



R.B.C.M.

c. P-12.2

BY-LAW CONCERNING CLEANLINESS AND PROTECTION OF PUBLIC PROPERTY AND STREET FURNITURE

**SECTION I
INTERPRETATION**

1. In this by-law, the following words mean:

“public property”: streets, lanes, public squares and places, including sidewalks, medians, stairways, off-street bike paths and the right of way beyond a public thoroughfare, bodies of water and watercourses, parks and public gardens;

“right of way beyond a public thoroughfare”: the part of a public thoroughfare between the edge of a roadway and the line of bordering properties;

“street furniture”: trees, shrubs, benches, bollards, dry fire hydrants, fire hydrants, benchmarks, speed bumps, cables, gate chambers, fences, conduits, fountains, grates, lampposts, monuments, walls, low walls, street signs, parking meters, poles, waste containers, catch basins, containers for recoverable resources, manholes, street lights, pipes, vaults and other similar objects, whether useful or ornamental, put up by the city for its purposes.

99-102, a. 1.

**SECTION II
CLEANLINESS AND PROTECTION OF PUBLIC PROPERTY**

2. No person may dirty pavements.

99-102, a. 2.

3. Subject to paragraph 6 of article 90 of the By-law concerning water supply and public sewer use (chapter A-4), no person may spread a liquid on public property.

99-102, a. 3.

4. No person may throw, put out or leave on public property:

- (1) garbage, trash, ashes, debris from materials, pruning waste or other rubbish;
- (2) materials, soil, snow or other similar matters;
- (3) circulars, flyers, wrappings or other similar papers or cardboard;
- (4) syringes, needles, bandages, drugs, drug containers;

(5) merchandise or other goods or effects.

99-102, a. 4; 01-155, a. 3.

5. Without limiting the generality of article 4, no person may:

- (1) spread or scatter the contents of bags, boxes, garbage cans or other containers, undo or untie packages, bundles or boxes put out on public property for collection;
- (2) throw, spread or put out on public property dead leaves from a private lot.

99-102, a. 5.

6. Every owner, lessee or occupant of a building where food is served or handed over from a service hatch opening onto the outdoors, along the public property, must pick up the cardboard, papers and containers used for wrapping or the food service and that were left on the sidewalk in front of that building.

99-102, a. 6.

7. No person may paint or draw on roadways or sidewalks or buildings on public property, draw graffiti or tags on them or mark them.

Despite the first paragraph, the executive committee may, by ordinance, authorize any person to paint or draw on sidewalks for special events that it determines and under the conditions set by ordinance.

99-102, a. 7.

8. No person may place papers on a motor vehicle parked on public property, unless it is a statement of offence.

99-102, a. 8.

9. No person may leave on public property a motor vehicle lacking an essential part to run properly.

99-102, a. 9.

10. No person may damage or destroy pavements, lawns or medians of public property, in particular by removing paving blocks or part of ground coverings.

99-102, a. 10.

11. Every owner of a building must:

- (1) remove snow and ice on the roof of the building, on the top of marquees and other projecting constructions, before they pile up and are likely to fall on the sidewalk or roadway;
- (2) remove icicles under balconies, galleries, cornices, marquees and other projecting constructions, under gutters, exterior cables and other similar items attached to a building and above grade, as soon as they are formed.

The director of the Service des travaux publics et de l'environnement may, by notice, order the owner of a building to conform to the first paragraph within a period of no less than 24 hours but no more than 72 hours, as indicated on the notice.

Where the owner does not comply with the order or where there is imminent danger, the director may remove the snow, ice or icicles at the owner's expense.

The fees are in accordance with the annual by-law concerning fees.

Those fees constitute a prior claim on the immovable on which the director carried out the work, in the same way and with the same rank as the claims referred to in paragraph 5 of article 2651 of the Civil Code of Québec, and they are guaranteed by a legal hypothec on the immovable.

99-102, a. 11.

12. No person may obstruct or deviate a watercourse on public property.

99-102, a. 12.

13. Every owner of a lot must maintain the part of a watercourse running under his lot so that the water flows freely.

99-102, a. 13.

14. No person may throw or dump a material referred to in article 4 in a body of water or a watercourse on public property.

99-102, a. 14.

15. No person may fish, bathe or swim or let an animal bathe or swim in a body of water or a watercourse on public property unless signs so authorize it.

99-102, a. 15.

16. Any tree on a private lot constitutes a nuisance where:

- (1) its condition constitutes a safety hazard on public property, or
- (2) it blocks off the lighting provided by street lamps.

Every owner of a lot where there is a nuisance referred to in the first paragraph contravenes this by-law.

The director of the Service des parcs, jardins et espaces verts may, by notice, order the owner of a lot to trim or fell a tree within a period of no less than 48 hours but no more than 10 days, as indicated on the notice. Any owner who does not comply with the order contravenes this by-law.

Where the owner does not comply with the order or where there is imminent danger, the director may trim or fell the tree at the owner's expense.

The fees are in accordance with the annual by-law concerning fees.

The fees constitute a prior claim on the immovable on which the director carried out the

trimming and felling work, in the same way and with the same rank as the claims referred to in paragraph 5 of article 2651 of the Civil Code of Québec, and are guaranteed by a legal hypothec on the immovable.

99-102, a. 16.

17. No person may raise or lower the roadway or sidewalk level or alter their condition in any way unless the work is carried out with the authorization, under the supervision of and in accordance with instructions of the director of the Service des travaux publics et de l'environnement.

99-102, a. 17.

18. Subject to article 14 of the By-law concerning fences (chapter C-5), no person may plant a tree or a shrub on public property without the authorization of the director of the Service des parcs, jardins et espaces verts.

99-102, a. 18.

SECTION III

CLEANLINESS AND PROTECTION OF PUBLIC PROPERTY

19. No person may move street furniture.

99-102, a. 19.

20. No person may use street furniture for a purpose other than the one for which it is intended, damage it or alter it in any way.

99-102, a. 20.

21. No person may:

- (1) climb trees, poles, street lamps, monuments, fences, low walls, benches, fire hydrants, and other structures;
- (2) tamper with the street lighting system;
- (3) paint or draw on street furniture, draw graffiti or tags on them or mark them;
- (4) damage or destroy trees, shrubs, flowers or other plants;
- (5) tie a bicycle or an animal to a tree;
- (6) stick, nail or staple anything onto street furniture;
- (7) throw anything in a fountain, bathe or swim in it or let an animal bathe or swim in it.

Paragraph 6 of the first paragraph does not apply to a message or a poster referred to in article 564 of the Urban Planning By-law (chapter U-1).

99-102, a. 21.

22. No person may trim, prune or fell a tree or a shrub on public property unless the work is carried out with the authorization, under the supervision of and in accordance with instructions

of the director of the Service des parcs, jardins et espaces verts.

For felling, after accidental damage or any other cause, or at the request of an interested person, where a tree must be removed because it adversely affects the construction or the use of a vehicle entrance or the construction of an immovable, the authorization is conditional on the payment of compensation to the city by the applicant for the loss of the tree or shrub that was cut down, based on:

- (1) the fees set in the annual by-law concerning fees, for a tree or a shrub 4 cm to 10 cm in diameter, measured at 1.4 m from the ground;
- (2) the actual value of the tree, for a tree 10 cm or more in diameter measured at 1.4 m from the ground.

Where the work is carried out by the city, the trimming, pruning or felling fees and, as the case may be, the horticultural fees and fees to rebuild public property are at the applicant's expense.

The fees are in accordance with the annual by-law concerning fees.

99-102, a. 22 ; 01-155, a. 4.

SECTION IV

MISCELLANEOUS

SUBSECTION 1

LINES AND GRADES

23. The director of the Service des travaux publics et de l'environnement sets the lines and grades of streets, lanes and public places.

99-102, a. 23.

24. The director of the Service des travaux publics et de l'environnement may draw up the lines and grades reports required under article 7 of the By-law concerning building construction and alterations (chapter C-9.2).

99-102, a. 24; 00-223, a. 45.

SUBSECTION 2

CURBCUTS

25. The cost of work carried out by the director of the Service des travaux publics et de l'environnement to make curbcuts in a sidewalk leading to an immovable is at the owner's expense, in accordance with fees in the annual by-law concerning fees.

The fees may be payable before the building or alteration permit for that immovable is issued.

99-102, a. 25.

26. Every curbcut leading to a filling station must be 4.5 m or more from a street intersection,

the distance being calculated from the dividing lines of streets and bordering properties.

99-102, a. 26.

SUBSECTION 3

FEES

27. All charges incurred by the city after a violation of this by-law, in particular to remove a thing, clean up or rehabilitate a roadway, a sidewalk or any other part of public property or to rebuild, repair, including tending to damaged trees and other plants, replace or rehabilitate street furniture, are at the offender's expense.

99-102, a. 27.

SECTION V

PENAL PROVISIONS

28. Any person who contravenes article 15 or 19 or paragraph 1, 5 or 7 of article 21 is guilty of an offence and is liable to a fine of \$30 to \$60.

99-102, a. 28.

29. Any person who contravenes articles 7, 9 to 14 or 16 to 18, paragraph 3 or 4 of article 21, or article 22 is guilty of an offence and is liable to a fine of \$100 to \$1000.

99-102, a. 29.

30. Any person who contravenes articles 2 to 6, 8 or 20 or paragraph 2 or 6 of article 21 is guilty of an offence and is liable:

- (1) in the case of an individual:
 - (a) for a first offence, to a fine of \$60 to \$100;
 - (b) for a second offence, to a fine of \$100 to \$300;
 - (c) for a subsequent offence, to a fine of \$300 to \$1000;
- (2) in the case of a corporation:
 - (a) for a first offence, to a fine of \$200 to \$600;
 - (b) for a second offence, to a fine of \$600 to \$1000;
 - (c) for a subsequent offence, to a fine of \$1000 to \$2000.

99-102, a. 30.

31. Any person who contravenes paragraph 2 of article 4 is liable to the fine in article 46 of the By-law concerning the occupancy of public property (chapter O-0.1) and is subject to the application of section V of that by-law.

99-102, a. 31.

SECTION VI
CONCORDANT PROVISIONS

32. This by-law applies subject to the By-law concerning excavations (chapter E-6), the By-law concerning collection services (99-100), and article 7 of the By-law concerning traffic and parking (chapter C-4.1).

99-102, a. 32.
