

ADMINISTRATIVE CODIFICATION

BY-LAW NO.1465-97

BY-LAW RESPECTING SNOW CLEARING

Notice of motion	November 24, 1997
Adoption	December 1 st , 1997
Amended by RCM-1465-1-2014	December 16, 2013
Amended by RCM-1465-2-2017	March 20, 2017

Regular sitting of the Council of the City of Dorval, held at the Municipal Hall, 60 Martin Avenue, Dorval, Québec, on December First 1997 at 9:00P.M.. His Worship the Mayor Mr. Peter B. Yeomans presiding.

AT WHICH WERE PRESENT:

Councillors Heather Allard, Robert M. Bourbeau, Ian W. Heron, Emile A. LaCoste, Raymond Lauzon and Edgar Rouleau forming a complete quorum of the said Council.

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IT IS ENACTED AND ORDAINED by the present by-law the following:

SECTION 1: DEFINITIONS

In the present by-law, unless the context otherwise requires, the following expressions shall mean:

Competent Authority:

The person occupying the position, fulfilling the duties or acting as a Director of one of the City's Departments, his representative or an employee authorized to act in his name in conformity with the powers, orders and specified duties which have been assigned to him as well as any person appointed by the Council, by resolution, for the enforcement of the present by-law, wholly or in part.

Council:

The Council of the City.

Snow removal contractor:

Any person who carries out, with the help of a motor vehicle, clearing and snow removal works on private property for the owner, the occupant or the person in charge of the said property.

Commercial establishment:

Any building or part of building where goods are displayed for sale or in which a service is offered to the public and, without restricting the generality of the foregoing, stores, stands, financial institutions, professional offices, hairdressing salons, laundries and restaurants.

Public property:

Land, buildings and objects belonging to the Town and, without restricting the meaning of the foregoing, streets, avenues, alleys, sidewalks, posts, sewers, ditches and streams.

City:

City of Dorval

Public road:

The surface of land or of constructive works whose maintenance is the responsibility of a city, of a government or of one of its agencies, and on a part of which are built one or more roads opened to the public traffic of motor vehicles and, as the case may be, one or more cycling paths.

SECTION 2: TERRITORY

2.1 The present By-law shall apply to the territory of the City.

SECTION 3: SNOW REMOVAL

3.1 It shall be forbidden for anyone:

- 1) To accumulate, to allow or to tolerate that snow or ice be accumulated on private land or on public property at public road intersections in such a way as to obstruct the visibility of drivers according to the triangle of visibility prescribed by the City zoning by-law.
- 2) To accumulate, to allow or to tolerate that snow or ice be accumulated on private land or on public property at a height exceeding three (3) metres, except for cases where such accumulation is caused by snow clearing carried out by the City.
- 3) To deposit snow in a radius of one point two (1.2) metre of a fire hydrant, except for cases where such accumulation is caused by snow cleaning carried out by the City.
- 4) To deposit or to leave, on public property, any object that may hinder snow removal operations carried out by the City.
- 5) To throw, push, blow or deposit in any way snow or ice on any public property, except for cases where such accumulation is caused by snow clearing carried out by the City.

3.2 The Competent authority shall be authorized to deposit or to blow snow on private land provided that necessary precautions are taken to avoid injuries to people or damages to property.

3.3 (abrogated by RCM-1465.2-2017 and replaced by Section 4.2, par. 8, of by-law RCM-20.6-2017)

3.4 The snow removal contractors must place posts on each side of the driveway after November 1st and removed before April 1st. (added by RCM-1465-1-2013).

SECTION 4: SNOW REMOVAL AUTHORIZATION

4.1 Mandatory permit:

No snow removal contractor can carry out clearing and snow removal works within the territory of the City without having obtained, each year, a prior permit for this purpose from the Urban Planning Department of the City for each motor vehicle to be used for the snow removal. (amended by RCM-1465-1-2013).

4.2 Permit application content:

The said permit shall be issued following a request stating the name, surname, address and telephone number of the vehicle owner and the trade mark, model, year and serial number of any motor vehicle to be used for snow removal.

4.3 Annex:

A copy of the registration certificate issued for the said vehicle must be joined to the request. Also, if the snow removal contractor is a legal person, the address of its head office and a copy of the incorporation documents of the said legal person must be joined to the request.

4.4 Customer list:

A list of names and addresses of all the snow removal contractor's customers divided into industrial, commercial or residential customers must be joined to the request.

4.5 Up to date:

Any snow removal contractor must keep the said list of clients up to date and give without delay a written notice of any change to the competent authority.

4.6 Definition of "address":

For the purpose of this article "address" means:

- i) vehicle owner's personal address
or
- ii) head office address in the case of a legal person.

4.7 Validity of permit:

The permit is annual and valid from November 1st to May 1st. The permit is non transferable and becomes invalid if the vehicle is transferred to a third party.

4.8 Fee for permit:

The permit is free of charge.

4.9 Location of permit:

The permit is issued with a sticker bearing a number. The sticker must be affixed to the upper left-hand corner of the front windshield of each motor vehicle.

SECTION 5: VIOLATION, PENALTIES AND RECOURSE

5.1 Institution of legal proceedings:

Anyone who contravenes this By-law is committing an offence and is liable to a fine which shall not be less than two hundred dollars (\$200.) nor exceed one thousand dollars (\$1,000.) if the contravener is a natural person or to a fine which shall not be less than four hundred dollars (\$400.) nor exceed two thousand dollars (\$2,000.) if the contravener is a corporate body.

5.2 Code of penal procedure:

The provisions of the penal procedure code apply when instituting legal proceedings by virtue of the present by-law.

5.3 Enactment:

When a tribunal passes a sentence concerning an infraction described in the present by-law, he may, in addition to the fine and the provided costs, order that the situation being the abject 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.

5.4 Continuous infraction:

Any continuous infraction to the present by-law constitutes, day by day, a separate infraction.

5.5 Issuance of statement of offence

Building inspectors and the Service de police de la Communauté urbaine de Montréal are authorized to issue a statement of offence in relation to any infraction to the present by-law.

The Council may authorize, by resolution, any other person to issue a statement of offence in relation to any infraction to the present by-law.

ARTICLE 6: COMING INTO FORCE

The present by-law shall come into force as per the law.

APPROVED_____.MAYOR

APPROVED_____CITY CLERK