



PROVINCE OF QUEBEC
TOWN OF KIRKLAND

BY-LAW NO. : 2013-58

BY-LAW CONCERNING PARKS AND PUBLIC PLACES

Amendments

2013-58-1, 2013-58-2, 2013-58-3, 2013-58-4
& 2013-58-5

NOTICE

This consolidation has not been officially adopted by the Municipal Council. It has been compiled on February 6, 2020, in order to facilitate the reading of the texts. The official text is to be found in the text of the original by-law and each of its amendments.

ADOPTION PROCEDURE

Notice of motion:	January 14, 2013
Adoption of by-law:	August 5, 2013
Publication:	August 14, 2013
Coming into force:	August 14, 2013

- WHEREAS pursuant to section 85 of the *Municipal Powers Act* (CQLR, c. C-47.1), the Town of Kirkland may adopt a by-law to ensure the general welfare of its citizens;
- WHEREAS pursuant to section 7 of the *Municipal Powers Act* (CQLR, c. C-47.1), the Town of Kirkland may make by-laws governing the cultural, recreational and community services it offers and the use of its parks;
- WHEREAS on October 17, 2018, the *Cannabis Act* (S.C. 2018, c. 16) came into force, thereby implementing strict regulatory control of the production, distribution, sale and possession of cannabis in Canada;
- WHEREAS on June 12, 2018, the Government of Quebec enacted *An Act to constitute the Société québécoise du cannabis, to enact the Cannabis Regulation Act and to amend various highway safety-related provisions* to provide measures aimed at the protection of public health and safety;
- WHEREAS notice of motion of this by-law was given at the regular sitting of the Municipal Council held on November 5, 2018;
- WHEREAS pursuant to section 356 of the *Cities and Towns Act* (CQLR, c. C-19), a draft of this by-law was filed at the regular sitting of the Municipal Council;
- WHEREAS pursuant to section 356 of the *Cities and Towns Act* (CQLR, c. C-19), copies of this by-law were made available to the public;
- WHEREAS the Preamble forms an integral part of this by-law;

THE MUNICIPAL COUNCIL DECREES AS FOLLOWS:

ARTICLE 1: DEFINITIONS

For the interpretation of the present by-law:

- Electronic cigarette:** refers to any product shaped like a cigarette or a pipe that looks like its conventional counterpart, producing a vapour that resembles smoke and a glow that resembles the tip of a cigarette.
- Multifunctional recreation path:** refers to the multifunctional recreation path located on the Hydro-Quebec servitude identified under land use codes 2P, 7P, 11P and 22P on the Zoning Plan and in the Zoning By-law of the Town of Kirkland
- Park:** refers to any land made available or designated for strolling within the limits of the Town and, without restricting the generality of the foregoing, includes any green space, bicycle path, rest area, playing fields and any building and accessory connected thereto.
- Public building:** refers to any closed space to which the public has access and, without restricting the generality of the foregoing, places where community, sports, cultural, artistic or administrative activities take place.
- Public domain:** refers to streets, lanes, squares and public places, including sidewalks, medians, off-street bicycle lanes and surplus parcels of land being part of a public thoroughfare.

- Public place:** refers to any place accessible and open to the public with or without express or tacit invitation and, without restricting the generality of the foregoing includes a park, playground, sports ground, swimming pool and recreation centre.
- Town:** refers to any administrative unit or employee of the Town of Kirkland.
- Undeveloped green space:** refers to parks and green spaces identified under land use code 303P on the Zoning Plan and in the Zoning By-law of the Town of Kirkland.

ARTICLE 2: APPLICATION

The Town and the *Service de police de la Ville de Montréal* see to the application of the present by-law.

ARTICLE 3: OPENING HOURS

Parks are open to the public from 7 a.m. until 11 p.m. every day, unless otherwise indicated during special occasions determined by the municipal council.

Anyone who is found in a park outside of opening hours without justification commits an offence and is liable to the penalty established by article 10 of the present by-law.

ARTICLE 4: ACCESS

The Town or any police officer may:

- a) forbid any person from entering a park or any part thereof whenever such an action is deemed necessary to maintain good order, security or to protect property;
- b) expel from a park any person under the influence of alcohol or drugs;
- c) expel from a park any person troubling the peace or conducting oneself in a reprehensible manner.

4.1. It is forbidden for any person, other than a Town representative or mandatary duly authorized by the Town, to enter an undeveloped green space and move about or engage in any activity thereon.

ARTICLE 5: USE

- a) No one shall take part in any activity in a park if said activity conflicts with an activity organized or approved by the Town. The schedules of games and practices are set by the Town on the basis of sound facility management and in the interest of the citizens of the municipality.
- b) The Town determines the type of activities to be played in any park.
- c) The Town may install signs indicating regulations or restrictions concerning the use of any park.

ARTICLE 6: PROHIBITIONS

It is forbidden for any person in a park or a public place:

- a) to bring in an animal, with the exception of a guide or service dog, working or in training, kept on a leash and easily identifiable;
- b) to stand or lie on a bench, or to occupy more than one seating place;
- c) to light fires or ignite fireworks without written permission from the *Service des incendies de Montréal*;
- d) to do any shooting or hunting regardless of the weapon used;
- e) to throw or project any stone or other object, by hand or with any instrument whatsoever, except in those games permitted by Article 5;

- f) to introduce or play any game of chance unless permitted by law or authorized by the municipal council;
 - g) to sell or offer for sale anything whatsoever except with the written permission of the municipal council;
 - h) to leave any litter;
 - i) to affix signs, posters, placards or advertising of any kind whatsoever without written authority from the municipal council;
 - j) to bring in a glass container;
 - k) to modify, damage or remove any equipment, installation, building, plant or other public property;
 - l) to climb something else than a structure specially set up for this purpose;
 - m) to play golf or to operate a miniature plane;
 - n) to play games using balls or other projectiles which may be directed towards a playground with equipment designed for young children, unless the projectile is constructed of a soft material;
 - o) The prohibition in paragraph a) does not apply to cats and dogs crossing a park or walking on the multifunctional recreation path as long as they are kept on a leash not exceeding a length of 1,5 meter, including the handle.
- 6.1. It is prohibited for any person in a public building, a park or a public place to make use of cigarettes, electronic cigarettes or any related product
- 6.2. It is prohibited for any person in the public domain or frequenting a public building, park or public place to use cannabis or any product derived from cannabis.

ARTICLE 7: CIRCULATION

No one shall drive, ride or leave standing any horse, vehicle, snowmobile or bicycle in a park except in those places especially designated for such purposes or when authorized, in writing by the municipal council. Motor vehicles are strictly prohibited on bicycle paths which are reserved exclusively for non-motorized traffic.

ARTICLE 8: PLANT MAINTENANCE

No one may trim, prune or fell any tree or shrub in a park without written authorization from the Town.

ARTICLE 9: USE BY A GROUP OF NON-RESIDENTS

Any group of non-residents wanting to use a park or the equipment therein for an organized activity must obtain written authorization from the Town to that effect.

ARTICLE 10: OFFENCES

Anyone contravening a provision of this by-law, tolerating or permitting such a contravention, commits an infraction and is liable to the following fine:

- **For a first infraction:** a minimum fine of ONE HUNDRED DOLLARS (\$100) and a maximum of ONE THOUSAND DOLLARS (\$1,000) if the offender is a physical person or a maximum of TWO THOUSAND DOLLARS (\$2,000) if the offender is a moral person.
- **For a repeated infraction:** a minimum of TWO HUNDRED DOLLARS (\$200) and a maximum of TWO THOUSAND DOLLARS (\$2,000) if the offender is a physical person or a maximum of FOUR THOUSAND DOLLARS (\$4,000) if the offender is a moral person.

ARTICLE 11: REPEALING PROVISION

By-law number 80-10 is hereby repealed.

ARTICLE 12: COMING INTO FORCE

The present by-law shall come into force according to law.

Mayor

Town Clerk