

MUNICIPALITY OF LOW

REGULATION NUMBER: SQ 2017-002

MUNICIPAL BY-LAW: LOW-02-2017

NOTICE OF MOTION: April 27, 2017

CARRIED ON: May 1, 2017

PUBLICATION ON: May 2, 2017

COMING INTO FORCE ON: May 2, 2017

CANADA
PROVINCE OF QUEBEC
MUNICIPALITY OF LOW

**BY-LAW ON
SECURITY, PEACE AND ORDER
ENFORCEABLE BY THE SÛRETÉ DU QUÉBEC**

WHEREAS Council wishes to adopt a by-law to ensure security, peace and order on its territory;

WHEREAS a copy of by-law 2017-002 was given to the members of the council no later than 2 legal days before the regular meeting of May 1, 2017, that all the members present declare that they have read the draft by-law and that they forfeit its reading.

CONSEQUENTLY,

It is moved by Michèle Logue-Wakeling
Seconded By Joanne Mayer
And resolved

THAT:
This By-law be adopted.

SECTION 1 The Preamble shall form an integral part of this by-law.

SECTION 2 For the purposes of this by-law, the following expressions and words mean:

"PUBLIC LOCATIONS" means parks, streets, beaches, wharves, public transportation vehicles, public areas, areas or places accessible to the public.

"PARKS" means the parks within the territory of the Municipality that are under its jurisdiction and includes all public spaces, with grass or not, where the public has access for rest, relaxation, play or sport or for any other similar purpose.

"STREETS" means streets, roads, alleys, bicycle paths and sidewalks and other public and private places dedicated to pedestrian or vehicular traffic in the territory of the Municipality.

"PUBLIC AREAS" means the parking areas maintained by the Municipality, the common areas of a business even if it is private, or of a public building or a residential building.

"AREAS OR PLACES ACCESSIBLE TO THE PUBLIC" means areas or places accessible to the public, such as church, vestries, cemetery, shopping center, sports complex, cultural center, tourist site, camp site operated by the SÉPAQ, and others areas or places accessible to the public.

SECTION 3 **"ALCOHOLIC BEVERAGES"** shall not be consumed in a public place, and no one can be in possession of an alcoholic beverage container not sealed, unless a permit of sale has been issued by the RÉGIE DES ALCOOLS, DES COURSES ET DES JEUX.

SECTION 4 **"GRAFFITIS"** No one shall draw, paint or otherwise mark houses, walls, fences, streets, or property in any public place.

This provision does not apply where a written consent has been given by a designated officer of the Municipality.

SECTION 5 **"POSTERS"** No person shall display or cause to be displayed any paintings, drawings, writings on houses, walls, fences of a private property or on any public property.

This provision does not apply where a written consent has been given by a designated officer of the Municipality.

SECTION 6 "WHITE WEAPON" No one shall be in a public place, carrying a knife, a machete, a stick or a white weapon without a reasonable explanation.

Self-defense is not deemed a reasonable excuse.

SECTION 7 **"INDECENCY"** No person may urinate or defecate in a public place, except in the places provided for this purpose.

SECTION 8 **"GAME / PAVEMENT"** No person may make or participate in a game or activity on roadways if it impairs the traffic or the tranquility of the neighborhood without written authorization.

This provision does not apply where a written consent has been given by a designated officer of the Municipality.

SECTION 9 **"SKIRMISHES"** No one may fight or act improperly in a public place.

SECTION 10 "SCREAMING" No one may shout in a public place.

SECTION 11 "PROJECTILES" No one may throw stones, bottles or any other projectiles in a public place.

SECTION 12 "EQUIPMENT" No one may shake, cut, break, remove or otherwise damage any wall, fence, sign, shelter, seat, bench, lamp post, play equipment, grass, tree, shrub, or other property in a public place.

SECTION 13 "ACTIVITIES" No one may organize, direct or take part in a parade, a march or a race involving more than fifteen (15) participants in a public place, without having previously obtained a permit from the municipality.

A designated officer of the Municipality may issue a written authorization to conduct an activity under the following conditions:

a) the applicant has previously submitted to the police services serving the Municipality a detailed plan of the activity; and

b) the applicant has complied with the security measures recommended by the police services.

Are exempted from obtaining such authorization, funeral processions, marriages and schools extracurricular activities.

SECTION 14 "USE OF STREETS OR PARKINGS" No one may use the streets or parking lots to slide or play, and the person guardian of the person in contravention of this by-law is guilty of an offense.

This provision does not apply where a written consent has been given by a designated municipal officer of the Municipality.

SECTION 15 "LOAFING" No one may lie down, lodge, beg or hang around a public place.

SECTION 16 "PEDESTRIAN PASSAGE" No one may block, obstruct or impede pedestrian crossings or traffic by parking, strolling or hanging around in a public place.

SECTION 17 "ALARM / APPEAL" No one may trigger a fire alarm or call the police or any other person in the public security service without reasonable cause.

SECTION 18 "RINGING OR KNOCKING" No one can ring or knock on doors or windows of houses or on houses without reasonable cause.

SECTION 19 "NOISE" No one shall make or permit any person to make noise in places where the public is to be found or in a public place by shouting, swearing, quarreling, fighting, or in any other way to annoy, to inconvenience, or to disturb the peace of the people on the premises.

SECTION 20 "INSULTING A POLICE OFFICER OR AN EMPLOYEE DESIGNATED BY THE MUNICIPALITY" No one may insult, abuse or provoke by words or deeds in any place whatsoever, a police officer or employee, an inspector or other officer of the Municipality while such person is exercising its functions.

SECTION 21 "REFUSAL TO WITHDRAW" No one may be in a public place where he or she does not belong and refuse to withdraw at the request of any person in authority or in charge of such a place.

SECTION 22 "ALCOHOL / DRUGS" No one may be in a public place while under the influence of alcohol or drugs.

SECTION 23 "SCHOOL / PARK" No one may be in a park or on the grounds of a school at times when the signs indicate such a prohibition.

No person shall, without reasonable cause, be in a park or on the grounds of a school, even at times when the signs do not indicate a prohibition or if there are no signs indicating prohibition.

This provision does not apply where a written permission has been given by a designated officer of the Municipality.

SECTION 24 "CLIMBING" No one shall climb on a statue, a pole, a wire, a rope, a building, a fence or other assembly of man-made support materials.

SECTION 25 "SAFETY AREAS" No one shall cross or be within a designated safety area established by the competent authority by means of signs (such as indicator ribbons, fences, etc.) unless that person is expressly authorized to do so.

SECTION 26 "BATHING IN A PUBLIC PLACE" No one may bathe in a public place where a sign prohibits it.

SECTION 27 "RIGHT OF INSPECTION" The municipal Council authorizes the officers of the Municipality or any municipal employee appointed by the Council and police officers to visit and examine between 7 am and 7 pm or beyond this time limit for a reasonable cause, any movable or immovable property, and the exterior or interior of any house, building or structure, to determine whether the by-laws are followed therein and thus any owner, tenant or occupant of such houses, buildings or structures shall receive such persons and answer all questions related with the enforcement of this by-law.

PENALTIES

SECTION 28 "APPLICATION" The person responsible for the application of this by-law is any officer or municipal employee appointed by the Council.

The Council also authorizes officers of the Sûreté du Québec to undertake criminal proceedings against any offender and to issue statements of offense for any contravention of any of the provisions of this by-law.

SECTION 29 "PENALTY" Any person who contravenes a provision of this by-law is guilty of an offense and is liable to the following fines:

A person who commits a first offense is liable to a fine of not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00) in the case of a person, and not less than three hundred dollars (\$300.00) and not more than one thousand dollars (\$1,000.00) in the case of a legal entity.

A person who commits a second offense under the same provision within a period of two (2) years of the first offense is liable to a fine of not less than four hundred dollars (\$400.00) and not more than one thousand dollars (\$1,000.00) in the case of a person, and not less than five hundred dollars (\$500.00) and not more than one thousand five hundred dollars (\$1,500.00) in the case of a legal entity.

A person who commits a subsequent offense under the same provision within two (2) years of the first offense is liable to a fine of not less than five hundred dollars (\$500.00) and not more than one thousand two hundred dollars (\$1,200.00) in the case of a person,

and not less than one thousand dollars (\$1,000.00) and not more than two thousand dollars (\$2000.00) in the case of a legal entity.

SECTION 30 "REPEAL" This by-law repeals and replaces in its entirety and for any purposes regulation 2011-002 as well as any previous municipal by-law inconsistent with the provisions of this by-law.

This repeal shall not be construed as affecting any matter or action done or to be done under the by-law so repealed. Any offense or prosecution under the repealed By-law or any regulation referred to therein may be continued in the manner prescribed in those regulations.

SECTION 31 "ENTRY INTO FORCE" This by-law shall come into force in accordance with the law.

Mayor

Secretary-Treasurer

Notice of motion given on: April 27, 2017

By-law adopted on: May 1, 2017

Publication and Entry into force: May 2, 2017