

BY-LAW NO. 2390

BY-LAW CONCERNING THE
OBLIGATION TO OBTAIN A PERMIT
FOR LANDSCAPE AND SNOW
REMOVAL CONTRACTORS

At the Regular Council Meeting of the Côte Saint-Luc City Council, held at the City Hall, 5801 Cavendish Boulevard, on Monday, May 14, 2012 at 8:00 p.m., at which were present:

Mayor Anthony Housefather, B.C.L., L.L.B, M.B.A.

Councillor Dida Berku, B.C.L.

Councillor Mitchell Brownstein, B. Comm., B.C.L., L.L.B.

Councillor Steven Erdelyi, B.Sc., B.Ed.

Councillor Sam Goldbloom, B.A.

Councillor Ruth Kovac, B.A.

Councillor Allan J. Levine, B.Sc., M.A., DPLI

Councillor Glenn J. Nashen

ALSO PRESENT:

Tanya Abramovitch, City Manager

M^e Jonathan Shecter, City Clerk

It is ordained and enacted by By-law No. 2390 as follows:

DEFINITIONS

1. Unless otherwise stipulated expressly or by context in this by-law, the terms identified below have the following meanings:
 - 1.1 “City” refers to the City of Côte Saint-Luc;
 - 1.2 “Contractor” refers to any person involved in Landscape Maintenance work or Snow Removal work on behalf of residential, commercial, industrial or institutional property owners;
 - 1.3 “Costs” the Costs as delineated within the *Code of Penal Procedure*, R.S.Q., C-25.1 or any of its corresponding regulations;
 - 1.4 “Director” refers to the Director of Public Safety of the City of Côte Saint-Luc or his representative;
 - 1.5 “Landscape Maintenance work” refers to grass cutting, hedge trimming, planting of flowers, shrubs or trees, and/or to the collection, disposal or blowing of leaves;
 - 1.6 “Officer” refers to any Public Security Officer of the City of Côte Saint-Luc;
 - 1.7 “Permit” refers to a permit obtained for Landscape Maintenance work or Snow Removal;
 - 1.8 “Snow Removal” refers to all snow clearing and snow removal activities;
 - 1.9 “Subsequent Offence” an offence that occurs after a first offence and according to the terms and conditions as defined within the *Code of Penal Procedure*, R.S.Q., C-25.1;
 - 1.10 “Vehicle” refers to any means of motorized transportation for people or goods.

CONTRACTOR'S OBLIGATIONS

2. No contractor may do Landscape Maintenance work or perform Snow Removal, on the territory of the City, without first obtaining a permit to this end in accordance with this by-law.
3. To obtain a permit from the City, a contractor must, every year:
 - 3.1 file a written application at City Hall, no later than June 15th, along with the documents cited in paragraphs 3.2 and 3.3 and the tariff required under paragraph 3.4 and article 13;
 - 3.2 provide a list of all vehicles that will be used for Snow Removal or Landscape Maintenance work within the City, which shall include the following information: year, make and model, license plate number, and vehicle number (if applicable);
 - 3.3 provide a complete list of the Contractor's clients (names and addresses) in Côte Saint-Luc;
 - 3.4 pay the required tariff as described within article 13 of this By-Law or any subsequent amendments;

- 3.5** attend, if so requested by the Director of Public Works, any information session which may be organized by the City for Contractors performing Landscape Maintenance Work or Snow Removal;
- 3.6** to comply with any directives issued by any member of City staff.
- 4.** The Contractor must display his permit in every vehicle performing Snow Removal or Landscape Maintenance work or carrying materials to perform Snow Removal or Landscape maintenance work. The permit must be displayed inside the vehicle (upper-left corner of the rear window) to ensure identification at all times by the Director or an Officer.
- 5.** Should the permit be stolen or lost, it will be replaced at the expense of the Contractor by payment, once again, of the tariff in this By-law or any of its subsequent amendments.
- 6.** The permit can neither be transferred to another vehicle nor to another Contractor nor shared with another Contractor. Such a permit is valid from March 31 of the year it is issued to April 1 of the following year.
- 7.** Every Contractor must undertake to comply with the provisions of all City by-laws including, but not limited to, by-law 107 concerning Nuisance as well as all of its amendments.
- 8.** The Contractor is responsible for all damages caused to private or public property in the course of Snow Removal and Landscape Maintenance work.
- 9.** The permit may be revoked by the Director if the contractor:
- 9.1** does not repair damages to public property;
- 9.2** fails to inform the City about such damages;
- 9.3** contravenes any City by-laws.
- 10.** The Contractor shall be responsible for all costs incurred by the City as a consequence of the Contractor's default to comply with this by-law or any City by-laws including, but not limited to, by-Law No.107 as well as all of its amendments. This responsibility shall include, but shall not be limited to, the manpower and equipment used to remedy the damages caused for the reasons the Contractor was put in default.

OBLIGATIONS OF PROPERTY OWNER AND CONTRACTOR

- 11.** Anyone who engages or permits a Contractor to perform Landscape Maintenance work on their property shall ensure that the Contractor complies with the Contractor's obligations identified in this by-law.

OFFENCES

- 12.** Anyone who contravenes any provision of the present by-law or permits or tolerates such an infringement including, but not limited to, a property owner or a Contractor, commits an offence and is liable for the following fines:
- 12.1** if the person charged is an individual, a minimum fine of one hundred fifty dollars (\$150.00) plus Costs and a maximum fine of one thousand dollars (\$1,000.00) plus Costs for each offence;
- 12.2** if the offender is a corporation, a minimum fine of three hundred dollars (\$300.00) plus Costs and a maximum fine of two thousand dollars (\$2,000.00) plus Costs for each offence;
- 12.3** In the case of a Subsequent Offence:
- 12.3.1** a minimum fine applicable for each offence of three hundred

dollars (\$300.00) plus Costs if the person charged is an individual and of six hundred dollars (\$600.00) plus costs if the offender is a corporation;

12.3.2 a maximum fine applicable for each offence of two thousand dollars (\$2,000.00) plus Costs if the person charged is an individual and of four thousand dollars (\$4,000.00) plus costs if the offender is a corporation.

AMENDING PROVISIONS

13. The provisions and prescriptions concerning the tariff indicated within By-Law No. 2373 shall hereinafter be indicated within this by-law and shall read as follows:

“A tariff for the purpose of imposing an annual permit of \$125 for contractors and gardeners conducting Snow Removal and Landscape Maintenance work on the territory of the City of Côte Saint-Luc is imposed and shall be levied.”

SEVERABILITY

14. Should any article, paragraph or part of this by-law ever be declared invalid, it shall not affect the remainder of this by-law, which shall remain fully in force.

COMING INTO EFFECT

15. This By-Law shall come into force according to the law.

(s) Anthony Housefather

ANTHONY HOUSEFATHER
MAYOR

(s) Jonathan Shecter

JONATHAN SHECTER
CITY CLERK

CERTIFIED TRUE COPY

JONATHAN SHECTER
CITY CLERK

**PROVINCE OF QUEBEC
CITY OF CÔTE SAINT-LUC**

BY-LAW No. 2390

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OBTAIN A PERMIT FOR LANDSCAPE
AND SNOW REMOVAL CONTRACTORS**

ADOPTED ON: _____

IN FORCE ON: _____

CERTIFIED TRUE COPY