

CITY OF MONTRÉAL
BY-LAW
99-102

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

At the Montréal city council meeting of May 17, 1999, it was enacted that:

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.

SECTION II
CLEANLINESS AND PROTECTION OF PUBLIC PROPERTY

2. No person may dirty pavements.

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

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.

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.

6. Each 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.

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.

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

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

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.

11. Each 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.

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

13. Each owner of a lot must maintain the part of a watercourse running under his lot so that

the water flows freely.

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.

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.

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.

Each 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.

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.

18. Subject to article 14 of the By-law concerning fences (R.B.C.M., 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.

SECTION III

CLEANLINESS AND PROTECTION OF PUBLIC PROPERTY

19. No person may move street furniture.

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.

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 (R.B.C.M., chapter U-1).

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, each applicant must, before an authorization is granted, compensate the city for the loss of the tree or shrub that was felled, in accordance with the fees in the annual by-law concerning fees.

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.

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.

24. The director of the Service des travaux publics et de l'environnement draws up the lines and grades reports that may be requested under article 2.3.2.3. of the NBC.

In the first paragraph, "NBC" means the National Building Code of Canada, as adopted and amended by the Building By-law (R.B.C.M., chapter B-1).

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 transformation permit for that immovable is issued.

26. Each 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.

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.

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.

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.

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.

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 (R.B.C.M., chapter O-0.1) and is subject to the application of section V of that by-law.

SECTION VI

CONCORDANT PROVISIONS

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

33. The By-law concerning motor vehicle hulks (R.B.C.M., chapter C-2) is repealed.

34. Article 20 of the By-law concerning fences (R.B.C.M., chapter C-5) is amended by adding, after the word “director.”, the words “He may also, in the case of article 13, eliminate the curbcut leading to the parking area, by rebuilding that part of the sidewalk.”.

35. That by-law is amended by adding the following after article 21:

“**21.1.** In addition to what is referred to in articles 20 and 21, the director of the Service des permis et inspections may refuse to issue any demolition, building or transformation permit to the owner of a lot referred to in article 11 or 13 unless the owner, before the permit is issued, pays for the fence and its installation or the rebuilding of the sidewalk, as the case may be.”.

36. The title of section IV of the By-law concerning dog and animals control (R.B.C.M., chapter C-10) is amended by replacing the words “MISCELLANEOUS PROVISIONS” by the words “DOG POUND”.

37. That by-law is amended by adding the following after article 35:

“**SECTION IV.1**

PIGEONS, SEAGULLS AND SQUIRRELS

35.1. No person may feed pigeons, seagulls and squirrels.

SECTION IV.2

ORDINANCES”.

38. Section V of that by-law is amended by adding the following article after the title of that section:

“**36.1.** Any person who contravenes article 35.1 of this by-law is guilty of an offence and is liable to a fine of \$30 to \$60.”.

39. Article 37 of that by-law is amended by replacing the words “this by-law” by the words “a provision of this by-law other than article 35.1”.

40. Section III of the By-law concerning sewers and watercourses (R.B.C.M., chapter E-1) is repealed.

41. Article 1 of the By-law concerning excavations (R.B.C.M., chapter E-6) is amended :

- (1) by replacing the definition of “public domain” by the following definition, and by adding the next definition after that of “rebuilding”:

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

- (2) by replacing the definition of “street furniture” by the following:

“ “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.”.

42. Article 1 of the By-law concerning the occupancy of public property (R.B.C.M., chapter O-0.1) is amended:

- (1) by replacing the definition of “public domain” by the following:
“ “public property”: streets, lanes, public squares and places, including sidewalks, medians, off-street bike paths and the right of way beyond a public thoroughfare, parks and public gardens;
- (2) by replacing the definition of “street furniture” by the following:
“ “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.”.

43. Article 21 of that by-law is amended by adding the following after paragraph 2:

“(2.1) a construction erected in the right of way beyond public property, other than a hedge referred to in article 14 of the By-law concerning fences (R.B.C.M., chapter C-5);”.

44. Article 6 of the By-law concerning peace and order on public property (R.B.C.M., chapter P-1) is amended:

- (1) by deleting the second paragraph;
- (2) by deleting, in the fourth paragraph, the words “however, they must be handed to passers-by who accept them, and may not be left in piles, posted or abandoned on the public domain”.

45. Article 6 of the By-law concerning parks (R.B.C.M., chapter P-3) is amended by deleting paragraphs 2 and 6.

46. Articles 14 to 19 of that by-law are repealed.

47. Article 4 of the By-law concerning the protection and planting of trees on private property on the Mont-Royal heritage site (R.B.C.M., chapter P-16) is replaced by the following:

“4. Article 3 does not apply to trees ordered to be felled under the By-law concerning cleanliness and protection of public property and street furniture (99-102).”.

48. Article 8 of that by-law is replaced by the following:

“8. Article 7 does not apply to trees ordered to be pruned under the By-law concerning cleanliness and protection of public property and furniture (99-102).”.

49. The By-law concerning sidewalks (47, as amended) is repealed.

50. The By-law concerning streets, roads and highways (270, as amended) is repealed.

51. The By-law concerning the alignment and level of streets, lanes and public places of the city of Montreal (436, as amended) is repealed.

52. The By-law to allow the city to place signs indicating the names of streets and to make certain marks on immovables (843, as amended) is repealed.

53. The By-law concerning the establishment and construction of filling stations (2600, as amended) is repealed.

54. The By-law concerning sidewalk ramps providing access to a parking unit (6444, as amended) is repealed.

BASIC INFORMATION

FILE: S990670001

RESOLUTION: CO9901062

APPROVAL: N.A.

COMING INTO FORCE: May 25, 1999

AMENDMENTS: Nil