



ADMINISTRATIVE COMPILATION

BY-LAW NO. 658-2010

BY-LAW NUMBER 658-2010 CONCERNING NUISANCES IN GATINEAU AND REPLACING BY-LAW NUMBER 43-2003

Adopted by City Council on May 11, 2010,
effective on May 19, 2010,
as amended by the following By-laws:

By-law No.	Date approved by Council	Effective Date
658-1-2011	2011 04 19	2011 04 27
658-2-2012	2012-04-17	2012-04-25
658-3-2017	2017-04-11	2017-04-19

FOREWORD

The reader is hereby informed that any errors or omissions that may be noted in the following By-law do not affect the binding nature of the By-laws and amendments herein cited, as approved in their original version.

A publication of the Office of the City Clerk



BY-LAW NUMBER 658-2010

BY-LAW NUMBER 658-2010 CONCERNING NUISANCES IN GATINEAU AND REPLACING BY-LAW NUMBER 43-2003

WHEREAS the Municipal Council of Ville de Gatineau may make by-laws to identify what constitutes a nuisance and to eliminate it, and to set the fines that will be imposed on people who create nuisances or allow nuisances to continue;

WHEREAS the Municipal Council of Ville de Gatineau deems it timely and in the public interest to review the current by-laws on nuisances;

AND WHEREAS notice of presentation number AP-2010-366, which is to precede the adoption of this by-law, was issued at the April 20, 2010 session of the Municipal Council;

NOW THEREFORE the Municipal Council of Ville de Gatineau enacts the following:

CHAPTER 1 **INTERPRETATION AND APPLICATION**

1. Definitions

Unless the context otherwise requires, the following definitions apply:

- 1° “**advertising flyer**”: any pamphlet, prospectus, leaflet or other advertisement designed for announcements or advertisements;
- 2° “**contaminant**”: solid, liquid or gaseous matter that is capable of altering in some manner the quality of the environment, including, but not limited to, resin, lacquer, paint, mineral oil or fat, or a combustible or explosive material, including engine or heating fuel and aerosols;
- 3° “**maintainable ditch**”: any public ditch along a lot on a maximum distance of up to 120 metres, with a side slope of 2 to 1 each side and a maximum depth of 1 metre, or with a side slope of 3 to 1 on each side and a maximum width of 1.5 metre.”; (By-law No. 658-2-2012)
- 3.1° “**public ditch**”: small elongated depression dug into the ground, to allow the drainage of surface waters on a public road.”
- 4° “**grass**”: any lawn grass or any small and flexible plant without bark;

- 5° **“immovable property”**: land or a building;
- 5.01° **“light maintenance:”** action aimed at ensuring normal drainage in a ditch and consisting of cutting or pulling out by hand, with a shovel, a mower or any other similar light tool, all vegetation, waste or materials. Any work requiring the use of heavy machinery or excavation, backfill, digging, reshaping, slope adjustment and slope stabilization work does not constitute light maintenance.
(By-law No. 658-2-2012)
- 6° **“lot”**: a parcel of land identified and delimited in an official cadastral map prepared, tabled and published pursuant to the *Cadastré Act*, R.S.Q. c. C-1 or the *Civil Code of Québec*, S.Q., 1991, c. 64;
- 6.1° **“motor vehicle”**: a motorized road vehicle that is essentially adapted to transporting people or goods; (By-law No. 658-1-2011)
- 6.02° **“natural high water mark:”** area marking a transition between predominantly aquatic plants to predominantly land plants or, in the absence of aquatic plants, area where land plants end toward the river or body of water; (By-law No. 658-3-2017)
- 7° **“natural land”**: land that has been preserved for biodiversity conservation or protection, including but not limited to, a park, woodlot or wetland;
- 8° **“noxious weeds”**: poison ivy bushes and plants (*Toxicodendron radicans* (L.) Kuntze) and giant hogweed (*Heracleum mantegazzianum*); (By-law No. 658-2-2012)
- 8.1° **“off-street parking lot”**: a lot that is off a street, either a surface or a structure, and intended for motor vehicles to park in, that has parking spots and lanes providing access to the parking spots or parking ROWS; (By-law No. 658-1-2011)
- 8.2° **“parking spot”**: a space intended specifically for a single motor vehicle to park in; (By-law No. 658-1-2011)
- 9° **“public right-of-way”**: land maintained by or for a public organization and used for traffic, in particular but not limited to, a road, street, sidewalk, bridge, pedestrian pathway, bike path, snowmobile trail, hiking trail, or public parking lot;
- 10° **“ragweed”**: *Ambrosia artemisiifolia* L. and *Ambrosia trifida* L.;
- 10.01° **“residual trees:”** plant debris left in the ground after a silvicultural treatment, a tree-growing treatment or a natural disturbance.
(By-law No. 658-3-2017)
- 11° **“responsible official”**:
- a) the directeur du Service de police and his/her representatives,
 - b) the service centre directors and their representatives,
 - c) the directeur du Service des travaux publics and his/her representatives, and
 - d) the directeur du Service de l'environnement and his/her representatives;

- 12° “**right-of-way**”: a portion of land that is occupied or intended to be occupied by a roadway or a public utility infrastructure;
- 13° “**trash**”: this term includes, but is not limited to, any abandoned and damaged movable property, household waste, paper, empty bottles, scrap metal, residue from commercial or industrial processes, animal carcasses, construction and demolition debris, out-of-order or retired mechanical or electrical devices, unused containers; (By-law No. 658-2-2012) (By-law No. 658-3-2017)
- 14° “**waterway**”: any body of water that runs in a bed with a regular or intermittent flow, including one created or modified through human intervention, with the exception of a public or private roadside ditch, a party ditch and a drainage ditch that is used only for drainage or irrigation, that exists only as a result of human intervention and whose drainage basin has a surface area of less than 100 hectares.

2. Application

This by-law applies to all of Gatineau.

CHAPTER 2 CLEANLINESS AND MAINTENANCE OF LOTS

3. Any person who leaves, places or tolerates the presence of any of the following on a lot is committing a nuisance:
- a) waste or putrid substances;
 - b) construction materials or soil, sand, rock or gravel piles that are not incorporated into or intended to be incorporated into a construction on this lot for which a construction permit has been issued, if required;
 - c) a diseased or dead tree, or one that is in such precarious condition as to be liable to fall on the public right-of-way;
 - d) a tree, shrub, landscaping arrangement, hedge or any other vegetation that encroaches on the public road, hides a road sign, reduces public lighting, in some manner damages municipal property or its use or constitutes a hazard for public road users; (By-law No. 658-2-2012)
 - e) tires, regardless of their condition, outside a closed building; or
 - f) stagnant water, other than a waterway, between June 1 and October 1.

For the purposes of subsection d), any tree, shrub, landscaping arrangement or hedge must be pruned or trimmed to ensure that branches do not protrude beyond the minimum clearances set out below. From the underside of the branch and from the highest point of the reference element, at the vertical part of the branch the clearance must be:

- i) 4.85 m above the pavement of a road that is approved for heavy vehicle traffic, above an access road for firefighting vehicles required under the applicable building code, and above a pedestrian pathway required for a dead-end street under the applicable subdivision by-law,
- ii) 4 m above the pavement of a road other than one included in paragraph i), and
- iii) 3 m above a sidewalk or a pedestrian pathway other than a pedestrian pathway included in paragraph i).

3.1 Any landlord, tenant or occupant of a lot who tolerates that the lot be in a general state of uncleanness is deemed to commit a nuisance.
(By-law No. 658-2-2012)

3.2 Anyone who leaves, places or tolerates on a lot the presence of residual trees is deemed to commit a nuisance.

For the application of section 3.2, the presence of residual trees is allowed on a natural lot if the landlord, tenant or occupant of the lot meets all of the following conditions:

- i. The residual trees are located within a 30-metre radius of their point of origin;
- ii. The residual trees shall have a height under 60 centimetres from the ground level, except for wood chips with a maximum height of 20 centimetres;
- iii. All residual trees shall not harm residual trees measuring more than 2 metres in height;
- iv. No residual tree shall be found within the following boundaries:
 - 5 metres from a path
 - 5 metres from a sidewalk
 - 5 metres from a street
 - 1.5 metre from a property line
 - Waterway shoreline, as determined by the natural high water mark

4. Any owner, tenant or occupant of a lot with a built structure who allows or tolerates the presence of any of the following is committing a nuisance:

- a) grass or noxious weeds higher than 20 centimetres; or
- b) ragweed.

5. Any owner, tenant or occupant of a vacant lot measuring less than 2,000 m² who allows or tolerates the presence of any of the following is committing a nuisance:

- a) grass or noxious weeds higher than 60 cm; or
- b) ragweed.

This section does not apply to natural land.

6. Any owner, tenant or occupant of a vacant lot measuring 2,000 m² or more who allows or tolerates the presence of any of the following is committing a nuisance:

- a) grass or noxious weeds higher than 60 cm within 1.5 m of a public right-of-way or built lot; or
- b) ragweed within 1.5 m of a public right-of-way or built lot.

This section does not apply to a right-of-way maintained by the municipality, natural land or land designated as agricultural and protected under *An Act respecting the Preservation of agricultural land and agricultural activities*, R.S.Q. c. P-41.1).

7. Any owner, tenant or occupant of a right-of-way maintained by the municipality or a natural land who allows or tolerates the presence of any of the following is committing a nuisance:
 - a) grass or noxious weeds higher than 60 cm within 1.5 m of a public right-of-way; or
 - b) ragweed within 1.5 m of a public right-of-way.
8. For the purposes of sections 4 to 7, any owner, tenant or occupant of land on which there is ragweed shall undertake to eradicate it, or at the very least mow it, to ensure that this plant will not flower.
9. Riparian strips along waterways and ditches are excluded from the application of sections 4 to 7.
10. Any person who places, leaves or tolerates any material, trash or plant that prevents or interferes with the flow of water in a public ditch is deemed to commit a nuisance.

Any person who fills, diverts or completes any work that changes the shape, the end or the track of a public ditch without the written consent of Ville de Gatineau is deemed to commit a nuisance.

Any landlord, tenant or occupant of a lot located along a public ditch who fails to maintain it to allow the normal flow of water is deemed to commit a nuisance. This obligation is that of the owner, tenant or occupant of a lot when the maintenance required is light and the ditch is maintainable

11. Any owner, tenant or occupant of a built lot who fails to maintain the right-of-way portion at the front or side of the lot is committing an offence.

Landscape arrangements installed by the municipality and trees on the right-of-way are excluded from this section.

12. Any owner, tenant or occupant of a built lot who fails to maintain the right-of-way portion at the front or side of the lot is committing an offence.
13. Any owner, tenant or occupant who tolerates the storing or spreading of non-deodorized manure on land that is not being farmed or in pasture is committing an offence.

The previous paragraph in this section does not apply to activities that are permitted under and that comply with *An Act respecting the Preservation of agricultural land and agricultural activities*, R.S.Q. c. P-41.1).

- 13.1 Any person who creates or tolerates the creation of dust that could interfere with the well-being or comfort of the public through the use of a motor vehicle, mechanical broom, leaf blower, or any other similar motorized vehicle in an off-street parking lot with more than ten parking spots is committing a nuisance. (By-law No. 658-1-2011)

This section comes into effect on January 1, 2012

CHAPTER 3
RESIDUAL MATERIALS

14. Any owner, tenant or occupant who leaves, places or tolerates the presence of any of the following is committing an offence:
- a) residual materials or bags of residual materials that are not stored in a shed, container or garbage bins;
 - b) unsealed or damaged plastic bags or other containers that contain residual materials;
 - c) residual material containers or bins with an open lid or without a watertight lid when they contain residual materials;
 - d) residual material containers or bins that are soiled on the outside or inside;
 - e) dumpsters with an open lid or without a watertight lid when they contain fat or cooking oil; or
 - f) a container with fat or cooking oil that is soiled on the outside.

CHAPTER 4
ENVIRONMENTAL CONTAMINANTS

15. Any person who pours or allows to be poured any contaminant or trash onto or into any immovable property, waterway or ditch is committing an offence.
16. Any person who tolerates the presence of a contaminant outside of its container or in a container that is not sealed or that is damaged is committing an offence.

CHAPTER 5
MOTOR VEHICLES

17. Any owner, tenant or occupant who leaves, places or tolerates outside a closed building the presence of one or more motor vehicles that are not in working order and do not have a valid licence is committing an offence.

This section does not apply to a lot on which such usage is authorized under the zoning by-law.

CHAPITRE 6
ADVERTISING FLYERS

18. Any person who distributes or arranges for the distribution of advertising flyers on public property or from door to door without placing them in a mailbox or in such a manner that they are not blown away by the wind is committing an offence.

CHAPTER 7
NUISANCE CAUSED ON MUNICIPAL PROPERTY

19. Any person who soils municipal property, including, but not limited to, a public right-of-way, by placing, leaving or tossing onto it trash, putrid substances, wastewater, contaminants, construction materials, posters or any other object, material or substance is committing an offence.
20. Any person who installs or arranges to have installed a distributor that distributes, offers or exhibits periodicals, printed documents, articles or any

other merchandise for consumption, on a public right-of-way is committing an offence.

21. Any owner, tenant or occupant who tolerates the accumulation of snow, ice or icicles that is or are falling or could fall onto a public right-of-way from a sloped roof is committing an offence.

CHAPTER 8 PROJECTILES

22. Any person who throws or deliberately allows to have thrown a ball or other projectile onto another land without the approval of the latter's owner is committing an offence.

Any owner, occupant or operator of public or privately-owned land who does not take the appropriate measures to avoid having repeatedly thrown or projected a ball or other projectile that could endanger the safety of people or property outside the land from which it originates is committing an offence.

CHAPTER 9 POWERS OF THE RESPONSIBLE OFFICIAL

23. A responsible official is authorized to visit and review any immovable property or furnishing for the purpose of verifying compliance with this by-law.

On request, the responsible official who is conducting an inspection shall establish his or her identity and display the certificate issued by Ville de Gatineau that attests to his official capacity.

- 23.1 The officer in charge who has reasonable grounds to believe that a person has committed an offense may require his or her name, address and date of birth.

The officer in charge may also require that this person provide information to confirm accuracy.

A person may refuse to provide his or her name, address and date of birth or information to confirm their accuracy, as long as he or she is not made aware of his or her alleged offense.

24. Any owner, tenant or occupant of an immovable property or furnishing shall grant access to the responsible official and shall permit the official to proceed with his or her inspection. Any person who is present during such an inspection shall refrain from insulting, molesting, intimidating or threatening the responsible official, and shall at no time interfere in any manner with the official's exercise of his or her duties. Any person using or storing hazardous materials shall notify the responsible official during his or her inspection.

25. The responsible official shall notify in writing any owner, tenant or occupant of an immovable property to cease within three days any nuisance decreed under sections 3 to 7, 10 and 11 of this by-law.

At the end of the period mentioned in the previous paragraph, the responsible official may have the work carried out and charge the cost of

this work to the owner, tenant or occupant, as well as any administrative costs incurred, once these costs have been determined.

These costs shall be included in the property tax and, in the event of failure to pay the amount invoiced, shall be claimed along with the overall property tax.

Any notice that is required to be given under this section shall be served pursuant to section 338 of the *Cities and Towns Act*, R.S.Q. c. C-19.

26. Any person who soils municipal property shall clean it up to return it to the state in which it was prior to being soiled. The clean-up shall be done immediately or, if applicable, by a date set by the responsible official. In the event that the clean-up requires the interruption or detour of vehicle or pedestrian traffic, the obligor who is required to do the cleaning shall notify the responsible official of this ahead of time.

Upon expiration of the timelines indicated in the previous paragraph, the responsible official may have the work carried out and charge the cost of this work to the offender, as well as any administrative costs incurred, once these costs have been determined.

CHAPTER 9

PENAL PROVISIONS AND SANCTIONS

27. The Municipal Council authorizes in general terms the responsible official to take legal action against anyone who contravenes any provision of this by-law, and authorizes in general terms and as a consequence a responsible official to issue a ticket for this purpose, such official being mandated to enforce the by-law.
28. In addition to the expenses addressed in sections 25 and 26, any person who contravenes any provision of this by-law is committing an offence and is liable to receive a fine of no less than \$300 and no more than \$1,000 for a first offence if the offender is a physical person, and a fine of no less than \$600 and no more than \$2,000 for a second offence if the offender is a legal entity.

The fines indicated in this section are doubled for a repeat offence.

Any cost of legal action is in addition to these fines.

The timelines for the payment of fines and costs under this section and the consequences of failure to pay these fines or costs within the prescribed period are set in accordance with the *Code of Penal Procedure*, R.S.Q. c. C-25.1.

29. For every day that an offence continues, it is counted as a separate offence.
30. A municipal court judge who hands down a sentence on a violation to the by-law may order, in addition to the fine and costs, that the nuisances that are the subject of the offence be removed by the person who was found guilty of the offence.

In the event that the offender fails to execute the order within the prescribed time, Gatineau may remove the nuisances and charge the cost of the work to the offender.

Advance notice of the application for an order must be given by the prosecutor to the person who might be forced to remove the nuisance, unless that person is in the presence of the judge.

CHAPTER 10
FINAL PROVISIONS AND COMING INTO FORCE

31. Ville de Gatineau by-law number 43-2003 and its amendments are repealed.
32. This by-law comes into force pursuant to the Act.

**BY-LAW ADOPTED BY THE MUNICIPAL COUNCIL ON
MAY 11, 2010**

PATRICE MARTIN
COUNCILLOR AND CHAIR OF THE
MUNICIPAL COUNCIL

SUZANNE OUELLET
GREFFIER