

TOWN OF FORT FRANCES

BY-LAW NO. 12/18

(A By-Law to Regulate the Depositing and Removal of Snow and Ice from Privately Owned Property onto Town Owned or Town Maintained Sidewalks and Road Allowances)

WHEREAS the Municipal Act, 2001 S.O 2006, c .32, Sched. A, s. 8. as amended provides that a single-tier municipality may pass by-laws respecting the health, safety and well-being of the inhabitants of the municipality; and

AND WHEREAS the Municipal Act, 2001, as amended, provides that if a municipality has the authority under this or any other *Act* or under a by-law under this or any other *Act* direct or require a person to do a matter or thing, the municipality may also provide that , in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and may recover the costs by adding them to the tax roll and collecting them in the same manner as taxes;

AND WHEREAS it is expedient to replace By-Law 181 with this new by-law

NOW THEREFORE the Council of the Corporation of the Town of Fort Frances HEREBY ENACTS as follows:

1.0 Short Title

The short title for this by-law is the "The Snow Removal By-Law."

2.0 Definitions:

2.1 The following terms are defined for the purpose of this by-law:

"By-law Enforcement Officer" means an individual appointed by the Council of the Town pursuant to the Police Services Act, RSO, 1990, c. P. 15, as amended;

"Town" means The Corporation of the Town of Fort Frances;

"Council" means the municipal council of the Town;

"highway" includes a common and public highway, street, avenue, lane, bridge, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof, which is under the jurisdiction of the Town;

"ice" means the solid form of water, produced by freezing;

"owner" means a registered owner, occupant or tenant of a property, or a person who, for the time being or permanently, is managing or receiving the rent from a property, whether on his or her own account or on account of an agent or trustee of any other person, or any one of the aforesaid;

"person" means any individual, owner or operator of vehicle, corporation, partnership, company, association or party and the heirs, executors, administrators or other legal representative of such person to whom the context can apply according to the laws; shall include any group of persons

comprising a society or other organization and shall include the plural wherein the context requires;

“Police Officer” means an officer of Ontario Provincial Police;

“sidewalk” means that part of the highway meant for pedestrian use, typically indicated by some sort of concrete or paved walkway;

“snow” includes precipitation in the form of ice crystals and often agglomerated into snowflakes, formed directly from the freezing of the water vapour in the air.

3.0 General Prohibitions:

3.1 No person shall move, or cause to be moved, any snow or ice from privately-owned lands onto municipally owned lands; a boulevard, sidewalk or roadway.

3.2 No Owner of a property fronting a public sidewalk shall allow accumulation of snow, hail, water or ice on the sidewalk to remain after 10 o'clock the morning following the fall of snow, hail, ice or water.

3.3 Owners of a properties fronting near a street, sidewalk or thoroughfare shall prevent snow or ice accumulation from falling upon the street, sidewalk or thoroughfare from any roof, eve, awning, sign or other appurtenance.

3.4 No person shall remove, or cause to be removed, any snow or ice in a manner that would damage a sidewalk, curb or highway.

3.5 No person shall pile, redistribute or otherwise cause the accumulation of any snow or ice to obstruct traffic, the view of traffic, or obstruct in any way the movement of snow clearing equipment under the jurisdiction of the Operations and Facilities Division.

4.0 Exemption:

4.1 Any municipal and/or municipally contracted snow clearing, and snow removal operations are exempt from this by-law.

4.2 Upon written request; the Operations and Facilities Manager or designate may exempt or exempt with conditions any person/s from the requirements of this by-law.

5.0 Enforcement:

5.1 Enforcement of this By-law may commence upon a request from the Ontario Provincial Police, By-Law Enforcement Officer or from the Town of Fort Frances Operations and Facilities Manager or designate.

5.2 Enforcement of this By-law may commence upon receipt of a signed written complaint or upon receipt of an issue tracking complaint, from any resident who considers him/herself to be aggrieved by any condition not in compliance with this by-law.

5.3 A By-law Enforcement Officer, Police Officer or Operations and Facilities Manager or designate are responsible for the enforcement and provisions of the By-law and are authorized to enter on any land at any reasonable time for the purposes of carrying out an inspection to determine whether or not this by-law is being complied with.

5.4 Where an owner fails to comply with any provision of this by-law, an Order may be issued to the owner requiring compliance. The Order will give reasonable particulars of the reasons why and will indicate the time for compliance.

5.5 Where an Order has been issued and compliance has not been achieved within the required time period as set out in the Order, the Town may, through its employees or agents or persons acting on its behalf, carry out the Order at the Owners expense, and all expenses incurred may be added to the tax roll and collected from the Owner of the property in the same manner as municipal taxes.

6.0 Repeal

6.1 By-Law No. 181, as amended is hereby repealed

This By-Law shall come into force and take effect on the final passing thereof.

READ THREE TIMES and finally passed in open Council this 26th Day of March 2018.

R. Avis, Mayor

E. Slomke, Clerk