

PROVINCE OF QUÉBEC
TOWN DE HAMPSTEAD

BY-LAW N° 813

BY-LAW SNOW REMOVAL

WHEREAS notice of motion of the present By-law was given at the Special Council meeting held on March 16th, 2015;

ON APRIL 1st, 2015, THE COUNCIL DECREES AS FOLLOWS:

1. **Section 1: Definitions**

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

Circular driveway (Entrée circulaire): Two connected driveway entrances opened to the roadway from one property.

Competent authority (Autorité compétente): An employee of the Town authorized to act in its name in conformity with the powers, orders and specific duties assigned to him for enforcing this By-law, wholly or in part.

Council (Conseil): The Council of the Town of Hampstead.

Driveway (Entrée de stationnement): A private road, reserved for parking vehicles, giving access to a building on abutting ground.

Parking lot (Aire de stationnement): An area directly accessible, designed, used or intended for the parking of vehicles.

Public property (Domaine public): All lands, buildings and objects belonging to the Town and without restricting the meaning of the foregoing, streets, avenues, alleys, sidewalks, lands, posts, sewers, ditches and streams. For the purpose of the present By-law the public property does not include the public right-of-way.

Public right-of-way (Emprise de la voie publique): The distance between the public road and the property line.

Snow removal contractor (Entrepreneur en déneigement): Any person who carries out, by means of motorized vehicle, clearing and snow removal for the owner, the occupant or the person in charge of a residential, commercial, industrial or institutional building.

Town (Ville): The Town of Hampstead.

Walkway (Allée): The passageway beginning at the public road or in a driveway leading to the front entrance of a building.

Yard (Cour): The space extending between the walls of a principal building erected on a site and the property lines.

Section 2: Territory

2.1 The present by-law shall apply to all the territory of the Town.

Section 3: Contractor's obligations before snow removal

3.1 Any snow removal contractor must every year, before carrying out clearing and snow removal within the territory of the Town, first obtain a permit and pay all the fees according to the present by-law. The said permit shall be valid from November 1 to April 30 and shall be non-transferable.

3.2 To obtain the permit mentioned in Section 3, the snow removal contractor shall complete a request containing the following information:

- a) the surname, given name, address and telephone number of the owner of any motor vehicle to be used by the snow removal contractor in the territory of the Town;
- b) the trademark, model, year, serial number and copy of the registration certificate of any motor vehicle to be used by the snow removal contractor in the territory of the Town;
- c) if applicable, a copy of the declaration of registration in the register of sole proprietorships, partnerships and legal persons by the snow removal contractor and;
- d) 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;
- e) proof of public liability insurance for an amount of not less than 2 million dollars.

3.3 To obtain the permit mentioned in Section 3.1, the contractor must pay a fee of one hundred dollars (\$100) to register his business with the Town of Hampstead.

3.4 In addition to the fees mentioned in Section 3.3, the contractor must pay a fee for each and every vehicle he intends to utilize for the snow removal in the Town of Hampstead:

- a) if the vehicle is not equipped with a blower, the snow removal contractor shall pay:
 - i) \$100 for the first vehicle;
 - ii) \$300 for each additional vehicle;
- b) However, if the vehicle is equipped with a blower, which must be used to blow snow onto private property, the snow removal contractor shall pay \$50 for each vehicle equipped with a blower.

3.5 A permit issued for a specific vehicle shall be non-transferable to another vehicle.

3.6 Any snow removal contractor must affix the stickers obtained at the issuance of the permit, on the upper left corner of the rear window of each motor vehicle used for snow removal. The sticker must be visible from the exterior of the vehicle.

Section 4: Methods of snow removal

4.1

- a) The contractor must deposit the snow on an uncleared side of the street so that it does not stick out and impede traffic flow.

- b) The contractor may not deposit the snow in any way in a radius of one (1) meter of a fire hydrant.
- c) The contractor may not deposit the snow on a Town sidewalk or a park.
- d) The contractor may not dispose of the snow in the street after the city crew has cleaned it.
- e) The contractor may not partially obstruct or block a public road.
- f) The contractor may not transport or push the snow to the other side of a public road unless that is the only uncleared side.
- g) The contractor may not deposit the snow within six (6) meters of an intersection.

Section 5: Infractions and penalties

- 5.1 Whosoever contravenes any of the provisions this by-law shall be liable to a fine of no less than three hundred dollars (\$300) for a first offense and six hundred dollars (\$600) for a second and subsequent offense.
- 5.2 Whosoever contravenes any provision of Section 4.1 may be required to remove the accumulated snow or ice within a period of twenty-four (24) hours of a written notice to that effect, delivered by the competent authority. Should the offender fail to comply with such notice, the Town reserves the right to proceed with the removal of the accumulated snow or ice and claim the expenses of such operation, which amount is to be no less than five hundred dollars (\$500).
- 5.3 Notwithstanding the preceding, no notice is required in order to impose any penal sanctions within the application of the present By-law and such notice is for the Town to rightfully claim the snow removal cost.
- 5.4 If the offence is continuous, this continuity shall constitute a separate offence, day after day.
- 5.5 The payment of a fine imposed by reason of an offence shall not discharge the person in question from the obligation to comply with this By-law.

Section 6: Presumption of responsibility

For the purpose of this By-law, any legal person acting as a contractor is presumed to be responsible for any offense committed by its employees and sub-contractors.

Section 7: Coming into force

The present By-law shall come into force according to the law.

(s) William Steinberg
Dr. William Steinberg, Mayor

(s) Pierre Tapp
M^c Pierre Tapp, Town Clerk