

**TOWN OF HAMPSTEAD
PROVINCE OF QUEBEC**

BY-LAW NUMBER 795-2

**BY-LAW MODIFYING BY-LAW N^O 795
CONCERNING NUISANCE**

WHEREAS Notice of Motion of the present By-Law was given at the Regular Council Meeting held on February 4th, 2013;

ON JULY 2ND, 2013, THE COUNCIL DECREES AS FOLLOWS:

Section 1

Definitions:

In this By-law, unless otherwise indicated by the context, the following words shall have the following meanings:

- 1.1. “Town” – means the Town of Hampstead.
- 1.2. “Excessive noise” – means a sound or a combination, succession or repetition of sounds, loud or prolonged, which:
 - a) disturb the quiet, peace, rest, enjoyment or comfort of the neighbourhood or persons in the vicinity;
 - b) exceed 85 db (A) as measured at 8 feet from the source if the source is on public property or at 8 feet from the property line if the source is on private property.”
- 1.3. “Mechanical equipment” – includes any device used in the mechanical services of a building including, but not limited to, a heat pump, air conditioner, exhaust fan, swimming pool filtration system and all similar devices which are motor driven.
- 1.4. “Nighttime” – means the period of time from 21h00 of one day to 07h00 of the next day.
- 1.5. “Officer responsible” - means a member, or members, of the Public Security Department of the Town, the Montreal Police Department or a representative of the Urban Planning department.
- 1.6. “Person” – means a legal or a natural person.
- 1.7. “Power equipment” – includes any chainsaw, leaf blower, gas power lawn mower, snowblower, hedge trimmer, power tool and any other similar device.

- 1.8 “Public place” – means all areas and public buildings where maintenance is under the authority of the Town and which are open to the public.
- 1.9 “Sign” – means all signs, markings and devices placed or erected by the authority of the Town, the Public Security Department or the Montreal Police Department for the purpose of guiding, warning, regulating traffic or securing the safety of the public.
- 1.10 “Street” – a roadway designed and intended for the passage of vehicles and pedestrians, located within the limits of the Town and under the maintenance of the Town.
- 1.11 “Park” – an area located within the Town, under its jurisdiction, including playgrounds, dog runs, rest areas, promenades, skating rinks, swimming pools, tennis courts and the grounds and buildings that serve them and, in general, all public places, grassed or not, to which the public has access for the purpose of rest or relaxation, or for any similar purpose.
- 1.12 “Private property” – any immovable or building or lot other than a public place.
- 1.13 “False Alarm” - means the activation of an alarm system resulting in the direct or indirect notification of the Police and/or the Public Security department to go to the address of the alarm system where there has been no unauthorized entry or commission of an unlawful act on or in relation to the building, structure, residence, facility or vehicle, or where there has been no emergency situation. False alarm incidents include but are not limited to:
- (i) The testing of an alarm which results in a police or public security response;
 - (ii) An alarm actually or apparently activated by mechanical failure, malfunction or faulty equipment, which results in a police or public security response;
 - (iii) An alarm activated by user error or neglect, which results in a police or public security response;
 - (iv) An alarm reporting an attempt or completed criminal offence or an emergency situation occurring on or in relation to the address in which the alarm system is installed where no evidence exists or where no such event took place, which results in a police or public security response.
- 1.14 “Gas powered landscaping equipment” - means equipment such as lawn mowers and leaf blowers with gas powered motors. Snow blowers and motor vehicles with mufflers are not considered as landscaping equipment.”

Section 2 - General

- 2.1 Non compliance with the provisions of Sections 3 to 10 is considered a nuisance and an infringement of this By-law.

Section 3 – Public and Private Property.

The following shall constitute a nuisance within the Town:

- 3.1 The allowing of grass, weeds or similar material to grow over 15 centimeters (6 inches) high on private property, whether such property is either vacant or inhabited.
- 3.2 The leaving on an immovable or a lot or an inhabited property, scrap metal or debris or one or several motor vehicles which are not registered for more than two (2) years. Moreover, the repair other than tire repair or replacement, dismantling, or alteration of any road vehicle is prohibited outside a building, unless otherwise provided in a by-law to that effect.
- 3.3 The storage or depositing of any mechanical equipment on any vacant lot.
- 3.4 Climbing upon, removing, pruning, planting, cutting, destroying, breaking or otherwise causing damage to any tree, shrub, bush or flower in a public place.
- 3.5 Breaking, altering, removing or relocating any sign, fence or barricade which has been installed by the Town or its representatives in a public place.
- 3.6 The allowing of or causing the emission of sparks, cinders, soot, dust, vapor or noxious odors.
- 3.7 The discharging of water containing any visible solids into a storm sewer.
- 3.8 The polluting or altering of the quality of water in a wading or swimming pool.
- 3.9 The burning of or allowing the burning of leaves or other material or refuse outdoors.
- 3.10 The lighting of fires outdoors with the exception of barbecues or propane patio heaters.
- 3.11 The keeping of any farm animal or other non-domestic animal and the feeding of wildlife on public property.
- 3.12 The throwing or depositing of paper, garbage, leaves, cut grass, snow or any other similar matters in a public place.

Notwithstanding the above, private contractors may deposit snow on the street as per the Snow removal protocol annexed to the present By-law.

- 3.13 The allowing or tolerating, by owner, tenant or occupant of any lot, whether vacant or not, of dirty or stagnant water of unsanitary or dangerous condition in such a way that may create a danger to public health.
- 3.14 a) Any excavation, construction site or renovation site which is unfenced, or fenced by a fence of less than 1,8 meters (6 feet) in height, on any lot, either vacant or not.
- b) Those sites that are fenced within regulation must be painted opaque or in a uniform material or color, otherwise they constitute a nuisance under this by-law.
- 3.15 When the Public Security department is unnecessarily called to a resident's property more than twice within a thirty (30) day period.
- 3.16 With the exception of the employees of the Town or principals, it is forbidden to throw, deposit, permit to be deposited, permit to be thrown, snow, ice, eggs, sand, earth, gravel, rocks, glass, trash or any object whatsoever, including construction materials, and / or liquids on private land, on the streets, on cars or in a public place, **without the prior authorization of the director general of the Town or his authorized representative.**
- 3.17 The use of a building, vacant land or property to allow construction materials, visible from the street, unless a valid building permit issued by the Town is in force.
- 3.18 a) To inscribe graffiti or to make a marking, without authorization, on a public building, on a public property itself or on any object which is part of the municipality's urban furniture including buildings, poles, trees, lines, statues, benches, streets and sidewalks;
- b) To inscribe graffiti or to make a marking, without authorization, on a building or object, situated on private property;
- c) To carry, use or be in possession of any object or material for the purpose of inscribing prohibited graffiti.
- 3.19 In case of breach of sections 3.18 a) and 3.18 b), the removal of graffiti will be executed at the expense of the offender.

Section 4 – Noise Nuisances

- 4.1 The act of making, causing, producing or permitting an excessive noise, as hereinabove mentioned, is hereby declared to be a nuisance and an infringement of this By-law. This article does not apply to noise contemplated in articles 4.3 and 4.4 outside of the periods of time mentioned in these articles.

- 4.2 No person shall ring bells, blow horns or similar devices or shout in a manner that disturbs the peace and quiet of the neighborhood or persons in the vicinity.
- 4.3 Whereas residents want peace and tranquility on holidays and during certain periods of time when most are not usually working, it is forbidden to engage in construction work, of any nature whatsoever that has the effect of emitting noise outdoors:
- a) Before 07h00 and after 19h00 Monday to Friday inclusive;
 - b) Before 09h00 and after 18h00 on Saturdays and Sundays;
 - c) On holidays when most residents are not working. These days are listed in Annex 1-B joint to the present by-law.
- 4.4 Whereas residents want peace and tranquility on holidays and during certain periods of time when most are not usually working, it is forbidden to use gas powered landscaping equipment:
- a) Before 07h00 and after 19h00 Monday to Friday inclusive;
 - b) Before 09h00 and after 18h00 on Saturdays and Sundays;
 - c) On holidays when most residents are not working. These days are listed in Annex 1-B joint to the present by-law;
 - d) Notwithstanding paragraph c) of the present section, all lawn mowers may be used on holidays when most residents are not usually working.
- 4.5 No person shall operate, or cause to be operated, any power equipment between 19h00 and 07h00.
- 4.6 Any noise produced by a heat pump, heating equipment, air conditioner, ventilation equipment, swimming pool filtration equipment, or similar apparatus which exceeds 55 db(A) at any point outside of the property line of the lot where such equipment or apparatus is installed.
- 4.7 The provisions of this section of the By-law shall not apply to employees of the Town, public utilities or private contractors engaged by the Town.

Section 5 – Sound Reproduction Devices

- 5.1 No person shall operate, or cause to be operated, any sound reproduction device from Monday to Friday between the hours of 23h00 of one day and 07h00 of the next day in a manner which disturbs the peace and quiet of the neighbourhood, on weekends and on holidays when most residents are not working between 23h00 and 09h00 of the next day.

- 5.2 No person shall operate, or cause to be operated, any sound reproduction device on any street or other public place in a manner that disturbs the peace and quiet of persons on said street or public place.
- 5.3 Except in the case where prior written permission has been given by the Town, shows or musical works, instrumental or vocal, inside or outside a building, including those coming from a sound reproduction device or live artist, are forbidden to emit, or permit or allow the emission of noise higher than a decibel reading of 85 db (A), from a distance of 8 feet.

Section 6 – Deliveries

- 6.1 No person shall deliver any construction materials or merchandise, from a vehicle to the owner or tenant of any property during the nighttime, from 21h00 of one day to 07h00 of the next day, unless proven to be an emergency.
- 6.2 No person shall load or unload a transport vehicle, during the nighttime, unless proven to be an emergency.

Section 7 – Motor Vehicles

- 7.1 No person shall operate, or permit the operation of, an engine of a motor vehicle or items of attached auxiliary equipment for a continuous period exceeding three (3) minutes, while the vehicle is stationary, unless:
- a. The operation of such motor is essential to a function of the vehicle or attached equipment including, but not limited to, cement trucks or lift platforms.
 - b. Weather conditions colder than -10° Celsius justify the use of heating systems for the safety and welfare of the operator, passengers, animals.
- 7.2 No person shall cause or permit the sounding of a horn of a motor vehicle unnecessarily when said vehicle is stationary or on a street or any property.
- 7.3 No person shall operate a motor vehicle in such a manner that the squealing of tires disturbs the peace and quiet of the neighborhood.

Section 8 – Exterior Lighting

- 8.1 No person shall install, or permit to be installed, at more than one and a half meters (5 feet) from the ground, exterior area lights of which the beam of light is projected outside of the boundaries of the lot on which the light is installed.

Section 9 - Safety and Health

- 9.1 Every person riding a bicycle on a public street or public place must have, at all times, full control of the bicycle.
- 9.2 No person shall make an excavation or opening in the paving of any street without the prior written permission from the Director General or his authorized representative.
- 9.3 No person shall stand, with one or more persons, in a group on any street or sidewalk or public place in such a manner as to obstruct or interfere with the free passage of pedestrians and/or vehicles.
- 9.4 It is forbidden for anyone without reasonable cause, which the person must prove, to have on him or in his possession a knife, a dagger, a sabre, a machete or any other similar object in a street, sidewalk or public place.
- 9.5 It is forbidden to be in possession of a gun, rifle, pistol, air rifle or gun, bow and arrow or slingshot in a public place.
- 9.6 It is forbidden to disturb the peace or tranquility of persons in any manner whatsoever, including shouting and using profane language.
- 9.7 It is forbidden to intervene or disrupt, in any manner whatsoever, any meeting or gathering authorized by the Town.
- 9.8 It is forbidden to walk, run, cycle, circulate or engage in sports activities in a public place in a manner that disturbs the peace and quiet of the public.
- 9.9 No person shall be intoxicated or walk about in a state of intoxication in a public place. Moreover, no person shall consume alcohol in a public place unless present for a public function.
- 9.10 It is forbidden to sell, or expose for sale, any article in a public place unless authorized by the Director general or his authorized representative.
- 9.11 Door to door soliciting for monetary donations, fund raising or the promotion of goods and/or services is prohibited unless a written permit is issued by the Director General or his authorized representative.
- 9.12 Article 9.11 of this By-law does not apply to school children, residing in the Town, who canvas door-to-door in order to raise funds for their non-profit organization.

Section 10 Enforcement

- 10.1 The enforcement of this By-law shall be the responsibility of the Public Security Department of the Town of Hampstead, its Urban Planning division and the Montreal Police Department.

Section 11 Inspection

- 11.1 The Officer responsible may, at any reasonable time, visit and examine any building or property to determine whether this By-law is being respected.

Section 12 Offence

- 12.1 Every person who infringes any provision of this By-law or allows such a contravention is committing an infraction and is liable to a fine. In the event of a first offence, this fine shall not be less than ONE HUNDRED AND FIFTY DOLLARS (\$150) nor to exceed ONE THOUSAND DOLLARS (\$1,000). In the case of a second or subsequent offence, the fine shall not be less than THREE HUNDRED DOLLARS (\$300) nor exceed TWO THOUSAND DOLLARS (\$2,000).

Any legal entity that contravenes a provision of this by-law or allows such a contravention is committing an infraction and is liable to a fine of between THREE HUNDRED DOLLARS (\$300) and ONE THOUSAND DOLLARS (\$1,000) for a first offence, and a fine of between SIX HUNDRED DOLLARS (\$600) and TWO THOUSAND DOLLARS (\$2,000) for a second offence.

- 12.2 Should an offender refuse to comply, or refuse to pay a fine, all costs incurred by the Town in the removal of the nuisance(s) or in returning the municipal property to its former state or in carrying out any measures to eliminate or prevent said nuisance(s) shall be paid by the offender.
- 12.3 Every property owner where a false alarm is activated more than once in a twelve (12) month period, beginning on the 1st of January of every year and ending on the 31st of December of the same year, according to sections 1.13 and 3.15 of the present By-law, is liable to the following:
- (a) On the occurrence of the first false alarm to the same real property, the property owner will be notified in writing of same, without a fine being levied.
 - (b) On the second false alarm, a fine of \$50.00 will be imposed.
 - (c) On the third false alarm, a fine of \$75.00 will be imposed.
 - (d) Any subsequent false alarms, the fine will be \$100.00.
 - (e) In the event that there are more than one false alarm within the same 24hrs. period, a single fine will be levied based on the number of previous false alarms within the one year period beginning on January 1st. of every year.

Section 13 Ordinance

13.1 Should the Court render a judgment with respect to an infraction to the provisions of this By-law, it may, above the fine and costs, order that the nuisance be removed by the person who contravened the By-law, within a determined delay, failing which the said nuisance may be removed by the Town at the costs of the said person.

Section 14 BY-LAW REPLACED

14.1 By-law No. 795 entitled “**BY-LAW CONCERNING NUISANCE**” and its amendments are hereby replaced by the present By-law No. 795-2.

Section 15 COMING INTO FORCE

15.1 By-law No. 795-2 will come into force according to law.

(s) William Steinberg
Dr. William Steinberg, Mayor

(s) Nathalie Lauzière
M^c Nathalie Lauzière, Town Clerk

ANNEX 1-B**Holidays when most residents are not working****2012**

Jan. 1 (New Year's Day)
 April 6 (Good Friday)
 April 9 (Easter Monday)
 May 21 (National Patriots' Day)
 June 24 (Quebec National Holiday)
 July 1 (Canada Day)
 Sept. 3 (Labour Day)
 Sept. 17 and Sept. 18 (Rosh Hashanah)
 Sept. 26 (Yom Kippur)
 Oct. 8 (Thanksgiving)
 Dec. 25 (Christmas)

2013

Jan. 1 (New Year's Day)
 March 29 (Good Friday)
 April 1 (Easter Monday)
 May 20 (National Patriots' Day)
 June 24 (Quebec National Holiday)
 July 1 (Canada Day)
 Sept. 2 (Labour Day)
 Sept. 5 and Sept. 6 (Rosh Hashanah)
 Sept. 14 (Yom Kippur)
 Oct. 14 (Thanksgiving)
 Dec. 25 (Christmas)

2014

Jan. 1 (New Year's Day)
 April 18 (Good Friday)
 April 21 (Easter Monday)
 May 19 (National Patriots' Day)
 June 24 (Quebec National Holiday)
 July 1 (Canada Day)
 Sept. 1 (Labour Day)
 Sept. 25 and Sept. 26 (Rosh Hashanah)
 Oct. 4 (Yom Kippur)
 Oct. 13 (Thanksgiving)
 Dec. 25 (Christmas)

2015

Jan. 1 (New Year's Day)
 April 3 (Good Friday)
 April 6 (Easter Monday)
 May 18 (National Patriots' Day)
 June 24 (Quebec National Holiday)
 July 1 (Canada Day)
 Sept. 7 (Labour Day)
 Sept. 14 and Sept. 15 (Rosh Hashanah)
 Sept. 23 (Yom Kippur)
 Oct. 12 (Thanksgiving)
 Dec. 25 (Christmas)

ANNEX 1-B**Holidays when most residents are not working****2016**

Jan. 1 (New Year's Day)
 Mar. 25 (Good Friday)
 Mar. 28 (Easter Monday)
 May 23 (National Patriots' Day)
 June 24 (Quebec National Holiday)
 July 1 (Canada Day)
 Sept. 5 (Labour Day)
 Oct. 3 and Oct. 4 (Rosh Hashanah)
 Oct. 12 (Yom Kippur)
 Oct. 10 (Thanksgiving)
 Dec. 25 (Christmas)

2017

Jan. 1 (New Year's Day)
 Apr. 14 (Good Friday)
 Apr. 17 (Easter Monday)
 May 22 (National Patriots' Day)
 June 24 (Quebec National Holiday)
 July 1 (Canada Day)
 Sept. 4 (Labour Day)
 Sept. 21 and Sept. 22 (Rosh Hashanah)
 Sept. 30 (Yom Kippur)
 Oct. 9 (Thanksgiving)
 Dec. 25 (Christmas)

2018 onwards

New Year's Day
 Good Friday
 Easter Monday
 National Patriots' Day
 Quebec National Holiday
 Canada Day
 Labour Day
 Rosh Hashanah
 Yom Kippur
 Thanksgiving
 Christmas



HAMPSTEAD

ANNEX

SNOW REMOVAL PROTOCOL

Adopted November 1st, 2010

SNOW REMOVAL PROTOCOL

ARTICLE 1

The present protocol refers to article 3.12 of the Nuisance By-law no. 795-2.

ARTICLE 2 – DEFINITIONS

The following expressions and words have the meaning and application given them by this article.

- | | | |
|----|------------------------|---|
| a) | Driveway | Passage way to access a parking space, a garage or any other space used by a vehicle |
| b) | Contractor | Any physical or legal person hired to use a vehicle to perform snow removal operations on private driveways and parking lots. |
| c) | Public Property | The Town's public property. |
| d) | Parking | An area on a private property where vehicles may be parked including the driveways. |
| e) | Vehicle | Any means used for personal transportation or for transporting goods. |
| f) | Town | The Town of Hampstead. |

ARTICLE 3 – CONTRACTOR'S OBLIGATIONS

- a) On Town territory, no contractor may perform any snow removal or private driveways or parking lots with a vehicle without holding a permit delivered by the Town in his/her name or in the name of a company.
- b) The contractor is responsible for any damage to private or public property while performing snow removal.

- c) The contractor must at all times display the permit inside each vehicle used in the Town so that it is legible and visible for identification purposes.
- d) The contractor must comply with federal, provincial and municipal legislative and regulatory provisions.

ARTICLE 4 – PERMIT APPLICATIONS

- a) Every snow removal season, the contractor must get a permit from the Town as a snow removal contractor.

For the purposes of this protocol the snow removal operations season is deemed to be from November 1st of one year to April 15th of the following year.

- b) When applying for a permit the contractor must provide:
 - i) The applicant's name, address and telephone number
 - ii) A copy of the statutes of the applying corporation or a copy of the registration of the applicant's company name
 - iii) A proof of civil and general liability insurance providing at least a \$500K coverage per incident to cover all damages, injuries or losses that may occur in the course of snow removal operations.
 - iv) This insurance policy must be contracted with a firm duly authorized to carry on its activities in Canada and whose usual activity includes insurance against such risks.
 - v) A copy of the registration certificate of all vehicles used by the contractor.
- c) The permit is valid for the duration of the contractor's snow removal operation season on Town territory. The permit is non-transferable to another contractor nor to any other vehicles.

ARTICLE 5 – CONDITIONS FOR ISSUING A SNOW REMOVAL CONTRACTOR PERMIT

A permit is issued if:

- a) The application complies with this protocol.
- b) The application includes all the documents stipulated in this protocol.
- c) The required fees are paid.
- d) The contractor has not received more than three (3) statements of offence relative to this protocol and Nuisance By-law 795 during the previous snow removal season.

ARTICLE 6 – METHODS OF SNOW REMOVAL

- a) The contractor may deposit the snow on the same side of the street to a height not greater than one (1) metre.
- b) The contractor may not bury a fire hydrant in snow.
- c) The contractor may not deposit the snow on a Town sidewalk or a park.
- d) The contractor may not dispose of the snow in the street after the city crew has cleaned it.
- e) The contractor may not partially obstruct or block a public road.
- f) The contractor may not transport or push the snow to the other side of a public road unless one side of the road has been cleared of snow and the other side has not been cleared. In that case, snow should be put on the uncleared side. It must not exceed one meter in height nor may it stick out into the road so as to impede traffic.
- g) The contractor may not deposit the snow within 6 meters of an intersection.

ARTICLE 7 – PRESUMPTION OF RESPONSIBILITY

For the purpose of this protocol, any legal person acting as a contractor is presumed to be responsible for any offence committed by its employees.

ARTICLE 8 – VIOLATION, PENALTY AND RECOURSE

- 8.1 Every person who infringes any provision of Nuisance By-law no. 795-2 and its amendments is liable to a fine. In the event of a first infraction, this fine shall not be less than \$100. nor to exceed \$1,000. In the case of a second or subsequent infraction, the fine shall not be less than \$250. nor exceed \$2,000, in reference of article 12.1 of Nuisance By-law no. 795-2.
