

PROVINCE DE QUÉBEC

VILLE DE PIERREFONDS

BY-LAW NUMBER 1132

BY-LAW CONCERNING SNOW REMOVAL

At a regular sitting of the Pierrefonds Municipal Council, held in the City Hall situated at 13,665 Pierrefonds Boulevard, in the said city, on October 12, 1993, at 20 hours of the clock, in conformity with the Cities and Towns Act (R.L.Q., Chapter C-19), at which were present:

His Worship Mayor	Marcel Morin
Councillors	Louis Bellefeuille Jacques Bibeau George Boutilier Eldor Daigneault Michael Labelle Pat Mullins Bertrand A. Ward Monique Worth

All members of the Council and forming a quorum under the chairmanship of His Worship Mayor Marcel Morin.

The Director General, Mr. Louis Morin, and the City Clerk, Mrs. Chantal Gauvreau, were present.

THE MUNICIPAL COUNCIL ENACTS THE FOLLOWING:

SECTION I

THE EXPLANATORY AND DECLARATORY

PROVISIONS

DECLARATORY PROVISIONS

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| Title | 1. The present by-law is entitled <u>By-law concerning snow removal, number-</u> |
| Referred to territory | 2. The provisions of the present by-law apply to the whole territory of Ville de Pierrefonds. |

Validity 3. The present by-law is adopted as a whole, section by section, article by article, paragraph by paragraph, indented line by indented line, so that if a section, an article, a paragraph, a sub-paragraph or an indented line of this by-law was or should be declared invalid, the other provisions of the present by-law would continue to apply as far as it is possible.

Application 4. The Police officers of the Montreal Urban Community as well as all competent authority have control over properties and public places owned by the city and are instructed to apply the present by-law. To this effect, they are authorized to take all the measures related to their competence in order to assure the respect of it. Among other things, they are authorized to visit and inspect, the inside or the outside of all immovable and movable and this, to verify if the present by-law is respected.

INTERPRETATIVE PROVISIONS

Interpretation 5. The present by-law is not deemed to restrict the meaning of the provisions related to another municipal by-law nor to encroach on the federal or provincial jurisdiction or abilities.

Prevalence of french 6. In case of contradiction between the french text and the english text, the french text shall prevail.

Definitions 7. Unless otherwise stated, expressed or resulting from the context of the provision, the following expressions, terms and words have in the present by-law, the signification and the application attributed by the present article.

"Competent Authority" "Competent Authority"
Designates the person occupying the position, fulfilling the function or acting as a Director of one of the City's Department, his representative or an authorized employee to act in his name in conformity with the powers, orders and specific duties which have been assigned as well as any person appointed by the Council, by resolution, in order to enforce all or part of the present by-law.

"Council" "Council"
Designates the Pierrefonds City Council.



"Entrepreneur en déneigement"	"Entrepreneur en déneigement" Désigne toute personne qui effectue, au moyen d'un véhicule moteur, des travaux d'enlèvement et de déblaiement de la neige sur la propriété privée pour le compte du propriétaire, de l'occupant ou de la personne ayant charge de ladite propriété.
"Établissement commercial"	"Établissement commercial" Signifie tout bâtiment ou partie de bâtiment où des marchandises sont exposées, mises en vente ou dans lequel est offert un service au public et, sans limiter la généralité de ce qui précède, les magasins, kiosques, banques, institutions financières, bureaux de professionnels, salons de coiffure, buanderies et les restaurants.
"Lieu public"	"Lieu public" Signifie tout lieu où le public a accès sur invitation expresse ou tacite.
"Propriété publique"	"Propriété publique" Comprend les terrains, bâtiments et objets appartenant à la ville de Pierrefonds et, sans limiter la généralité de ce qui précède, les rues, avenues, ruelles, trottoirs, terrains, poteaux, égouts, fossés et cours d'eau.
"Ville"	"Ville" La ville de Pierrefonds.
"Voie publique"	"Voie publique" Désigne la surface de terrain ou d'un ouvrage d'art dont l'entretien est à la charge d'une ville, d'un gouvernement ou de l'un de ses organismes, et sur une partie de laquelle sont aménagées une ou plusieurs chaussées ouvertes à la circulation publique des véhicules routiers et, le cas échéant, une ou plusieurs voies cyclables, à l'exception des chemins en construction ou en réfection mais seulement à l'égard des véhicules affectés à cette construction ou réfection.

SECTION II

SNOW REMOVAL

8. It is forbidden to anyone:

Road intersections (1) To accumulate, to allow or to tolerate that snow or ice be accumulated on a private land or on the City's land at street intersections in a way to obstruct the visibility of drivers and this, according to the visibility triangle instituted by the City's zoning by-law.

Accumulation height (2) To accumulate, to allow or to tolerate that snow or ice be accumulated on a private land or on the City's one at a height exceeding three (3) metres.

Fire hydrant (3) To deposit snow in a radius of one (1) metre of a fire hydrant, except for the removal carried out by the City.

Deposit of objects (4) To deposit or to leave, on a public property any object that may be a nuisance to snow removal operations carried out by the City.

Public property (5) To throw, push, blow or deposit in any way snow or ice on any public property, except for the removal carried out by the City.

Notice 9. When violation to article 8 (1), 8 (2) or 8 (3) is noted, the competent authority must warn in writing the owner or the occupant of said land to take the necessary measures in order to remove the accumulated snow or ice, and this, within twenty-four (24) hours following receipt of said notice.

Refusing to conform to the notice 9.1. In the case where the owner or the occupant of said land refuses or neglects to conform to the notice mentioned in the preceding paragraph, the competent authority is authorized to have the accumulated snow or ice removed at the expenses of the owner or the occupant of said land.

Authorization 10. The competent authority is authorized to deposit or to blow snow on private lands, provided that all the necessary precautions in similar case are taken in order to avoid damages to the person and to the property.

Commercial Establishment 11. Any owner of a commercial establishment bordering a public road maintained during winter, shall remove the snow and maintain the part of the sidewalk facing the entrances of his land leading to the public road.

SECTION III

SNOW REMOVAL CONTRACTOR

Compulsory permit 12. No snow removal contractor can carry out clearing and snow removal works within the limits of the city without having obtained before a permit to this effect, and this, for each motor vehicle used for the snow removal.

Request of permit 12.(1) The said permit is issued following a request mentioning the surname, given name, telephone number of the vehicle's owner, as well as the trade-mark, the model, the year and the serial number of the motor vehicle for which the permit is requested.

Annexed (2) A photocopy of the registration number certificate issued for the said vehicle must accompanied the said request. A copy of the constituent documents or a copy of the social declaration must respectively be annexed to the request, depending on whether the applicant is a legal person or if he operates under a social reason.

List of customers (3) A list of all the contractor's customers, subdivided into industrial, commercial or residential customers must accompanied the said request.

Updating (3.1) Any snow removal contractor must keep the said list up-to-date and give immediately a written notice of any change to the competent authority.

Definition of "address" (4) For the purposes of the present article, the meaning of "address" is:

- i) the personal address of the oowner of the motor vehicle;

or

- ii) if it is a legal person, the address of the head office.

- Validity of the permit (5) The permit is renewable every year and is valid between November first and April first. The permit is non-transferable and becomes invalid as of the transfer of the vehicle to a third party.
- Permit free of charge (6) The permit is issued free of charge.
- Location of the permit (7) The permit issued is a sticker on which the number of the permit appears. The sticker must be affixed on the front windshield, in the superior left corner of the motor vehicle used for snow removal and for which the permit has been issued.

SECTION IV

INFRINGEMENT AND PENALTY

Infringement and penalty 14. Whoever contravenes to the following articles, commits an infringement and is liable, besides the costs, of a minimal and maximal fine as indicated hereunder:

ART.	TYPE OF INFRINGEMENT	FINES							
		Physical person				Legal person			
		1st inf. Min. Max.		2nd inf. & following Min. Max.		1st inf. Min. Max.		2nd inf. & following Min. Max.	
8 (1)	Street intersection	200	1000	400	2000	300	2000	600	4000
8 (2)	Accumulation-height	100	1000	200	2000	200	2000	400	4000
8 (3)	Fire hydrant	200	1000	400	2000	300	2000	600	4000
8 (4)	Deposit of objects	100	1000	200	2000	200	2000	400	4000
8 (5)	Public property	200	1000	400	2000	300	2000	600	4000
11	Commercial Establishment	100	1000	200	2000	200	2000	400	4000
12	Compulsory permit	100	1000	200	2000	200	2000	400	4000
13 (7)	Location	50	1000	100	2000	50	2000	100	4000

Penalty 15. Whoever contravenes a provision of this by-law for which no specific penalty has been provided commits an infringement and is liable, besides costs, of a fine of:

PHYSICAL PERSON				LEGAL PERSON			
1st Infringement		2nd Infringement following		1st Infringement		2nd Infringement & following	
Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
50	1000	100	2000	100	2000	200	4000

- Code of penal procedure **15.1** The provisions of the penal procedure code apply when instituting legal proceedings by virtue of the present by-law.
- Enactment **16.** ~~When~~ a tribunal passes a sentence concerning an infringement described in the present by-law, he may, in addition to the fine and the provided costs, order that the situation being the object of the infringement, be corrected by the owner or the occupant of a property, in the prescribed delay, and that in default of non-conforming by this person in the said delay, such situation be corrected by the city at the person's expenses.
- Coontinuous Infringement **17.** Any continuous infringement to the present by-law constitutes, day by day, a separate infringement.
- Pendent procedures **18.** The present by-law does not affect the instituted procedures under the authority of by-law number 689 concerning the snow removal and the public road maintenance, when those are pending under the authority of said by-law until the execution and final judgement.
- Remplacement **19.** The present by-law replaces by-law number 689.
- Coming into force **20.** The present by-law comes into force according to the Law.