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Consolidated By-Law

The Corporation of the City of Thorold

By-law No. 169-2015

A By-law to Provide for the Removal of Snow and Ice from Roofs and Sidewalks

WHEREAS subsection 11(3) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides, inter alia, a lower tier municipality and an upper tier municipality may pass by-laws, subject to the rules set out in subsection (4) therein, respecting highways;

AND WHEREAS subsection 11(4), item 1 "Highways" of the said Act provides the highway's sphere of jurisdiction is a non-exclusive assignment and therefore both the upper tier municipality and its lower tier municipalities have the power to pass by-laws under that sphere;

AND WHEREAS section 130 of the said Act provides a municipality may regulate matters related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS section 55 of the said Act provides a lower-tier municipality in which highways are located are responsible for the maintenance of the sidewalks and have jurisdiction over that part of the highway;

AND WHEREAS subsection 122(1) of the said Act provides a local municipality may require the owners and occupants of buildings to remove snow and ice from the roofs of the buildings and may regulate when and how the removal shall be undertaken;

AND WHEREAS subsection 122(2) of the said Act provides 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 subsection 122(3) of the said Act provides a municipality may recover the costs of removal of snow and ice from the roofs of unoccupied buildings incurred by the municipality 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;

AND WHEREAS section 446 of the said Act provides where a municipality has authority under the said Act or under a by-law to direct or require a person to do a thing or matter, the municipality may also provide the thing or matter shall be done at the person's expense where in default of it being done by the person directed or required to do it;

AND WHEREAS section 181 of the Highway Traffic Act R.S.O. 1990, c.H.8, as amended, states no person shall deposit snow or ice on a roadway without written permission from the authority responsible for the road;

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AND WHEREAS the Council of the City of Thorold deems it necessary to ensure sidewalks and roofs within its jurisdiction are cleared and are free of snow and ice.

NOW THEREFORE, the Council of The Corporation of the City of Thorold enacts as follows:

Part 1 – Definitions

1. In this By-law,
  - (a) "Building" includes the lands and premises appurtenant to a building;
  - (b) "City" means the City of Thorold;
  - (c) "Council" means the Council for the City of Thorold;
  - (d) "Consecutive Winter Storm Event" refers to any precipitation and/or accumulation of snow or ice from the beginning of the original winter snow event, and any subsequent storm events occurring with a 24 hour period of the cessation of the previous storm event;
  - (e) "Curb" includes the edge of a roadway;
  - (f) "Municipal Law Enforcement Officer" means a person appointed by the City for enforcement of its regulatory by-laws, or any person appointed otherwise delegated the authority of administration and enforcement of this by-law;
  - (g) "Highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, and any part of which is intended for or used by the general public for the passages of vehicles and includes the area between the lateral property lines thereof, including sidewalks;
  - (h) "Owner" means the owner, occupant, lessee or tenant of property or the person having control, charge or care of property;
  - (i) "Roadway" means the part of the highway this is improved, designed or ordinarily used for vehicular traffic;
  - (j) "Sidewalk" means that portion of a highway between the curb lines of the lateral lines of a roadway and the adjacent property lines specifically provided and intended for the use of pedestrians;
  - (k) "Significant Weather Event" means an approaching or occurring weather hazard with the potential to pose a significant danger to users of the highways within a municipality;<sup>1</sup>

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<sup>1</sup> Added through By-Law 10-2023.

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- (l) "Winter Storm Event" refers to any precipitation and/or accumulation of snow, including blowing snow or ice.

Part II – General Duties, Obligations, and Prohibitions

2. Except where a Significant Weather Event has been declared by the City of Thorold, every owner of a building either occupied or unoccupied or vacant land shall be clear away and remove or cause to be cleared away and removed, any snow and ice from any and all sidewalks abutting highways in front of, alongside or at the rear of such building, or vacant land within:
- (a) 24 hours of the cessation of a winter storm event;
  - (b) 24 hours of the cessation of a series of consecutive winter storm events;
  - (c) 24 hours of the cessation of a declared Significant Weather Event by the City of Thorold.<sup>2</sup>
3. Every Owner of a building, either occupied or unoccupied, or vacant land, which fronts or abuts a highway on which there is a sidewalk, shall, whenever any part of the surface of such sidewalks has become slippery due to snow and ice which have not been completely removed, immediately upon the existence of any such slippery condition, sprinkle or cause to be sprinkled upon such portion of the sidewalk ashes, sand, salt or other suitable material in a manner as to thoroughly cover such slippery surface.
4. Every Owner of a building, either occupied or unoccupied, that contains a roof which slopes toward a highway or a sidewalk on a highway in front of, alongside of, or at the rear of such buildings so that the snow or ice may fall from such roof causing damage to pedestrians, vehicular traffic and/or to the sidewalk or highway, shall, whenever snow or ice accumulates on the roofs or eaves, remove the same immediately, in a manner showing due care and precaution for the safety of persons and vehicular traffic.
5. No owner shall throw, place, bring, or deposit snow or ice:
- (a) on or immediately adjacent to a fire hydrant, or in any manner that obstructs access to a fire hydrant;
  - (b) on or adjacent to a travelled portion of the highway, or in such a manner so as to interfere with the safe passage of vehicles, or pedestrians, or obstruct the visibility of vehicle operators or pedestrians;
  - (c) in such a manner as to obstruct drainage to any drain or sewer;
  - (d) in such a manner as to damage any sidewalk, boulevard or curb.

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<sup>2</sup> Section 2 amended through By-Law 10-2023.

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6. (a) No owner shall damage or allow the sidewalk, boulevard or curb to be damaged by way of the methods used to clear the snow and ice.
- (b) No owner shall use or allow to be used any vehicle or plow to remove snow wider than the sidewalk being plowed.

#### Part III – Enforcement and Penalty

7. Each Person and/or corporation who contravenes a provision of this By-law shall:<sup>3</sup>
  - (a) when given a Penalty Notice in accordance with the City of Thorold's Administrative Penalty By-law, be liable to pay to the City an Administrative Penalty in the amount specified by the Administrative Penalty By-law, for each day or part of a day on which the contravention continues; or
  - (b) upon conviction be liable to fines as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.
8. Where an Owner fails to comply with the requirements of this By-law, the Municipal Law Enforcement Officer may give the Owner notice and direct them to comply with the By-law within 24 hours. Further, that if the Owner so directed, fails or neglects to comply with such notice, the City may, at the expiration of the time set out in such notice, cause all snow and ice to be removed and cleared from the said sidewalk or roof, at the expense of the Owner. The City may recover the expenses incurred in such removal and clearing, and any other expenses arising out of the enforcement of this By-law, in a like manner as municipal taxes.

#### Part IV – General Provisions

##### Severance

9. Should a court of competent jurisdiction declare any part or whole of any provisions of this By-law to be invalid or of no force and effect, the provision or part shall be deemed to have been severed from the By-law, and it is the intention of Council that the remainder of the By-law survive and be applied and enforced in accordance with the terms of the extent possible under the law.

##### Enactment

10. This By-law shall come into force and effect on the date of its passing and enactment.

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<sup>3</sup> Section 7 amended through By-law 148-2019.

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Short Title

11. The short title of this By-law is "The Snow Removal By-law".

Exemptions

12. The City and Region of Niagara need not comply with section 5 herein in the course of street and highway snow clearing operations for the immediate benefit of the public.
13. Snow removal from a sidewalk may not apply if a significant amount of snow and/or ice, as determined by the Municipal Law Enforcement Officer, is placed or deposited upon the sidewalk by the City, Region of Niagara or person other than the Owner.

Read a first, second and third time and finally passed by Council this 15<sup>th</sup> day of December, 2015.

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A. T. (Ted) Luciani, Mayor

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Susan Daniels, City Clerk