

The Corporation of the City of Kenora

By-Law Number 137 - 2013

A By-Law to Regulate the Depositing of Snow and Ice from Privately Owned Property onto City Owned or City Maintained Sidewalks and Road Allowances

Whereas Subsection 10 of the Municipal Act, 2001 S.O 2006, c .32, Sched. A, s. 8. as amended provides that a single-tier municipality may pass by-laws respecting 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 Council of the Corporation of the City of Kenora hereby enacts as follows:-

1.0 Short Title

Definitions:

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

2.0 Definitions:

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

"By-law Enforcement Officer" means an individual appointed by the Council of the City pursuant to s. 15 of the Police Services Act, RSO, 1990, c. P. 15, as amended;

"City" means The Corporation of the City of Kenora;

"Council" means the municipal council of the City;

"highway" includes a common and public highway, street, avenue, lane, bridge, 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, which is under the jurisdiction of the City;

"ice" means the solid form of water, produced by freezing;

“owner” means a registered owner, occupant or tenant of a property, or a person who, for the time being or permanently, is managing or receiving the rent from a property, whether on his or her own account or on account of an agent or trustee of any other person, or any one of the aforesaid;

“person” means any individual, owner or operator of vehicle, corporation, partnership, company, association or party and the heirs, executors, administrators or other legal representative of such person to whom the context can apply according to the laws; shall include any group of persons comprising a society or other organization and shall include the plural wherein the context requires;

“Police Officer” means an officer of Ontario Provincial Police;

“sidewalk” means that part of the highway meant for pedestrian use, typically indicated by some sort of concrete or paved walkway;

“snow” includes precipitation in the form of ice crystals and often agglomerated into snowflakes, formed directly from the freezing of the water vapour in the air.

3.0 General Prohibitions:

- 3.1** No person shall move, or cause to be moved, any snow or ice from privately-owned lands onto municipally owned lands; a boulevard, sidewalk or roadway.
- 3.2** No person shall remove, or cause to be removed, any snow or ice in a manner that would damage a sidewalk, curb or highway.
- 3.3** No person shall pile, redistribute or otherwise cause the accumulation of any snow or ice to obstruct traffic, the view of traffic, or obstruct in any way the movement of snow clearing equipment under the jurisdiction of the Operations Department.

4.0 Exemption:

- 4.1** Any municipal and/or municipally contracted snow clearing and snow removal operations are exempt from this by-law.
- 4.2** Upon written request; the Manager of Operations or designate may exempt or exempt with conditions any person/s from the requirements of this by-law.

5.0 Enforcement:

- 5.1** Enforcement of this By-law may commence upon receipt of a signed written complaint or upon receipt of a issue tracking complaint, from any resident who considers him/herself to be aggrieved by any condition not in compliance with this by-law.

- 5.2** Enforcement of this By-law may commence upon a request from the Ontario Provincial Police or from the City of Kenora Roads Supervisor or designate.
- 5.3** A By-law Enforcement Officer or Roads Supervisor or designate are responsible for the enforcement and provisions of the By-law and are authorized 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.
- 5.4** 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 and will indicate the time for compliance.
- 5.5** Where an Order has been issued and compliance has not been achieved within the required time period as set out in the Order the City may through its employees or agents or persons acting on its behalf carry out the Order at the Owners expense, 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.

6.0 Effective Date:

- 6.1** This by-law shall come into force and take effect upon third and final reading thereof.

By-Law Read a First and Second Time this 17th day of December, 2013.

By-Law Read a Third and Final Time this 17th day of December, 2013.

The Corporation of the City of Kenora:-

David S. Canfield Mayor

Heather L. Kasprick D/City Clerk