



PROVINCE OF QUEBEC
TOWN OF KIRKLAND

BY-LAW NO. : 2013-54-10

**BY-LAW AMENDING BY-LAW NO. 2013-54
RELATING TO NUISANCES IN ORDER TO ADD
AND CLARIFY CERTAIN ELEMENTS CAUSING
NUISANCES**

ADOPTION PROCEDURE

Notice motion:	June 3, 2024
Filing of draft by-law:	June 3, 2024
Adoption of by-law:	July 2, 2024
Publication:	July 5, 2024
Coming into force:	July 5, 2024

- WHEREAS pursuant to section 59 of the Municipal Powers Act (CQLR, c. C-47.1), the Town of Kirkland may adopt by-laws concerning nuisances;
- WHEREAS pursuant to section 356 of the Cities and Towns Act (CQLR, c. C-19), notice of motion of this by-law was given and a draft of this by-law was filed at the regular sitting of the Municipal Council held on June 3, 2024;
- WHEREAS copies of this by-law were made available to the public;
- WHEREAS the Preamble forms an integral part of this by-law;

THE MUNICIPAL COUNCIL DECREES AS FOLLOWS:

ARTICLE 1 DEFINITIONS

Chapter I of the by-law is amended by adding the following definitions in alphabetical order:

“"accessory" means any accessory located on the property of the immovable, including, a fence, a wall, a gazebo, a pergola, a pool or spa and their equipment, a terrace, garden furniture, a play structure, an outdoor gas fireplace, a barbecue, a ground surface or any other structure present on the property of the immovable;

"accessory building" means a building that is either isolated, attached or integrated to the main building of which use is complementary to the main use and which is located on the same property, including a garage, a greenhouse or a shed;

"graffiti" means one or more drawings, symbols, letters, signatures (tags), engravings (sgraffito), figures, inscriptions, stains, produced and affixed in any manner, or other marks applied to a property.”

ARTICLE 2 NUISANCE RELATING TO AN IMMOVABLE

Chapter III of the by-law is amended by modifying the first paragraph of Article 3, paragraph a), paragraph d) and paragraph j) of Article 3 and by adding Article 3.1 so that they read as follows:

“3. Constitutes a nuisance on a property or outside a building, the presence of:

- a) a road vehicle that is stored, discarded, unlicensed for road use for the current year or that is not in working order. A road vehicle is presumed not in working order when one or more tires are missing, deflated, or damaged, when the hood is open, when windows are broken or missing, when it exhibits visible structural damage such as significant deformations of the body or chassis, or when essential parts such as mirrors, headlights, doors, etc., are absent;

[...]

- d) the presence of any foul odor. Is presumed a foul odor any smell of mold, rotten eggs, gas, decomposition, garbage, or any other odors that, due to their frequency or intensity, become a public nuisance;

[...]

- j) of graffiti;

3.1 Constitutes a nuisance on a vacant lot not occupied by a main building, the presence of:

- a) any accessory building, accessory, or any other object whatsoever, except for a fence delimiting the lot;
- b) any road vehicle, snowmobile, all-terrain vehicle, trailer, boat, tractor, equipment for snow removal, landscaping equipment, or any other equipment, whatever it may be;
- c) any element mentioned in Article 3;

For the purposes of interpreting this article, a vacant lot not occupied by a main building is considered to be any lot on which there is no visible above-ground building. A lot with only the foundation of a main building is considered to be a vacant lot not occupied by a main building.

This article does not apply to municipal lots.”

ARTICLE 3 NUISANCES RELATING TO THE PUBLIC DOMAIN

Chapter V of the by-law is amended by modifying paragraph q) of Article 11 so that it reads as follows:

“11. The following acts constitutes a nuisance:

[...]

q) discard, deposit or dump dirty water, urine, feces, chemicals, cleaning or petroleum products or any other foul, flammable or hazardous product on the public domain.”

ARTICLE 4 COMING INTO FORCE

This by-law shall come into force in accordance with the law.

(Michel Gibson)

Mayor

(Annie Riendeau)

Town Clerk