



**PROVINCE OF QUEBEC
MRC DES LAURENTIDES
TOWN OF BARKMERE**

BYLAW NUMBER 273

REGULATIONS RELATING TO SAFETY, PEACE AND ORDER IN PUBLIC PLACES

WHEREAS the council wishes to regulate matters of security, peace and order in public places, aimed at ensuring the cleanliness and tranquility of these places, as well as the safety of their users;

WHEREAS the municipality acts hereunder by virtue of the powers conferred upon it under the terms of the *Municipal Powers Act* (CQLR, c. C-47.1) and more particularly under articles 62 and 85 of this law;

WHEREAS a notice of motion has been given and that a draft by-law has been tabled at the meeting of August 13, 2022, a copy of the draft by-law also being made available to the public at this meeting;

WHEREAS the mayor mentions that the purpose of this by-law is to regulate security, peace and order in public places on the territory of the Town of Barkmere;

WHEREAS the mayor also mentions that the by-law presented for adoption does not include any modification compared to the draft by-law tabled at the council meeting of August 11th, 2022;

FOR THESE REASONS, COUNCIL DECREES AS FOLLOWS:

1. DEFINITIONS AND SCOPE

1.1. Preamble and annexes

The preamble and all annexes attached to these regulations form an integral part thereof; all standards, obligations or indications found therein are also part of it as if they had been enacted therein.

1.2. Definitions

For the purposes of these rules, unless the context indicates a different meaning, the following terms and expressions mean:

- « *Illegal drugs* » : means any controlled substance or precursor whose import, export, production or possession is prohibited or restricted under the *Controlled Drugs and Substances Act* (S.C. 1996, c. 19).
- « *Public area* » : means any public road, park, land and municipal building and any other area of a public nature, especially the lake Des Écorces. Also includes any green space or playground to which the public has access for the purposes of rest or relaxation, play or sport, or for any other purpose, as well as any vehicle assigned to the public transport of nobody.
- « *Officer* » : means any natural person designated by the council, any employee of a legal person or a security agency under contract with the municipality or any member of the Sûreté du Québec responsible for the application of all or part of this regulation.

1.3. Application

This by-law applies in any public place located on the territory of the municipality of Barkmere.

1.4. Application exception

The provisions of this by-law do not apply in the context of an event authorized or organized by the municipality.

2. ACTIVITIES

2.1. Activity or gathering

No one may, in a public place, organize or participate in an activity or a gathering involving 30 or more participants, without having obtained authorization from the municipality and presented a detailed plan of the activity or gathering, which must meet the security measures.

However, funeral processions, demonstrations and any provincial event already subject to another law are exempt from obtaining such authorization.

2.2. Poster, leaflet and banner

No one may install or allow the installation of posters, flyers, banners or any other printed matter in a public place, with the exception of bulletin boards installed by the municipality and duly identified for this purpose.

This article does not apply to the provisions of the Act respecting elections and referendums in municipalities (CQLR, c. E-2.2).

2.3. Bathing

No one may bathe in a fountain, in a pool of artificial water or in any body of water, nor cause an animal to bathe therein or throw anything whatsoever therein, except in places where signs permit it.

2.4. Barbecue

No one may, in a public place, use a barbecue, except in places where signs allow it.

2.5. Sleep in a camper, trailer or other type of motorized dwelling

No one may, in a public place, sleep in a vehicle, a camper, a trailer or in any other type of motorized dwelling, except in the places identified in appendix 2.5 of this by-law.

2.6. Sleep, shelter and beg

No one may, in a public place:

- 1° to sleep, lodge or beg;
- 2° install, sleep or lodge in a tent or makeshift shelter.

2.7. Escalation

No one may climb or climb on any equipment or property in the public domain, except on street furniture specifically designed for this purpose.

2.8. Fire

No one may, in a public place, light or maintain a fire without having obtained authorization from the municipality.

2.9. Bridge

No one may jump or drop from a bridge, or push another onto it.

2.10. Commercial operation

No one may, in a public place, operate a business, including itinerant restaurants or mobile canteens, unless he has obtained authorization from the municipality.

2.11. Solicitation or sale

No one may, in a public place, sell or offer for sale anything whatsoever, unless he has obtained authorization from the municipality.

This article does not have the effect of preventing:

- 1° the distribution free of charge, in a public place, of texts expressing an ideological, political or religious opinion, in the form of leaflets or brochures, on the condition that they are not distributed within a radius of 300 meters from an educational establishment and that these texts are delivered from hand to hand to passers-by who accept them and not that they are piled up, posted or abandoned there;
- 2° the sale or solicitation, in a public place, that is carried out as part of a school or extracurricular fundraising activity for the benefit of an institution located or serving the territory of the municipality or for a recognized religious congregation.

The authorization referred to in the first paragraph must identify the body or person authorized and be in the possession of any person who carries out the sale or solicitation there.

3. PEACE AND GOOD ORDER

3.1. Public area

No one may be in a public place at times when a sign indicates such a prohibition.

The list of places where no one may be at the times indicated by signs is provided in **Appendix 3.1** of this by-law; the municipality authorizes the officer to place and maintain such signage.

3.2. Weapon possession

No one may, in a public place, have on him without reasonable cause, the proof of which lies with him, a weapon or an imitation of a weapon.

Self-defense does not constitute reasonable cause for the purposes of this section.

3.3. Projectile

No one may, in a public place, project an object or a projectile.

3.4. Disturb the peace

No one may, in a public place, cause or make any tumult, noise, disorder, disturbance or behave in such a way as to disturb the peace or tranquility of one or more persons.

3.5. Disturb the peace at a town council

No one may disturb, inconvenience or hinder, in any way whatsoever, the holding of a meeting of the municipal council.

3.6. Physical violence

No one may, in a public place, fight, skirmish or otherwise use violence.

3.7. Verbal abuse or inappropriate language

No one may shout, vociferate or use inappropriate language thus disturbing the peace in a public place.

4. ANIMALS

4.1. Prohibited pets

No one may, in a public place, bring or walk an animal where a sign indicates such a prohibition.

The list of places where no one may bring or walk an animal where a sign indicates it is identified in Appendix 4.1 of this by-law; the municipality authorizes the officer to place and maintain adequate signage for this purpose.

4.2. Animals kept on a leash

In public places where animals are allowed, animals must be restrained by means of a device such as a leash, tether or other device preventing them from walking alone or wandering.

The maximum length of this device must be 1.85 meters. A dog weighing 20 kilograms or more must also wear a halter or harness attached to its leash at all times.

4.3. Animal excrement

The guardian of an animal must have in his possession the instruments necessary for the removal of the excrement that is likely to be produced by his animal, either a container or a bag made of waterproof plastic material. He must remove the excrement produced by his animal and place it in the container or bag and dispose of it with his residual materials or in a public garbage can.

5. ALCOHOLIC BEVERAGES AND DRUGS

5.1. Alcoholic beverages

No one may, in a public place, consume or be under the influence of alcoholic beverages or have in their possession a container of alcoholic beverages whose opening is not sealed, except on the site of an event for which a license to sell or serve alcohol has been duly issued by the competent government authority.

5.2. Glass container

No one may, in a public place, have in his possession a glass container.

5.3. Cannabis

No one may, in a public place, consume or be under the influence of cannabis or a product derived from cannabis.

5.4. Illicit drug

No one may, in a public place, consume or be under the influence of an illicit drug, or have in his possession any object, material or equipment used for the consumption of such a drug.

6. DECENCY AND GOOD MORALITIES

6.1. Indecency

No one may, in a public place or in view of a public place, walk around naked or exhibit his genitals.

6.2. Urinate or defecate

No one may, in a public place, urinate or defecate, except in places specifically set up for this purpose.

7. CLEANLINESS

7.1. Tampering with goods

No one may move, damage, alter or attempt to move, damage or alter, in any way whatsoever, any equipment or property of a public place

7.2. Waste

No one may throw, deposit or place waste or scrap elsewhere than in a garbage can or a bin set up specifically for this purpose, in a public place.

7.3. Graffiti

No one may draw, paint or mark, in any way, any equipment or public place.

8. MISCONDUCT

8.1 Obstruction

No one may hinder, hinder or molest a peace officer, a municipal officer, a security officer, an elected municipal official or an officer in the performance of his duties.

8.2 Insult

No one may, in any way whatsoever, blaspheme, insult or insult, by word or gesture, a peace officer, a municipal official, a security officer, an elected municipal official or an officer in the exercise of his functions.

8.3 Security perimeter

No one may cross or be within a security perimeter established by a competent authority, unless expressly authorized to do so.

8.4 Refusal to leave a place

No one may refuse to leave a public place at the request of an officer in the event of a breach of any of the provisions of this by-law.

9. PENAL PROVISIONS

9.1. Traffic Ticket

Any violation of this by-law constitutes an offense and is prohibited.

9.2. Fine

Any physical person who contravenes any of the provisions of this by-law commits an offense and is liable to a minimum fine of \$200 and a maximum of \$1,000 for a first offense and a minimum fine of \$400 \$ and a maximum of \$2,000 for any subsequent offence.

Any legal person who contravenes any of the provisions of this by-law commits an offense and is liable to a minimum fine of \$400 and a maximum of \$2,000 for a first offense and a minimum fine of \$800 \$ and a maximum of \$4,000 for any subsequent offence.

In all cases, prosecution costs are extra.

The time limits for the payment of fines and costs imposed under this article and the consequences of failure to pay said fines and costs within the prescribed time limits are established in accordance with the Code of Penal Procedure of Quebec (CQLR, c. C-25.1).

If an offense lasts more than one day, the offense committed on each of the days constitutes a separate offense and the penalties enacted for each of the offenses may be imposed for each day that the offense lasts.

9.3. Authorization

The council generally authorizes any officer to undertake penal proceedings against any contravener of any provision of this by-law and authorizes him, consequently, to issue the statements of offense useful for this purpose.

For the purpose of enforcing the provisions of this by-law, the municipality may exercise, cumulatively or alternatively, all appropriate remedies of a civil or penal nature, without limitation.

10. FINAL PROVISIONS

10.1. Repeal

This by-law repeals and replaces by-law number 137 and its amendments.

The replacement of the former provisions by this by-law does not affect the proceedings instituted under the authority of the by-laws thus replaced, nor any offense for which proceedings have not yet been instituted, which will continue under the authority of the said by-laws. replaced until final judgment and execution.

10.2. Coming into effect

These rules come into force in accordance with the law.

(original signed) Luc Trépanier
Luc Trépanier, Mayor

(original signed) Martin Paul Gélinas
Martin Paul Gélinas,
Secretary Treasurer

Entry into force procedure	
Notice of motion	August 13th 2022
Adoption of the by-law	September 10 th 2022
Coming into effect	September 13 th 2022

Certified copy
This September 13th 2022

Martin Paul Gélinas, secretary treasurer

APPENDIX 3.1
Public area

APPENDIX 4.1
Prohibited pets