

**THE CORPORATION OF THE TOWN OF SMOOTH ROCK FALLS**

**BY-LAW No. 2023-04**

**BEING A BY-LAW FOR THE REMOVAL OF SNOW AND ICE FROM  
SIDEWALKS AND HIGHWAYS**

---

**WHEREAS** Section 10(2)(6.) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws respecting the health, safety and well-being of persons;

**AND WHEREAS** Section 27 (1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway;

**AND WHEREAS** Section 8 (1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, states that the powers of a municipality under the Act or any other act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Section 181 of the *Highway Traffic Act*, R.S.O. 1990, c. H. 8, as amended, states that no person shall deposit snow or ice on a roadway without permission in writing so to do from the Ministry or the road authority responsible for the maintenance of the road;

**AND WHEREAS** Section 425 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, establishes that any person who contravenes a by-law of the municipality is guilty of an offence;

**AND WHEREAS** Section 446 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that where a municipality has authority by an Act or By-law to 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 so, the matter or thing shall be done at the person's expense and the municipality may recover the costs of doing the matter or thing from the person required to do it, by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

**AND WHEREAS** the Council of the Corporation of the Town of Smooth Rock Falls deems it necessary to pass a by-law to provide for the removal of snow and ice from sidewalks and highways;

**NOW THEREFORE** the Council of the Corporation of the Town of Smooth Rock Falls hereby enacts as follows:

**1. DEFINITIONS**

**Building** – shall mean any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials, equipment, or things.

**Highway** – shall include a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, 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.

**Municipal Law Enforcement Officer** – shall mean a person appointed by the Council of the Corporation of the Town of Smooth Rock Falls for the purposes of enforcing Municipal By-Laws and shall include any other officers from the Municipality.

**Occupant** – means any person or person over the age of eighteen (18) years in possession of the property.

**Owner** – shall include:

- a) The registered owner of the land on which the building is situated;
- b) The owner of the building;
- c) The person managing or receiving the rent of the land or the building, or who would receive the rent if the land and building were let, whether on the person's own account or as agent or trustee or receiver of any other person;
- d) A lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the building; and
- e) Any person having care and control of the building.

**Person** – shall include any individual, occupant, owner, a partnership, a body corporate, an agent of trustee, and the heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to law.

**Sidewalk** – shall include all such parts of the highway as are set aside for the use of pedestrians or used by the general public for the passage of pedestrians.

**Windrow** – shall mean the pile of snow that is left at the bottom of a driveway after the snowplow has cleared the road.

## **2. SIDEWALKS AND HIGHWAYS**

- 2.1 No person shall deposit any snow or permit snow or ice to be deposited on a highway or sidewalk within the Town of Smooth Rock Falls.
- 2.2 No person shall clear away or remove snow or ice from a municipal highway located in the Town of Smooth Rock Falls except as may be necessary to clear away snow blocking access to a private entrance or driveway.
- 2.3 No person shall create or permit an accumulation of snow on a property adjacent to a municipal highway in the Town of Smooth Rock Falls in such a way as to cause an obstruction of traffic, the view of traffic, encumbering or fouling of sidewalks or roadways.
- 2.4 The Corporation of the Town of Smooth Rock Falls shall not be responsible for the removal of the windrow.

## **3. GENERAL PROVISIONS**

- 3.1 No person shall deposit ice or snow on any sidewalk or 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 passage of motor vehicles on a highway.

## **4. ENFORCEMENT**

- 4.1 The Municipal By-Law shall be enforced by the Municipal Law Enforcement Officer or any other officers of the municipality.

## **5. PENALTY**

- 5.1 Every person who contravenes this By-Law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the Provincial Offences Act, R.S.O. 1990, as amended.
- 5.2 Where a person is in default of any of the provisions of the By-Law, the Corporation of the Town of Smooth Rock Falls or its servants or agents shall carry out, or cause to be carried out, on behalf of the

Corporation the work required to be done by this By-Law at the expense of the property owner and the Municipality may recover the expense incurred in doing it in like manner as Municipal Taxes.


**6. REPEAL**


6.1 That By-law 83-27 and any amendments thereto are hereby repealed in their entirety.

**7. EFFECTIVE DATE**

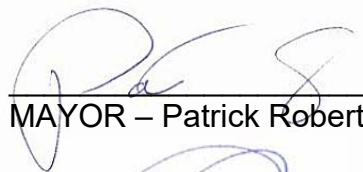
7.1 That the effective date of this by-law shall be the date of final passage thereof.

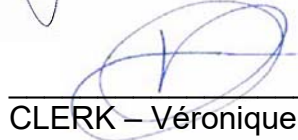
**READ a first and second time this 6<sup>th</sup> day of February 2023**

  
\_\_\_\_\_  
MAYOR – Patrick Roberts

  
\_\_\_\_\_  
CLERK – Véronique Dion

**READ a third time and finally passed this 6<sup>th</sup> day of February 2023**

  
\_\_\_\_\_  
MAYOR – Patrick Roberts

  
\_\_\_\_\_  
CLERK – Véronique Dion