

**PROVINCE OF QUEBEC
MEMPHREMAGOG RCM
MUNICIPALITY OF THE VILLAGE OF AYER’S CLIFF**

BY-LAW NUMBER RU 2023-05 CONCERNING SOLICITATION

WHEREAS the municipalities served by the *Sûreté du Québec*, Memphremagog RCM district, have agreed to adopt by-laws to facilitate standardized application by the *Sûreté du Québec*;

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

WHEREAS Council wishes to adopt a solicitation by-law to ensure peace, order, general well-being and the improvement of the quality of life of the citizens 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 the present by-law is adopted :

ARTICLE 1. PREAMBLE

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

ARTICLE 2. REPLACEMENT

The present by-law repeals By-law number 2010-08 and its amendments.

ARTICLE 3. DEFINITIONS

For the purposes of this by-law, the following words mean:

" COMPETENT AUTHORITY"

Any person appointed by resolution or by by-law of the Council to enforce this By-law or any inspector or officer responsible for issuing the building permits of the Municipality.

"SOLICITATION"

Without having been required to do so, solicit a person at home or place of business to sell, rent or otherwise provide merchandise, provide a service or solicit a donation.

ARTICLE 4. WRITTEN AUTHORIZATION

It is forbidden to solicit on the territory of the Municipality without having written authorization from the competent authority.

ARTICLE 5. APPLICATION FOR AUTHORIZATION

Any application for authorization to solicit must be made in writing on the form provided for this purpose by the competent authority and must indicate the following information:

- 5.1 The name, address and telephone number of the person making the request and if the person is a natural person, his date of birth;
- 5.2 The name, address, telephone number and date of birth of the applicant's officers when the application is made by a legal person;
- 5.3 The name, address, telephone number and date of birth of any person who will proceed for and on behalf of the applicant for the purpose of soliciting.

In addition, any person who submits an application must, upon presentation of the application, provide the competent authority with the permit obtained in accordance with the Consumer Protection Act (L.R.Q., c. P 40.1)

ARTICLE 6. CONDITIONS FOR OBTAINING AN AUTHORIZATION

To obtain an authorization to solicit, the applicant must:

- 6.1 have completed an application for authorization;
- 6.2 Hold a permit obtained in accordance with the Consumer Protection Act (L.R.Q. c. P-41.1)
- 6.3 Be exempt from any conviction for an offense under the Consumer Protection Act (L.R.Q. c. P-41.1), issued within the five (5) years preceding the application for authorization;
- 6.4 Be exempt from any conviction for an offense under this by-law, any by-law concerning solicitation prior to this by-law or any by-law passed by a local municipality of the Memphremagog RCM concerning solicitation, pronounced during the five (5) years preceding the application for authorization;
- 6.5 Pay the cost prescribed in Article 7.

ARTICLE 7. COSTS

To obtain an authorization to solicit, a person must pay the amount of \$50.

The first paragraph does not apply to natural or legal persons listed under the following exceptions:

- religious organizations;
- students residing on the territory of the Municipality;
- non-profit organizations;

recognized by the Municipality.

ARTICLE 8. PERIOD: DURATION OF PERMIT

The authorization is valid for a maximum of seven (7) days following the date of issue.

ARTICLE 9. TRANSFER

The authorization is not transferable.

ARTICLE 10. EXAMINATION

The authorization must be visibly displayed by the solicitor and returned upon request, for examination, to a peace officer or to the competent authority who requests it.

ARTICLE 11. HOURS

It is forbidden to solicit between 8 pm and 10 am.

ARTICLE 12 . FINES

The council generally authorizes any peace officer and competent authority to institute criminal proceedings against any contravener of any provision of this by-law, and consequently generally authorizes those persons to issue statements of offense to this end; these persons are responsible for the application of this by-law.

CRIMINAL PROVISION

ARTICLE 13. FINES

Any person who contravenes any provision of this by-law is guilty of an offense and is liable to a fine of not less than 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; a fine of not less than four hundred dollars (\$400.00) for a second offense if the offender is a natural person and a fine of not less than six hundred dollars (\$600.00) for a subsequent offense if the offender is a corporation; the maximum fine is 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 (\$4,000.00) dollars if the offender is a corporation.

ARTICLE 14. OTHER OFFENDER

Any person who performs or fails to do anything that helps another person to act in contravention of this By-law or who encourages, by counsel, permission, consent, authorization, ratification, tolerance or otherwise, another person to act in contravention of this By-law, commits an offense and is liable to the same penalties as a person who contravenes this By-law.

ARTICLE 15. CONTINUOUS OFFENSE

If an offense lasts longer than one day, the offense committed on each day constitutes a separate offense and the penalties imposed for each offense may be imposed for each day that the offense continues, in accordance with this article.

ARTICLE 16. ENTRY INTO FORCE AND REPEAL

This by-law comes into force in accordance with the Law and replaces By-law Number 2010-08, which is repealed as of the coming into force of this by-law.

Signed and adopted by the Municipality of the Village of Ayer's Cliff at the regular meeting held on October 2, 2018

Director General

Mayor

Notice of motion: September 4, 2018
Adoption: October 2, 2018
Entry in to force: October 3, 2018