
BY-LAW CONCERNING NUISANCE ON LAND
AND THE CLEANING, DRAINING, LEVELLING
AND FENCING OF SAME, AND ABROGATING
BY-LAWS NUMBERS 171 AND 243.

At the Regular Monthly Meeting of the Municipal Council of the City of Côte Saint-Luc, held at the City Hall, 5490 Westminster Avenue, on Monday, April 1st, 1968, and at which were present:-

His Worship Mayor Samuel Moskovitch, Q.C., presiding;

Alderman S. Bierbrier, Notary

Alderman W. E. Kesler

Alderman E. J. Kirwan

Alderman B. Lang, Eng.

Alderman N. Shuster

Alderman I. Singerman

Also present:-

Mr. C. I. Shelley, Eng., City Manager

Mr. W. Murray, Eng., City Engineer

Mr. J. G. Butler, C.A., City Treasurer

Mr. Geo.-H. Dureault, Q.C., City Clerk and Lawyer, acted as Secretary of the Meeting.

PROPOSED BY ALDERMAN B. LANG

SECONDED BY ALDERMAN I. SINGERMAN

AND RESOLVED:-

WHEREAS the City has the right according to its Charter to decree what shall constitute a nuisance;

WHEREAS the City has the right to prescribe appropriate measures to prevent same;

WHEREAS the City has the right to provide for the cleaning, draining, levelling and fencing of the land of the Municipality;

THAT IT BE ENACTED AND ORDAINED by a By-Law of the City Council and it is hereby enacted and ordained as follows:-

ARTICLE 1. By-Laws Numbers 171 and 243 are hereby abrogated and replaced by the following:

ARTICLE 2. Constitute a nuisance for the owner of land, whether built or not, to allow branches, bushes and long weeds to grow thereon, or to leave thereon scrap iron, rubbish, refuse, paper or empty bottles or materials or any objects which might be a hazard to health and safety or to use said land or part of said land or building thereon erected to keep live farm yard animals or fowls.

Also constitute a nuisance, for the owner of such land, to permit or tolerate thereupon dangerous conditions arising from the presence of dead trees, shallow areas gathering stagnant water, open ditches, large boulders, mounds of earth or any conditions which may cause directly or indirectly bodily harm to any person or persons.

ARTICLE 3. When so ordered by the proper officer of the City, the owner or owners of such land shall fence in, drain, cleanse, cut down dead or dangerous trees, fill up shallow areas and open ditches, cut the tall grass and weeds or level the same within the delay prescribed by said officer of the City.

ARTICLE 4. The proper officer of the City mentioned in the previous Article means the City Manager, the City Engineer, the Maintenance Engineer, the Director of Property Inspection and Valuation Department or his assistant, and the Police Director.

ARTICLE 5. In case the owner or owners of such land, their occupants or other person in charge thereof refuse or neglect to fence in, drain, cleanse, fill up or level the same, when so directed by the proper officer of the City,


the Council may have the same done, and may provide that the amount expended thereon shall be a privileged claim against such land, and shall be recoverable in the same manner as a special tax thereon.

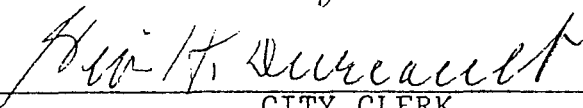
ARTICLE 6. When the works will have been completed and the price will have been established by the City, the Treasurer shall forward to the person inscribed on the valuation roll as proprietor of the said land, or occupant or tenant, a statement indicating the costs of the works and to summon him to pay the amount within the twenty days.

ARTICLE 7. Furthermore, and notwithstanding the above, the offender to any of the requirements of the present By-Law will be liable to a fine with or without costs, and in default of immediate payment of the said fine or of the said fine and costs, as the case may be, to an imprisonment, the amount of the said fine and the term of the said imprisonment to be fixed at its discretion by the Court of competent jurisdiction, but the said fine will not exceed the sum of forty dollars (\$40.00) and the term of the imprisonment shall not be for more than sixty (60) days; the said imprisonment to end at any time, before the expiration of the term fixed by the Court, upon payment of the said fine or of the said fine and costs, as the case may be.

Every continued infraction of the dispositions of the present By-Law shall constitute a separate offense day by day.

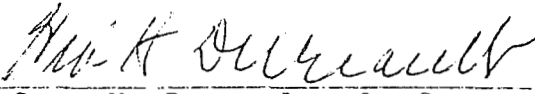
ARTICLE 8. The present By-Law shall come into force according to Law.


MAYOR OF THE CITY OF COTE SAINT-LUC


CITY CLERK

I, the undersigned City Clerk of the City of Côte Saint-Luc, hereby certify ON MY OATH OF OFFICE, that I have published in local newspapers, By-Law No. 1039 in both English and French, to the effect that the said By-Law was available for examination at my office.

GIVEN UNDER MY HAND, in the City of Côte Saint-Luc, this third day of April, 1968.



Geo.-H. Dureault, O. C.
City Clerk