

The Corporation of Haldimand County

By -Law 301/02

Being a By-law to require the removal of snow and ice from sidewalks and roofs from occupied and unoccupied premises.

WHEREAS Section 210(60) of the Municipal Act R.S.O. 1990, c. M.45, as amended confers upon all municipalities the power to enact by-laws regarding the removal of snow and ice from roofs and sidewalks of occupied premises.

AND WHEREAS Section 210(61) of the said Act provides that a Council of a Municipality may pass By-laws regarding the removal of snow and ice from roofs and sidewalks of unoccupied premises.

AND WHEREAS Section 210(62) of the said Act provides that a Council of a Municipality may pass By-laws regarding the removal of snow and ice from sidewalks at the expense of the abutting owner, in any manner, including that provided by section 326 of the said Act.

AND WHEREAS Section 326 of the said Act provides that a Council of a Municipality may pass By-laws to direct that any matter in default of its being done by the person directed or required to do it, such matter or thing shall be done at the person's expense, and the corporation may recover the expense incurred in doing it by action, or the same may be recovered in like manner as municipal taxes.

AND WHEREAS Section 181 of the Highway Traffic Act R.S.O. 1990, as amended states that no person shall deposit snow or ice on a roadway without written permission from the authority responsible for the road.

AND WHEREAS the Council of Haldimand County deems it necessary to ensure that sidewalks and roofs within its jurisdiction are cleared of snow and ice.

NOW THEREFORE the Council of the Corporation of Haldimand County enacts as follows:

PART I – DEFINITIONS

1) In this By-Law,

a) “Building” includes the land and premises appurtenant to the *building*.

- b) "Boulevard" means that portion of every road allowance within the limits of Haldimand County which is not used as a *sidewalk*, driveway, traveled *roadway* or shoulder.
- c) "By-Law Enforcement Officer" means a *person* authorized by Council to enforce the by-laws of Haldimand County.
- d) "Curb" includes the edge of the *roadway*.
- e) "Highway" includes a common and public *highway*, *street*, road, lane, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles and includes the area between the lateral property lines thereof and *sidewalks* and *curbs* it may contain.
- f) "Municipality" means *Municipality* of the Corporation of Haldimand County.
- g) "Owner" means *owner*, occupant, lessee or tenant of the property or *person* having control, charge or care of the property.
- h) "Person" includes any *person*, firm, partnership, association, corporation, company or organization of any kind.
- i) "Roof" means the cover over a *building* and shall include any overhang or projection.
- j) "Roadway" means the part of a *highway* that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and where a highway includes two or more separate *roadways*, the term *roadway* refers to any one *roadway* separately and not to all *roadways* collectively.
- k) "Sidewalk" means that portion of a *street* between the *curb* lines or the lateral lines of a *roadway* and the adjacent property lines specifically provided and intended for the use of pedestrians.
- l) "Street" see "Highway";
- m) "Time" means where any expression of *time* occurs or where any hour or other period of *time* is stated the *time* referred to shall be eastern. Standard *time* except during the periods when daylight saving *time* is in effect in Haldimand County, during which period the *time* referred to shall be one hour in advance of standard *time*.

PART II – GENERAL PROVISIONS

- 2) Every *owner* of any *building*, either occupied or unoccupied, or vacant land within the boundaries of Haldimand County shall clear away and remove or cause to be cleared away and removed, any snow and ice from any and all *sidewalks* on the *highways* in front of, along side of or at the rear of such *building* or vacant land within twenty-four (24) hours after the accumulation of such snow or ice.
- 3) Every *owner* of any *building*, either occupied or unoccupied, or vacant land within the boundaries of Haldimand which fronts or abuts a *highway* on which there is a *sidewalk*, within twenty four (24) hours and whenever and as often as any part of the surface of such *sidewalks* has become slippery because the snow and ice has not been completely removed, such occupant, *owner* or *person* or *persons* in control, as the case may be, shall immediately, upon such slippery condition having come into existence, sprinkle or cause to be sprinkled upon such portion of the said *sidewalk* ashes, sand, salt or some like suitable material, in such a manner as to thoroughly cover such slippery surface.
- 4) Every *owner* of any *building*, either occupied or unoccupied, that contains a *roof* which slopes towards a *sidewalk* on a *highway* in front of, along side of, or at the rear of such *building* so that the snow or ice may fall from such *roof* causing danger to pedestrians or vehicular traffic and/or obstruction to the *sidewalk* or *highway* shall before the hour of 9:00 in the forenoon, remove the snow and ice from the *roof* of the premise so owned or occupied by him or her, and every *person* while removing the same, shall take due and proper care and precaution for the warning and safety of all *persons* using such *sidewalk* or *highway*.
- 5)
 - a) No *person* shall sweep, shovel, throw, push, drop, deposit or place or cause to be swept, shoveled, thrown, pushed, deposited or placed any snow, slush or ice onto the traveled portion of any *highway* or onto any *sidewalk* on any *highway* without written permission from the authority responsible for the maintenance of the *highway*.
 - b) Section 5 a) does not apply to any *person* operating a vehicle on behalf of the *municipality* or other authority having jurisdiction and control of a *highway*, where the vehicles are engaged in the removal of snow from the *highway*.
- 6) No *person* shall remove snow, slush or ice from a *sidewalk* in a manner which would damage any *sidewalk* or *curb*.
- 7) No *person* shall deposit snow, slush or ice in such a way as to obstruct access to any fire hydrant.

- 8) No *person* shall deposit snow, slush or ice in such away as to obstruct drainage to any catchbasin.

PART II – ENFORCEMENT AND PENALTIES

- 9) Every *person* contravening any of the provisions of this By-Law is guilty of an offence and, on conviction, is liable to a fine as provided for and recoverable under Section 61, the Provincial Offences Act.
- 10) In addition to the foregoing, failing to comply with the requirements of this By-law may result in the Corporation of Haldimand County giving the *owner* notice, directing them to comply within twenty-four (24) hours) and that if the *owner* so directed, fails or neglects to comply with such notice, the County may, at the expiration of the *time* set out in such notice cause all snow and ice to be removed and cleared from the said *sidewalk(s)* or *roof(s)* at the expense of the *owner*; and that the County may recover the expenses incurred in such removal and clearing away of snow and ice or sprinklering, or commencing an action undertaking to have such work done and any other expenses arising out of the enforcement of this by-law, in like manner as municipal taxes.
- 11) Each day a violation of this By-law continues shall constitute a separate and distinct offence under this By-law.

PART V – PARTIAL INVALIDITY

- 12) Should any section, clause or provision of this By-law or the application thereof be held by a court of competent jurisdiction to be invalid or unenforceable to any extent, the remainder of this By-law and the application thereof to circumstances other than to those held to be invalid or unenforceable shall not be affected thereby and each section, clause and provision of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.
- 13) Where a form of words or expression are prescribed in this by-law, deviations therefrom not effecting the substance, or calculated to mislead, do not vitiate them.
- 14) The requirements of this by-law do not nullify the effect and authority of any other By-laws within Haldimand County.

PART VI – REPEAL

- 15) That former Town of Dunnville By-law 24-96 and former Town of Haldimand By-law 1140/00 and any amendments thereto are hereby repealed in their entirety.

PART VII – ENACTMENT

- 16) This By-law comes into effect and into force on February 1st, 2003.
- 17) The short title of this By-law is the Removal of Snow and Ice from Sidewalks and Roofs By-law.

READ a First and Second time this 25th day of November, 2002.

READ a Third time and finally passed this 25th day of November, 2002.

L. Bergstrand
MAYOR

J. Lankester
CLERK

Schedule "A"

Schedule of Fines

	Column 1	Column 2	Column 3
Item	Short Form Wording	Provision creating or defining offence	Set fine (including costs)
1	Not clearing snow or ice off of a sidewalk	Section 2	\$100.00
2	Not thoroughly sprinklering a sidewalk	Section 3	\$100.00
3	Not removing snow or ice from roof	Section 4	\$100.00
4	Placing snow on a highway	Section 5 a)	\$100.00
5	Damaging a sidewalk or curb	Section 6	\$50.00
6	Obstructing access to a fire hydrant	Section 7	\$100.00
6	Obstructing drainage to a catchbasin	Section 8	\$50.00

NOTE: The penalty provision for the offences listed above is Section 9 of By-Law no. ____/02 as amended, a certified copy of which has been filed.