

CANADA  
PROVINCE OF QUEBEC  
TOWN OF BROME LAKE

**By-law 615**  
**Concerning Peace, Order and Nuisance (RM 460)**

**ADMINISTRATIVE CODIFICATION**

<b>Amended by</b>	<b>By-law 615-1</b>	<b>EEV 2018-12-12</b>
<b>Amended by</b>	<b>By-law 615-2</b>	<b>EEV 2022-06-06</b>

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**WHEREAS** the powers conferred by the *Municipal Code* and the *Cities and Towns Act*;

**WHEREAS** *Council* wishes to adopt a by-law to ensure peace, order, the general well-being and the improvement of the quality of life of citizens on the territory of the Municipality;

**WHEREAS** the Sûreté du Québec, as part of its management policy, will assist the Council 's designated officer in his or her mission to maintain peace, order and public safety;

**WHEREAS** notice of motion was duly given at the meeting of September 8, 2015;

CONSEQUENTLY, THE COUNCIL DECREES AS FOLLOWS:

1. **PREAMBLE**

The preamble forms an integral part of the present by-law.

2. **DEFINITIONS**

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

***Peace officer:*** A police officer who enforces the present by-law.

***Public Area:*** Any road, *street*, stairway, garden, *park*, playground, multipurpose path, stage, parking lot for public use, any outdoor gathering place to which the public has access, including any public beach owned by a municipality.

**Competent Authority:** *Peace officer* and Designated Official in charge of the application of the present by-law or part of the present by-law.

**Cannabis:** For the purposes of this bylaw, this word has the meaning given to it in the *Cannabis Act* (S.C. 2018, c. 16). (*Amend. By-law 615-1*)

**Council:** Town of Brome Lake *Council*.

**Public Place:** Stores, garages and service stations, churches, hospitals, schools and grounds under its responsibility, community centers, municipal or government buildings, restaurants, bars, breweries or any other similar establishment and/or business where services or goods are offered to the public, including *Parks* and *Areas of Public Character*, as well as the common areas and parking lots of all these places.

**Smoking:** For the purposes of this by-law, this word has the meaning given to it in the *Act to establish the Société québécoise du cannabis*, to enact the *Cannabis Control Act* and to amend various provisions respecting road safety (RLRQ, 2018 c. C-19) and also includes the use of a pipe, a bong, an electronic cigarette or any other device of this nature. (*Amend. By-law. 615-1*)

**Designated Official:** A person designated by the *Council* to see to the application of the present by-law or a part of the present by-law.

**Immovable:** An immovable within the meaning of the *Civil Code of Québec*.

**Daytime:** Period of the day between 7 a.m. and 9 p.m. inclusively.

**Commercial Premises:** Building(s) and land used to operate a business or company in operation.

**Dwelling house:** A total or partial building or structure held or occupied as a permanent or temporary residence, including a unit that is designed to be mobile and to be used as a permanent or temporary residence.

**Night:** Period of the day between 9 p.m. and 7 a.m. the following day.

**Park:** Parks located on the territory of the municipality and under its jurisdiction, including all public spaces to which the public has access for the purposes of rest or relaxation, play or sport or any other similar purpose.

**Street:** An alley, path, sidewalk, walkway, driveway or any other place used by pedestrians, bicycles and road vehicles.

## **CHAPTER I THE ORDER**

### **3. SHOOTING**

It is forbidden to discharge or shoot with a bow, crossbow, rifle, compressed air or any other system, shotgun, paintball gun, pistol or any other firearm within a radius of one hundred and fifty (150) meters of any *dwelling house* or *commercial premises*.

The preceding paragraph does not apply to shooting ranges duly accredited by the Quebec government and to the boundaries of land operated by the National Defense.

### **4. NO ALLOWED**

It is forbidden to be in a *Public Place* while carrying a bow, crossbow, rifle, whether air-powered or any other system, shotgun, paintball gun, pistol or any other firearm, knife, sword, machete or other similar object, without reasonable cause. For the purposes of this article, self-defence shall not constitute reasonable cause. The Competent Authority may confiscate such an object.

### **5. NO INSULT**

It is forbidden to insult, abuse, swear or provoke by word or gesture the *Competent Authority* in the exercise of its functions.

It is forbidden to insult or abuse anyone on a *Street* or in a *Public Place*.

### **6. RESISTING ARREST**

It is forbidden for anyone to refuse to obey or comply with an order given by the *Competent Authority* in the performance of his or her duties.

### **7. SECURITY PERIMETER**

It is forbidden to enter or remain within a security perimeter without authorization.

### **8. UNJUSTIFIED 911 EMERGENCY CALL**

It is forbidden, without legitimate justification, to dial the telephone number of the 911 emergency service and/or the police department.

### **9. REFUSAL TO LEAVE A PUBLIC PLACE, PRIVATE PROPERTY OR COMPANY PREMISES**

It is forbidden for anyone in violation of a law, government regulation or municipal by-law, after having been summoned by the *Competent Authority* in the exercise of his duties, or by the person in charge of a business establishment or the person in charge or supervisor of a *Public Place*, to refuse to leave the said *Public Place* or business establishment immediately.

It is an offence to refuse to leave a *Public Place* immediately when ordered to do so by the *Competent Authority* in the exercise of its functions, or by anyone in charge of or responsible for the *Public Place*.

It is an offence to refuse to leave private property immediately when summoned to do so by anyone residing on, or in charge of, the property.

It is an offence to trespass on private property without lawful excuse.

Refusal to comply with a verbal summons constitutes a disturbance of the peace and public order.

**10. CONSUMPTION OF ALCOHOLIC BEVERAGES IN A PUBLIC PLACE**

It is forbidden to have in one's possession, in a *Public Place* or in a vehicle parked in a *Public Place*, an alcoholic beverage whose opening is not sealed, except in places authorized by the Régie des alcools, des courses et des jeux or during festivities, in places having been previously authorized by *Council*.

**10.1 Cannabis smoking prohibited in public areas (Amended By-law 615-1)**

It is forbidden to Smoke Cannabis on any municipal property, with the exception of streets and sidewalks. This prohibition is in addition to the locations and places prohibited under the *Act to establish the Société québécoise du cannabis*, to enact the *Cannabis Control Act* and to amend various provisions respecting road safety (RLRQ, 2018 c. C-19).

In a criminal prosecution for a contravention of this provision, evidence that a person smokes with an accessory customarily used for smoking Cannabis or that he smokes while the product consumed gives off an odor of Cannabis is sufficient to establish that he is smoking Cannabis, unless he presents evidence to the contrary that it is not Cannabis.

**11. STATE OF INTOXICATION IN A PUBLIC PLACE**

No person shall be found in a *Public Place*, in particular as a result of intoxication due to excessive consumption of alcohol or drugs, including but not limited to Cannabis, and who thereby disturbs, inconveniences or disturbs one or more users of this *Public Place*. (Amend. By-law 615-1)

**12. FORBIDDEN TO HAVE ANY OBJECT THAT FACILITATES DRUG CONSUMPTION**

It is forbidden, in a *Public Place* or on a *Street*, to have in one's possession any object, material or equipment used or facilitating the consumption of narcotics within the meaning of the *Controlled Drugs and Substances Act*, namely and without restricting the generality of the foregoing, any hash pipe, carboy, portable scale and any other object related to the consumption of narcotics.

**13. NO FIGHTING OR TUGGING**

Fighting or tug-of-war in a *public place* is forbidden.

**14. NO CLIMBING**

It is forbidden to climb on a statue, a post, a wire, a building or a fence, or on any other ordered assembly of materials used for support in a *Public Place*, except in play areas specially designed for this purpose.

**15. NO VANDALIZING**

It is forbidden to commit acts of vandalism in a *Public Place*, more particularly to damage, draw, paint or otherwise mark any building, post, tree, wire, statue, bench, *street* or any other ordered assembly of materials serving as a structure, support or backing.

16. **NO TRESPASSING, HUNTING, LOITERING OR ROAMING ON SOMEONE ELSE'S PROPERTY**  
It is forbidden to stand, hunt, loiter or roam on the property of others without the authorization of the owner or occupier.
17. **NO LOITERING, BEGGING, SLEEPING OR WANDERING IN A PUBLIC PLACE**  
Subject to authorization, it is forbidden to loiter, beg, sleep or wander in a *Public Place*.
18. **NOT ALLOWED TO SATISFY A NATURAL NEED IN PUBLIC**  
It is forbidden to spit, urinate or defecate in a place other than that intended for this purpose and/or on private property, except in places specially set aside for this purpose.
19. **FORBIDDEN TO COMMIT AN INDECENT ACT**  
It is forbidden for anyone in a *Public Place* or *Street* to utter obscenities, whether or not these words or shouts are addressed to anyone.
- It is forbidden for anyone in a *Public Place* or *Street* to commit or take part in any indecent, exhibitionist or obscene act, whether by their behavior or their clothing.
20. **NO BATHING IN A FOUNTAIN**  
It is forbidden, in a *Public Place*, to bathe in a fountain or other decorative water basin, or to have animals bathe in it, or to throw anything into it.
21. **NO USE OF PUBLIC POOLS OUTSIDE OPENING HOURS**  
It is forbidden for anyone to use public swimming pools at night, between closing and opening hours or when they are unsupervised by municipal employees.
22. **NOT ALLOWED ON OR NEAR SCHOOL GROUNDS**  
It is forbidden to be on or near school property without a reason, between 7 a.m. and 5 p.m. on a school day.
23. **NO GATHERING IN A PUBLIC PLACE**  
No one may organize, lead or participate in an activity, walk or run involving more than fifteen (15) participants in a *Public Place* without having first obtained authorization from the municipality to that effect.

The *Designated Official* may issue an authorization to hold such an activity under the following conditions:

- a) The applicant will have submitted a detailed activity plan to the municipality and to the Sûreté du Québec.
- b) The applicant will have complied with the safety measures recommended by the Sûreté du Québec.
- c) The applicant will have paid the fees provided for by resolution, if applicable.

Funeral processions, weddings and civic events already covered by other legislation are exempt from this requirement.

In the event of non-compliance with the conditions of authorization, the *Competent Authority* may, in addition to imposing a fine as provided for in article 42, revoke said authorization.

**24. NO DISTURBANCE OF A PUBLIC ACTIVITY**

It is forbidden to disturb or inconvenience a public assembly, demonstration, parade, march, race or any other activity of the same nature duly authorized by the *Competent Authority*, the *Council* or authorized by the present by-law by making noise or behaving improperly in or near the place, so as to disturb the order or solemnity of the activity. It is also forbidden to make noise and disturb a public performance, exhibition or reading.

**25. NO ANNOYING PASSERS-BY**

It is forbidden to obstruct a *street* or pathway in such a way as to embarrass or inconvenience anyone passing along it.

**26. NO NUISANCE TO OCCUPANTS OF A DWELLING HOUSE**

It is forbidden to ring, knock or bang on the door or window of a *dwelling house* or property used for dwelling purposes without just cause in order to disturb or disturb the occupants.

**27. NO PROWLING AROUND PRIVATE PROPERTY**

It is forbidden to prowl around private property in order to surprise anyone or to see what is going on inside.

**28. NO PARKS AFTER 11 P.M.**

It is forbidden to be in a *Park* between 11 p.m. and 7 a.m., except during an activity authorized by the *Competent Authority*, the *Council* or authorized by the present by-law.

It is forbidden to enter or be on the site of a controlled-use *park*, such as a public swimming pool, skateboard *park* or tennis court, outside opening hours or when the site is enclosed by a fence or gate.

**28.1 CAMPING PROHIBITION (amend. By-law 615-2)**

It is forbidden to camp in any form in a *Public-Activity Area* or on any *Municipal Property*, except on specially designated sites, except during an event authorized by the *Council*, under the conditions it determines.

**28.2 NO SLEEPING IN CERTAIN PLACES (Amend. By-law 615-2)**

It is forbidden, in a *Public Character Area* or on any *Municipal Property*, to sleep in a vehicle, trailer, caravan, trailer, recreational vehicle or other similar wheeled vehicle, except in areas specially set aside for this purpose, except during an event authorized by the *Council*, under the conditions it determines, and in private parking lots open to the public.

## **CHAPTER II**

### **NOISE**

#### **29. DEPOSIT OF WASTE IN A PUBLIC PLACE**

The act of throwing or depositing garbage, rubbish or other filth in a *Public Place* or on the property of another person, with the exception of areas provided for this purpose, or throwing or depositing a dead animal or other harmful matter therein, constitutes a nuisance and is prohibited by the present by-law.

#### **30. CLEANING A PUBLIC PLACE**

Anyone who defiles a *Public Place* must clean it up as quickly as possible to restore it to its original condition.

If cleaning requires the interruption or detour of road or pedestrian traffic, the party obliged to clean must give prior notice to the *Designated Official*.

Soiling a *Public Place*, in particular by depositing or throwing earth, sand, mud, stones, clay, domestic waste, dirty water, paper, oil, gasoline, tires or any other object or substance, and failing to clean up as aforesaid, constitutes a nuisance and is prohibited by the present by-law.

Any person who defiles the Municipality's property used for public purposes and who fails to carry out the clean-up in accordance with the prescribed procedures is liable to the Municipality for the cost of the clean-up carried out by the latter, in addition to the fine prescribed under the present by-law.

#### **31. EXTERIOR FIRE**

- a) 'It is a nuisance and prohibited to light or keep lit an outdoor fire, including a grass fire and the burning of garbage, in a private area without a permit, except for an outdoor wood fire lit in a fireplace specially designed for the purpose.

Without limiting the scope of the foregoing, all outdoor fireplace fires must be protected by a spark arrester and sufficient fire extinguishing agents must be present on the premises. The fire must be supervised at all times by a person of legal age.

- b) It is also a nuisance and prohibited to emit or allow to be emitted, by any means whatsoever, any unpleasant, infectious or nauseating smoke, scent or odour of a nature to harm, indispose or cause annoyance of any kind whatsoever to the neighbourhood or the public, subject to agricultural activities carried out in accordance with the provisions of the laws and regulations in force.
- c) It is forbidden to make or maintain a bonfire unless you hold a valid permit issued in advance by the *competent authority*. The permit holder must clean up or have cleaned up the site of any bonfire, including the ashes from the fire pit, within twenty-four (24) hours of the end of the event.

**32. LIGHT PROJECTION**

The direct projection of light outside the property or lot where the source of the light is located, likely to cause a public danger or to interfere with the comfort of the neighbourhood, constitutes a nuisance and is prohibited by the present by-law.

**33. PYROTECHNICS**

Pyrotechnics must not be used in conditions that present a particular fire hazard.

Without limiting the foregoing, the use of low-risk pyrotechnics is authorized under the following conditions:

- a) the user must be eighteen (18) years of age or older;
- b) the area on which the pyrotechnics are used must be kept free of any material or debris, to avoid the risk of fire;
- c) the launch and clearance zone must be at least fifteen metres (15 meters) from any house, building, structure or cultivated field.

**34. NO POSSESSION OR USE OF FIRECRACKERS**

It is forbidden for anyone to possess or use firecrackers.

### **CHAPTER III NOISE**

**35. GENERAL LAYOUT**

The act by any person, including the owner, tenant, manager, user or occupant of a *Building*, of making, allowing or permitting noise to be made in contravention of any of the provisions of the present chapter constitutes a nuisance and is prohibited by the present by-law.

**36. NOISE LIKELY TO DISTURB THE PEACE**

It is forbidden to make, provoke or incite to make, in any way whatsoever, noise likely to disturb the peace, tranquility, comfort, rest, well-being or likely to prevent the peaceful use of the property of one or more citizens.

The following in particular are likely to disturb the peace:

- a) Carry out construction, renovation or repair work on movable or *immovable* property at *Night* in any location near a dwelling *house*;
- b) Use motorized equipment at night, including lawnmowers, chainsaws, splitters, compressors or refrigeration systems on trucks or trailers.

**37. EXCEPTIONS**

Noise emitted by any of the following activities is not considered a nuisance if it is carried out in accordance with custom, good practice and provincial legislation:



- a) Construction, repair and alteration work on a building or structure carried out during the *day* on a worksite from Monday to Saturday inclusively;
- b) Public works;
- c) Snow clearing;
- d) Cutting and pruning of trees and shrubs during the *day*;
- e) Recreational or sporting festivities or events authorized by the *Council*;
- f) Justified use of an alarm system;
- g) The use of sirens by public security services;
- h) Agricultural activities in agricultural zones;
- i) Industrial activities that can be controlled under provisions other than municipal by-laws.

**38. NO MAKING A RACKET**

It is forbidden to cause a disturbance or make excessive noise by shouting, swearing, blaspheming, fighting or behaving in such a way as to annoy a neighbor or neighbors or passers-by.

**39. ENGINE OF A STATIONARY VEHICLE, TRAILER OR LOCOMOTIVE**

It is forbidden to leave the engine of a vehicle other than a car or motorcycle running for more than ten (10) continuous minutes at night. Furthermore, in residential zones, it is forbidden at any time to leave the engine of a parked or immobilized truck running.

## **CHAPTER IV ADMINISTRATION AND PENALTIES**

**40. APPLICATION OF THE BY-LAW**

The *Council* authorizes the *Designated Official* to enforce the present by-law, to undertake penal proceedings against any contravener of any provision of the present by-law, and generally authorizes such persons to issue accordingly any statements of offence useful for this purpose, indicating the nature of the alleged offence and the amount of the fine. Follow-up and enforcement procedures for an infraction following the issuance of a statement of offence for contravention of the present by-law are governed by the *Code of Penal Procedure of Quebec* (LRQ, chapter C-25.1).

**41. RIGHT OF ACCESS**

The *Designated Official* is authorized to visit and examine, at any reasonable time, any immovable or moveable property, as well as the interior and exterior of said properties, to ensure compliance with the present by-law.

Any owner, lessee or occupant of such immovable or moveable property is required to receive the *Designated Official*, to allow him/her to enter at the latter's request and to answer all questions put to him/her in connection with the enforcement of the present by-law.

Upon request, the *Designated Official* carrying out an inspection must establish his or her identity and show the certificate issued by the municipality attesting to his or her status as *Designated Official*.

**42. FINES**

Any person who contravenes any of the articles of the present by-law commits an offence and is liable, in the case of a first offence, to a fine of not less than \$150 and not more than \$1,000 for an individual, and not less than \$250 and not more than \$2,000 for any legal entity.

In the case of a repeat offence, the minimum fine is \$250 and the maximum fine is \$2,000 for an individual, and the minimum fine is \$450 and the maximum fine is \$4,000 for a legal entity.

In all cases, prosecution costs are extra. These fees are established in accordance with the tariffs adopted under the *Code of Penal Procedure of Quebec* (LRQ, chapter C-25.1).

The time limits for 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* (LRQ, chapter C-25.1).

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

**43. CRIMINAL PROCEEDINGS**

The *Council* authorizes the *Competent Authority* to institute criminal proceedings and issue a statement of offence against any person who contravenes any of the provisions of the present by-law.

**44. CANCELLATION AND REPLACEMENT OF PREVIOUS BY-LAWS**

The present by-law cancels and replaces, for all intents and purposes, by-law 559 concerning peace, order and nuisances.

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

**45. COMING INTO FORCE**

The present by-law comes into force in accordance with the law.

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Richard Burcombe, Mayor

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Me Edwin John Sullivan, Clerk

Notice of motion: September 8, 2015  
Adoption of regulations: November 2, 2015  
Public notice: November 10, 2015  
Publication: November 10 and 11, 2015  
COMING INTO FORCE: November 11, 2015