

**THE CORPORATION OF THE
TOWNSHIP OF WELLESLEY
BY-LAW NUMBER**

12/2011

A BY-LAW CONCERNING THE REMOVAL OF SNOW AND ICE FROM
SIDEWALKS AND ROOFS WITHIN THE HEIDELBERG SETTLEMENT AREA;
WELLESLEY SETTLEMENT AREA; ST. CLEMENTS SETTLEMENT AREA;
LINWOOD SETTLEMENT AREA AND THE HAWKESVILLE SETTLEMENT AREA
OF THE TOWNSHIP OF WELLESLEY

WHEREAS pursuant to S. 130 of the Municipal Act, 2001, S. O. 2001, c. 25 (the "Act"), Municipalities may pass By-laws to regulate matters related to the health, safety and well-being of the inhabitants of the Municipality;

AND WHEREAS pursuant to Paragraph One of the Table to S. 11(2) of the Act, Municipalities may pass By-laws respecting "Highways";

AND WHEREAS pursuant to S. 55 of the Act, a lower-tier Municipality in which highways are located is responsible for the maintenance of the sidewalks and has jurisdiction over that part of the highway (i.e. the sidewalks);

AND WHEREAS pursuant to S. 122(1) of the Act, a Municipality may require the 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 pursuant to Section 181 of the Highway Traffic Act R.S.O. 1990, c. H.8 states "no person shall deposit 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".

**THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF
THE TOWNSHIP OF WELLESLEY ENACTS AS FOLLOWS:**

Definitions:

1. For the purpose of this By-law:
 - (a) "highway" means a common and public highway and includes a street and a bridge forming part of the highway or on, over or across which a highway passes.
 - (b) "traveled roadway" means that portion of a highway which includes the pavement of the highway together with any curbs or gravel shoulders contiguous thereto.
 - (c) "enforcing official" means a Municipal Law Enforcement Officer appointed by the Council of the Township of Wellesley or a member of the Waterloo Regional Police Service, for the purpose of enforcing the provisions of this By-law.
 - (d) "school" means an institution at which instruction is provided at any time of any school day for five or more pupils who have attained compulsory school age in any of the subjects of the elementary or secondary school courses of study, whether under the jurisdiction of a board or not, and whether an institution operated by the Government of Ontario or not.
 - (e) "school site" means land or premises required for a school, school playground, school garden, teachers' residence, caretakers residence, gymnasium, offices, parking areas or for any other school purpose.

- (f) (i) The Settlement Area of St. Clements is defined as the lands identified in Schedule "1" attached hereto being a map of the Settlement Area of St. Clements.
- (ii) The Settlement Area of Wellesley is defined as the lands identified in Schedule "1" attached hereto being a map of the Settlement Area of Wellesley.
- (iii) The Settlement Area of Hawkesville is defined as the lands identified in Schedule "1" attached hereto being a map of the Settlement Area of Hawkesville.
- (iv) The Settlement Area of Heidelberg is defined as the lands identified in Schedule "1" attached hereto being a map of the Settlement Area of Heidelberg.
- (v) The Settlement Area of Linwood is defined as the lands identified in Schedule "1" attached hereto being a map of the Settlement Area of **Linwood**.

Sidewalks:

2. The owner or occupant of every occupied building, and the owner of every unoccupied building or vacant land in any of the Settlement Areas identified in this By-law being Heidelberg, St. Clements, Wellesley, **Linwood** or Hawkesville of the Township of Wellesley shall, within twenty-four hours after the end of a snow fall or freezing rain, during the months of October, November, December, January, February, March and April in each year, clear away and remove all snow and/or ice from the sidewalks on the highways in front of, along side of, or at the rear of such building or vacant lands.

Roofs:

3. The owner or occupant of every occupied building and the owner of every unoccupied building in any of the Settlement Areas identified in this By-law being Heidelberg, St. Clements, Wellesley, **Linwood** or Hawkesville of the Township of Wellesley containing a roof which slopes towards a sidewalk on a highway in front of, along side of, or at the rear of such building so that the snow may fall from such roof, shall, before the hour of 9:00 o'clock in the forenoon and every day, except Sunday, during the months of October, November, December, January, February, March and April, in each year, remove the snow and ice from the roof of the premises so owned or occupied by him or her; and every person while removing the same, shall take due and proper care and precaution for the warning and safety of all persons using such sidewalk or highway.

Deemed Occupants:

4. For the purpose of Sections 2 and 3 herein, every person having the charge or care of any church, chapel, school, public hall or other public building, in any of the Settlement Areas identified in this By-law being Heidelberg, St. Clements, Wellesley, **Linwood** or Hawkesville of the Township of Wellesley, shall be deemed to be an occupant thereof for the purposes of this By-law.

Depositing Snow and Ice:

5. 5.1 Subject to subparagraph 1 (b) hereof, no person shall place or cause to be placed any snow or ice on any public sidewalk or traveled roadway.
- 5.2 Where there is no boulevard, no person shall deposit snow or ice in such a manner that it will obstruct drainage to any catch basin, or obstruct access to any fire hydrant, or in any way obstruct the normal passage of motor vehicles on the highway.
- 5.3 Notwithstanding subsection (5.1), no person owning or operating a parking lot, public garage, automobile service station, car or truck dealership, commercial building or apartment building shall place or cause to be placed any snow or ice on any sidewalk or highway.

Damage to Sidewalk or Curb:

6. No person shall remove snow or ice in such a manner which would damage any sidewalk or curb within the Settlement Areas identified in this By-law being Heidelberg, St. Clements, Wellesley, **Linwood** or Hawkesville of the Township of Wellesley of the Township of Wellesley.

Offence/Penalty:

7. Every person who contravenes any of the provisions of this By-law shall, upon conviction is liable to a fine pursuant to Section 61 of the Provincial Offences Act and a penalty not exceeding \$2,000.00 and/or a set fine as outlines in Schedule 2 of this By-law.

Township May Remove Snow and Ice:

8. **8.1 If snow accumulation on the roof or sidewalk is deemed to be a hazard by the Township and is not cleared in accordance with Sections 2 and 3 herein, upon notification of the hazard, the Director of Public Works & Environment of the Township of Wellesley, may at his discretion, authorize the clearing or removal of the same, at the expense of the owner and the cost of so doing shall be recovered in a like manner as taxes pursuant to the provisions of the Municipal Act, 2001, as amended.**

8.2 In addition to the foregoing penalty in Section 7 or action in Section 8.1 by the Township to clear or remove said snow, the Township of Wellesley may give notice to the owner of the building or vacant land in question directing him to clear the sidewalks and roof and to remove the snow or ice there from as required by this By-law within twenty-four hours; provided however that if the owner so directed fails or neglects or refuses to comply with such notice, the Director of Public Works & Environment of the Township may, at the expiration of the time set out in such notice, cause all the snow and/or ice to be removed and cleaned away from the said sidewalk or sidewalks and roof at the expense of such owner; and the Township may recover the expenses incurred in such removal and cleaning away of snow or ice, for which there will be a minimum charge of one hour for labour and equipment, by commencing an action herein, or, in like manner as municipal taxes.

Repeal:

9. **By-law 46/2008 of the Township of Wellesley, and all By-laws amending the same and any other By-law inconsistent with the provisions of this By-law are hereby repealed.**

Effective Date:

10. This By-law comes into force and effect on the date it is passed by the Council of the Township of Wellesley.
11. **The Schedule of Set Fines shall come into force and effect upon the approval of the Regional Senior Judge, West Region.**

Read a first and second time this 4th day of April, 2011.


Mayor Ross Kelterborn


CAO/Clerk, Susan Duke

Read a third and final time and passed this 19th day of April, 2011.


Mayor Ross Kelterborn


CAO/Clerk, Susan Duke

SCHEDULE "1"
BY-LAW 12/2011
Sidewalk Snow / Ice Removal By-law

Heidelberg Settlement Area



SCHEDULE "1"
BY-LAW 12/2011
Sidewalk Snow / Ice Removal By-law

Wellesley Settlement Area



SCHEDULE "1"
BY-LAW 12/2011

Sidewalk Snow / Ice Removal By-law

Hawkesville Settlement Area



SCHEDULE "1"
BY-LAW 12/2011
Sidewalk Snow / Ice Removal By-law

St. Clements Settlement Area



SCHEDULE "1"
BY-LAW 12/2011
Sidewalk Snow / Ice Removal By-law

Linwood Settlement Area



SCHEDULE "2"
Part 1 Provincial Offences Act

THE CORPORATION OF THE TOWNSHIP OF WELLESLEY
BY-LAW 12/2011
Sidewalk Snow / Ice Removal By-law

ITEM NO.	SHORT FORM WORDING	PROVISIONS Creating or Defining Offence	Set fine
1	Fail to remove all snow and ice from sidewalks	s. 2	\$100.00
2	Fail to remove all snow and ice from roofs	s. 3	\$100.00
3	Placement of snow on public sidewalk or travelled roadway	s. 5.1	\$100.00
4	Deposit of snow or ice so as to obstruct drainage to any catch basin	s. 5.2	\$100.00
5	Deposit of snow or ice so as to obstruct a fire hydrant	s. 5.2	\$100.00
6	Deposit of snow so as to obstruct normal passage of motor vehicles on any highway	s. 5.2	\$100.00
7	Placing or cause to be placed any snow or ice on any sidewalk or highway by owner of a parking lot or other identified commercial property.	s. 5.3	\$100.00
8	Removal of snow or ice so as to damage or caused to be damaged any sidewalk or curb	s. 6	\$100.00

NOTE: The penalty provision for the offences indicated above is Section 61 of the Provincial Offences Act. R.S.O. 1990. C.P.33