

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

By-law No. 05-593

Being a by-law for the removal of snow and ice from roofs and sidewalks and prohibiting the obstruction, encumbering, injuring or fouling of highways within the municipal boundaries of the Municipality of Temagami.

WHEREAS pursuant to Section 130 of The Municipal Act, S.O. 2001, as amended, provides that a municipality may regulate matters related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS Section 122 of the Municipal Act, S.O. 2001, as amended, providing for owners and occupants of buildings to remove snow and ice from the roofs of buildings and may regulate when and how the removal shall be undertaken;

AND WHEREAS the Council of the Municipality of Temagami deems it expedient to enact a single by-law to provide for the removal of snow and ice from roofs and sidewalks;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI ENACTS AS FOLLOWS:

- (1) That every occupant or owner shall, within 24 hours of the cessation of a winter storm event, or within 24 hours of the cessation of a series of consecutive winter storm events, remove and clear all snow and ice from sidewalks abutting the highways in front of, or along side, or at the rear of any occupied or unoccupied lot, or vacant lot;
- (2) All owners or occupants of buildings where the roof or eaves of which abut or overhang the highway or sidewalk upon the highway shall, whenever ice or snow accumulates on the roof or eaves, remove the same immediately, and in a manner showing due care and precaution for the safety of persons passing;
- (3) No person, association or corporation shall deposit any material, including snow or ice, off any private property upon any part of a highway within the municipal boundaries of the Municipality of Temagami except material placed on municipal boulevards to the approval of the Public Works Superintendent and except as is permitted under a municipal by-law;
- (4) All persons or corporations are prohibited from:

- (a) Placing snow or ice upon the ploughed sections of roads or sidewalks from which the Municipality has removed snow or ice.
 - (b) Placing snow or ice off driveway entrances, or otherwise, upon any street or highway including boulevards on the opposite side of the street to which the person or corporation resides or is located.
 - (c) Placing any material, including snow or ice, upon any part of a street or highway in such manner if, in the opinion of the Public Works Superintendent of the Municipality of Temagami, or his designee, such action is fouling, obstructing or encumbering a street or highway.
 - (d) Piling or placing any material, including snow or ice, in such a manner as to obstruct or damage highway signs, street name signs, light standards, hydrants, or any other such installation or utility located on a street or highway.
- (5) That if the owner or occupant fails, neglects, or refuses to comply with Sections (1), (2), (3) and (4) of this by-law, the Public Works Superintendent in lieu of, or addition to any other remedy provided by this by-law, is authorized to have the snow or ice to be removed at the expense of the owner or occupant, and in the case of non-payment, such expenses may be recovered in a like manner as municipal taxes.

Enforcement

- (6) Any Municipal Law Enforcement Officer, or employee of the Municipality designated by the Public Works Superintendent for the purpose of this section is authorized to inform any person of the provisions of this by-law and to request compliance therewith.
- (7) Any Municipal Law Enforcement Officer, or employee of the Municipality designated by the Public Works Superintendent for the purpose of this section is authorized to order any person believed by such Officer or employee to be in contravention of this by-law to desist from the activity consisting or contributing to such contravention.

Penalty

- (8) Any person contravening any provision of this by-law is guilty of an offence and upon conviction, is liable to such penalty as provided for under the Provincial Offences Act, R.S.O. 1990, Chapter P. 33, as amended.

Severance

- (9) Should a court of competent jurisdiction declare any part or whole of any provision 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 this 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 to the extent possible under law.

Enactment

- (10) This by-law shall come into force and take effect upon the date of the final passing thereof.

READ A FIRST AND SECOND TIME THIS ____ DAY OF _____,
_____.

READ A THIRD TIME AND PASSED THIS ____ DAY OF _____,
_____.

Mayor

Chief Administrative Officer/Clerk