

CANADA
PROVINCE OF QUEBEC
MUNICIPALITY OF SHAWVILLE
BY-LAW S.Q. 2009-002
CONCERNING SAFETY, PEACE AND ORDER IN PUBLIC AREAS
ENFORCEABLE BY THE QUEBEC PROVINCIAL POLICE

WHEREAS under section 85 of the *Municipal Powers Act* (Q.R.S., chapter C-47, 1), any local municipality may adopt by-laws to ensure peace, order, good government and the general welfare of its population;

WHEREAS the municipality has received a request from the MRC of Pontiac asking that it update its by-laws relating to penal matters, and

WHEREAS a regular notice of motion was given by councillor James Hodgins on April 14, 2009;

CONSEQUENTLY it is moved by councillor James Hodgins, seconded by councillor Royce Richardson that this by-law abrogate and replace all interior By-Laws relating to safety, peace and order in public areas, as enforceable by the Quebec Provincial Police.

IT IS ALSO RESOLVED that this by-law be adopted:

"Preamble" **SECTION 1** The preamble forms an integral part of this by-law.

The schedules attached to this by-law form an integral part of it.

"Interpretation"

SECTION 2 For purposes of this by-law, unless the context indicates otherwise, this shall be the meaning of words used herein:

Peace agent

A member of the Quebec Provincial Police.

Proper authority

Any police officer, firefighter or other person or service designated by Council.

Municipal property

Any goods, whether moveable or immovable, belong to the municipality, including trees, shrubs, lawns, flowers, flower pots, traffic signs, fountains, stands,

lampposts, garbage bins, playground equipment, play items, pools, showers, parking meters, parks and all other things intended for public use.

Council

The municipal council.

Public areas

All roads, streets, lanes, place or public ways, alleys, passages, sidewalks, stairways, gardens, parks, tennis courts, multifunctional tracks, bicycle paths, promenades, playgrounds, stages, parking areas intended for public use, whether belonging to the municipality or not, or any other interior or exterior places of gathering with public access, including waste lands with public access, and interior spaces of shopping malls.

Public events

All activities organized for the general public, whether for profit or not, at a place or in an area that are public or not, including namely community meals, fairs, circuses, "kermesses", merry-go-rounds and road shows, including parties and festivals.

Street furniture

All equipment, structures or goods installed on public ways or in public areas or areas within the municipality.

Occupant

All persons occupying a dwelling, a building or a lot under the terms of a verbal agreement or a written lease, as well

as the owner if on the premises.

Person

All natural or artificial persons, including companies, unions, corporations and all groups or associations having an interest in a dwelling or a residential building as owners, co-owners, mortgagees, liquidators or other. This term also includes guards, tenants or occupants as the situation demands.

Road vehicle

All motor vehicles that can move on a road. The definition excludes vehicles that move solely on rail and electric wheelchairs. The definition includes all-terrain vehicles, snowmobiles, trailers, tractor trailers, removable auxiliary axles and motorcycles.

Public ways

All surfaces of lots or artwork, the maintenance of which is the responsibility of the municipality, its organizations or subcontractors, of a government or one of its organizations, on which one or more than one pavements have been built for public access. Includes pavements, sidewalks, green spaces, shoulders, rights of way, bicycle paths, road islands and ditches. Includes also streets, places, parks, public squares, public lanes, public passageways, bridges, bridge approaches, avenues, boulevards, roads, overpasses, tunnels and all other areas intended for public access by road vehicle riders,

cyclists and
pedestrians.

"Alcoholic beverages"

SECTION 3 In a public area or inside a road vehicle, no one may consume alcoholic beverages or have in his or her possession a container of alcoholic beverage with an unsealed opening, except if a sales license was issued by the *Régie des alcools, des courses et des jeux*.

"Mischief"

SECTION 4 No one may draw, paint, mark, destroy, break, shake, cut, degrade, deteriorate, damage, make dirty in any way possible or otherwise displace municipal goods or street furniture. The act of pasting or posting labels or graffiti on municipal property or street furniture constitutes a violation.

"White weapon"

SECTION 5 No one may be found on a public way or in a public area, whether on foot or in a public vehicle, with possession of a white weapon, a knife, a sword, a machete, a slingshot, a pea shooter or any other weapon or object that could be used as a weapon, without a legitimate excuse.

Self-defence does not constitute a reasonable excuse for purposes of this section.

"Fire"

SECTION 6 No one may ignite a fire or maintain a fire ignited in a public area without a permit.

The municipality or one of its representatives may issue a permit authorizing a fire for a specific event, subject to the following conditions:

- a) The applicant shall undertake to ensure constant supervision of premises by a responsible major person.
- b) A safety area as decided by the municipality shall be established by the applicant, so that neighbouring areas and the general public are protected.

- c) The applicant shall undertake to follow all applicable safety standards.
- d) The applicant shall ensure that an extinguishing product or agent is present, and in sufficient quantity.
- e) The applicant shall demonstrate that he or she possesses the appropriate public liability insurance.
- f) No open fire ban by the proper authorities shall be in force.

"Organic Waste" SECTION 7 It is prohibited for anyone to urinate or defecate on private property, public ways or public areas of the municipality, except in places specifically established for such purposes.

"Games/roadways"

SECTION 8 No one may carry-out or take part in a game or an activity on a roadway.

The municipality or one of its representatives may issue a permit for a specific event under conditions set by Council.

"Public disturbance"

SECTION 9 No one may act in such a way as to disturb public peace or tranquillity, namely in the following manner:

- a) No one may cause, provoke, encourage or take part in a fight or skirmish, or behave violently on a public way or in a public area;
- b) No one may blaspheme or use insulting, injurious or disturbing language with respect to another person.

"Projectiles" SECTION 10 No one may throw projectiles on a public way or in a public area.

"Activities" SECTION 11 No one may organize, direct or participate in a parade, march or run having more than fifteen participants in a public area without having first obtained a permit from the municipality.

The municipality or one of its representatives may issue a

permit authorizing the holding of an activity under the following conditions.

a) the applicant shall first submit a detailed plan of the activity to the police department serving the municipality;

b) the applicant shall have met the safety requirements set by the Police Department.

Funerals and marriages are exempt from this by-law.

"Loitering" **SECTION 12** No one may sleep, shelter, beg or loiter on a public way, in a public area or in a private area. In the latter case, the agents of the *Sûrete du Quebec* are authorized to intervene only with the permission of the owner or the occupant.

"Gathering" **SECTION 13** No one may take part in a noisy or tumultuous happening or gathering, or do any degrading or brutal act on a public way or in a public area.

"School" **SECTION 14** No one may be present on the grounds of a school outside normal opening hours, without a reasonable motive.

"Park" **SECTION 15** No one may be present in a park or on the grounds of a school or church at times prohibited by way of signs.

The municipality or one of its representatives may issue a permit for a specific event under conditions set by Council.

"Safety area" **SECTION 16** No one may cross or be present inside a safety area established by the proper authorities and marked with signs (ribbons, barriers, etc.), unless specifically authorized to do so.

"Free access" **SECTION 17** The obstruction or cluttering, without a legitimate motive, of pedestrian passageways or the access of road vehicles to a public way or in a public area, or the obstruction of the passage or the door to a house or yard is prohibited. All owners and

occupants of buildings shall keep sidewalks in front and on the side of such buildings free from all obstruction, including hedges and other shrubs.

"Alcohol/drugs"

No one who is under the influence of alcohol or drugs may be present in a public area or on a public way.

APPLICATION

"Responsibility"

SECTION 19 The application of this by-law is the responsibility of the peace agents of the Quebec Provincial Police. It is also the responsibility of municipal inspectors, and other persons designated by a resolution of the council.

"Proceedings"

SECTION 20 All peace agents of the Quebec Provincial Police, municipal inspectors and other persons designated by a resolution Council are authorized to issue a statement of violation and to undertake legal proceedings for any violation to this by-law, in accordance with the *Quebec Code of criminal procedure* (R.S.Q., c. C-25).

"Inciting"

SECTION 21 The act of helping, inciting or encouraging anyone else to commit a violation of this by-law is prohibited.

"Injury"

SECTION 22 The act of insulting, abusing, blaspheming or molesting a peace agent or any other person designated by a resolution of the council, during the performance of their duties, is prohibited.

"Refusal to obey"

SECTION 23 The act of refusing to obey or comply with an order issued by a peace agent, a municipal inspector or any other person designated by a resolution of Council, during the performance of their duties, is prohibited.

Furthermore, it is forbidden for anyone to refuse to help or provide assistance as requested by a peace agent, a municipal inspector or any other person designated by a resolution of

Council, during the performance of their duties.

The act of disturbing the work of firefighters, police officers, ambulance attendants or other municipal workers is prohibited.

The act of anyone refusing to leave a building or a lot when requested to do so by a peace agent acting in the name of the owner, the tenant or the occupant, or one of their representatives, is prohibited.

PENAL PROVISIONS

"Penalties" SECTION 24 Without prejudice to any other possible recourse, whoever contravenes a provision of this by-law 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 an artificial person, for a 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 an artificial person, for any repeat offence during the following year; in each case, legal expenses shall be additional.

"Civil remedy" SECTION 25 Criminal proceedings shall be without prejudice or limitation to any other recourse to be taken by the municipality, including all civil remedies before any court of law, including the municipal one, to recover the expenses incurred as a result of the violation of this by-law.

"Revocation of permit" SECTION 26 All peace agents of the Quebec Provincial Police, municipal inspectors and other persons designated by a resolution of Council may revoke a permit in the case of a violation to the municipal by-law; he or she shall immediately inform the municipality of any such action taken.

"Abrogation" SECTION 27 This by-law abrogates all previous municipal by-laws which are incompatible with its provisions.

"Effective date"

SECTION 28 This by-law shall be effective according to law.

Adopted by the Municipal Council during a meeting held on August 11, 2009 and signed by the Mayor and the Secretary-Treasurer.

Mayor

Secretary-Treasurer

CERTIFICATE OF PUBLICATION

I, the undersigned, residing at 580 King Street, Shawville, Quebec, do hereby certify under my oath of office, that I have published the public notice relating to By-Law No. S.Q. 2009-002 by posting two copies thereof, at the places designated by the Council between the hours of two and four o'clock in the afternoon on the thirteenth day of August 2009.

IN TESTIMONY WHEREOF, I give this certificate, this thirteenth day of August 2009.

Secretary-Treasurer