

BY-LAW 2006/63

BEING A BY-LAW TO PROHIBIT THE OBSTRUCTING, ENCUMBERING OR FOULING OF HIGHWAYS OR BRIDGES WITH SNOW OR ANY OTHER MATTER

WHEREAS Section 27 (1) of the *Municipal Act*, S.O. 1991 c. 24 provides for a municipality to pass by-laws in respect of a highway only if it has jurisdiction over the highway; and

WHEREAS Section 27 (2) of the *Municipal Act*, S.O. 1991 c. 24, states that a local municipality has jurisdiction over,

- (a) all road allowances located in the municipality that were made by the Crown surveyors; and
- (b) all road allowances, highways, streets and lanes shown on a registered plan of subdivision.

NOW THEREFORE THE COUNCIL FOR THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING HEREBY ENACTS AS FOLLOWS:

1.0 DEFINITIONS

1.1 In this By-law:

- (a) **Corporation**: means the Corporation of the Municipality of West Nipissing.
- (b) **Council**: means the Municipal Council of the Municipality of West Nipissing.
- (c) **Highway**: shall include common and public highway, street, avenue, parkway, lane, driveway, square, place, bridge, viaduct or trestle, designed and intended for or used by the general public for the passage of vehicles.
- (d) **Municipality**: means the Corporation of the Municipality of West Nipissing.
- (e) **Officer**: means a member of the West Nipissing Police Force and any officer of the Corporation authorized by Council to enforce the by-laws of the Municipality.
- (f) **Pedestrian**: Any person afoot, invalids, and children in wheeled carriages.
- (g) **Person**: means every natural person, firm, co-partnership, association or corporation.
- (h) **Sidewalk**: means a part or strip of land, paved or otherwise, in, on or alongside a highway and designed and intended for, or used by the general public for pedestrian travel. "Sidewalk" includes any structure above or below ground designed or intended for the use of pedestrians even if said structure is not wholly or partially above or below a highway.
- (i) **Traffic**: includes pedestrians, ridden or herded animals, vehicles, buses and other conveyances, either singly or together while using any highway for the purpose of travel.

Added By-Law 2011/63

Municipal Law Enforcement Office: means a member of the West Nipissing Police Service, or any other person appointed by the Council for the Municipality of West Nipissing, for the enforcement of municipal by-laws, including this by-law.

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Bridge: means a bridge forming part of a highway or on, over or across which a highway passes.

1.2 In this By-law, whenever a word imparts the masculine gender, it is deemed to include the feminine gender.

1.3 In this By-law, the singular sense is deemed to be inclusive and interchangeable with the plural sense.

2. GENERAL PROVISIONS

- (a) No person shall deposit or cause to be deposited any snow, ice or any other matter upon any portion of any highway, sidewalk or bridge located within the limits of the Municipality of West Nipissing.
- (b) No person shall deposit or cause to be deposited any snow, ice or any other matter on or immediately adjacent to a fire hydrant, or in any manner that obstructs access to a fire hydrant or in such a manner so as to obstruct drainage to any drain or sewer.
- (c) No person shall move snow within the street allowance from one side of the cleared portion of the street allowance intended for vehicular and pedestrian traffic, to the other side of the street allowance.
- (d) No person shall relocate snow within the street allowance in such a manner as to encroach on the cleared portion of the street allowance intended for vehicular or pedestrian traffic, or that would result in the obstruction of the normal visibility of the safe movement of vehicular and pedestrian traffic on the street allowance.
- (e) No person shall permit icicles to accumulate on the eaves or gutters of any building on a commercial property owned or occupied by him or her so as to become dangerous to persons passing on a sidewalk, street or pathway.
- (f) No person engaged in removing snow from any yard or other premises shall do so in any manner that obstructs traffic on the street.
- (g) This by-law shall apply to the whole of the Municipality of West Nipissing.

Amended By-Law 2011/63

- (f) i) Section 398. (1) of the *Municipal Act, 2001*, S.O. 2001 as amended states that: "Fees and charges imposed by a municipality or local board on a person constitute a debt of the person to the municipality or local board, respectively;
- ii) And Section 398 (2) states that: "A treasurer of a local municipality may, and upon the request of its upper-tier municipality, if any, or of a local board whose area of jurisdiction includes any part of the municipality shall, add fees and charges imposed by the municipality, upper-tier municipality or local board, respectively, to the tax roll for the following property in the local municipality and collect them in the same manner as municipal taxes:
 - 1. In the case of fees and charges for the supply of a public utility, the property to which the public utility was supplied;
 - 2. In all other cases, any property for which all of the owners are responsible for paying the fees and charges.

Deleted By-Law 2011/63

~~That when a member of the West Nipissing Police Service or any officer of the Municipality of West Nipissing directs or requires that snow or any other matter be removed, the person or business shall be given 24 hours notice in writing. If the snow or matter is not removed within this time, the work will be done by the Corporation or its agent and the expenses recovered in the same manner as municipal taxes.~~

3. PENALTY

- The provisions of this by-law shall be enforced by the West Nipissing Police Service or by any Municipal Law Enforcement Officer or person appointed by Council.
- b) Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act as shown in the set fine schedule in Appendix A.
- c) When a member of the West Nipissing Police Service or any officer of the Municipality of West Nipissing directs or requires that snow or any other matter be removed, the person or business shall be given 24 hours notice in writing. If the snow or matter is not removed within this time, the work will be done by the Corporation or its agent and the expenses recovered in the same manner as municipal taxes in addition to the set fine.

Amended By-Law 2011/63

4. REPEAL OF BY-LAWS

That any and all By-law inconsistent with this By-law is hereby repealed.

READ A FIRST TIME AND CONSIDERED READ A SECOND TIME IN OPEN COUNCIL THIS 19TH DAY OF SEPTEMBER 2006.

MAYOR

CLERK

READ A THIRD TIME AND PASSED AS SUCH IN OPEN COUNCIL THIS 19TH DAY OF SEPTEMBER 2006.

MAYOR

CLERK

**APPENDIX “A” TO BY-LAW 2006/63
AS AMENDED BY-LAW 2011/63**

**SET FINE SCHEDULE FOR
OBSTRUCTING, ENCUMBERING, FOULING OF HIGHWAYS**

PART 1 - PROVINCIAL OFFENCES ACT

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 OFFENCE CREATING PROVISION	COLUMN 3 SET FINE
1	Deposit snow /ice/other matter upon any portion of any highway in the Municipality	Section 2 (a)	\$ 100.00
2	Deposit snow /ice/other matter upon any portion of any sidewalk in the Municipality	Section 2 (a)	\$ 100.00
3	Deposit snow /ice/other matter upon any portion of any bridge in the Municipality	Section 2 (a)	\$ 100.00
4	Deposit snow /ice/other matter on/adjacent to fire hydrant	Section 2 (b)	\$ 100.00
5	Deposit snow /ice/other matter on/adjacent obstructing access to hydrant	Section 2 (b)	\$ 100.00
6	Deposit snow /ice/other matter on/adjacent obstructing drainage	Section 2 (b)	\$ 100.00
7	Move snow from one side to other side of street allowance intended for vehicular traffic	Section 2 (c)	\$ 100.00
8	Move snow from one side to other side of street allowance intended for pedestrian traffic	Section 2 (c)	\$ 100.00
9	Relocate snow to encroach on cleared portion of street allowance intended for vehicular traffic	Section 2 (d)	\$ 100.00
10	Relocate snow to encroach on cleared portion of street allowance intended for pedestrian traffic	Section 2 (d)	\$ 100.00
11	Relocate snow to obstruct visibility of <i>vehicular</i> traffic on street allowance	Section 2 (d)	\$ 100.00
12	Relocate snow to obstruct safe movement of <i>vehicular</i> traffic on street allowance	Section 2 (d)	\$ 100.00
13	Relocate snow to obstruct visibility of <i>pedestrian</i> traffic on street allowance	Section 2 (d)	\$ 100.00
14	Relocate snow to obstruct safe movement of <i>pedestrian</i> traffic on street allowance	Section 2 (d)	\$ 100.00
15	Permit icicles to accumulate on eaves/gutters of buildings causing danger	Section 2 (e)	\$ 100.00
16	Permit icicles to accumulate on eaves/gutters of commercial property causing danger	Section 2 (e)	\$ 100.00
17	Remove snow from yard or other premises, obstructing traffic	Section 2 (f)	\$ 100.00

NOTE: Penalty provision for the offences indicated above is Section 3 of By-Law No. 2006/63 a certified copy of which has been filed.