

**CANADA  
PROVINCE OF QUÉBEC  
REGIONAL COUNTY OFFICE  
OF ARGENTEUIL  
TOWNSHIP OF WENTWORTH**

**BY-LAW NUMBER 2013-004**

**BY-LAW TO MODIFY BY-LAW NUMBER 2009-002 PERTAINING TO  
NUISANCES, USE AND ENCROACHMENT ON PUBLIC ROADS**

**WHEREAS** the Municipality adopted By-Law Number 2009-002 By-Law pertaining to nuisances, use and encroachment on public roads, in force on September 16<sup>th</sup>, 2009;

**WHEREAS** it is advantageous to amend this by-law;

**WHEREAS** a notice a motion was previously given;

**WHEREAS** a copy of the present By-Law was given to the members of Council at least 2 days prior to the meeting and that all Council members present declared having read the draft by-law and waive its reading

**THEREFORE**, it is proposed by Councillor Bill Gauley and resolved that the following By-Law be adopted:

Resolution unanimously adopted.

**ARTICLE 1**

The preamble of the present By-Law forms an integral part of the By-Law.

**ARTICLE 2**

By-Law Number 2019-002 entitled "By-Law Pertaining to Nuisances, Use and Encroachment on Public Roads" is modified by the replacement of Articles 26 and 27 with Articles 26 to 34 as follows:

**"OBSTRUCTION OF NATURAL WATER FLOW**

**ARTICLE 26**

It is strictly forbidden to obstruct the natural drainage of water for road beds, streams and ditches. Those who obstruct divert or allow the obstruction commits an infraction and is liable to the penalties provided for in this By-Law.

Furthermore, damage or obstruction to a stream or a ditch will be repaired or removed without delay by its author, and, failing that, by the residents and other interested parties in order to comply with the requirements of this by-law at their expense.

**TREES AND GRASS**

**ARTICLE 27**

A tree located on private property whose condition endangers public safety, interferes with suspended wires or could potentially interfere or break suspended wires under or within one metre one of its branches or any tree intercepting the lighting from lampposts crating a shadow on the public road is a nuisance.

Are also considered nuisances, branches, trees or shrubs overhanging the road.

## **ARTICLE 28**

The Municipal Inspector or any officer authorized by the Municipality or the Sûreté du Québec may order the owner to prune or fell a detrimental tree or shrub and, in case of refusal or neglect of the owner to carry out, at the expense of the later, the pruning or felling necessitated.

The owner who refuses to act according to the order of the persons mentioned in the first paragraph commits an offence and is liable to a fine under this by-law.

## **ARTICLE 29**

It is illegal for any person to plant a tree or shrub on the property of the Municipality without first obtaining the written permission of the Municipal Inspector.

## **ARTICLE 30**

Whoever trims, prunes or cuts down a tree or shrub in a public place without lawful authority commits an offence.

## **ARTICLE 31**

If the Municipality finds the presence of a nuisance on public or private property, it may notify the person who occupies or owns this property, under whatever condition to stop or remove the cause of the nuisance within a delay it determines.

In addition to the power to issue any statement of offence, if the person who occupies or owns the property under whatever condition is not found or fails to cease the nuisance within the prescribed time, the Municipality may request the Municipal Court to issue an order to stop or remove the nuisance, all at the expense of the owner of the immovable.

Any contravention to this article renders the offender liable to the penalties provided for in this by-law and in addition to any other fees required by this article, expenses may be established upon presentation of the invoices for the work done to stop the nuisance or as per the tariffication of the Municipality in this regard.

The Municipality may also require the Superior Court to order the owner or occupant to stop or remove the nuisance or, failing that, it allows the Municipality to do so, at the owner's expense.

The sums incurred by the Municipality be recovered in the same manner as a property tax on the immovable when it appears on the assessment roll.

## **ARTICLE 32**

The Municipal Inspector may, as it deems necessary in the interest of the Municipality, order the pruning, the trimming, the removal of trees and shrubs in or near the public places of the Municipality.

## **ARTICLE 33**

In case of differences between the French and English versions, the French version prevails.

## **ARTICLE 34**

The present By-Law comes into effect as per the Law.”

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**Edmund Kasprzyk**  
**Mayor**

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**Paula Knudsen, g.m.a.**  
**General Manager, Secretary-  
Treasurer**

Notice of motion: February 4<sup>th</sup>, 2013  
Adoption of By-Law: April 2<sup>nd</sup>, 2013  
Public notice: April 10<sup>th</sup>, 2013