

BY-LAW NO. 01-07-2007 ENTITLED PUBLIC NUISANCE BY-LAW IN ORDER TO MAINTAIN PEACE AND ORDER ON THE TERRITORY OF THE MUNICIPALITY OF OTTER LAKE.

CONSIDERING THAT Article 59 of the Municipal Powers Act allows a municipality to adopt a by-law to determine a nuisance, in order to cease such nuisance as well as prescribe fines to persons creating one or several nuisances and to maintain peace and order;

CONSIDERING THAT this Council deems it necessary and of public interest to revise its existing nuisance by-law;

CONSIDERING THAT a Notice of Motion was given on February 5th, 2013;

CONSIDERING THAT dispense with the reading of this by-law is given;

ARTICLE 1 – PREAMBLE

The preamble is an integrant part of the present by-law.

ARTICLE 2 – SIGNIFICATION OF TERMS

- Garbage:** All residuary product from agricultural activity, domestic, residential, commercial, industrial, construction, demolition, including household garbage and other residue.
- Scrap metal:** Any product composed in whole or in part of metal or mineral.
- Responsible Officer:** By-Law Enforcement Officer, which has been delegated by resolution from Council.
- Municipality:** The municipality of Otter Lake.
- Vehicle:** All means of transportation or locomotion.

ARTICLE 3 – TERRITORY

The present by-law applies to the entire territory under the jurisdiction of the Municipality of Otter Lake.

ARTICLE 4- OFFICER RESPONSIBLE

The officer responsible, while exercising his duties, has the right to visit, all immoveable property, as well as the inside of a house or building in order to determine that the present by-law is respected, between the hours of 7:00 a.m. and 7:00 p.m. The owners, tenants or occupants are obliged to let the responsible officer in and to answer all questions in order to respect of the present by-law.

Moreover, the officer responsible may take photos as well as any samples that he deems necessary.

ARTICLE 5 – INSPECTION OF THE OFFICER RESPONSIBLE

Anyone who is present when the inspector is doing an inspection must not insult, molest, intimidate or threaten the officer, and must not in any circumstance, do harm in the exercising of his functions in any way.

ARTICLE 6 – INFRACTION

By means of the present by-law anyone commits an infraction who:

- A) Causes or tolerates the presence of garbage, rubbish, nauseating substances and/or steel on a property or inside of a building;
- B) Who stores outdoors, household appliances and/or interior furniture;
- C) Anyone that accumulates building material on a property that a building permit from the Municipality of Otter Lake was not previously issued;
- D) Anyone that accumulates scraps of building material on his property once the construction or renovation is finished. During construction, the scraps must be kept in appropriate containers;
- E) Anyone that tolerates a part of a vehicle, a vehicle, a trailer, a semi-trailer, a watercraft or recreational vehicle that is no longer functional, with the exception of a car pound or a storage site that is conforming to the zoning by-law and having the necessary permits of authorization;

The fact of leaving, disposing or storing, on an immovable property, one or several vehicles more than seven (7) years old, and not licensed for the current year, out of order, not being used for its' original design, constitutes a nuisance and is prohibited;

- F) Anyone storing more than eight (8) tires outdoors;

This article does not apply to a site destined for the recycling of tires and having the necessary permits for this purpose;

- G) Emits nauseating odors in a roundabout way (including burning of) or using certain products, substance, object or garbage, in order to interfere with the comfort, the well-being of the citizens or bothers the neighboring community;
- H) It is forbidden to burn any toxic material whatsoever such as tires, gas, oil, plastic, etc., in bonfires

ARTICLE 7 – SANCTION- INFRACTION

Whosoever contravenes a provision of this by-law commits an offence and is liable to a fine of one hundred dollars (\$100.00) in the case of a natural person and two hundred dollars (\$200.00) in the case of a moral person, for the first infraction; the fine is two hundred dollars (\$200.00) in the case of a natural person, and four hundred dollars (\$400.00) in the case of a moral person, for any repeat offence during the following year, in each case, legal expenses shall be additional if applicable.

If an infraction lasts more than one day, we can count as many single infractions as the duration of days the infractions occur and these infractions may be in one single accusation.

ARTICLE 8 – POWERS OF THE JUDGE

In the case where the Judge of the Court gives a sentence concerning an infraction to the by-law, he may, over and above the fine and costs, order the necessary correction in the prescribed delay, and failing to comply with the sentence, he may authorize the municipality to make the necessary corrections to the said infraction and all at the offender's costs.

ARTICLE 9 - COMPLEMENT

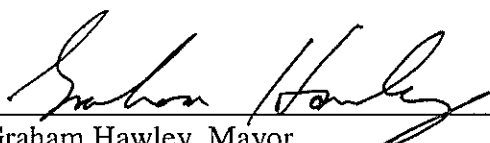
This by-law abrogates all previous municipal by-laws which are incompatible with its provisions, save and except any SQ by-laws adopted by the municipality.

ARTICLE 10 – COMING INTO FORCE

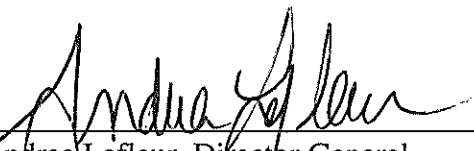
The present by-law shall come into force according to law.

Notice of Motion	February 5th, 2013
Adoption of the By-Law	April 9 th , 2013
Notice of publication	April 16 th , 2013
Coming into force	April 23rd, 2013

True Certified Copy



Graham Hawley, Mayor



Andrea Lafleur, Director General