

**CANADA
PROVINCE OF QUEBEC
DISTRICT OF HULL**

MUNICIPALITY OF PONTIAC
MRC DES COLLINES-DE-L'OUTAOUAIS

STANDARDIZED BYLAW 19-RM-04

BYLAW 19-RM-04 TO ABROGATE AND REPLACE THE BYLAWS BEARING NUMBERS 17-RM-04 AND 18-RM-06 CONCERNING THE MAINTENANCE OF PUBLIC PEACE AND GOOD ORDER WITHIN THE LIMITS OF THE MUNICIPALITY OF PONTIAC

WHEREAS the Municipality of Pontiac adopted, at a regular meeting of its Municipal Council held on September 12, 2000, the resolution bearing number 324-00-09, for the purpose of repealing and replacing the bylaw bearing number 00-RM-04 concerning the maintenance of public peace and good order within the limits of the Municipality of Pontiac;

WHEREAS the Municipality of Pontiac adopted, at a regular meeting of its Municipal Council held on April 11, 2006, the bylaw bearing number 06-11, by its resolution bearing number 06-05-151, for the purpose of modifying the standardized bylaws 02-RM-01 "Alarms", 03 RM 02 "animals", 02-RM-03 "traffic and parking", and 02-RM-04 "peace and good order" by numbers 06-RM-01 "alarms", 06-RM-02 "animals", 06-RM-03 "traffic and parking" and 06-RM-04 "peace and good order";

WHEREAS the Municipality of Pontiac adopted, at a regular meeting of its Municipal Council held on September 8, 2009, the resolution bearing number 09-09-316, for the purpose of repealing and replacing the bylaw bearing number 02-RM-04 concerning the maintenance of public peace and good order within the limits of the Municipality of Pontiac;

WHEREAS the Municipality of Pontiac adopted, at a regular meeting of its Municipal Council held on December 11, 2012, the resolution bearing number 12-12-1388, for the purpose of repealing and replacing the bylaw bearing number 09-RM-04 concerning the maintenance of public peace and good order within the limits of the Municipality of Pontiac;

WHEREAS the Municipality of Pontiac adopted, at a regular meeting of its Municipal Council held on January 10, 2017, the resolution bearing number 17-01-3026, for the purpose of repealing and replacing the bylaw bearing number 12-RM-04 concerning the maintenance of public peace and good order within the limits of the Municipality of Pontiac;

WHEREAS the Municipality of Pontiac adopted, at a regular meeting of its Municipal Council held on November 13, 2018, the resolution bearing number 18-11-3586, for the purpose of repealing and replacing the bylaw bearing number 17-RM-04 concerning the maintenance of public peace and good order within the limits of the Municipality of Pontiac;

WHEREAS that Council deems it necessary and in the public interest to regulate in order to preserve and maintain peace, order and cleanliness within its territory;

WHEREAS a notice of motion was given at a regular meeting of this Municipal Council, on January 15, 2019, to the effect that this bylaw would be submitted for approval;

THEREFORE, it is ordained and stated by the Municipal Council of the Municipality of Pontiac and the said Municipal Council hereby ordains and states as follows, namely :

SECTION 1 – PREAMBLE

The preamble to this bylaw shall form an integral part thereof.

SECTION 2 – PURPOSE

The purpose of this bylaw is to enact, legislate and better regulate the rules of conduct concerning noise, the protection of public property, peace and good order, parks, recreation centres and other public property, weapons and ice fishing huts.

SECTION 3 – DEFINITIONS

Unless otherwise stated, either expressly or in the context of the provision, the following expressions, terms and words shall have the meaning and application assigned to them in this bylaw by this section :

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| 3.1 | Building : | Refers to a structure with a roof supported by columns or walls and used to shelter human beings, animals or objects. |
| 3.2 | Noise : | Refers to a sound or a set of sounds, harmonious or not, perceptible by hearing. |
| 3.3 | Ice fishing hut: | Refers to any structure or construction, any arrangement and assembly of elements, permanent or temporary, mobile or immobile, used, among other things, as a shelter, warehouse or storage area. |
| 3.4 | Knife : | Refers to a knife with a blade of 10.16 centimetres or four (4) inches or more. |
| 3.5 | Smoking : | Refers to and includes any kind of smoke emitted from any material whatsoever and with any instrument or object whatsoever, such as and without limitation, cigarettes, pipes, cannabis, drugs, vaporizers, etc. |
| 3.6 | Dangerous game : | Refers to any activity that is a danger to the health or safety of the public and their property. |
| 3.7 | Inhabited place: | Refers to any building or undeveloped space in or upon which people reside, work or stay and includes but is not limited to a dwelling, business, office building, hospital, boat, camp or other similar place or part of such place that constitutes separate premises. |
| 3.8 | Municipality : | Refers to the Municipality of Pontiac. |
| 3.9 | Parks : | Refers to the parks, decreed by the Municipality, the list of which is annexed to the present bylaw, and located on the territory of the Municipality and also includes rest areas, promenades, |

recreational pathways, recreational or tourist infrastructures as well as all public spaces, grassed or not, where the public has access for rest or relaxation, play or sport or for any other similar purpose, but does not include the streets, roads, lanes and sidewalks adjacent to the streets as well as other areas dedicated to vehicle traffic.

A vehicle does not include a bicycle or a bicycle for the purposes of this bylaw.

- 3.10 Public property :** Refers to any property, road, public property, park, ditch, street, entrance, bank, riverbank, recreational infrastructure or space, parking lot, bridge or any other place or building and infrastructure of the municipal or public domain, located within the limits of the Municipality, any strip of land within the Municipality to the land of any adjacent private property, including the approaches and entrances to all the Municipality's properties, as well as any other public property belonging to the Government of Quebec and its agencies, and likely to be frequented by the general public.
- 3.11 Road vehicle :** Refers to a motor vehicle that can travel on a road, excluding vehicles that can only travel on rails and electrically powered wheelchairs, trailers, semi-trailers and removable axles are assimilated to road vehicles.
- Motorcycles, all-terrain vehicles and snowmobiles are assimilated to motorized vehicles for the purposes of this bylaw.
- 3.12 Traffic Lane :** Refers to any street, lane, public road, private road with public access, parking space or lot, sidewalks or other.

SECTION 4 – ENFORCEMENT OF BYLAW

- 4.1 The peace officers of the MRC des Collines-de-l'Outaouais as well as any person designated by the Director of Public Security of the said MRC are authorized to undertake criminal proceedings against any person contravening any provision of the present bylaw. Council authorizes these persons to issue statements of offence for this purpose. These persons are responsible for the enforcement of the present bylaw.

The Municipality further authorizes the Secretary-treasurer and any person designated by him to undertake penal proceedings against any person contravening any provision of the present bylaw regarding the maintenance of peace and good order and consequently authorizes these people to issue the statements of offence useful for this purpose. These persons are responsible for the enforcement of any provision of this bylaw concerning the maintenance of peace and good order.

SECTION 5 – NOISE

- 5.1 Except for emergency work, of a public nature, or any other work of public order expressly authorized by the Municipal Council, it is prohibited, between 9:00 p.m. and 7:00 a.m., at any place in the Municipality to carry out, have carried out or allow to be carried out

construction, reconstruction, modification or repair work on a building or any construction or work, or to carry out or allow to be carried out excavation work by means of mechanical, hydraulic or any other noisy device.

- 5.2 The fact, for anyone, between 9:00 p.m. and 7:00 a.m., to make or tolerate a noise caused by the use of machine tools or any other apparatus and which prevents the peaceful use of the property of one or more persons in the vicinity, constitutes an infraction to the present bylaw EXCEPT for work of an agricultural nature.
- 5.3 It is prohibited, at all times, to anyone occupying a building or lot or located on public property, to make, or to tolerate being made by persons, noise, whether by singing, shouting or using a radio, amplifier or other device of the same kind or by any other instrument or object projecting noises and sounds in such a way as to be detrimental to the well-being and tranquility of one or more persons in the neighbourhood, unless he holds a permit or written authorization issued for this purpose by the Municipality.
- 5.4 It is forbidden for anyone to make noise or disturb the peace and well-being of one or more persons in the neighbourhood by transmitting sounds projected outside a building or vehicle through a loudspeaker, amplifier or other transmitting device connected to a device designed to reproduce voices or sounds.
- 5.5 No one shall have in his possession or custody, within the limits of the Municipality except in the permitted zones, animals or birds whose intermittent singing or repeated calls are detrimental to the well-being and tranquility of one or more persons in the neighbourhood.
- 5.6 The owner or person in charge of a vehicle shall only sound or permit the sounding of its horn in the event of an emergency.
- 5.7 No one shall operate the engine of a stationary vehicle in such a way as to cause a noise likely to disturb the peace and quiet of one or more persons in the vicinity.
- 5.8 No one in charge of or occupying a road vehicle equipped with a radio or other similar device shall operate or permit the operation of that device in such a manner as to interfere with the welfare and tranquility of one or more persons in the vicinity.
- 5.9 No one shall project sounds from a voice, loudspeaker, amplifier or any other sound-producing instrument from a boat located on a body of water in such a manner as to be detrimental to the well-being and tranquility of a person or people in the vicinity.
- 5.10 For the purposes of determining the location where the offence was committed within the meaning of subsections 5.1 to 5.10 inclusively of the present bylaw, it does not matter if the sound comes from a source located within the limits of the Municipality and it is sufficient that the said sounds be heard within the said limits of the Municipality.
- 5.11 For the purposes of this section, anyone who is on land, in a building, a boat, a car, a tool vehicle, a vehicle or any machine and its operator shall be presumed to be the offender.

Any owner of a building, boat, car or vehicle tool, vehicle or any machine whatsoever is presumed to be also the offender.

SECTION 6 – PROTECTION PUBLIC PROPERTY

- 6.1 No one shall dispose of, deposit or spread on any public property, land, papers, garbage, refuse, dead animals, demolition materials, liquid substances, and any movable property or any other similar substance.

Subsection 6.1 does not apply when movable property is thrown, deposited or spread on a collection site operated by the Municipality or its agent. However, the deposit of goods must be made at the places and times set by the Municipality.

The approaches, entrances, and roads used for such sites are not authorized locations for the deposit of the said goods referred to in subsection 6.1.

When proof of ownership of a road vehicle and/or any trailer used to transport property discarded, deposited or spread on any public property is made, the owner of said road vehicle and/or any trailer is presumed to have discarded, deposited or spread property on public property.

Any municipal employee may ask any person who throws, deposits or spreads property referred to in subsection 6.1 to identify himself.

Refusal to identify oneself constitutes a violation of this bylaw.

- 6.2 No person shall dump, deposit, throw or permit the dumping, depositing or throwing of snow or ice on any public property.

Anyone who owns the land adjacent to public property where snow or ice has been dumped, deposited or thrown shall be presumed to have dumped, deposited, thrown or permitted the dumping, depositing or throwing of such snow or ice. Such person shall be responsible for the cost of clearing snow from public property on which snow or ice has been dumped, deposited or thrown.

Public property includes the approaches and entrances to all properties in a municipality.

- 6.3 It is forbidden for anyone to cause any damage whatsoever to public property.
- 6.4 It is prohibited to anyone to remove, move, disturb or extinguish any torches, reflectors, lights or signs placed on public property to prevent a hazard or divert traffic without prior authorization from the responsible authority.
- 6.5 Anyone who tears, deteriorates or moves a municipal sign without being authorized to do so contravenes the present bylaw and commits an offence.
- 6.6 The Municipality may apply to the Municipal Court for an order to have the above-mentioned municipal equipment cleaned or restored, all at the expense of the person who caused the nuisance or damage.

SECTION 7 – PEACE AND GOOD ORDER

- 7.1 It is prohibited to intentionally and deliberately give or set off any fire alarm or call the police without reasonable cause.
- 7.2 It is forbidden for anyone to obstruct or hinder the activity of pedestrians or road vehicles without reasonable excuse in any manner whatsoever on all public property located in the

Municipality.

- 7.3 No one shall disturb the peace or make noise by shouting, cursing, swearing, shouting, vociferating, quarrelling, fighting or behaving in such a manner as to disturb the peace and quiet of any person or people in his own or another's dwelling or in the dwelling of another.
- When the presence of a person is established at the place of offence, that person is presumed to have committed the offence.
- 7.4 No one shall consume alcoholic beverages or use drugs in a park "unless a permit to that effect has been issued by the competent authority".
- 7.5 Smoking is not permitted in any park.
- 7.6 No one on public property or in a park shall fight or conduct himself or herself in such a manner as to disturb the peace and quiet of the public.
- 7.7 No one shall interrupt, obstruct, disturb or pass through any duly authorized funeral procession, religious procession, procession or parade.
- 7.8 It is forbidden for anyone to disturb any assembly of citizens, "Bona Fide" association or religious assembly in pursuit of their purpose.
- 7.9 No one shall make or permit to be made any noise in hotels, inns, taverns, restaurants, bowling alleys, shopping malls or other places frequented by the public by shouting, swearing, shouting, quarrelling, fighting or in any other manner to annoy, inconvenience, disturb or disturb the peace of people in such places.
- 7.10 Anyone within the limits of the Municipality who disturbs the peace of people by shouting, swearing, vociferating, quarrelling, fighting or being under the influence of alcohol or a drug or otherwise misbehaving contravenes the present bylaw and commits an offence.
- 7.11 Any tumultuous meeting is prohibited within the limits of the Municipality and anyone making or causing any noise, disorder or disturbance or being part of any tumultuous meeting commits an offence against the present bylaw.
- 7.12 No one shall unreasonably ring or knock on the doors or windows of houses or on houses to cause unnecessary disturbance or annoyance to persons therein.
- 7.13 No one shall be on public or private property without reasonable and justifiable cause.
- 7.14 No one shall urinate or defecate in any private place or on private property other than in specially designated areas.
- 7.15 It is prohibited for anyone to beg or hawk within the limits of the Municipality unless he holds a permit for this purpose issued by the Municipality.
- 7.16 It is forbidden to sell anything on any public property without first obtaining a permit or written authorization from the Municipality.
- 7.17 It is forbidden for anyone to cause damage to public property by painting, drawing, writing, graffiti or any other inappropriate design.

- 7.18 Anyone found consuming alcohol, under the influence of alcohol, consuming drugs, or under the influence of drugs, or having in his/her possession an unsealed alcoholic beverage container, on public property, a park, or a public road within the limits of the Municipality, commits an infraction of this bylaw EXCEPT with written authorization from representatives of the Municipality.

Cannabis is defined as a drug for the purposes of the present bylaw.

- 7.19 Anyone who enters a building, public property, or private place where he/she is a stranger and who refuses to leave upon the request of any person in authority or in charge of such a building contravenes the present bylaw and commits an infraction.

The mere presence of the person notified after the request to leave as mentioned in the preceding paragraph, in or on the concerned building and regardless of the duration of his presence, constitutes a refusal to withdraw.

- 7.20 Anyone who uses the roads in the Municipality as a slide or playground and the guardian of this first person contravenes the present bylaw and commits an offence.

- 7.21 It is prohibited for anyone to project direct light outside the property from which it originates if it is likely to cause a danger to the public or an inconvenience to one or more persons in the neighbourhood.

The owner and/or tenant of the building from which the light comes is presumed to have committed the offence for the purposes of this section.

- 7.22 Using or allowing the use of firecrackers and fireworks constitutes a nuisance and is prohibited.

This prohibition does not apply when permission has been granted by the Fire Chief, upon written request, submitted at least one month prior to the event.

- 7.23 No one shall insult, abuse or blaspheme in the presence of a peace officer in the performance of his duties, an officer responsible with the enforcement of any regulations.

- 7.24 It constitutes an offence to give false or misleading information to a police officer on duty in the Municipality, a communications officer of the Municipality or a person responsible for the enforcement of the law in the Municipality.

- 7.25 It constitutes an offence to call a police officer, a communications officer or a person responsible for the enforcement of the law repeatedly and without reasonable and justifiable cause.

- 7.26 It constitutes an offence to call a police officer or a communications officer (dispatch centre) on a matter other than a police matter or without reason.

- 7.27 Commits an offence a person who travels with a road vehicle at a distance of two (2) metres from any lateral or rear setback of a building, with the exception of farmers and forest producers recognized by the various ministries of the Province of Quebec.

SECTION 8 – PARKS, RECREATIONAL CENTRES AND OTHER PUBLIC PROPERTIES

- 8.1 It is prohibited for anyone to enter or leave a park of the Municipality other than through the entrances and exits set up for this purpose.
- 8.2 Access to the Municipality's parks is prohibited between 11:00 p.m. and 7:00 a.m. unless a permit or written authorization from the Municipality has been obtained for this purpose.
- 8.3 It is prohibited to interfere in any way whatsoever with the work of employees assigned to work on any public property.
- 8.4 It is prohibited to practise any dangerous game or inappropriate entertainment on any public property.
- 8.5 Constitutes an offence anyone who, while frequenting or visiting any public property of the Municipality, refuses to leave the said place on the orders of people assigned to the surveillance and maintenance of order of the said place.
- 8.6 It is prohibited for anyone to take part in a fight, riot, protest or disorderly gathering on public property.
- 8.7 It is prohibited for anyone to ride a snowmobile or other motorized vehicle on public property unless they have written authorization from the Municipality to do so.
- 8.8 It is prohibited for anyone to throw or dispose of garbage, paper or other refuse other than in the boxes or bins set out for this purpose on public property.
- 8.9 It is prohibited for anyone to urinate or defecate on any public property other than in the areas specially set aside for this purpose.
- 8.10 No one shall shake, cut, break, remove or damage in any way whatsoever any wall, fence, sign, shelter, seat, lamp post, lawn, tree, shrub, plantation or other plant on any public property.
- 8.11 The Municipality will not be held responsible for stolen, lost or damaged objects on any public property on its territory.
- 8.12 It is prohibited to throw stones or other projectiles on any public property.
- 8.13 It is prohibited to undress or get dressed in any place in the recreation centres except in places built for this purpose.
- 8.14 It is prohibited for anyone to loiter on the parking areas or inside the recreation centres.
- 8.15 No one shall start or maintain a fire on public property unless he or she has obtained a permit or written authorization from the Municipality to do so.
- 8.16 It is prohibited for anyone to use or allow the use, on public property, of a flying rocket, torpedo or any other pyrotechnic device unless he has obtained a permit or written authorization from the Municipality to this effect.

- 8.17 It is prohibited to cross or be within a security perimeter established with appropriate signage (tape, barricade, etc.) by the competent authority unless expressly authorized to do so.
- 8.18 No one on public property shall climb or climb on or over a statue, post, mast, pylon, tower, wire, building, fence or any other orderly assembly of materials used for support, backing or assistance, except for specially designed children's play areas.
- 8.19 Anyone who jumps, drops or pushes another person off a bridge or other public property belonging to the Government of Quebec and its agencies commits an offence.
- 8.20 Anyone who finds himself naked or partially naked on public property or any other place that can be seen by the public commits an offence.

SECTION 9 – WEAPONS

- 9.1 Constitutes a nuisance and is prohibited to carry, use or discharge a firearm, air gun, crossbow, slingshot, pea-shooter, or any other device, instrument or system designed to fire projectiles, a knife, sword, machete, weapon-like object and imitation weapon.

Without reasonable excuse, has in his possession, wanders, uses and/or discharges:

- a) A firearm
- b) An air or compressed gas weapon
- c) A spring-loaded weapon
- d) A bow
- e) A crossbow
- f) A slingshot
- g) A pea-shooter
- h) A device, instrument or system designed to launch projectiles
- i) A knife
- j) A sword
- k) A machete
- l) An item similar to a weapon
- m) An imitation weapon

It is prohibited for anyone to use a weapon :

- a) At less than 300 metres from a house, a building or any inhabited place
 - b) On all traffic lanes as well as over a width of 10 metres on each outer side of the right-of-way
 - c) In a pasture where there are animals
 - d) On private property without the consent of the owner, his representative or the occupant of the premises
 - e) On a public property
- 9.2 Notwithstanding the provisions of section 9.1, the use and firing of designated weapons is permitted within a shooting range recognized at all points of safety by the Public Safety Service or the competent authority.

SECTION 10 – ICE FISHING HUTS

- 10.1 It is an offence to use or own any structure or structure placed on the ice of a lake or river during the ice-fishing season and fail to remove it before the end of the ice-fishing season.
- 10.2 The ice fishing season is determined by the Minister of Forests, Wildlife and Parks.
- 10.3 The inspectors of the Municipality and the police officers of the MRC des Collines-de-l'Outaouais shall ensure the application of this bylaw.
- 10.4 Any user and/or owner of one of these structures or constructions who does not cooperate or collaborate with the inspectors and who does not remove his structure or construction within the prescribed time frame commits an infraction.

SECTION 11 – PENAL PROVISIONS

- 11.1 Anyone who contravenes any of the provisions of this bylaw commits an offence and is liable to prosecution:
- a) A minimum fine of \$350 and a maximum fine of \$1,000.
 - b) If an infraction continues, it shall constitute a separate offence on a day-by-day basis, and the offender shall be liable to the fine for each day during which the infraction continues.
- 11.2 Any corporation that contravenes any of the provisions of this bylaw commits an offence and is liable:
- a) A minimum fine of \$600 and a maximum fine of \$2,000.
 - b) If an infraction continues, it shall constitute a separate offence from day to day and the offender shall be liable to a fine for each day during which the infraction continues.

SECTION 12 – INTERPRETATIVE PROVISIONS

- 12.1 The masculine and singular forms are used in this bylaw without discrimination and shall include the feminine and plural forms in order to avoid an excessively cumbersome text.
- 12.2 In the event of a discrepancy between the French and English versions, the French version shall prevail for the application of the bylaw.
- 12.3 **PARTIAL INVALIDITY OF THE BYLAW**

In the event that any part or clause of these rules is declared invalid by a recognized court, the validity of all other parts or clauses shall not be questioned. Council hereby declares that he adopts the bylaw part by part, regardless of the fact that one or more of these parts could be declared null and void by the Court.

SECTION 13 – ABROGATION

- 13.1 This bylaw abrogates and replaces for all intents and purposes the bylaws bearing numbers

17-RM-04 and 18-RM-06.

SECTION 14 – COMING INTO FORCE

14.1 The present bylaw will come into force after completion of the formalities laid down by Law.

GIVEN AT PONTIAC, this April 9, 2019.

Benedikt Kuhn
Director General

Joanne Labadie
Mayor

Date of the notice of motion : January 15, 2019
Date of the adoption of bylaw : April 9, 2019
Resolution # 19-04-3716

ANNEX

Balharrie Park
Beaudoin Park
Luskville Park
Bellevue Park
Omkar Park
Davis Park
Quyong Park
Hirondelles Park