

ADMINISTRATIVE CODIFICATION

BY-LAW NO. RCM-20-2007

NUISANCE BY-LAW

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The City Council decrees:

CHAPTER 1. DEFINITIONS

“wild animals”: any non-domestic animal that does not usually live in close contact with humans.

“noise”: an audible sound or group of sounds, harmonious or not.

“ambient noise”: a combination of noises from various sources and more or less usual for a particular location, but excluding a disturbing noise.

“disturbing noise”: a noise that is easily distinguishable from ambient noise, and that is constant, fluctuating or intermittent.

“dB (A)”: sound pressure levels measured with the A frequency weighting network specified in IEC (International Electrotechnical Commission) 651.

“immoveable”: any land and any construction thereon.

“person”: any person who is the owner, occupier, tenant for life, tenant or manager of an immoveable or premises as well as the management agent, trustee or other, or representative of one or more of these.

“public property”: public streets, lanes, alleys, squares and locations, including sidewalks, medians, ditches, stairways, off-road cycle paths, rights-of-way bordering a public thoroughfare, public parks, playgrounds and gardens, as well as any other area belonging to the City;

For the application of sections 6.2 to 6.4 inclusive, 7.2 and paragraphs 3 and 4 of section 8. 2, buildings, lands, shelters or other property serving the purpose of public utilities, buildings, shelters and land belonging to a school board, as well as all stores comprising a shopping centre, are considered to be public property.

“right-of-way bordering a public thoroughfare”: the portion of the public thoroughfare between the edge of the roadway or sidewalk and the boundary of an adjacent property.

CHAPTER 2: ADMINISTRATION OF THE BY-LAW

2.1 Competent Authority

The administration and enforcement of this by-law are entrusted to the Director of the Urban Planning Department and to his representatives, to City of Montreal police officers (SPVM), to public security agents, or any other person mandated for this purpose, including an expert. (amended by RCM-20.7-2018)

2.2 Right to Visit

Everyone must allow the competent authority to visit and inspect any immoveable at any time, both indoors and outdoors, to determine whether the provisions of the present by-law are being respected. During such an inspection, everyone must provide the assistance and the information required by the competent authority.

CHAPTER 3: MAINTENANCE AND CLEANLINESS OF PRIVATE PROPERTY

3.1 Cleanliness of Lots

The following constitute nuisances, and everyone is prohibited from leaving on private property:

1° a motor vehicle, as defined in the *Highway Safety Code* in force at the time of adoption of this present by-law, manufactured more than seven years previously, not registered for the current year and/or not in driving condition; (amended by RCM-20.3-2012)

2° the growth of branches, brush or weeds such as poison ivy (*rhus radicans*) and ragweed (*cambrosia artemisiifolia trefida*);

3° branches, dead or diseased trees, or tree trunks;

4° tall grasses or lawn grass higher than 20 cm;

5° scrap metal, out-of-service appliances, waste, refuse, paper, empty bottles, tires, disparate objects or noxious substances;

6° stagnant, putrid, dirty or contaminated water;

7° piles or accumulations of soil, clay, stones, ashes, trees, shrubs or a mixture of these, carcasses of dead animals, fecal matter and any other unhealthy or harmful material.

3.2 Landfill

The following constitutes a nuisance, and everyone is prohibited from: on a lot, dumping landfill or arranging for dumping landfill consisting of household waste, refuse of any kind, wood, concrete, trees, tree branches or any other construction or demolition debris or material.

3.3 Dangerous Conditions on an Immoveable

The following constitute nuisances, and everyone is prohibited from:

1° allowing to remain on an immoveable a hole, an excavation, a ditch, a pit, a foundation or an open-air well in which dirty, stagnant, putrid or contaminated water could collect or could pose a danger for the health and safety of people.

2° constructing, erecting or keeping an electric fence or a sharp-pointed fence that poses a danger to people.

3.4 Construction, Renovation or Demolition of an Immoveable

The following constitutes a nuisance, and everyone is prohibited from: dumping or arranging for dumping a pile of soil, stones, bricks, concrete or any other construction, renovation or demolition material, after the permit for such work has expired.

In cases where the City has duly issued a permit authorizing construction or demolition work, material for carrying out this work must be placed and deposited on the immoveable in an orderly fashion.

3.5 Abandoned or Unsanitary Immoveable

The following constitutes a nuisance, and everyone is prohibited from: leaving an immoveable in such a deteriorated or dilapidated state that the immoveable could constitute a hazard to public safety and health, and cause neighbouring properties to depreciate in value.

Windows, doors and other openings into an unoccupied or abandoned building that could pose a risk to personal safety must be barricaded with wood planks or plywood.

3.6 Compost and water barrels (modified by RCM-20.2-2010)

The following constitute nuisances, and everyone is prohibited from:

- 1° placing on an immovable and allowing to accumulate or remain, compost or organic material not inside a container designed for this purpose;
- 2° placing on an immovable the container mentioned in paragraph 1° in a location visible from the street and at a distance of less than two (2) metres from the property boundaries;
- 3° placing in the container mentioned in paragraph 1° meat scraps, fat, cat litter or toxic material.
- 4° to use a composter or water barrel other than on land. (added by RCM-20.2-2010)

3.7 Storage

The following constitutes a nuisance, and everyone is prohibited from: storing on an immovable disorderly, dilapidated or abandoned accumulations of various items that could cause neighbouring properties to depreciate in value and lessen the peaceful enjoyment of them.

CHAPTER 4: NOISE

4.1 Nuisances Caused by Noise

The following constitute nuisances:

- 1° causing or allowing to be caused noise while operating or running an industrial or commercial activity, or carrying out a trade or an occupation, in a way that disturbs the neighbourhood;
- 2° using or allowing the use of an instrument or device that produces noise in a way that disturbs the neighbourhood;
- 3° executing or allowing the execution of construction work, renovation, demolition or repair work between 9 p.m and 7 a.m Monday to Friday, and between 9 p.m and 9 a.m Saturdays, Sundays and holidays, including the preparatory stages of the work, the circulation of workers and vehicles on the site and other operations producing noise that disturbs the neighbourhood; (replaced by RCM-20.9-2023)
- 4° producing or allowing the production of a disturbing noise with a sound level that exceeds the level of ambient noise by more than 5 dB(A);
- 5° using or allowing the use of a leaf blower during the following days and times: before 9 am and after 6 pm from Monday to Friday, or before 10 am and after 4 pm on a Saturday, Sunday or public holiday. (added by RCM-20.4-2014)

Sound levels are measured in accordance with the provisions listed in Schedule A attached to this present by-law as an integral part.

4.2 Exceptions

Notwithstanding subsection 4.1, noises produced during the activities listed below are not considered to be disturbing noises for the purposes of this present by-law:

- 1° Work carried out by the City or at its request (replaced by RCM-20.9-2023)
- 2° Festive celebrations authorized to be held in a public place
- 3° Road, rail and air traffic
- 4° Household maintenance between 7 am and 9 pm on weekdays, and between 9 am and 9 pm on weekends and holidays
- 5° Snow removal on public roads
- 6° Elevator, garage door and plumbing noises heard from inside a housing unit
- 7° (repealed by RCM-20.9-2023)
- 8° snow removal operations carried out between 11 pm and 7 am provided that the contractors take all necessary measures to prevent from causing

excessive noise disturbing the peace and tranquility of the neighborhood, including by avoiding the following: perform snow removal operations when ongoing or anticipated snow accumulation does not exceed 5 cm or when the snowfall has ended more than 6 hours ago, carry out snow loading operations, carry out a continuous back and forth movement of the vehicles by coming and going in an area located close to dwellings, use a tonal backup alarm that assails the human ear, abruptly drop the shovels of the vehicles or other equipments on the ground, push the snow near the residential properties, scratch the paving stone continuously or slam the rear panels of the dump trucks. (added by RCM-20.6-2017)

4.3 Motor Vehicles

No-one may use a motor vehicle in a way that causes excessive noise; without limiting the generality of the foregoing, the following constitute nuisances, and everyone is prohibited from:

- 1° allowing gasses from an immobile motor vehicle or motorcycle with an internal combustion engine to escape into the atmosphere, unless it is equipped with a muffler or a device that effectively prevents excessive or explosive noises;
- 2° unnecessarily or abusively using, or allowing use of, a klaxon horn, radio, whistle, siren or other similar device in or on a vehicle;
- 3° driving a vehicle or allowing a vehicle to be driven in a way that causes the tires to screech or causes excessive noise;
- 4° allowing an anti-theft alarm installed on a road vehicle to go off on more than two occasions within a 365-day period, if these are deemed false alarms.

The 365-day reference period begins on the date of the first complaint filed with the competent authority.

CHAPTER 5: NUISANCES RELATING TO PUBLIC PROPERTY

5.1 Damage to Public Property

The following constitute nuisances, and everyone is prohibited from:

- 1° causing damage to any goods or property belonging to or under the supervision and control of the City;
- 2° without restricting the generality of paragraph 1°, breaking, altering or re-locating a sign, traffic sign, boundary marker, poster or fence belonging to or under the supervision and control of the City;
- 3° cutting down, destroying or damaging a tree, hedge, flower or other plant on public property, unless this is maintenance work performed by a person authorized by the City.

5.2 Harmful Substances

The following constitute nuisances, and everyone is prohibited from:

- 1° throwing away, disposing of or discharging, or allowing the throwing away, disposal or discharging of, on public property or in an unauthorized location, water that is dirty, polluted or mixed with harmful substances; petroleum or chemical products and their residues; paint; any flammable, dangerous or harmful product; dead animals or any other fetid product; paper; waste; refuse; ashes; unclean items; stone; soil; snow; wood; or other materials and substances;

The provisions in paragraph 1° do not apply to items deposited in the appropriate locations for waste collection.

2° driving on the City's public thoroughfares with any vehicle containing loose goods or material of any kind, unless this vehicle is equipped with the proper devices such as a cover, tarpaulin or closed box to prevent the loose goods or material from falling onto the road.

3° soiling public property. Anyone soiling public property must clean it up, if so required by the City or one of its representatives. Cleaning must be carried out immediately or within the time period given for this purpose.

5.3 Obstruction of Public Property

The following constitute nuisances, and everyone is prohibited from:

1° storing construction material on a public thoroughfare without prior authorization from the City;

2° allowing trees, their branches or their roots, materials or any other discarded item to damage or obstruct a public area, traffic signs, overhead electrical wires or any other public property, or to hinder the flow of pedestrians or vehicles;

3° leaving machinery or construction equipment on public property without prior permission from the competent authority;

4° placing on the road, close to sidewalk curbs or roadsides, any device that crosses a sidewalk or roadside in order to provide access to private property;

5° painting or modifying, by any type of marking, public property, fire hydrants or any other item belonging to, or under the supervision and control of, the City;

6° obstructing a public area in any way;

7° driving a motorized vehicle, except for wheelchairs and other apparatus used by handicapped persons, in public areas not intended for motor vehicle traffic.

5.4 Use of Drinking Water

(This article is abrogated and replaced by by-law RCM-33-2010).

CHAPTER 6: PEACE, ORDER AND PUBLIC SECURITY

6.1 Meetings, Gatherings and Festivities

The following constitute nuisances, and everyone is prohibited from:

1° disturbing a gathering or meeting held for a religious function or an activity of worship;

2° causing a commotion, screaming, uttering insults, singing, shouting or laughing on public or private property in a manner that disturbs the peace of the neighbourhood;

3° disturbing or preventing, in any manner whatsoever, a meeting duly authorized by the City;

4° holding a meeting, gathering, crowd or procession on public property without prior authorization from the City.

6.2 . Inappropriate Behaviour

The following constitute nuisances, and everyone is prohibited from:

- 1° insulting or spitting on anyone who must administer and apply the municipal by-laws, or attempting to intimidate them through reprehensible gestures, actions or behaviours;
- 2° standing still, loitering or prowling on public property without a legitimate reason or without the consent of the owner or caretaker of the premises; (amended by RCM-20.1-2007)
- 3° bothering, annoying, intimidating, threatening or inconveniencing any person on or travelling through public property;
- 4° obstructing the passage of pedestrians or vehicles on public property;
- 5° appearing in the nude or wearing indecent costumes or clothing on public property;
- 6° begging or soliciting donations unless authorization has been given by the City;
- 7° using a barbecue or lighting a fire on public property without the authorization of the City;
- 8° using the lawn or otherwise landscaped portion of a private property as a shortcut;
- 9° using tobacco, electronic cigarettes, electronic pipes or any other related products in the municipal buildings and sports facilities, parks and green spaces as well as streets, sidewalks, and other outdoor places where recreational activities, shows, block parties, or other public events are held ; (modified by RCM-20.5-2015 and RCM-20.7-2018)
- 10° smoking or consuming cannabis in any form whatsoever on the entire public property as defined by this by-law. (modified by RCM-20.7-2018)

6.3 Disorderly Conduct In Public

The following constitute nuisances, and everyone is prohibited from:

- 1° being within the confines of a public swimming pool or a tennis court, in a community centre during closing hours, in a park, on a playground or in any other public place between 11 pm and 7 am, without prior authorization from the City; (amended by RCM-20.1-2007)
- 2° being in an inebriated state or under the influence of legal or illegal drugs, on public property, or on private property without having been authorized or invited there by the occupant; (modified by RCM-20.7-2018)
- 3° bringing with them or consuming alcoholic beverages on public property, a field or a vacant lot, except during an activity for which a permit has been duly issued by the competent authority;
- 4° urinating or defecating, except in a place specifically designated for that purpose.

6.4 Weapons

The following constitute nuisances, and everyone is prohibited from:

- 1° transporting, using or being in possession of a firearm or any other type of weapon such as an air rifle, slingshot, bow, crossbow, peashooter or other device for launching projectiles or a bladed weapon on public property or in a public transit vehicle, without a valid reason; self defence does not constitute a valid reason.

2° throwing, dropping or launching stones or other projectiles with a view to causing damages or injuries.

6.5 Games and Races on Public Property

The following constitute nuisances, and everyone is prohibited from:

1° using public or private property to participate, as a driver, passenger or spectator, in automobile races or any other type of race involving motorized vehicles;

2° playing or practising golf anywhere on public property, except on land specifically designed for this purpose;

3° skating, tobogganing, sleigh-riding, skiing or driving a snowmobile on public property except in locations specifically designed for these purposes;

4° playing a game of any kind in public roads, alleys or on public sidewalks.

CHAPTER 7: VARIOUS NUISANCES

7.1 Abrogated and replaced by Section 26 of By-law RCM-53-2014.

7.2 Graffiti

The following constitutes a nuisance, and everyone is prohibited from:

1° drawing graffiti or tags, or making marks on a building located on private property;

2° drawing graffiti or tags, or making marks on a building located on public property, on the public property itself, or on any object which constitutes a piece of urban furniture;

3° transporting, using or being in possession of any object or material with a view to drawing tags or graffiti.

7.3 Washing Motor Vehicle Windows (squeegees)

The following constitutes a nuisance, and everyone is prohibited from: washing motor vehicle windows on a public road, with or without payment, and with or without the consent of the driver.

7.4 Mobile Canteens and Food Kiosks

The following constitutes a nuisance, and everyone is prohibited from: operating a mobile canteen or food kiosk on public property, except to service persons employed on construction sites, in a service station, or in industrial zones, or during events authorized by the City.

7.5 Distribution of Advertising Material or Propaganda

The following constitute nuisances, and everyone is prohibited from:

1° displaying, carrying, transporting or distributing banners, posters, advertisements, loose sheets or similar material, near public property, without authorization from the City;

2° distributing circulars, advertisements, handbills or similar printed material, on public property or to private homes, without authorization from the City.

7.6 Household odours, cooking odours and foul odours

The following constitutes a nuisance and everyone is prohibited from: allowing the discharge of foul odours, household odours such as those from waste, garbage containers or compost, or, in the case of commercial establishments, cooking odours to inconvenience a neighbourhood or potentially jeopardize public welfare.

CHAPTER 8. CONTRAVENTIONS, FINES AND RECOURSE

8.1 Notice

Anyone responsible for or managing an immovable on which a nuisance listed in this present by-law occurs shall take all necessary measures to remedy this nuisance and undertake the required safety measures within the time period established by the competent authority.

When one of the nuisances described in the present by-law is observed, the competent authority may notify the offender, in writing, to take the necessary steps to remove this nuisance within the time prescribed in the notice, which may not exceed ten (10) days.

8.2 Contraventions and Fines

Should an offender refuse to comply, or refuse to pay a fine, all costs incurred by the City 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.

The provisions of the previous paragraph apply to any building on which a nuisance occurs.

Whoever contravenes any of the provisions of this by-law is committing an infraction and is liable to:

- a) a minimum fine of \$500 for a first offence and a minimum fine of \$1,000 for a subsequent offence if the offender is a natural person.
- b) a minimum fine of \$1,500 for a first offence and a minimum fine of \$2,000 for a subsequent offence if the offender is a legal entity".

(replaced by RCM-20.9-2023)

8.3 Recourse

To ensure compliance with the provisions of this by-law, the City may exercise, cumulatively with or alternatively to those provided by this by-law, any other appropriate civil or penal recourse.

8.4 Continuation of an infraction

Should an infraction to the present by-law continue, each day on which the offence is continued constitutes a separate infraction.

CHAPTER 9. FINAL PROVISIONS

9.1 Replacement

The present by-law replaces By-law RCA-13-2005 and its amendment.

9.2 **Coming into Force**

The present by-law comes into force according to the law.

APPROVED _____MAYOR

APPROVED _____CITY CLERK

SCHEDULE A

-- NOISE MEASUREMENT

A.1. Measuring Instrument

Sound levels shall be measured using a device called a sound level meter, with the minimum characteristics listed in publications 651 and 804 from the International Electrotechnical Commission (IEC). The sound level meter has a microphone, an amplifier and a sensor.

The sound level meter shall be set to weighting frequency (A) with fast response. In addition, it shall be calibrated at the measurement site within the thirty minutes preceding the start and following the end of each measurement session.

The microphone for the sound level meter shall be equipped with a wind shield.

A.2. Microphone Position

When sound readings are taken outdoors, the microphone shall be located at a height of 1.2 m to 1.5 m above the ground or floor, and more than 1 m from any reflective surface (e.g., walls, fences, obstacles, etc.).

When sound readings are taken indoors, the microphone shall be located at a height of 1.2 m to 1.5 m above the ground or floor, and approximately in the centre of the room.

A.3. Measurement Conditions

Sound readings shall be interrupted whenever a point source that is part of the ambient noise becomes audible enough to be measured.

Sound readings shall not be carried out during the following weather conditions:

- outdoor temperature below -10°C
- relative humidity higher than 90%
- wind speed greater than 20 km/h

In addition, the pavements of traffic thoroughfares shall be dry, unless the period of time between passing vehicles is such that the provisions in the first paragraph of this subsection could apply.

For indoor readings, between November 1 and April 30, the doors and windows of the rooms in which the sound level readings are being taken shall be closed. From May 1 to October 31, windows shall be opened halfway.

A.4. Measurement Methods

Levels of ambient noise and of disturbing noise shall be measured within a period of 60 consecutive minutes.

a) Determining ambient noise level

Ambient noise level is determined by measuring the equivalent acoustical pressure level, or Leq , while there is no noise coming from the source of the disturbing noise; Leq is the average value of the noise levels measured by the sound level meter over a period of ten (10) minutes, while respecting the measurement conditions.

When the source of a disturbing noise cannot be stopped, the ambient noise level shall be measured in a location where the sound climate is similar to that at the point of measurement.

b) Determining disturbing noise level

Disturbing noise level is determined by measuring the equivalent acoustical pressure level, or L_{eq} , while there is noise coming from the source of the disturbing noise; L_{eq} is the average value of the noise levels measured by the sound level meter over the sampling period, while respecting the measurement conditions.

The sampling period shall be of sufficient length for the L_{eq} obtained to be representative of the noise produced by the source of the disturbing noise over a period of 60 consecutive minutes.