

**PROVINCE OF QUEBEC**  
**MEMPHREMAGOG RCM**  
**MUNICIPALITY of the VILLAGE of AYER'S CLIFF**

**BY-LAW NUMBER RU 2018-03 CONCERNING SAFETY, PEACE AND ORDER**

Whereas the municipalities served by the *Sûreté du Québec* of the Memphremagog RCM agreed to adopt standard rules to facilitate the implementation by the *Sûreté du Québec*.

Whereas in order to maintain this uniformity, the following municipalities: Ayer's Cliff, Bolton-East, Eastman, Township of Hatley, Hatley, Ogden, North Hatley, Potton Township, St-Étienne-de-Bolton, Stukely-Sud, Town of Stanstead, Stanstead Township and St-Benoît-du-Lac, all served by the *Sûreté du Québec*, Memphremagog division, should not amend these by-laws without consultation of the whole.

Whereas the Council deems it necessary to adopt a by-law to insure safety, peace and order on the territory of the Municipality;

Whereas a notice of motion was duly given on September 4; 2018;

**CONSEQUENTLY,**

**IT IS MOVED BY Councillor Michael Crook;  
SECONDED BY Councillor Robert Lacoste;  
AND RESOLVED**

**THAT** this by-law be adopted:

**1. PREAMBLE**

The preamble is an integral part of this by-law.

**2. AMENDMENT**

This by-law replaces By-law Number 2010-06 and its amendments.

**3. DEFINITIONS**

For the purpose of this by-law, the following expressions and words mean:

**« PUBLIC AREA »**

The words «public area» refer to churches, cemeteries, hospitals, schools, community centers, municipal or government buildings/structures including municipal docks and bridges, and other similar establishments where services are offered to the public, including public parks, public

squares and streets, or any other place where the public is admitted and where services are provided or goods sold, such as a restaurant, a cinema, a tavern, and an establishment selling retail.

**« PARK »**

Any park located on the territory of the municipality and which is under its jurisdiction, which includes playgrounds, rest areas, walking paths, swimming pools, tennis courts, baseball, soccer or other sports fields, as well as any public beach including the land and buildings serving those spaces, green areas, bike paths, multipurpose trails, whether landscaped or not and all public spaces, landscaped or not, where the public has access for the purpose of rest or relaxation, play or sport, or for any similar purpose, but does not include streets, roads, alleys and sidewalks adjacent to the streets, roads and alleys and other areas reserved for vehicle traffic;

**« SCHOOL PLAYGROUND »**

A park located on the territory of the Municipality and which is under the school jurisdiction, including, beside a primary or secondary school, including playgrounds, rest areas, walkways, land and buildings used for their purpose;

**« PUBLIC PLACE »**

The term "public place" means any road, street, ditch, lane, alley, passage, sidewalk, stairs, garden, park, school playground, path, playground, multi-use trail, stage, public parking area, any public access outdoor gathering or meeting place, including any public beach owned by the Municipality.

**« STREET »**

Streets, roads, alleys, bike paths and sidewalks and other areas dedicated to pedestrians or vehicles within the Municipality and for which the Municipality is responsible.

**Article 4. CLOSING HOURS FOR PARKS AND SCHOOL PLAYGROUNDS.**

All municipal parks and school playgrounds are closed to the public between 11 pm and 7 am unless otherwise clearly posted (opening hours). No one may enter or be in a park or on a school playground during closing hours except for the activities authorized by the Municipality or by the owner.

**Article 5. ALCOHOLIC BEVERAGES**

No person shall consume alcoholic beverages or be in possession of any open container (s) containing alcoholic beverages, in any public place of the Municipality, except in connection with an activity for which the Municipality has lent or rented the public square or on the occasion of an event for which a liquor license is issued by the Board of liquor, races and games.

For the purpose of this Article, a special activity is one that is recognized as such by the Council and designates an irregular, nonrecurring activity organized for the purpose of recreation and not for profit.

**Article 6. MOTOR VEHICLES**

It is forbidden to drive a motor vehicle in all municipal parks and on bike paths and along the banks of streams, except for service vehicles authorized by the Municipality.

**Article 7. OTHER VEHICLES**

It is forbidden to ride a bike, be on a skateboard, roller skates or a scooter in the parks of the Municipality except in designated areas for this purpose, as indicated by signs.

Subject to the *Law respecting off road vehicles*, it is forbidden to drive snowmobiles or all terrain vehicles (ATV) in any public place in the Municipality, except in places authorized for this purpose by the Municipality, as indicated by traffic signs.

**Article 8. GRAFFITI**

No one can draw, paint or otherwise mark publicly owned property.

**Article 9. WEAPON**

No one can be in a public place, carrying without reasonable excuse, a knife, a sword, a machete or any other similar object.

Self-defense does not constitute a reasonable excuse.

**Article 10. FIREARM, BOW and CROSSBOW**

No person shall discharge a firearm within 300 meters of any house, building or structure.

The use of a bow or crossbow within 300 meters of any house, building or structure is a nuisance and is prohibited.

**Article 11. INDECENCIES**

It is forbidden for anyone to urinate or defecate in a public place other than the designated areas for this purpose.

## **Article 12. STREETS, PARKS AND SCHOOL PLAYGROUNDS**

No one can play or practice any sport, including hockey, baseball, football, soccer, softball or golf in a street, in a park or a school playground of the Municipality, or dive from a bridge, or a public dock, or any other public structure of the Municipality, except in the areas provided and identified for this purpose by the Municipality. The town Council may, by resolution, issue a permit for a special event.

For the purpose of this Article, a special activity is one that is recognized as such by the Council and is designated as a non-profit irregular recreational activity.

## **Article 13. FIGHTING**

No one can fight or skirmish in a public place or a private place open to the public.

## **Article 14, PROJECTILES**

No one is permitted to throw stones, bottles or any other projectile in a public place.

## **Article 15. DAMAGES**

No one is permitted to climb in a tree, cut or damage branches, damage or deface a wall, fence, shelter, kiosk, sign, decoration, fountain, game, parking meter, bench, swing, toilet facility, accessory or any part of a public building or other item in a park or in any public place. It is forbidden to damage or destroy lawns or flower beds or any green space in any public place or to damage or deface the signs on such properties

## **Article 16. ACTIVITIES**

No one can organize, manage or participate in a parade, a walk or a run of more than fifteen (15) participants in a public place without first obtaining a permit from the Municipality.

The town Council may, by resolution, issue a permit to hold an event with the following conditions.

1. The applicant has previously presented to the municipal authorities, for the police department serving the Municipality, a detailed activity plan;

2. The applicant will meet the security measures recommended by the police.

Are exempt from obtaining such authorization, funeral processions, weddings and Provincial type events already subject to other legislation.

## **Article 17. LOITERING**

No one can sleep, reside, beg or loiter in a public place.

**Article 18. INTOXICATION**

It is forbidden for anyone to be intoxicated in a public place.

**Article 19. SCHOOL**

1. No person shall, without reasonable cause, be on school grounds from Monday to Friday between 7 am and 6 pm.
2. No one may be on the school grounds between 6 pm and 7 am the next day.
3. No person may be on the grounds of a school playground, without reasonable cause, outside of opening hours displayed.

**Article 20. SECURITY PERIMETER**

No one can cross or be within a security perimeter established by the competent authority and indicated with a sign, warning tape, banners, etc. unless expressly authorized.

**Article 21. KNOCKING ON A DOOR.**

It is forbidden for anyone to ring or knock on the door, the window or any other part of any public building, commercial or private, without reasonable excuse.

**Article 22. VACATE THE PREMISES**

It is forbidden for any person to refuse to leave private property or a private place when asked to do so by the person living there or who is responsible for or guarding the place or by a peace officer in the performance of his duties.

**Article 23. INSULTS**

It is forbidden for anyone to insult or blaspheme against a peace officer, a municipal inspector or any person responsible for the implementation of municipal by-laws in the performance of his duties.

It is forbidden to insult or to blaspheme against a person found on a street, in a public place or in a private place open to the public.

**Article 24. NO CLIMBING**

It is forbidden to climb on a statue, post, wire, building or fence, or on any other assembly of support, or support materials in a public place or private place open to the public, except in games specially designed for this purpose.

**Article 25. VACATE A PUBLIC PLACE**

It is forbidden for any person to refuse to leave a public place when it is requested by the person who has the care and control or by a peace officer in the performance of his duties.

**Article 26. INTRUSION ON PRIVATE PROPERTY**

It is prohibited for any person to enter or remain on a property, a building, a courtyard, a garden, a shed, a garage, a hangar or a private alley, without the express permission of the owner, or his representative, or the occupant of the premises.

It is prohibited for any person, after being summoned by the owner, his representative, a peace officer in the performance of his duties or the occupant, to remain on private property.

**Article 27. 9-1-1 EMERGENCY SERVICES**

It is prohibited for any person without lawful justification, to dial the phone line for the 9-1-1 emergency service, the fire department of the Municipality or the *Sûreté du Québec*.

**CRIMINAL PROVISIONS**

**Article 28. PENALTIES**

Every person who contravenes any provision of this by-law commits an offense and is liable to a fine of two hundred dollars (\$200.00) for a first offense if the offender is a natural person and three hundred dollars (\$300.00) for a first offense if the offender is a corporation, to a fine of four hundred dollars (\$400.00) for a subsequent offense if the offender is a natural person, a fine of six hundred dollars (\$600.00) for a subsequent offense if the offender is a corporation, the maximum fine of one thousand dollars (\$1,000.00) for a first offense if the offender is a natural person and two thousand dollars (\$2,000.00) for a first offense if the offender is a corporation; for a second offense, the maximum fine is two thousand dollars (\$2,000.00) if the offender is a natural person and four thousand dollars (\$4,000.00) if the offender is a corporation.

In all cases, the costs of prosecution are extra.

The deadlines for the payment of fines and costs imposed under this section, and the consequences of failure to pay said fines and costs within the prescribed time, are prepared in accordance with the *Criminal Procedure Code of Quebec* (L.R.Q., c. C -25.1)

If an offense lasts more than one day, the offense committed each day constitutes a separate offense and the penalties imposed for each offense may be imposed for each day of that offense, under this section.

#### **Article 29. OTHER OFFENDER**

Any person who does or omits to do something that helps another person to act in contravention of this by-law or encourages, by counsel, permission, consent, authorization, ratification, tolerance or otherwise, any person to act in contravention of this by-law commits in itself an offense and is liable to the same penalty as that who contravenes this by-law.

#### **Article 30. COMPETENT AUTHORITY**

The Council generally authorizes any peace officer and any municipal inspector or officer in charge of issuing permits and certificates issued under a by-law adopted under the *Law on planning and development*, and any person appointed by resolution of the Municipal Council or by-law to undertake criminal proceedings against any person contravening any provision of this by-law and generally accordingly authorize those persons to issue statements of offense useful for this purpose, these people are responsible for the application of this by-law.

#### **Article 31. COMING INTO FORCE AND AMENDMENT**

The present by-law will come into force in accordance with the Law and replaces By-law Number 2010-06 which will be amended upon entry into force of this by-law.

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Kimball Smith, Director General

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Vincent G  rin, Maire