

NORTHERN VILLAGE OF KUUIJUAQ

By-law No. 2018-02

By-law to secure peace, order, good government, health and general welfare in the territory of the municipality.

WHEREAS the Municipal Council has the power to secure the peace, order, good government, health and general welfare in the territory of the municipality by virtue of section 166 of *An Act respecting Northern villages and the Kativik Regional Government* (CQLR, c. V-6.1; hereinafter the Kativik Act);

WHEREAS the Council has the power to make by-laws to protect the life and property of the inhabitants and prevent accidents such as may be caused by natural catastrophe, fire, mechanical defect or failure, or contamination from noxious substances pursuant to subsection 173(8) of the Kativik Act;

WHEREAS the Council has the power to make by-laws to ensure the sanitary condition of public and private property and to regulate or prohibit unwholesome undertakings and establishments pursuant to subsection 174(5) of the Kativik Act;

WHEREAS the Council has the power to make by-laws to regulate or prohibit blasting, and shooting with guns, pistols or other firearms, or arms discharged by means of compressed air or any other system pursuant to subsection 173(11) of the Kativik Act;

WHEREAS the Council has the power to determine what constitute a nuisance and to regulate and prohibit nuisances, including noise pursuant to subsection 174 (14) of the Kativik Act;

WHEREAS it is in the general interest that the Council takes the measures required to diminish the risk of accidents and to promote the public peace;

WHEREAS this by-law must be adopted and interpreted in light of the laws and regulations in effect in the Province of Québec;

WHEREAS a notice of motion for this by-law was duly given during the preceding sitting of the Council held on November 29, 2018.

THEREFORE, the Council of the Northern Village of Kuujuaq, by this by-law, enacts and decrees as follow:

1. DEFINITIONS

- 1.1 **“Alarm system”** shall mean an audible or visual device that signals occupants or public to danger.
- 1.2 **“Alcoholic beverages”** shall mean five varieties of beverages, namely alcohol, spirits, wine, cider and beer, and every liquid or solid containing alcohol and capable of being consumed by a person provided that such beverages, liquids, or solids contain more than 0.5% of alcohol by volume.
- 1.3 **“Authorized officer”** shall mean any officer or municipal by-laws enforcement officer of the municipality whose duty is notably to be in charge of the enforcement of the present by-law within the territory under the jurisdiction of the municipality. Authorized officer also means a Kativik Regional Police Force peace officer or any other officer of the law.
- 1.4 **“Vehicle”** shall mean any vehicle propelled by a force other than one that is muscular and adapted for transportation on public roads, not rails, including mopeds, motorcycles, all-terrain vehicles, snowmobiles and any other similar motorized vehicles.
- 1.5 **“Joyriding”** shall mean to ride a vehicle for no specific purpose or without a specific and justified destination to reach.
- 1.6 **“Littering”** shall mean to throw away garbage or rubbish, including breaking or scattering glass.
- 1.7 **“Neighbour”** shall mean any person residing within five hundred meters (500 m) of the area where the offence is being committed.
- 1.8 **“Noise”** shall mean any audible sound or collection of sounds, whether melodious or not.
- 1.9 **“Nuisance”** shall mean any state of a thing or act that is liable to create serious inconveniences for persons or adversely affect their lives, safety, health, property and comfort, or deprive them of the practice or enjoyment of a common right. The injurious element may result from the state of a thing, from an illegal act, or from the improper use of an object or a right.
- 1.10 **“Person”** shall mean any physical person, whether a municipal citizen or not, a company, partnership, firm, corporation, association or politic body.
- 1.11 **“Police force”** shall mean the Kativik Regional Police Force or another police force having jurisdiction in the municipality.
- 1.12 **“Public area”** shall mean any park, recreation ground, rest area, green space, sports or recreation centre or complex and other similar establishment comprising, more specifically though not restrictively, pools, gymnasiums, indoor and outdoor skating rinks, and any other similar area which are owned or used by the municipality, as well as parish.

- 1.13 **“Public place”** shall mean all the areas enumerated in section 1.12 plus curbs, flower beds, public roads, sidewalks, streets, alleys, laneways, parking lots and other buildings or any other similar place which are used by the general public.
- 1.14 **“Public road”** shall mean the surface of land or of a structure within the municipality, the maintenance of which is entrusted to the municipality, a government or one of its agencies, over part of which one or more roadways are open to public vehicular traffic.
- 1.15 **“Public venue”** shall mean a municipal building, church, school, store, restaurant, hotel, motel, inn, bar, dance hall, pub, coffee shop, arcade and any other similar establishment.

2. INFRINGEMENT OF THE PEACE, ORDER AND PUBLIC SECURITY

Violating the peace and order 2.1 **Prohibition against violating the peace and order:** All persons shall be prohibited from disturbing the peace and acting contrary to order and public security, in any manner whatsoever. Without restricting the meaning of the words "disturbing the peace" and "acting contrary to order and public security," the following sections prohibit acts which shall be considered infringements of the peace and order.

FINE: \$50

Fighting in public place 2.2 **Prohibition against fighting:** Fighting, or assaulting, or striking, or insulting, or threatening or abusing any person, in any manner whatsoever, in a public place or venue shall be prohibited, as shall be taking part, in any manner whatsoever, in fights, quarrels, mobs, turbulent assemblies, riots or rebellions in such place.

FINE: \$100

Throwing projectiles in public place 2.3 **Prohibition against throwing projectiles:** Throwing stones, snowballs, bottles or other projectiles in any public place or venue shall be prohibited.

FINE: \$50

Shouting in public place 2.4 **Prohibition against shouting:** Shouting, swearing, uttering insults or making threats in public place or venue shall be prohibited.

FINE: \$50

- Drinking alcoholic beverages in public place
- 2.5 **Prohibition against drinking alcoholic beverages or smoking cannabis:** Drinking or preparing to drink alcoholic beverages as well as smoking or preparing to smoke cannabis in any public place or venue, as well as in any warehouse, outhouse, private alley, recreation ground, yard or field, without the right of ownership or possession for such a site or without being accompanied by someone with such a right, or with the permission of the latter, shall be prohibited.
- This by-law shall not prohibit the drinking of alcoholic beverages in a place where it is permitted under provincial law.
- FINE: \$300**
- Being under the influence in public place
- 2.6 **Prohibition against being under the influence:** Being under the influence of drugs or alcohol in a public place or venue shall be prohibited, except, in the case of alcohol, in a place where drinking is permitted under provincial law.
- FINE: \$300**
- Joyriding at night
- 2.7 **Prohibition against joyriding at night:** Joyriding within municipal boundaries between 11 p.m. and 7 a.m. shall be prohibited.
- FINE: \$300**
- Use of vehicles near private property
- 2.8 **Use of vehicles near private property:** Owners and operators of vehicles shall respect, at all times, private property and operate their vehicles at such a distance from dwellings so as not to disturb its occupants.
- Without restricting the general nature of the preceding, driving within fifty meters (50 m) of a dwelling shall be prohibited, except on a public road or to park or stop the vehicle in or besides the dwelling.
- Stopping a vehicle, at any time, with its engine running or revving the engine near a dwelling shall be prohibited.
- FINE: \$100**
- Prohibition against parking
- 2.9 **Prohibition against parking:** Parking a vehicle where there is a sign indicating that it is not permitted shall be prohibited.
- FINE: \$50**

Entering private property

2.10 Prohibition against entering private property: Entering yards or alleys, climbing fences, warehouses, garages or sheds, dwellings, or climbing stairs or ladders without the permission or authorization of the owner or occupant shall be prohibited.

FINE: \$100

Disturbing passers-by

2.11 Prohibition against disturbing passers-by: Blocking walkways or doors of dwellings, yards, or any public place or venue so as to hinder or disturb, in any manner whatsoever, persons who must pass by shall be prohibited.

FINE: \$50

CAUSING DAMAGES TO PROPERTY

2.12 Prohibition against causing damages to property

a) Ruining, soiling, breaking, smashing, tearing, moving or damaging in any manner whatsoever private or public property or decorations anywhere in the municipality is prohibited. In general, any act of vandalism shall be prohibited.

FINE: \$50

b) Damaging or destroying any tree, shrubbery, street light, fence, screen, monument, wall, shelter, seat, lawn, bush, flower, plant, grass, playground equipment, municipal building or any other municipal property shall be prohibited.

FINE: \$50

Troubling neighbours

2.13 Prohibition against troubling neighbours: Causing a disturbance or making noise whether during the day or at night by shouting, swearing or behaving in a manner that troubles neighbours shall be prohibited.

FINE: \$50

Disturbing occupants of dwelling

2.14 Prohibition against disturbing occupants of dwelling: Ringing, striking or knocking at dwellings or their doors or windows in a manner that disturbs or bothers the occupants shall be prohibited.

FINE: \$50

Swimming 2.15 **Prohibition against swimming where prohibited:** Swimming where there is a sign indicating that it is not permitted shall be prohibited.

FINE: \$50

CONTACTING THE POLICE FORCE, FIRE-FIGHTERS OR EMERGENCY SERVICE repeatedly without grounds 2.16 **Prohibition against contacting the police force, the fire-fighters or emergency service repeatedly without grounds:** Contacting the police force, fire-fighters or any other emergency service repeatedly without grounds shall be prohibited.

FINE: \$200

Resisting police or municipal officers 2.17 **Prohibition against resisting police or municipal officers:** Resisting, obstructing, bothering, delaying or harassing, in any manner whatsoever, police or municipal officers who are performing their duties shall be prohibited, as shall be helping, encouraging or inciting any other person to do so.

FINE: \$300

Insulting police or municipal officers 2.18 **Prohibition against insulting police or municipal officers:** Insulting police or municipal officers who are performing their duties, or making hurtful, defamatory, offensive or coarse remarks about them shall be prohibited, as shall be encouraging or inciting any other person to do so.

FINE: \$100

3. PUBLIC DECENCY

Committing act of indecency 3.1 **Prohibition against committing any act of indecency:** Committing or taking part in any act of indecency or obscenity, including through one's behavior or clothing, in any public place or venue, whether these acts or gestures are directed at a person or not, shall be prohibited.

FINE: \$100

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| Urinating or defecating | 3.2 Prohibition against urinating or defecating: Urinating or defecating in a public place shall be prohibited. |
| | FINE: \$100 |
| Uttering obscene remarks in a private or public place | 3.3 Prohibition against uttering obscene remarks: Uttering obscene remarks or committing any act of indecency or obscenity in a private or public place, if these remarks or acts can be heard or seen by neighbors, shall be prohibited. |
| | FINE: \$100 |

4. LOITERING AND VAGRANCY

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| Loitering and vagrancy | 4.1 Prohibition against loitering and vagrancy: Loitering, wandering or sleeping at any time in a lot, field, yard, warehouse or any other non-residential structures, or in any public place or venue or private place, without any permission, shall be prohibited. |
| | FINE: \$50 |
| Begging | 4.2 Prohibition against begging: Begging at any time in any public place or venue shall be prohibited. |
| | FINE: \$50 |
| Wearing a mask or disguising oneself in public place | 4.3 Prohibition against wearing a mask: While loitering in or entering a public place or venue, wearing a mask or disguising oneself, in any manner whatsoever shall be prohibited, except for occasions and in place where are held authorized activities or shows or when done according to customs. |
| | FINE: \$50 |

5. CURFEW

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| Closing time of public area | 5.1 | Closing times of public area: Public area shall be closed between 11 p.m. and 7 a.m., unless the municipality authorized the activity or unless otherwise indicated.

FINE: \$50 |
| Access to public place | 5.2 | Access to public place: The public's access to public place may be prohibited by an authorized officer if such is required to protect the lives or property.

FINE: \$50 |

6. USE OF FIREARMS AND EXPLOSIVES

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| Lighting fires and fireworks | 6.1 | Prohibition against lighting fires and fireworks: Lighting fires or fireworks shall be prohibited without the proper authorization from the municipality.

FINE: \$100 |
| Using explosive substances | 6.2 | Prohibition against using explosive substances: Using explosive substances, including but not limited to firecrackers and pyrotechnic devices, shall be prohibited without the proper authorization from the municipality.

FINE: \$100 |
| Using explosives without authorization | 6.3 | Prohibition against using explosives without authorization: Using explosives or tunnelling in any place, with the exception of construction work for which the municipality has issued prior authorization, shall be prohibited.

FINE: \$100 |
| Target practice | 6.4 | Prohibition against target practice: Target practice, such as slingshot, archery and rifle, in any public place or venue except in areas designated for such a purpose, if the case may be, shall be prohibited.

FINE: \$100 |

Use of firearms 6.5 **Use of firearms:** Blasting or shooting of a rifle, shotgun, gun, pistol, firearm or any other arm, whether worked by compressed air or any other system, shall be prohibited, except for hunting purposes when the aiming range is outside the built-up area of the municipality.

FINE: \$200

7. NOISE AND NUISANCE

Perpetrate a nuisance 7.1 **Nuisance:** Any person who perpetrates a nuisance commits an offence and shall be liable to penalties stipulated under this by-law. This section applies to general offences, separate from the specific cases listed in the following sections.

FINE: \$200

Business operations between 11 p.m. and 7 a.m. 7.2 **Business operations:** It is prohibited for any person operating a business or establishment to produce, cause or allow any excessive or unusual noise that can be heard in a neighbouring portion of the same building or in a neighbouring building to be produced or caused between 11 p.m. and 7 a.m.

FINE: \$300

Operating sound equipment so as to prejudice the tranquility of neighbours 7.3 **Prohibition against operating sound equipment so as to prejudice the tranquility of neighbours:** Every person shall be prohibited from operating or allowing to be operated any object, instrument or device which reproduces sounds inside or outside any public place or venue, dwelling or other building in such a manner that they prejudice the tranquility and well-being of neighbours.

FINE: \$200

Using sound equipment to advertise 7.4 **Prohibition against using sound equipment to advertise:** Creating or allowing to be created enticements or noise, which may be heard in a public place, by voice, whistle, jingling noise, bell, drum, horn, megaphone, piano, loud speaker or any other instrument, whether musical or not, for the purpose of advertising or selling goods or to attract attention for any reason shall be prohibited.

Notwithstanding the above, this section does not apply to public meetings or amusement grounds authorized by the municipality.

FINE: \$100

7.5 **Operating vehicle:** Operating a vehicle engine in such a way that the noise produced prejudices the peace and tranquility of neighbours, or performing any vehicle repairs in a public place shall be prohibited except in case of emergency.

Produce noise while operating a vehicle	7.6	FINE: \$100 Vehicle radio use: Using a radio or amplifier in a vehicle so as to disturb the peace shall be prohibited. FINE: \$50
Using a radio in a vehicle so as to prejudice the peace	7.7	Accumulating material on private property: Any accumulation on private property of material or waste shall be prohibited. FINE: \$50
Accumulating material on private property	7.8	Prohibition against dumping: Dumping waste or other garbage in any location other than sites approved for such a purpose by the municipality shall be prohibited. FINE: \$50 (minimum) \$300 (maximum)
Dumping	7.9	Prohibition against discarding animal carcasses: Dumping or discarding of an animal carcass or other material which prejudices the public's health or emits foul-smelling or disturbing odours shall be prohibited except for disposal of such by the municipal garbage collection service. FINE: \$50
Discarding animal carcasses	7.10	Prohibition against burning waste: Burning waste of any kind shall be prohibited without the proper authorization from the municipality. FINE: \$50
Burning waste	7.11	Blocking public ditches: Blocking or obstructing public ditches, in any manner whatsoever though in particular by installing culverts, shall be prohibited. FINE: \$50
Blocking or obstructing public ditches	7.12	Prohibition against storing scrap metal: Except in areas approved by the proper authorities, storing or leaving scrap metal, junk, damaged vehicle or vehicle parts or any other materials shall be prohibited. Any such materials must be removed by their owner or by the owner of the property on which the materials are found, at his expense FINE: \$300
Storing scrap metal	7.14	Prohibition against performing shows: Performing or holding shows or presentations in public place shall be prohibited without the proper authorization from the municipality.

Performing shows
in public place

FINE: \$50

7.15 **Prohibition against ringing alarms:** Needlessly ringing any alarm shall be prohibited.

FINE: \$100

Needlessly
ringing alarm

8. SANITATION

Failure to
maintain property
in a sanitary state

8.1 **Sanitation in buildings:** Owners of dwellings, buildings, other property, or any parts of these shall at all times maintain these in a sanitary state in accordance with the provisions of this by-law and shall not tolerate garbage, manure, filth or anything that is dirty or harmful to the public's health, emits a foul odor, or disturbs any other persons.

FINE: \$50

Blocking public
venue

8.2 **Prohibition against blocking public venue:** Leaving wood shavings, barrels, drums, crates, packaging and other things, whether they contain goods, belongings, produce, provisions or other objects, so they disturb, in any manner whatsoever, or block any road, property, alley or other public venue shall be prohibited.

FINE: \$50

Littering in public
place

8.3 **Prohibition against littering:** Littering in public place shall be prohibited.

FINE: \$50

9. INSPECTION OF PROPERTY

- 9.1 An authorized officer has the right to visit and examine all moveable and immovable property, and also the interior or exterior of any house, building or edifice, in order to ascertain that the provisions of this by-law are complied with.
- 9.2 The owner, lessee or occupant of the property shall allow the authorized officer to make such a visit or examination.

10. PENALTIES

- 10.1 Every person who contravenes any of sections 2.1, 2.3, 2.4, 2.9, 2.11 to 2.15, 4.1 to 4.3, 5.1, 5.2, 7.6 to 7.11, 7.14 and 8.1 to 8.3 of this by-law commits an offence and is liable, upon penal proceedings, to a minimum fine of fifty dollars (\$50), with costs. Each day of infringement constitutes a separate offence.
- 10.2 Every person who contravenes any of sections 2.2, 2.8, 2.10, 2.18, 3.1 to 3.3, 6.1 to 6.4, 7.4 and 7.5 of this by-law commits an offence and is liable, upon penal proceedings, to a minimum fine of one hundred dollars (\$100), with costs. Each day of infringement constitutes a separate offence.
- 10.3 Every person who contravenes to any of sections 2.16, 6.5, 7.1, 7.3 and 7.15 of this by-law commits an offence and is liable, upon penal proceedings, to a minimum fine of two hundred dollars (\$200), with costs. Each day of infringement constitutes a separate offence.
- 10.4 Every person who contravenes to any of sections 2.5 to 2.7, 2.17, 7.2, 7.12 and 9.2 of this by-law commits an offence and is liable, upon penal proceedings, to a fine of three hundred dollars (\$300), with costs. Each day of infringement constitutes a separate offence.
- 10.5 The Court convicting a person for the breach of any section of this by-law may, in addition to any fine it may impose, issue an order to enjoin that person to refrain from committing any further such offence and/or cease to carry on any activity specified in the order and/or, if such person is the holder of a permit, license or certificate granted under this by-law, suspend such permit, license or certificate for the period that it deems appropriate, or revoke the same, or prohibit the renewal thereof during the period that it deems appropriate.
- 10.6 An authorized officer may issue a statement of offence pursuant to this by-law.
- 10.7 An authorized officer may remove or cause to remove, at the expense of the owner, any vehicle used in contravention of this by-law. The authorized officer may also seize the vehicle in accordance with the provisions of the *Code of penal procedure of Québec* (R.S.Q., c. C-25.1).
- 10.8 The removed or seized vehicle shall be brought to a designated place, and the owner shall only regain possession after the payment of a three hundred dollars (\$300) expense fee for the removal and storage of the vehicle.

10.9 Delays for the payment of penalties and costs imposed by virtue of the present section and consequences of failure to pay aforementioned penalties and costs are established in accordance with the provisions of the *Code of penal procedure of Québec* (R.S.Q., c. C-25.1).

11. APPLICATION

11.1 The provisions of this by-law apply to the whole territory under the jurisdiction of the municipality.

12. REPEAL OF PREVIOUS BY-LAW

12.1 This by-law supersedes and replaces any previous by-law enacted by the Council, wholly or partially for the same purposes, and any such by-law is hereby repealed to the extent of any inconsistencies with this by-law.

13. COMING INTO EFFECT

13.1 Should any section of this by-law be totally or partially voided by a Court, its other provisions shall remain valid and in force.

13.2 The present by-law shall come into effect the date of its publication in accordance with section 138 of the Kativik Act.

14. VERSIONS

14.1 In the event of a discrepancy between the English, French and Inuktitut versions, the English version shall prevail.

15. COPY

15.1 Once published, the Secretary-Treasurer shall transmit a copy of the present by-law without delay to the Kativik Regional Government as per section 160 of the Kativik Act.

IN FAVOUR: 4

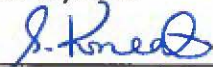
OPPOSED: 0

ABSTENTIONS: 0

ABSENTEES: 3

DATE OF ADOPTION: December 12, 2018

MAYOR'S SIGNATURE:



SECRETARY-TREASURER'S SIGNATURE:



DATE OF PUBLICATION: December 17, 2018