



The Municipal Corporation of the
Town of Fort Erie
BY-LAW NO. 17-09

BEING A BY-LAW TO REGULATE THE DEPOSITING OF SNOW
AND ICE FROM PRIVATELY OWNED PROPERTY ONTO TOWN
OWNED OR TOWN MAINTAINED SIDEWALKS AND ROAD
ALLOWANCES

WHEREAS Subsection 11 of the *Municipal Act, 2001 S.O 2006, .32* as amended provides that the municipality may pass by-laws relating to the health, safety and well being of the inhabitants of the municipality; and

WHEREAS Subsections 445.1 and 446 of 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;

NOW THEREFORE the Municipal Council of the Town of Fort Erie hereby enacts as follows:

1.0 **SHORT TITLE**

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

2.0 **DEFINITIONS**

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

"highway" means a common and public highway and includes a street and a bridge forming part of a highway or on, over or across which a highway passes:

"officer" means a Municipal Law Enforcement Officer, Niagara Regional Police Officer or the Supervisor of Roads and Drainage Services or his designate:

"owner" means a registered owner, but also includes an occupant, lessee, tenant or any other in charge or in control of the premises

"person" includes an owner and may be a natural person, firm, corporation, partnership or association.

"sidewalk" means the portion of the highway or common or public walkway designed for the passage of persons and includes that part of the road where pedestrians have priority over traffic.

3.0 GENERAL PROHIBITIONS

- 3.1 No person shall obstruct or permit to be obstructed a sidewalk, by depositing snow or ice on the sidewalk.
- 3.2 No person shall deposit or permit to be deposited snow or ice on a highway that will cause interference with vehicular traffic.
- 3.3 Every person that has or permitted snow and ice to be deposited within a highway or sidewalk shall comply with an order to have the snow or ice removed within the required time period set out in the Order.
- 3.4 All snow or ice shall be removed immediately if there is a danger to vehicles or pedestrians.

4.0 ENFORCEMENT

- 4.1 An officer or their designate shall enforce the provisions of By-law and are authorised 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.
- 4.2 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 the snow removal does not comply and indicate the time for complying with the Order and giving notice that, if the Order is not complied with within that time, the Town may carry out the Order at the Owners expense.
- 4.3 An Order may be personally delivered or served by Registered Mail. Where an Order is mailed, the Order shall be deemed delivered on the earlier receipt of the Order by the addressee or the fifth day following the date of mailing, whether actually received or not.
- 4.4 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 may take the necessary steps to effect compliance, 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.
- 4.5 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to the penalties as prescribed by the *Provincial Offences Act*, R.S.O. 1990 c.P.33

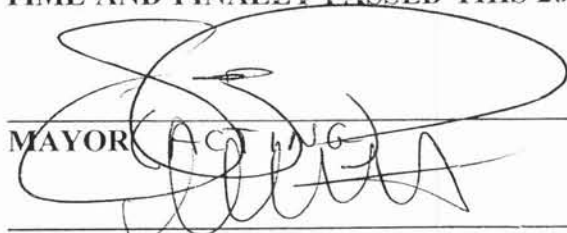
5.0 ADMINISTRATION AND INTERPRETATION

- 5.1 If there is a conflict between a provision of this By-law and a provision of any Other Town By-law, the provisions in this By-law shall apply.

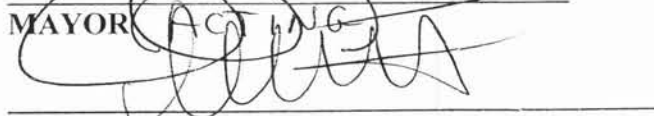
- 5.2 Pursuant to the provisions of Section 23.1 to 23.5 of the Municipal Act, 2001 the Clerk of the Town of Fort Erie is hereby authorised to effect any minor modifications or corrections of an administrative, numerical, grammatical, semantical or descriptive nature or kind to the By-law and schedules as may be necessary after the passage of this By-law.

- 5.3 This by-law shall come into force and effect on the date of passage.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 26th DAY OF JANUARY, 2009.



MAYOR



CLERK

I, Carolyn J. Kett, the Clerk, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. 17-09 of the said Town. Given under my hand and the seal of the said Corporation this _____ day of, 200 .