

THE CORPORATION OF THE TOWNSHIP OF MCKELLAR

BY-LAW NO 2017-34

Being a By-law to prohibit the deposit of snow and ice on Township roadways

WHEREAS Sections 8(1) and 10(2) of the Municipal Act, 2001, S.O. 2001, Chapter 25 as amended, authorize municipalities to pass by-laws for the health, safety and well-being of persons;

AND WHEREAS Section 181(1) of the Highway Traffic Act RSO 1990, Chapter H.8 prohibits the deposit of 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 the Council of the Township of McKellar deems it in the public interest to pass a by-law prohibiting the deposit of snow or ice on a roadway under the jurisdiction of the Township of McKellar;

NOW THEREFORE the Council of the Corporation of the Township of McKellar enacts as follows:

1. **DEFINITIONS**

In this by-law:

“Contractor” means a person alone or with others conducting work on a property or on behalf of an owner or occupant.

“Highway” means a common and public highway, and includes one or both of the following:

(1) Any street, roadway, avenue, parkway, lane, driveway, boulevard, sidewalk, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles or persons, or

(2) The area between the lateral property lines of any highway or road allowance including any curbs, gutters, culverts, ditches and retaining wall.

“Obstruction” means to obstruct, encumber, damage or foul and includes depositing of ice or snow.

“Officer” means a Person employed by the Township to perform the duties of enforcing By-laws and appointed by Council as a Municipal Law Enforcement Officer.

“Owner” includes,

(a) The Person who is the registered owner of a property; and

(b) The Person for the time being managing or receiving the rent of the property whether on the Person’s own account or as an agent or trustee of any other Person, or who would receive the rent if the land or premises were let.

“Occupant” means a lessee, tenant, mortgagee in possession or any other Person who appears to have care and control of any property.

“Person” in addition to its regular meaning, includes an individual, firm, proprietorship, partnership, association, syndicate, trust, corporation, department, bureau and agency or any director, officer, manager or person in charge of such entity or the collecting of rent of any property, or any other person who is the occupier of the property.

“Roadway” means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and , where a highway includes two or more separate roadways, the term “roadway” refers to any one roadway separately and not to all roadways collectively.

“Township” means the Corporation of the Township of McKellar.

2. GENERAL PROVISIONS

2.1 No person shall deposit snow or ice onto any municipal roadway without permission in writing to do so granted by the Council of the Township of McKellar.

3. HAZARDOUS CONDITION

If an Officer determines that an Obstruction of a Roadway is, or may create, a hazardous condition to the safety of any Person using the Highway or Roadway, the Officer may take any action necessary to have the Obstruction immediately removed and the Roadway repaired, if necessary, and all the costs incurred by the Township in undertaking this work shall be expenses owed to the Township by the Owner, Occupant and/or Contractor of the property from which the Obstruction comes from, relates to, or was created by.

4. ENFORCEMENT AND PENALTY

4.1 By-law Enforcement Officers of the Township of McKellar are hereby authorized to enforce the provisions of this By-law pursuant to the Provincial Offences Act.

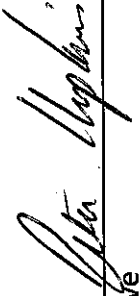
4.2 Every person who contravenes or fails to comply with any of the provisions of this By-law, and every director or officer of a corporation, is guilty of an offence and on conviction is liable to the fines and other penalties prescribed by the Provincial Offences Act and the Municipal Act. The fines specific to offenses under this Bylaw are identified on Schedule 'A' to this Bylaw.

5. SEVERABILITY

Where a court of competent jurisdiction declares any section or part of a section of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that the remainder of this by-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

This by-law shall come into force and take effect immediately upon the final passing thereof. The Schedule of Set Fines shall come into force and effect upon approval.

READ a FIRST and SECOND time this 20th day of November, 2017.




Reeve

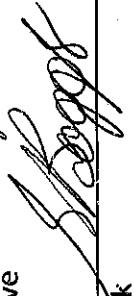


Clerk

READ a THIRD time and PASSED in OPEN COUNCIL this 4th day of December, 2017.



Reeve



Clerk

Schedule 'A' to By-law No. 2017-34

THE CORPORATION OF THE TOWNSHIP OF MCKELLAR
By-law No. 2017-31, Highway Obstruction By-law

PART 1 Provincial Offences Act - Set Fine Schedule

ITEM	SHORT FORM WORDING	PROVISION DEFINING OFFENCE	SET FINE
1	Deposit snow or ice onto roadway.	2.1	\$300.00

Highway Obstruction By-law PART 1 Provincial Offences Act

NOTE: The general penalty provision for the offences indicated above is Section 6 of By-law No. 2017-31, a certified copy of which has been filed.
