

PROVINCE OF QUÉBEC
TOWN DE HAMPSTEAD

BY-LAW N° 814

**BY-LAW ABOUT LANDSCAPING,
GARDENING & EARTHMOVING BY A
PRIVATE CONTRACTOR**

WHEREAS notice of motion of the present By-law was given at the Regular Council Meeting held on April 13th, 2015;

ON MAY 4TH, 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:

Landscaping, gardening & earthmoving contractor (Entrepreneur en entretien paysager, jardinage et terrassement): Any person who carries out landscaping, gardening or earthmoving for the owner, the occupant or the person in charge of a residential, commercial, industrial or institutional building.

Town (Ville): The Town of Hampstead.

Section 2: Territory

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

Section 3: Contractor's obligations

3.1 Any Landscaping, gardening & earthmoving contractor must every year, before carrying out works 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 January 1st to December 31st and shall be non-transferable.

3.2 To obtain the permit mentioned in Section 3, the 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 contractor in the territory of the Town;
- b) the trade make, model, year, serial number and copy of the registration certificate of any motor vehicle to be used by the 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 contractor and;
 - d) if the 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 and will obtain one sticker for his first vehicle. If needed, extra stickers are available at the amount of twenty-five dollars (\$25) for the use of each extra vehicle.
- 3.4 All contractor must affix the sticker obtained at the issuance of the permit, on the upper left corner of the rear window of each motor vehicle used. The sticker must be visible from the exterior of the vehicle.

Section 4: Peace and tranquility

- 4.1 Whereas residents want peace and tranquility on holidays and during certain periods of time when most are not usually working, it is forbidden to use gas powered landscaping, gardening or earthmoving equipment:
- a) Before 07h00 and after 19h00 Monday to Friday inclusive;
 - b) Before 09h00 and after 18h00 on Saturdays and Sundays;
 - c) On holidays when most residents are not working. These days are listed in Annex 1 joint to the present by-law;
 - d) Notwithstanding paragraph c) of the present section, all lawn mowers may be used on holidays when most residents are not usually working.
- 4.2 No person shall operate, or cause to be operated, any gas power equipment between 19h00 and 07h00.
- 4.3 The provisions of this section of the By-law shall not apply to employees of the Town, public utilities or private contractors engaged by the Town.

Section 5: Infractions and penalties

- 5.1 Every person who infringes any provision of this By-law or allows such a contravention is committing an infraction and is liable to a fine. In the event of a first offence, this fine shall not be less than ONE HUNDRED AND FIFTY DOLLARS (\$150) nor to exceed ONE THOUSAND DOLLARS (\$1,000). In the case of a second or subsequent offence, the fine shall not be less than THREE HUNDRED DOLLARS (\$300) nor to exceed TWO THOUSAND DOLLARS (\$2,000).

- 5.2 Any legal entity that contravenes a provision of this by-law or allows such a contravention is committing an infraction and is liable to a fine of between THREE HUNDRED DOLLARS (\$300) and ONE THOUSAND DOLLARS (\$1,000) for a first offence, and a fine of between SIX HUNDRED DOLLARS (\$600) and TWO THOUSAND DOLLARS (\$2,000) for a second offence.
- 5.3 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

- 6.1 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: Enforcement

- 7.1 The enforcement of this By-law shall be the responsibility of the Public Security Department of the Town of Hampstead, its Urban Planning division and the Montreal Police Department.

Section 8: Coming into force

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

Dr. William Steinberg, Mayor

M^c Pierre Tapp, Town Clerk

By-law 814 - ANNEX 1

Holidays when most residents are not working

2015

Jan. 1 (New Year's Day)
April 3 (Good Friday)
April 6 (Easter Monday)
May 18 (National Patriot's Day)
June 24 (Québec National Holiday)
July 1 (Canada Day)
Sept. 7 (Labour Day)
Sept. 14 & et Sept. 15.(Rosh Hashanah)
Sept. 23 (Yom Kippur)
Oct. 12 (Thanksgiving)
Dec. 25 (Christmas)

2016

Jan. 1 (New Year's Day)
March 25 (Good Friday)
March 28 (Easter Monday)
May 23 (National Patriot's Day)
June 24 (Quebec National Holiday)
July 1 (Canada Day)
Sept. 5 (Labour Day)

Oct.3 & Oct. 4 (Rosh Hashanah)
Oct. 10 (Thanksgiving)
Oct. 12 (Yom Kippur)
Dec. 25 (Christmas)

2017

Jan. 1 (New Year's Day)
April 14 (Good Friday)
April 17 (Easter Monday)
May 22 (National Patriot's Day)
June 24 (Quebec National Holiday)
July 1 (Canada Day)
Sept. 4 (Labour Day)
Oct.3 & Oct. 4 (Rosh Hashanah)
Sept. 30 (Yom Kippur)

Oct. 9 (Thanksgiving)
Dec. 25 (Christmas)

2018 onwards

New Year's Day
Good Friday
Easter Monday
National Patriot's Day
Québec National Holiday
Canada Day
Labour Day
Rosh Hashanah
Yom Kippur
Thanksgiving
Christmas