

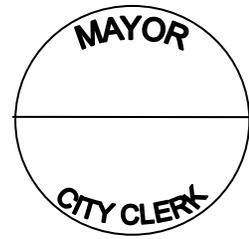
PROVINCE OF QUEBEC
CITY OF BEACONSFIELD

BY-LAW BEAC-093
BY-LAW PERTAINING TO LANDSCAPING CONTRACTORS
CONSOLIDATED

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(BEAC-093-1) 2018-03-26

Adopted at regular meeting of Council
held on Monday, March 23, 2015



PROVINCE OF QUEBEC
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At a regular meeting of the City of Beaconsfield's Municipal Council, held at the Council Chamber, 303 Beaconsfield Boulevard, Beaconsfield, Quebec, on Monday, March 23, 2015, at 8 p.m.;

WERE PRESENT: His Honour the Mayor Georges Bouelle and Councillors David Pelletier, Karen Messier, Wade Staddon, Pierre Demers, Roger Moss and Peggy Alexopoulos

WHEREAS a notice of motion of the present by-law was given at the regular meeting held on Monday, February 23, 2015;

On motion of Councillor W. Staddon, seconded by Councillor P. Alexopoulos, and UNANIMOUSLY RESOLVED;

THE COUNCIL OF THE CITY OF BEACONSFIELD ENACTS THE FOLLOWING:

SECTION 1: DEFINITIONS

In the present by-law, unless the context indicates a different meaning, the following definitions apply:

Competent authority (*autorité compétente*): the person occupying the position, fulfilling the duties, or acting as manager of one of the City's departments, his representative or employee authorized to act in his name in accordance with the specific powers, orders and duties delegated to him, as well as any person whom the Council has mandated, by resolution, to apply this by-law, in part or in whole.

Council (*conseil*): the Council of the City of Beaconsfield.

Yard (*cour*): space extending between the walls of the main building erected on a site and the boundary lines of the landsite.

Front yard (*cour avant*): portion of a landsite contained between the street line and the real or imaginary line of the front wall of the main building and its parallel extensions to the street line, and extending from one side boundary line to the other.

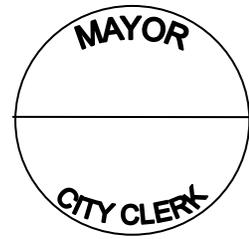
On a corner landsite or a through landsite, the front yard extends along the length of each street line in accordance with the provisions in the preceding paragraph.

Side yard (*cour latérale*): portion of a landsite contained between a side wall of the main building, the side boundary line of the landsite and the rear and/or front yards.

Back yard (*cour arrière*): portion of a landsite contained between the rear wall of the main building and the rear boundary line of the landsite.

Landscape contractor (*landscaping contractor*): any natural person or legal entity who carries out landscaping or regular maintenance work on flower beds, lawns or landscaped areas, or collects leaves, on behalf of the property owner, the occupant or the person responsible for a private property, whether that property is residential, commercial, industrial or institutional.

Public property (*propriété publique*): all landsites, buildings and elements belonging to the City and, without limiting the generality of the foregoing, the streets, avenues, lanes, sidewalks, landsites, posts, sewers, ditches and water courses. For the purposes of the present by-law, public property does not include the easement of a public road.



Public road (*voie publique*): the surface of land or works, the maintenance of which is the responsibility of a town or city, a government or one of its organizations, and on part of which are one or more roadways open to public traffic of road vehicles, and as the case may be, one or more bike lanes.

SECTION 2: SCOPE OF APPLICATION

2.1 The present by-law applies to the entire territory of the City.

SECTION 3: OBLIGATIONS OF THE CONTRACTOR PRIOR TO ANY MAINTENANCE OR LANDSCAPING WORK

3.1 Before carrying out any maintenance or landscaping work on a landsite on the City's territory, a landscaping contractor must first obtain a permit from the Urban Planning and Municipal Patrol Department, and pay the amount set out in the Tariffs By-law for each of the road vehicles to be used. Said permit is valid from April 1 to November 30 of each year, and is not transferable. Permits must be obtained no later than June 1 of the current year. No permit will be issued for the current season after this date.

(BEAC-093-1, sec. 1)

3.2 To obtain the permit mentioned in Sub-section 3.1, the landscaping contractor must complete an application containing the following information and documents:

- i) Family name, first name, address, phone number and email address of the owner of any and all equipment to be used by the landscaping contractor on the City's territory;
- ii) Make, model, year, serial number and copy of the registration certificate for any road vehicle to be used by the landscaping contractor and serving as a means to transport staff and equipment on the City's territory;
- iii) Proof of insurance for each road vehicle;
- iv) As needed, a copy of the declaration of registration by the landscaping contractor in the *Registre des entreprises individuelles, des sociétés de personnes et des personnes morales* (registry of individual enterprises, partnerships and legal entities);
- v) As needed, if the landscaping contractor is a legal entity, the address of the head office and a copy of the memorandum of association of this legal entity;
- vi) Proof of liability insurance;
- vii) Attendance, if required, at the information session organized by the City for landscape consultants.

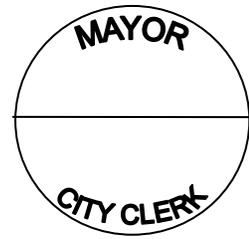
3.3 The landscaping contractor must attach the stickers, obtained when the permit was issued, in the upper left corner of the rear window of each road vehicle used. The sticker must be visible from outside the vehicle.

Should a sticker be lost or stolen, it will be replaced to the contractor's cost, in accordance with the required tariff.

SECTION 4: OBLIGATIONS THAT APPLY DURING THE MAINTENANCE OR LANDSCAPING OF LANDSITES

4.1 During maintenance and landscaping work, the landscaping contractor must:

- i) Make sure that any waste material is collected or composted on site;



- ii) Make sure that green waste is disposed of in accordance with the provisions in the By-law to Regulate the Collection and Disposal of Waste Materials;
- iii) Respect any municipal by-law, including the By-law on Nuisances;
- iv) Not throw any waste material onto the easement or onto the public road. If this occurs, the City may clean up the area to the landscaping contractor's cost.

SECTION 5: OBLIGATIONS OF PROPERTY OWNERS

5.1 A property owner who retains the services of a landscaping contractor must make sure that the latter holds a valid permit for the current year, duly issued by the City.

SECTION 6: OFFENCES AND FINES

6.1 Anyone who contravenes a provision in the present by-law or who tolerates or allows someone to contravene it, including but not limited to a property owner or a landscaping contractor, is committing an offence and will be liable to a fine, as follows:

6.1.1 If the offender is a natural person, the minimum fine is one hundred and fifty dollars (\$150) plus costs, and the maximum fine is one thousand dollars (\$1,000) plus costs, for each offence;

6.1.2 If the offender is a legal entity, the minimum fine is three hundred dollars (\$300) plus costs, and the maximum fine is two thousand dollars (\$2,000) plus costs, for each offence.

6.2 In the case of a repeat offence:

6.2.1 The minimum fine for each repeat offence is three hundred dollars (\$300) plus costs if the offender is a natural person, and six hundred dollars (\$600) plus costs if the offender is a legal entity;

6.2.2 The maximum fine for each offence is two thousand dollars (\$2,000) plus costs if the offender is a natural person, and four thousand dollars (\$4,000) plus costs if the offender is a legal entity.

SECTION 7: COMING INTO FORCE

7.1 The present by-law will come into force according to law.

MAYOR

CITY CLERK