

TOWNSHIP OF WOOLWICH

BY-LAW NUMBER 55-2009

Being a by-law to require the removal of snow and ice from
sidewalks and roofs.

WHEREAS pursuant to S. 130 of the Municipal Act, 2001, S. O. 2001, c. 25 (the "Act"), Municipalities may pass by-laws to regulate matters related to the health, safety and well-being of the inhabitants of the Municipality;

AND WHEREAS pursuant to Paragraph One of the Table to S. 11(2) of the Act, Municipalities may pass by-laws respecting "Highways";

AND WHEREAS pursuant to S. 55 of the Act, a lower-tier Municipality in which highways are located is responsible for the maintenance of the sidewalks and has jurisdiction over that part of the highway (i.e. the sidewalks);

AND WHEREAS pursuant to S. 122(1) of the Act, a Municipality may require the owners and occupants of buildings to remove snow and ice from the roofs of buildings and may regulate when and how the removal shall be undertaken;

AND WHEREAS pursuant to S. 122(2) of the Act, a Municipality may enter at any reasonable time upon land to remove snow and ice:

- a) from the roofs of unoccupied buildings; and,
- b) from private sidewalks between a highway and the main entrance of building;

AND WHEREAS pursuant to S. 122(3) of the Act, a Municipality may recover the costs of removal of snow and ice from the roofs of unoccupied buildings from the owners of such buildings by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WOOLWICH ENACTS AS FOLLOWS:

DEFINITIONS

1. In this by-law:

- a. "back-lotted sidewalk" means a sidewalk which is located adjacent to the rear lot line of a property;
- b. "enforcing official" means a Municipal Law Enforcement Officer appointed by the Council or a member of the Waterloo Regional Police Service, for the purpose of enforcing the provisions of this by-law.

- c. "school site" means land or premises required for a school, school playground, school garden, teachers residence , caretakers residence, gymnasium, offices, parking areas or for any other school purposes;
- d. "school" means an institution at which instruction is provided at any time on any school day for five or more pupils who have attained compulsory school age in any of the subjects of the elementary or secondary school courses of study, whether under the jurisdiction of a board or not, and whether an institution operated by the Government of Ontario or not.

SIDEWALKS

- 2.1 Subject to sub-section (2), the owner or occupant of every occupied building and the owner of every unoccupied building and the owner of every parcel of vacant land shall, within twenty-four (24) hours after the end of a snow fall that results in an accumulation of 38mm or more, clear away and remove snow and ice from the sidewalks on the highways in front or, along side or at the rear of such buildings or land.
- 2.2 Sub-section (1) does not apply to sidewalks, which are:
 - a) back lotted properties abutting the sidewalk on Kressler Road between Apollo and Alten Way in Heidelberg;
 - b) back lotted or side lotted sidewalks that abut the property at 61 Woolwich Street in Breslau and which abut the property described as Block 130, Plan 58M356 in Breslau, providing however, that when these properties cease to be owned by the same owner, such exemption to Sub-section (1) shall end;
 - c) sidewalks within the settlement of Elmira;
 - d) any sidewalks where snow has been pushed onto the sidewalk to a depth of at least 12 inches by road clearing operations.

ROOFS

- 3. The owner or occupant of every occupied building and the owner of every unoccupied building which building has a roof adjacent to a sidewalk in such a way that the snow or ice may fall from such roof onto such sidewalk shall, every day before nine (9) o'clock in the morning, clear away and remove the snow and ice from the roof of such building and every person while removing such snow and ice shall take due and proper care and precaution for the warning and safety of all persons using such sidewalks.

DEEMED OCCUPANTS

- 4. For the purpose of Sections 2 and 3 herein, every person having the charge or care of any church, chapel, school, school site, public hall or other public building, shall be deemed to be an occupant thereof.

DEPOSITING SNOW AND ICE

- 5.1 The snow and ice cleared away and removed, as required by this by-law, may be deposited on the boulevard, if any exists, or such snow and ice may be deposited on the edge of the highway but no person shall deposit snow and ice, in such a manner that it will obstruct drainage to any catch-basin or obstruct access to any fire hydrant, or in any way obstruct the normal passage of motor vehicles on the highway.
- 5.2 Notwithstanding subsection (1), no person owning or operating a parking lot, public garage, automobile service station, car or truck dealership, commercial building, or apartment building shall place or cause to be placed any snow or ice on any sidewalk or highway.

DAMAGE TO SIDEWALK OR CURB

6. Snow and ice shall not be cleared away and removed in a manner that will damage any sidewalk or curb.

OFFENCE

7. Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine pursuant to the Section 61 of the Provincial Offences Act and a penalty not exceeding \$5,000.00 and/or a set fine as outlined in Schedule 1 of this By-law.

TOWNSHIP MAY REMOVE SNOW AND ICE

8. In addition to the penalty imposed upon conviction for violation of this by-law and notwithstanding that no prosecution may have been brought for such violation, the Township of Woolwich may at the expiration of twenty-four (24) hours after a snow fall ends:
- a. clear away and remove snow and ice from any roof of a building where such roof is adjacent to a sidewalk in such a way that the snow or ice may fall from such roof onto a sidewalk;
 - b. clear away and remove snow and ice from any sidewalk that is adjacent any unoccupied or occupied building, and vacant land;
 - c. clear away such snow and ice at the expense of the owner of the unoccupied or occupied building or vacant land;
 - d. recover the costs incurred for the snow and ice removal from the owners by adding the costs to the tax roll and collecting them in the same manner as taxes.

REPEAL SECTION

9. By-law Number 85-2006 of the Township of Woolwich, and all by-laws amending the same and any other by-law inconsistent with the provisions of this By-law are hereby repealed.

TITLE

10. This By-law may be referred to as the "Sidewalk Snow Removal By-law".

EFFECTIVE DATE

11. This by-law comes into force and effect on the date it is passed by the Council of the Township of Woolwich.
12. The Schedule of Set fines shall come into force and effect upon the approval of the Regional Senior Judge.

PASSED this 29th day of September, 2009

Wm. L. Strauss
Mayor

Christine Broughton
Clerk