more damaged vehicle which are not road worthy, is a nuisance and is prohibited.

31.3 Leaving or allowing anyone to leave on any property any heavy machinery for construction or excavation except in areas permitted by the zoning by-law, constitutes a nuisance and is prohibited.

31.4 Anyone leaving in storage, taking apart or altering on any property or part of any property a vehicle which is plated or not outside of a closed building constitutes a nuisance and is prohibited.

31.5 It is prohibited to apply on the exterior or interior of any vehicle, primer or any kind of paint susceptible of producing dust, odours or any other contaminant into the
environment, on any property or part of any property located in a habitation zone constitutes a nuisance;

**ARTICLE 32**: Is considered a nuisance and is prohibited, anyone putting, accumulating or throwing snow or ice from one property onto another, on a public road or property, in waters or streams as well as creating a snow dump.

**ARTICLE 33**: Is considered a nuisance and is prohibited, anyone putting brushwood or weeds up to a height of fifteen centimeters or more into a ditch facing the property or on a property built or not.

**ARTICLE 34**: Is considered a nuisance and is prohibited, letting weeds grow on a property.

The following plants are considered weeds:
- ragweed (ambrosia SPP);
- poison ivy (rhusradicans).

**ARTICLE 35**: Is considered a nuisance, putting or leaving oils or vegetable, animal or mineral grease outside of a building other than in an metal or plastic airtight container sealed with an airtight cover.

**ARTICLE 36**: Is considered a nuisance and is prohibited, the owner or occupant of a house, store or industrial establishment not to have the property and buildings maintained and cleaned.

**ARTICLE 37**: Is considered a nuisance and is prohibited, the owner or occupant of a property who does not have his civic number clearly visible.

**« Nuisances on public places »**

**ARTICLE 38**: Is considered a nuisance, the owner, tenant or occupant of land or property whose vehicles exit with tires, mudguards, body or cargo box that are soiled or loaded with earth, mud, clay, stone or any other substance must take the appropriate measures:

a) to remove from tires, mudguards, body or exterior of the cargo box of any vehicle, any dirt, sand, mud, stone, clay or any other substance which may fall onto the Municipality’s roadway or sidewalks;

b) to block the exit of one of the Municipality’s roads or sidewalks from a property or a building, any vehicle whose operations described in the previous paragraph have not been done.

**ARTICLE 39**: Is considered a nuisance and is prohibited, to throw out, put or spread onto public roadways or on a property or public place, municipal waterways, any earth, sand, mud, stones, clay, garbage, dirty water, paper, rubbish or garbage, refuse, concrete, oil, grease, oils or other substances.

Any person who soils public property must clean in order to render the public property in same state it was in before becoming soiled: Any such person must begin this process within one hour following the event and must continue cleaning without any interruptions until having been completed.

Should the cleaning necessitate an interruption or the diverting of traffic, the person responsible for doing this work must beforehand, obtain the Municipality’s authorization.

Anyone who contravenes to one of the obligations stipulated in the present article, other than penalties stipulated in the present by-law, becomes responsible to the Municipality for the costs of the cleaning that needs to be done.
ARTICLE 40: Is considered a nuisance and is prohibited, to put, install, hang, suspend or authorization of the installation, hanging or suspension of banners, signs, advertisements, flags or other similar articles or other objects of any nature whatsoever, on or over roadways, sidewalks, properties or public places including from a stand located on private property.

ARTICLE 41: Is considered a nuisance and is prohibited, the cutting, damaging or destruction of any tree, bush or flower in roads, parks or public places.

ARTICLE 42: Is considered a nuisance and is prohibited, to break, alter, displace or relocate any public or traffic sign, streetlight, boundary marker or public fence.

ARTICLE 43: Is considered a nuisance and is prohibited, the spilling or allowing to be spilled or discharged into sewers, from a sink, drain, toilet or other, kitchen or table scraps, ground or not, or vegetable, animal or mineral oils.

« Noise and order »

ARTICLE 44: Is considered a nuisance and is prohibited, to provoke or encourage in any way, noise that is susceptible of disturbing the peace, the tranquility, comfort, peace and well-being of citizens or in any way prevent the peacefulness of the neighbouring properties.

44.1 a) Is considered a nuisance, any noise between 10:00 p.m. and 10:00 a.m. the next day, of an intensity of over 60 decibels or more, measured at the property line from which it comes from;

b) Is considered a nuisance, any noise from work or the use of machinery or tool for the operating of a business, an industry or construction site causing noise in such a way as to disturb the peace, comfort and well-being of the neighbourhood, between 9:00 p.m. and 7:00 a.m. the next day.

c) Is considered a nuisance, any noise from the transportation and moving of heavy equipment and machinery in such a way as to disturb the peace, the comfort and well-being of the neighbourhood, between 9:00 p.m. and 7:00 a.m. the next day.

44.2 No one may install or have installed, use or let someone use loud speakers or an amplifier outside of a building.

44.3 Where are presented, inside or outside of a building with a commercial or cultural vocation, musical, instrumental or pre-registered vocal or non-vocal works, resulting from a sound reproduction device or from a on-site musician or show, no one may present or allow that noise be made at all times in such a way as it can be heard at a distance of fifty meters or more from the property on which the activity is generated from.

44.4 The use of a siren is prohibited with the exception of one related to an alarm system. An alarm system must be programmed in such a way for the alarm to cease after ten minutes.

44.5 The operating of quarries or gravel pits is authorized on week days, from Monday to Friday from 7:00 a.m. to 5:00 p.m. and on Saturday for loading and delivery only, from 8:00 a.m. to noon; the operating of these industries at any other time constitutes a nuisance and is prohibited.

44.6 Is considered a nuisance and is prohibited to use a lawnmower, a chainsaw or any other similar motorized equipment between 8:00 p.m. and 8:00 a.m. the next day.

44.7 The use of one or more miniature planes as well as radio controlled vehicles between 8:00 p.m. and 8:00 a.m. the next day, constitutes a nuisance and is prohibited.

44.8 The conditions for the issuance of permits pertaining to Article 5 of the present by-law are:
a) having made a request in writing to the Municipality for this purpose and having signed it;
b) having paid the amount of $ 100 per event;
c) having retained the services of a person authorized by Law to be able to use fireworks;
d) hold an liability insurance policy of at least one million dollars for damages to the property;
e) use a property, free of construction, over a radius of at least 150 feet, in order to use these fireworks.

44.9 Any infringement to the provisions of Article 44 constitutes a nuisance and is prohibited.

44.10 Notwithstanding the provisions of the present article, the use of equipment for the making of snow, small tracked vehicles and other necessary equipment for the maintenance of the ski trails during Ski Morin-Heights’ season of activities is authorized 24 hours per day from November 15th to February 1st.

44.11 Notwithstanding the provisions of the present article, the use of equipment to water and cut the grass on the golf course during Golf Balmoral’s season of activities is authorized between 6:00 a.m. to 8:00 p.m.

44.12 Notwithstanding the provisions of the present article, the use of equipment to track the trails, to use small tracked vehicles and other mechanical equipment for the maintenance of cross-country ski trails during the cross-country ski network’s season of activities, which is operated by the Municipality of Morin-Heights, is authorized between 6:00 a.m. and midnight.

ARTICLE 45: a) The use of a snowmobile, motocross or all-terrain vehicle on the Municipality’s territory is considered a nuisance and is prohibited.

b) The use of a snowmobile, motocross or all-terrain vehicle on any property other than the equipment owner’s property or on a property that has an authorization to allow such circulation, constitutes a nuisance and is prohibited.

c) The use of a snowmobile, motocross or all-terrain vehicle between 4:00 p.m. and 10:00 a.m. the following day constitutes a nuisance and is prohibited.

d) The use of a snowmobile, motocross or all-terrain vehicle and the emitting an audible noise at 50 meters from the location from which the noise comes from constitutes a nuisance and is prohibited.

e) An exception is made to snowmobiles and all-terrain vehicles used as a work-vehicle.

« Distribution of certain printed matters »

ARTICLE 46:

46.1 The distribution of flyers, advertisements, leaflets or similar printed matters for distribution on windshields or any other part of a vehicle is considered a nuisance and is prohibited.

ARTICLE 47: Regarding brush fires, waste or others.

47.1 It is prohibited to:

Burn garbage, waste, rubbish and other toxic products or contaminants.

To burn brush, grass, dead leaves or create other fires, in any area of the Municipality unless the following conditions have been met:

a) having obtained a permit from a recognized authority;
b) having a responsible person at the site;
c) being able to easily extinguish said fires, at any time.

47.2 Obtaining a fire permit does not release the person who has obtained the permit of his ordinary responsibilities in the event that monies or damages are claimed resulting from the fire that was lit.

47.3 The obtained permit does not authorize making fires at the specified times, when the winds are blowing and when circumstances may cause a fire, outside of the specified limits.

47.4 Anyone lighting fires must not leave the premises until the fire has been completely extinguished.

47.5 The permit is free of charge.

47.6 Anyone making or allowing thick smoke from a chimney or from any other source constitutes a nuisance.

ARTICLES 48

Feeding pigeons in a public place or outside a building constitutes a nuisance and is prohibited.

ARTICLES 49 TO 50:

N/A – Municipality

« Application » :

ARTICLE 51 :

Those responsible for the enforcement of the present by-law are: the Director, Urbanism department, the Director, Environment department, the Director, Fire department, the Director, Public works department, the building inspector and the foreman, Public works department.

The municipal council also authorizes all the Sûreté du Québec police officers to undertake legal proceedings against anyone who intervenes and to issue infringement notices for any offence to any of the provisions of the present by-law.

« Pénalité » :

ARTICLE 52 :

Whomever contravenes to any provision of the present by-law commits an offence.

Whomever commits an offence is liable to a fine of at least one hundred dollars ($100) and up to three hundred dollars ($300) if the offender is an individual and of at least two hundred dollars ($200) and up to six hundred dollars ($600) if the offender is of legal entity.

Whomever commits a second offence to the same provision within a period of two (2) years of the first offence is liable to a fine of at least two hundred dollars ($200) and up to six hundred dollars ($600) if the offender is an individual, and at least four hundred dollars ($400) and up to one thousand two hundred dollars ($1 200) if the offender is of legal entity.

Whomever commits a subsequent offence to the same provision within two years (2) of the first offence is liable to a fine of at least three hundred dollars ($300) and up to nine hundred dollars ($900) if the offender is an individual, and of at least six hundred dollars ($600) and up to one thousand eight hundred dollars ($1 800) if the offender is of legal entity.
Whomever commits an offence in regard to articles 30 and 39 is liable to a fine of at least one thousand dollars ($1,000) and up to three thousand dollars ($3,000) if the offender is an individual and of at least two thousand dollars ($2,000) and up to four thousand dollars ($4,000) if the offender is of legal entity.

In every case, any legal fees will be added.

Delays in payment of incurred fines pertaining to the present article and any consequences of non-payment of said fines and fees within the specified time limit are established in accordance to the Code de procédure pénale du Québec (L.R.Q., c. C-25.1).

If an offence lasts more than one day, the offence committed on each of these days constitutes a distinct infringement and penalties given for each of these infringements may be given for each day of this infringement, in accordance to the present article.

« Abrogation » :

**ARTICLE 53** : The present by-law rescinds any previous municipal regulations which are incompatible with these provisions.

« Enter into effect » :

**ARTICLE 54** : The present by-law enters into effect as per the Law.