

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. Short Title

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

2. 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 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 No Owner of a property fronting near a street, sidewalk or thoroughfare shall permit snow or ice accumulation to fall 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 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.

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

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 ____th Day of _____,
2018 ____

TOWN OF FORT FRANCES

BY-LAW NO. 181

Respecting removing snow on sidewalks

The Municipal Council of the Corporation of the Town of Fort Frances in the District of Rainy River enacts as follows:

1. Every occupant and in case there is no occupant, the owner of every house, shop, building lot or parcel of land, and every person having care of any church, chapel or other public building fronting or abutting on any street where the sidewalks are planked or paved shall by ten o'clock in the morning after every fall of snow, or fall of hail or rain, which shall freeze on the sidewalks or after a fall of snow from off any building cause same to be removed entirely off the sidewalk opposite each house, shop, church, chapel, building lot or parcel of land.
2. In case the snow and ice have not been removed from the sidewalks as hereinbefore provided opposite to and adjoining any vacant or other property by ten o'clock in the morning the said Corporation or other persons appointed by them for that purpose may forthwith thereafter cause such snow and ice to be removed at the expense of the owner or occupant in case of such default and in every such case he shall keep an account of all expense so incurred and of the properties in respect of which such moneys have been expended and shall make a return to the Treasurer immediately after the first day of April in each year of all expenses incurred as aforesaid during the preceding winter with the number on the last revised Assessment Roll of each property in respect of such expense so incurred and the names, owners and occupants thereof, as appearing on the said roll and in case of non-payment thereof to the said treasurer on or before the first day of May following the said expense shall be charged as a special assessment against each of the said properties respectively and shall be levied and collected in the same manner as other municipal taxes.
3. Every occupant and in case there is no occupant the owner of every house, shop or building and every person having the charge or care of any church, chapel or other public building fronting or abutting on or erected so near any public street, thoroughfare, sidewalk or pavement that the snow or ice thereon may or is likely to fall upon the street, shall whenever snow or ice shall accumulate on the roof of eaves of his house or building as aforesaid to an extent that shall be dangerous to persons passing, cause the same to be forthwith removed therefrom and every person while removing the same shall take due and proper care and precaution for the warning and safety of persons passing.
4. Any person convicted of a breach of any of the provisions of this by-law shall forfeit and pay at the discretion of the convicting Magistrate a penalty not exceeding (exclusive of costs) the sum of Fifty Dollars for each offence and in default of payment of the said penalty and costs forthwith the said penalty and costs or costs only may be levied by distress and sale of the goods and chattels of the offender and in case of there being no distress found out of which such penalty and costs or costs only can be levied the convicting Magistrate may commit the offender to the Common Gaol of the District of Rainy River at Fort Frances with or without hard labour for any period not exceeding twenty-one days unless the said penalty and costs (if any) including the costs of the said distress and of the committal and conveyance of the said offender to the said gaol are sooner paid.

Passed in open Council this twenty-fourth day of November 1909.

(W. H. Elliott-signed)
Clerk

(H. Williams-signed)
Mayor