

CANADA
PROVINCE OF QUEBEC
MUNICIPALITY OF LITCHFIELD

BY-LAW S.Q. 2023-02

CONCERNING SAFETY, PEACE AND ORDER IN PUBLIC AREAS ENFORCEABLE
BY THE SURETÉ DU QUÉBEC

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;

WHEREAS a regular notice of motion was given on July 10, 2023;

CONSEQUENTLY, it is moved by Terry Racine that this by-law repeals and replaces all previous By-Laws relating to safety, peace and order in public areas, as enforceable by the *Sureté du Québec*.

AND 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 and expressions used herein: Peace agent A member of the <i>Sureté du Québec</i> . Proper authority Any police officer, firefighter or other person or service designated by Council. Municipal property Any goods, whether moveable or immovable, belonging to the municipality, including trees, shrubs, lawns, flowers, flowerpots, benches, tables, decorations, posts, 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, rest area, square, swimming pool, 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 lots or vacant lots with public access, and interior spaces of shopping malls and sports complexes.

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, 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 persons or legal entity, 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 when the situation requires it.

Road vehicle

A motorized vehicle that can travel on a roadway, including but not limited to all-terrain vehicles, snowmobiles, trailers, semi-trailers, detachable axles and motorcycles.

However, vehicles that can only run on rails and electrically powered wheelchairs are excluded from the definition of road vehicles.

Public ways

All surfaces of lots, 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 roadway have been built for public access.

Includes roadways, sidewalks, green spaces, shoulders, rights of way, bicycle paths, medians and ditches. Also includes 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 beverages with an unsealed opening, except if a sales licence was issued by the <i>Régie des alcools, des courses et des jeux</i> .
"Mischief"	SECTION 4	<p>No one may draw, paint, mark, destroy, break, shake, cut, degrade, deteriorate, damage, scratch, carve, make dirty in any way possible or otherwise displace municipal goods or street furniture.</p> <p>The act of pasting or posing labels or graffiti on municipal property or street furniture constitutes a violation.</p>
"White weapon"	SECTION 5	<p>No one may be found on a public way or in a public area, whether on foot or in a public vehicle, including a taxi, with possession of a white weapon, such as 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.</p> <p>Self-defence does not constitute a reasonable excuse for purposes of this section.</p>
"Fire"	SECTION 6	<p>No one may ignite a fire or maintain a fire ignited in a public area without a permit.</p> <p>The municipality or one of its representatives may issue a permit authorizing a fire for a specific event, subject to the following conditions:</p> <ol style="list-style-type: none">The applicant shall undertake to ensure constant supervision of premises by a responsible major person.A safety area as decided by the municipality shall be established by the applicant, so that neighbouring areas and the general public are protected.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.
- g) the applicant agrees to comply with all applicable municipal and regional by-laws pertaining to fire prevention and outdoor fires.

"Organic waste"	SECTION 7	It is prohibited for anyone to urinate or defecate on private property, public roadways or public areas of the municipality, except in places specifically established for such purposes.
"Games/ roadways"	SECTION 8	<p>No one may carry out or take part in a game or an activity on a roadway.</p> <p>The municipality or one of its representatives may issue a permit for a specific event under conditions set by Council.</p>
"Public disturbance"	SECTION 9	<p>No one may act in such a way as to disturb public peace or tranquility, namely in the following manner:</p> <ul style="list-style-type: none"> 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	<p>No one may throw projectiles on a public way or in a public area.</p> <p>A projectile is any object thrown by hand or with an instrument and intended to hit a target, either someone or something.</p>
"Drones"	SECTION 11	<p>No one may use a drone in a careless or negligent manner, in such a way as to endanger or risk endangering aviation safety or the safety of anyone else.</p> <p>It is an offence to use drones in a manner that may be regarded as:</p> <ul style="list-style-type: none"> a) voyeurism; b) mischief c) a nuisance d) infringing on an individual's privacy; e) collecting personal information about an individual on private property; f) a violation of provincial, municipal, federal or other laws. <p>"Personal information" is defined as any information relating to an identifiable individual. It may be a name,</p>

a photograph of a person's face or a licence plate number.

"Lasers"	SECTION 12	No one may use a laser of more than 1 mW outside a private residence. Outside a private residence, possession of a laser of less than 1 mW must be used for a legitimate reason, for example for use in the course of work, for educational purposes, as part of an astronomy society or for any other reason deemed reasonable.
"Activities"	SECTION 13	No one may organize, direct or participate in a parade, march or run that may interfere with the usual flow of traffic on a public roadway or in a public area without having first obtained a permit from the municipality or the <i>Ministère des Transports et de la mobilité durable</i> (MTMD) in the case of an activity planned on a provincial roadway. 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 municipality and demonstrate that this activity is safe. Funeral processions and weddings are exempt from obtaining such a permit. The person organizing or conducting such an activity must ensure that the participants comply with the laws and provincial and municipal regulations in force and if they do not, they are committing an offence.
"Loitering"	SECTION 14	No one may sleep, shelter, beg or loiter on a public way or in a public area.
"Gathering"	SECTION 15	No person shall take part in any noisy, tumultuous or disorderly assembly or gathering, or do any rude, profane, offensive or abusive act on a public way or in any public place.
"School"	SECTION 16	No one may be present on the grounds of a school during normal opening hours, without a reasonable motive.
"Park"	SECTION 17	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 18	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 19	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"	SECTION 20	No one who is under the influence of alcohol or drugs may be present in a public area or on a public way.
Alarm/Call	SECTION 21	No one may voluntarily set off any fire alarm or call the police or any member of the public security service without reasonable cause.

APPLICATION

"Responsibility"	SECTION 22	The application of this by-law is the responsibility of the peace agents of the <i>Sûreté du Québec</i> . It is also the responsibility of municipal inspectors, and other persons designated by a resolution of the council.
"Proceedings"	SECTION 23	All peace agents of the <i>Sûreté du Québec</i> , 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 <i>Quebec Code of Criminal procedure</i> (R.S.Q., c. C-25).
"Inciting"	SECTION 24	The act of helping, inciting or encouraging anyone else to commit a violation of this by-law is prohibited.
"Insults"	SECTION 25	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 26	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 or provincial 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 27	Without prejudice to any other possible recourse, whoever contravenes a provision of this by-law is liable to a fine of two hundred and fifty dollars (\$250.00) in the case of a natural person, and five hundred dollars (\$ 500.00) in the case of a legal entity, for a first infraction; the fine is five
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hundred dollars (\$ 500.00) in the case of a natural person, and one thousand dollars (\$ 1000.00) in the case of a legal entity, for any repeat offence during the following year; in each case, legal expenses shall be additional

- "Civil remedy" SECTION 28 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 29 All peace agents of the *Sûreté du Québec*, 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 30 This by-law abrogates all previous municipal by-laws, including By-Law 2011-02, which are incompatible with its provisions.
- "Coming into force" SECTION 31 This by-law shall come into force according to law.

Adopted by the Municipal Council during a meeting held on August 8, 2023 and signed by the Mayor and the Secretary-Treasurer.

Mayor, Colleen Larivière

Julie Bertrand, Director General