

PROVINCE OF QUEBEC  
CITY OF POINTE-CLAIRE

BY-LAW NUMBER 1495

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BY-LAW CONCERNING NUISANCES

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*In force on June 18, 1970*

AT THE ADJOURNED MEETING OF THE COUNCIL OF THE CITY OF POINTE-CLAIRE HELD IN THE CITY HALL, 451 SAINT-JEAN BOULEVARD, POINTE-CLAIRE, QUEBEC, ON MONDAY JUNE 15, 1970, AT 7:30 P.M. BEING AN ADJOURNMENT OF THE REGULAR MONTHLY MEETING HELD ON THE 1<sup>st</sup> OF JUNE, 1970.

PRESENT: His Worship the Mayor Mr. A.E. Séguin and Councillors J.R. Birnie, S.J. Deakin, W.J. Eagle, L.E. Marsh and C.E. Tremblay, forming a quorum of Council.

ABSENT: Councillor D.W. Beck, away on business.

Mr. J.M. Pâquet, representing the City's Legal Adviser, was also present.

AMONGST OTHER BUSINESS TRANSACTED AT SAID MEETING WAS THE FOLLOWING:

**BY-LAW NUMBER: 1495**

MOVED BY COUNCILLOR EAGLE

SECONDED BY COUNCILLOR DEAKIN

AND RESOLVED

**WHEREAS** the City has the right, according to its Charter, to make by-laws for the peace, order, good government, health, general welfare and improvement of the municipality;

**WHEREAS** the Council may make by-laws to define what shall constitute a nuisance and to abolish the same as well as to impose fines upon persons who may create, continue or suffer nuisances to exist;

**WHEREFORE BE IT ENACTED AND ORDAINED BY BY-LAW OF THE COUNCIL OF THE CITY OF POINTE-CLAIRE AND IT IS HEREBY ENACTED AND ORDAINED, SUBJECT TO ALL THE APPROVALS REQUIRED BY LAW, AS FOLLOWS:**

1. The following shall constitute a nuisance and are hereby prohibited, to wit:
  - a) Unless the context otherwise requires, the following words and expressions mean:

“Noxious plant species”: Species that is harmful to ecosystems ecological integrity, to agricultural, horticultural or forest activities, to human or animal health such as invasive exotic plants, toxic plants and allergic plants. Without limiting the generality of the foregoing, the Schedule “B” shows the list of the noxious plant species contemplated by the present by-law;

“Naturalized garden”: Landsite or part of a landsite that has been implemented so that its area be covered with a combination of wild flowers (annuals or perennials), shrubs and graminaceous plants laid out in such a way that it imitates nature;

“Allergic plant”: Plant of which the pollen is airborne and produces airway allergies to humans;

“Invasive exotic plant”: Plant introduced outside of its natural distribution area and which establishment and propagation constitute a threat for the environment, the economy or society;

“Snow plowing”: Moving snow to the sides of streets, paved surfaces or sidewalks.

“Toxic plant”: Plant that contains, in some of its parts, sometimes in all of them, substances that are toxic, mainly for humans, or pet animals. Such toxic substances are, in general, organic, sometimes mineral, components. Their toxicity appears most often by the ingestion of certain organs, but also through contact;

“Grass”: Group of plants belonging to the grass family and which, when not regularly maintained and cut, may bloom and become a threat for human health because of the airborne and allergic pollen that they release in large quantities in the air;

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- a.1) The fact, for the owners or the occupant of an immovable to allow or to maintain branches, stumps, noxious plants species, grass of more than 20 centimetres tall, scrap metal, tires, garbage, papers, empty bottles or cans, any and all kinds of waste, any pile of stone, earth, gravel, concrete, bricks, any pile or scattering of wood, construction or demolition materials except, in this last case, for the time requires to carry out construction or demolition works, on such immovable constitutes a nuisance and is therefore prohibited;
- a.2) The 20 centimetres standard prescribed under paragraph a.1), as far as the height of the grass, does not apply to flowers, shrubs and graminaceous plants of a natural garden;
- a.3) The fact, for the owners or the occupant of an immovable, to allow or to maintain on such immovable a natural garden which is laid out in such a way that it encroaches above or on any adjacent property or on a roadway or on a sidewalk, constitutes a nuisance and is therefore prohibited;
- a.4) The fact, for the owners or the occupant of an immovable, to allow or to maintain, on that part of the immovable which is designated as "visibility triangle" as defined pursuant to the Zoning By-law, a natural garden made out of flowers, shrubs and graminaceous plants of a size that exceeds the maximum permitted height (91 centimetres – 3 feet) pursuant to the subparagraph 5.5 (1<sup>st</sup>) i) of the Zoning By-law;
- a.5) For the owner or occupant of an immovable permitting or maintaining on such immovable, a tree or trees that are in such a condition that they constitute a risk of collapsing;
- a.6) For the owner or occupant of a construction or of a dwelling, tolerating the presence of insects or rodents inside or outside of a building and/or maintaining insalubrity conditions that are a threat for the safety of the health of neighbours and/or of the occupant or owner himself.
- b) *(Repealed)*;
- ba) *(Repealed)*;
- b.1) Causing to or allowing to be caused, between 9:00 pm and 7:00 am, noise while operating or running an industrial or commercial activity, or carrying out a trade or an occupation, in a way that disturbs the neighborhood;
- b.2) Producing or allowing the production, between 11:00 pm and 7:00 am, of any disturbing for the neighborhood, noise, coming from:
  - 1° Shouting, clamors, chants, altercation or any other form of disturbance of peace;

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- 2° Using bells, sirens, whistles, chimes, music instruments, sound producing devices or from any other object used as such;
- b.3) Producing or allowing the production of a disturbing noise with a sound level that exceeds the level of ambient noise by more than 5dB(A);
- b.4) Using or allowing the use of an air conditioning and heating mechanical equipment (heat pump), a filter or a pump that produces noise, the intensity of which, measured at any limit of the property where it is located:
  - 1° When it exceeds 50dB(A), between 9:00 pm and 7:00 am;
  - 2° When it exceeds 60 dB(A), between 7:00 am and 9:00 pm;
- b.5) Executing or allowing the execution of construction work, or repair work on a vehicle or appliance, that disturbs the neighborhood, between 9:00 pm to 7:00 am, from Monday to Friday and from 5:00 pm to 9:00 am on any Saturday, Sunday and holidays;
- b.6) Using or allowing the use of a leaf blower, a lawn-mower, hedge or string trimmer, an electrical, mechanical, or pneumatic tool or any other similar device between 9:00 pm and 7:00 am from Monday to Friday and between 5:00 pm and 9:00 am on Saturday, Sunday and holidays.
- b.7) Notwithstanding paragraphs b.1) to b.6), noises produced by the activities listed below are not considered to be disturbing noises for the purposes of this by-law:
  - 1° Public utility works;
  - 2° Festive celebrations authorized to be held in public places;
  - 3° Air, rail and road traffic;
  - 4° Household maintenance between 7:00am and 9:00 pm on weekdays and between 9:00 am and 5:00 pm on Saturday, Sunday and holidays;
  - 5° Any snow loading operation from a public thoroughfare as well as any snow plowing operation on the private or public domain;
  - 6° Elevator, garage door and plumbing noises heard from inside a dwelling unit;
  - 7° Construction work carried out between 7:00 am and 9:00 pm on weekdays and between 9:00 am and 5:00 pm on Saturday, Sunday and holiday;
  - 8° Interventions and activities of the emergency services such as: Police, Fire, Ambulance, Paramedics and Public Security.

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

- c) to allow direct illumination to fall outside of the boundaries of the property on which it originates;
- d) to use any klaxon or other warning instruments on a vehicle, except in cases where the use thereof is absolutely necessary;
- e) to keep, feed or attract pigeons, seagulls, squirrels, raccoons or any other wild animals on one's property or on anyone's property whenever this activity is a cause of inconvenience to the neighbours;
- ea) to keep more than three (3) cats in a dwelling and on the property where such dwelling is located. However, in the event that a female cat gives birth to a litter of kittens, such kittens may be kept for a period not to exceed three (3) months;
- f) to erect, maintain or tolerate any sign or signal, whether luminous or not, capable of being mistaken for a traffic signal or capable of disturbing traffic or of constituting a danger for vehicular traffic;
- g) to build, erect or maintain an electrified, barbed wire or other kind of fence which constitutes a danger for persons;
- h) to break, alter, remove or relocate a sign, traffic signal, borne or fence installed under the authority of the City;
- i) to use any toy such as sling shots, pea shooters or other similar devices designed to throw objects;
- j) to pull or draw any person on skis (skijoring), bicycles, sleighs or other vehicle with any motor vehicle and to allow oneself to be so pulled or drawn or to ride behind or on the side of any motor vehicle;
- k) to cart, carry or convey within the City any waste matter, filth, dirt, dust, earth, stone, sand, cement or other substance in bulk with a vehicle that is not enclosed or covered with a securely fastened tarpaulin, or, in the process of such carting, carrying or conveying, whether the vehicle be enclosed or not, or covered with a tarpaulin or not, to allow any part of the substance carted, carried or conveyed to drop or fall from the vehicle;
- l) to use any motor vehicle, including motorcycles, motor scooters or skidoos, or any bicycle in public parks or on the sidewalks;
- m) to use any immovable property or part thereof to collect, store, manufacture, transform or process rags, waste textiles, waste matters, refuse or rubbish, except as permitted by the applicable zoning by-laws;

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- n) (*Repealed*).
- n.1) to carry out the following activities without prior authorization from the Director of the City of Montreal Fire Department, pursuant to the applicable provisions of the by-law respecting the Fire Department of the City of Montreal: bonfires, outdoor fires, fireworks using pyrotechnics, parades using fire, open flame or pyrotechnics, namely on the occasion of shows, movie shootings or other production. This paragraph shall not apply to the domestic use of an appliance certified for that purpose, such as a barbecue using charcoal or propane gas as combustible, a terrace heater and other similar appliances;
- n.2) to carry out activities mentioned in paragraph n.1) without having planned or taken necessary safety measures or without respecting the conditions that are necessary for the smooth progress of the activity or the event;
- o) to keep refuse or rubbish outside of any building otherwise than in a solid and tightly closed container arranged in such a manner as not to draw flies or vermin or cause foul smells;
- o.1) for the owner, tenant or occupant of a building, letting or tolerating, inside of such building, feces, organic or decomposing matters or any other substance that releases noxious odours;
- p) to play any games or amusements on the streets, alleys, sidewalks or public places;
- q) to throw or deposit ashes, paper, refuse, dirt, garbage, snow, ice or any other obstruction in any street, alley, yard, public ground or square or municipal water stream or to throw or deposit snow or ice within five (5) feet of a fire hydrant or in such a manner as to prevent vehicular access from the public streets to private driveways, except in the process of snow clearing by employees of the City or contractors employed by the City;
- qa) as owner, tenant or occupant of any land or lot, to allow or tolerate snow or ice thereon to be thrown, pushed or deposited in any street, sidewalk, alley, yard, public ground or square or municipal water stream, or within five (5) feet of a fire hydrant;
- qb) by graffiti or otherwise, to soil a public property;
- r) to hold meetings, gatherings, reunions, shows or brutal or disorderly amusements in the streets, parks or public places of the City;
- s) to encroach with any structure in, upon or over, or to obstruct streets, alleys, avenues, bridges, culverts, public grounds and public places, pavements, sidewalks, municipal streams and municipal waters, the City Engineer and the Director of Police being hereby authorized to remove such encroachments or any other obstruction, after a summary notice to the

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owner, occupant or other party responsible for such encroachments or obstruction, the whole at the cost of the responsible party;

- t) (*Repealed*).
- u) to distribute circulars, advertisements, prospectus or other similar printed matters on the streets, avenues, lanes, sidewalks, public lanes and places as well as in private dwellings;
- v) to fly a flag, banner or sign across the streets, alleys and public places;
- w) to cut, damage or deface trees in the streets, lanes, parks and public places of the City;
- x) to operate itinerant restaurants where food prepared therein is sold, or itinerant canteens selling food not prepared in such canteens, in locations other than construction sites or industrial establishments;
- y) to use hand organs or other musical instruments in any or all the streets and public places of the City;
- z) to sell anything whatsoever in the streets or public places of the City;
- aa) to beg within the limits of the City without a permit issued by the Director of Police;
- bb) to use any rifle, shotgun, pistol or other firearm or any arm using compressed air, compressed gas or springs, except for target shooting in a location especially approved for that purpose by the Director of Police;
- cc) to hold any circus, theatrical representation, show or other public representation outside a building unless a permit has been issued for that purpose by the Director of Police;
- dd) to disturb any congregation assembled for religious worship;
- ee) the fact for the owner, lessee or occupant of a vacant or partly built lot or land to leave upon such lot or land a motor vehicle built more than seven (7) years previously, without a valid authorization for road use for the current year and in such a condition that it cannot be driven.

The fact for anyone to place or abandon on a vacant or partly built lot or on land, whether such lot or land belongs to such person or to someone else, a motor vehicle built more than seven (7) years previously, without a valid authorization for road use for the current year and in such a condition that it cannot be driven.

For the purposes of this paragraph, the words "motor-vehicle" mean any vehicle within the meaning of the Highway Code (1977 S.R.Q., ch. C-24).

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- ff) to use without lawful cause a doorbell or any other means of calling occupants of any building;
- gg) to fling or throw without lawful cause stones or other projectiles;
- hh) to ring without lawful cause a fire-alarm or to call without lawful cause upon the police;
- ii) to disturb, shut off or remove barricades or warning devices placed in the streets or lanes as a warning of danger;
- jj) to organise, lead or take part in a parade or procession on any public property without having previously obtained from the Director of Police, upon a written request which must be in the hands of such director at least forty-eight (48) hours from the event, a permit to do so;
- kk) to hold without lawful cause, on any public or private property, any protest meeting, picketing or sit-in or to occupy without lawful cause any public or private property;
- ll) while being drunk or under the influence of narcotics, to bother passers-by or users of a park, a street, a sidewalk or other public place;
- mm) to hamper or to hinder the free movement of persons in any location accessible to the public, notably by strolling, by standing still or by forming a crowd with other persons;
- nn) to use or allow the use of a leg-trap to catch animals;
- oo) perambulating with bare-feet in a municipal building except swimming pools and park chalets;
- pp) *Repealed.*
- qq) to erect or maintain, by a snow removal entrepreneur, a snow removal marker on a public or private property during the period extending from April 15 to October 15.

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1495-2, a. 1, 2; 1495-3, a. 1; 1495-5, a. 1; 1495-6, a. 1; 1495-7, a. 1; 1495-8, a. 1; 1495-9, a. 1; 1495-10, a. 1; 1495-11, a. 1; 1495-12, a. 1; 1495-13, a. 1; 1495-14, a. 1, 2; 1495-15, a. 1; 1495-16, a. 1; 1495-17, a. 1; 1495-18, a. 1; 1495-19, a. 1, 2; 1495-21, a. 1; 1495-24, a. 1; 1495-25, a. 1; 1495-26, a. 1; 1495-27, a. 1; 1495-28, a.1; 1495-29, a. 1; PC-2888, a. 6; PC-1495-30 a. 1; PC-1495-30 a. 2; PC-1495-30 a. 3

1.1 Subparagraphs b), h), l), s), w) and ii) of Article 1 do not apply in the case of public works carried out by the City.

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1495-1, a. 1



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1.1.1 In the case contemplated in paragraph pp) of Article 1, anyone requesting from the Municipal Council the adoption of a resolution suspending the prohibition must deposit with his request the sum of \$250 to guarantee that the area contemplated by the resolution shall be cleared, to the satisfaction of the Director of the Public Works Department of the City, of all remains resulting from the use of alcoholic beverages. If the area is not cleared of such remains within twelve (12) hours of the period determined by the resolution, this operation may be carried out by the City at the petitioner's expense; as the case may be, the balance of the deposit shall be returned to the petitioner or he shall pay to the City the cost of the operation minus his deposit.

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1495-11, a. 2

1.2 Subparagraph b) of Article 1 does not apply to snow removal operations.

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1495-1, a. 1

1.3 Subparagraphs b), l) and s) of Article 1 do not apply to public works carried out for the City by private contractors.

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1495-1, a. 1

2. Shall be guilty of creating, constituting or suffering a nuisance:
- a) whoever shall in any manner whatsoever disturb the peace without lawful cause;
  - b) whoever shall expose to view by the public anything indecent or obscene;
  - c) whoever shall willingly, without lawful cause, damage or deface public or private property or trouble any person in the lawful enjoyment of his rights, either personal or public;
  - d) whoever shall be found in any street or public place having upon his person or carrying without lawful cause any firearm of any description, any sword, knife or similar arm or any offensive weapon whatsoever;
  - e) whoever shall extinguish without cause any lamp placed in a street for the purpose of lighting the same;
  - f) whoever shall satisfy any natural want in any street or public place;
  - g) whoever shall attach or place upon any part of any building whatsoever, or upon a wall of enclosure or fence, anything whatsoever of a filthy or disgusting nature;
  - h) whoever shall interrupt, hinder, pass through or disturb the order of any lawful funeral or other procession;

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- i) whoever shall cause or make any tumult, noise, disorder or disturbance or shall form part of any tumultuous assembly, in any house, building or place, enclosed or unenclosed, within the limits of the City;
  - j) whoever shall disturb the order of any public representation, exhibition or lecture;
  - k) whoever shall wilfully, without lawful cause, cause any noise or do anything of a nature to cause people to assemble in any street;
  - l) whoever shall use loud-speakers installed at the exterior of any immovable or on any vehicle without having previously obtained the authorization of the Director of Police;
  - m) whoever, being the owner or occupant of a dwelling, of a place of business or of accessories thereto, causes or tolerates noise within said premises which are audible outside of said premises.
3. The proprietor or occupant of any lot or land built upon or vacant, having stagnant and filthy water upon it, or noxious or objectionable weeds or rubbish not placed in closed containers, or discarded or inoperative motor vehicles, or that is in such condition as to be dangerous to the public health or on which excavations have been made during the erection of any building or for any other purpose and are a danger for public security in the opinion of the City Engineer, or the agent of the proprietor, or any person having charge thereof in the absence of the proprietor, shall cause such stagnant and filthy water to be drained, such weeds to be cut and removed, such rubbish or such discarded or inoperative motor vehicles to be removed or such lot to be filled up and properly levelled and shall take such other means as may be prescribed by the City Engineer to put said property in a sanitary and safe condition.
- 3.1 The proprietor or occupant of any lot or land built upon or vacant, having dead trees, which are, in the opinion of the Director of the Parks and Recreation Department, dangerous for public security, shall have such trees cut and removed within the delay stipulated by the Director of the Parks and Recreation Department in the written notice forwarded to the proprietor or occupant; such delay shall not be less than eight (8) days and not more than twenty-one (21) days.

Upon default of the proprietor or occupant to comply with the notice, the trees may be removed by the City, at the expenses of said proprietor or occupant.

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1495-4, a. 1; 1495-11, a. 3

4. In case the owner of such lot cannot be found and there be no person in occupancy thereof, and no one to represent the proprietor, or should such proprietor or occupant or other person in charge thereof refuse or neglect to drain, cleanse, fill up or level same or remove such noxious objectionable weeds or any other nuisances, after a twenty-four (24) hour written notice from the City Engineer, or should he be unable for want of means, to cleanse, fill up or level such lot or remove such weeds, rubbish or motor vehicles therefrom, it shall be the duty of the said officer, after due notice as aforesaid, to cause the said work to be done; and

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the amount so expended shall constitute a lien on the said lot and shall be recoverable in the same manner as a special tax thereon.

- 4.1 Shall constitute a nuisance and shall be prohibited the fact, for any person, to write graffiti or tags or to make marks on any building located on private property.

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1495-15, a. 2; 1495-20, a. 1

- 4.2 Shall constitute a nuisance and shall be prohibited the fact, for any person, to write graffiti or tags or to make marks on any building located on public property, on such property itself or on any object being an urban equipment element.

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1495-20, a. 1

- 4.2.1 Shall constitute a nuisance and shall be prohibited to tolerate or leave on an immovable graffiti or other inappropriate marks between May 1<sup>st</sup> and November 1<sup>st</sup>.

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1495-25, a. 2; 1495-27, a. 2

- 4.3 *(Repealed)*.

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1495-20, a. 1; 1495-22, a. 1

- 4.4 Any authorized City representative may give an order to anyone contravening to any of the provisions contemplated in Sections 4.1, 4.2 or 4.2.1, to remove graffiti, tag or mark, within ten (10) days following the reception, through certified mail, of a written copy of said order.

Should the offender not comply with such order given by an authorized City representative, the Ville de Montréal may do away with such graffiti, tag or mark and put the property, private or public buildings, other part of public property or other urban equipment element, back to its previous condition, at the offender's expense.

Neglecting or refusing to comply with an order given in accordance with the first paragraph shall constitute an infraction and shall make the offender liable, in addition to costs contemplated in the second paragraph, to the fine which is prescribed under section 5, and costs.

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1495-20, a. 1

- 4.5 For the purposes contemplated in sections 4.1 to 4.4, the following terms and expressions shall mean or designate:

- a) "public property": streets, alleys and public places, including sidewalks, median malls, staircases, tunnels, on-street and off-street cycle paths, body of water or stream as well as parks and green areas;
- b) "urban equipment": trees, shrubs, benches, newspaper boxes, public utilities junction boxes, mailboxes, bollards, fire hydrants, geodesic markers, bench

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marks, phone booths, cables, valve chambers, fences, conduits, fountains, sewer and manhole covers, lamp standards, monuments, walls, low walls, road signs, poles, garbage bins, catch basins, access pits, container for recyclable matters, manholes, street lamps, pipes, vaults and any other similar object, put in place because its useful or decorative purpose, either put up by the City or by third parties for their purposes;

- c) "City authorized representative": any member of the City of the Montreal Police Department as well as any officer or employee assigned to work with the borough of Pointe-Claire of the City of Montreal.

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1495-20, a. 1

5. Anyone who contravenes any of the provisions of the present by-law commits an offence and is liable:

- a) In the case of a natural person:

- a) for a first infraction to the subsections that are not specifically specified at subsection a.1), to a fine of \$500 to \$1,000;
- a.1) for a first infraction to sub-sections d), h), i), l), n.1), p), qb), r), u), v), y), aa), ff) gg), hh), kk), ll) mm), nn), and oo) of article 1 or to sub-sections a), b), e), f), g), h), i), j) and k) of article 2, to a fine of \$150 to \$300;
- b) for any repeated infraction, to a fine of \$1,000 to \$2,000.

- b) In the case of a legal person:

- a.1) for a first infraction to sub-sections d), h), l), n.1), qb), aa), bb), gg), hh), ll), mm) and pp) of article 1 as mentioned under sub-sections f) and i) of article 2, to a fine of \$300 to \$600;
- a.2) for a first infraction to the sub-sections that are not specifically specified at sub-section a.1) hereinabove, to a fine of \$2,000 to \$3,000;
- b) for any repeated infraction, to a fine of \$3,000 to \$4,000.

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2566, a. 1; 1495-20, a. 2; 1495-25, a. 3; 1495-27, a. 3, PC-2888, a. 7; PC-1495-30 a. 4; PC-1495-30 a. 5

- 5.1 Any continuous infraction to a provision of this by-law shall constitute, day by day, a separate and distinct infraction.

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1495-18, a. 2; 1495-25, a. 3

5.1.1 (*Repealed*).

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1495-23, a. 3; 1495-25, a. 3

5.2 The City of Pointe-Claire shall be authorized to enter into agreements with any person or body to enforce the present by-law.

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1495-18, a. 2

5.3 The pounding fee which shall apply to the keeping of a cat shall be set in accordance with By-law number 2650 and its amendments. At the coming into force of By-law number 1495-18 (August 2001), such fees are set at \$10 per day, per cat.

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1495-18, a. 2

6. The officers and policemen of the Montreal Urban Community Police Department as well as the officers and employees of the City designated for this purpose are responsible for the enforcement of this by-law. They may visit and examine all moveable and immoveable property, and also the interior or exterior of any house, building or edifice whatsoever, to ascertain if the provisions of this by-law are executed in respect thereof; the owners or occupants of such property, buildings and edifices must admit such persons.

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1495-12, a. 2

7. By-laws number 22, 54, 248, 301, 326, 422, 679, 697, 1192 and 1193 are hereby repealed.

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

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A.E. Séguin, Mayor

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S.C. Larue, City Clerk

SCHEDULE A

NOISE MEASUREMENT

### MEASURING INSTRUMENT

Sound levels shall be measured using a device called a sound level meter, with the minimum characteristics listed in publications 561 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 30 minutes preceding the start and following the end of each measurement session.

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

### 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.

### 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 whether conditions:

- Outdoor temperature below – 10°C;
- Relative humidity higher than 90%;
- Wind speed greater than 20 km/h.

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

For indoors' readings, between November 1<sup>st</sup> and April 30<sup>th</sup>, the doors and windows of the rooms in which the sound levels are being taken shall be closed. From May 1<sup>st</sup> to October 31<sup>st</sup>, windows shall be opened halfway.

### MEASUREMENT METHODS

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

DETERMINING AMBIENT NOISE LEVEL

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

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

DETERMINING DISTURBING NOISE LEVEL

Disturbing noise level is determined by measuring the equivalent acoustical pressure level or Lea, while there is a noise coming from the source of the disturbing noise; Lea 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 Lea obtained to be representative of the noise produced by the source of the disturbing noise over a period of 60 consecutive minutes.

SCHEDULE B

LIST OF NOXIOUS PLANT SPECIES  
(Section 1, paragraph a )

Espèce	Nom français	Nom anglais	Nuisance
<i>Aegopodium podagraria</i>	Égopode podagraire	Goutweed	Exotique envahissante
<i>Alliaria petiolata</i>	Alliaire officinale	Garlic Mustard	Exotique envahissante
<i>Ambrosia artemisiifolia</i>	Petite herbe à poux	Common Ragweed	Très allergène
<i>Ambrosia trifida</i>	Grande herbe à poux	Great Ragweed	Très allergène
<i>Anthriscus sylvestris</i>	Anthrisque des bois	Wild Chervil	Exotique envahissante
<i>Arctium lappa</i>	Grande bardane	Great Burdock	Fruits piquants nuisibles, tendance envahissante
<i>Arctium minus</i>	Petite bardane	Common Burdock	Fruits piquants nuisibles, tendance envahissante
<i>Frangula alnus</i>	Nerprun bourdaine	Glossy Buckthorn	Exotique envahissante
<i>Heracleum mantegazzianum</i>	Berce du Caucase	Giant Hogweed	Exotique envahissante, cause dermatites sévères
<i>Lythrum salicaria</i>	Salicaire commune	Purple Loosetrife	Exotique envahissante
<i>Pastinaca sativa</i>	Panais sauvage	Wild Parsnip	Exotique envahissante
<i>Phragmites australis</i>	Roseau commun	Common Reed	Exotique envahissante
<i>Reynoutria japonica</i>	Renouée du Japon	Japanese Knotweed	Exotique envahissante
<i>Rhamnus cathartica</i>	Nerprun cathartique	European Buckthorn	Exotique envahissante
<i>Toxicodendron radicans</i>	Herbe à puce	Poison Ivy	Cause dermatites
<i>Urtica dioica</i>	Grande ortie	Stinging Nettle	Allergène, cause irritations cutanées.