

THE CORPORATION OF THE TOWNSHIP OF TAY

BY-LAW NO. 2015-48

Being a by-law to repeal By-law 2003-08 and to regulate the removal and piling of snow within the Township of Tay

WHEREAS the Municipal Act, 2001, S.O. c.25, Section 9, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act or any other Act;

AND WHEREAS the Municipal Act, 2001, S.O. c.25, Section 11(2) provides that municipalities have the authority to pass by-laws respecting the health, safety and well being of persons;

AND WHEREAS Council deemed it expedient to enact regulations to govern and control the removal and piling of snow within the municipality;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF TAY HEREBY ENACT AS FOLLOWS:

1.0 DEFINITIONS

In this by-law,

"Agent" means a person who acts on behalf of the Township of Tay;

"Boulevard" means any part of the street between the curb or edge of the roadway and the street line, exclusive of the area covered by the sidewalk;

"Director" means the Director of Public Works or designate authorized by the Township of Tay to perform the duties thereof;

"Officer" means a Municipal Law Enforcement Officer or Police Officer;

"Person" means any human being, association, firm, partnership, private club, incorporated company, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to who the context can apply according to the by-law;

"Roadway" means that portion of a street improved, designed or ordinarily used for vehicular traffic;

"Sidewalk" means any sidewalk or hard surfaced area forming part of any highway used by or set apart for the use of pedestrians;

"Street line" means the line forming a common boundary between private property and the street;

"Township" means the Corporation of the Township of Tay.

2.0 GENERAL PROVISIONS

- 2.1 No person shall deposit, or cause to be deposited, snow or ice on a roadway or sidewalk.
- 2.2 No person shall deposit, or cause to be deposited, snow or ice on a boulevard that is not adjacent to his or her property.
- 2.3 No person shall deposit, or cause to be deposited, snow or ice on a boulevard that obstructs the line of sight of a driver of a vehicle at an intersection.
- 2.4 No person shall deposit, or cause to be deposited, snow or ice on, or immediately adjacent to, a fire hydrant or in any manner that obstructs access to a fire hydrant.
- 2.5 No person shall deposit, or cause to be deposited, snow or ice in such a manner so as to obstruct drainage to any Township owned drain or sewer.
- 2.6 No person shall deposit, or cause to be deposited, snow or ice on any other Township owned property including parkland.
- 2.7 No person shall pile, redistribute or otherwise cause the accumulation of snow on a sidewalk, boulevard or travelled portion of a roadway, within the municipality, in such a manner as to obstruct traffic, the view of traffic, or obstruct in any way the movement of snow clearing equipment under the jurisdiction of the Public Works Department.
- 2.8 The provisions of this by-law shall not apply to the Township of Tay, the County of Simcoe or the Ministry of Transportation.

3.0 REMEDIATION

- 3.1 When snow or ice is deposited in contravention of Section 2.0, notice shall be given to the property owner to remove the material forthwith.
- 3.2 If the property owner fails to remove the snow or ice forthwith, or cannot be notified immediately, or if the property is vacant or if the material is of a nature, volume or consistency to create an immediate hazard, the Director of Public Works or his/her designate is authorized to have the material be removed and to invoice the property owner for the expense incurred.
- 3.3 The Township may recover the remedial action and enforcement costs incurred under subsection 3.2 by action, or by adding them to the tax roll and collecting them in the same manner as taxes in accordance with Section 446 of the Municipal Act.

4.0 OBSTRUCTION

- 4.1 No person shall hinder, interfere with or otherwise obstruct, either directly or indirectly, an officer, employee of the Township of Tay and/or agent in the lawful exercise or power or duty under this by-law.
- 4.2 Any person who has been alleged to have contravened any of the provisions of the by-law, shall identify themselves to the officer upon request, failure to do so shall be deemed to have obstructed or hindered the officer in the execution of his or her duties.

5.0 PENALTY

- 5.1 Every person who contravenes any of the provisions of this by-law and every director or officer of a corporation, who knowingly concurs in the contravention by the corporation, is guilty of an offence under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- 5.2 Every person who contravenes the provisions of this by-law and every director or officer of a corporation, who knowingly concurs in the contraventions by the corporation, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the Municipal Act 2001, S.O. 2001, c. 25, as amended.
- 5.3 For the purpose of continuous offences, every person who contravenes any provision of this by-law and every director or officer of a corporation who knowingly concurs in the contravention of a by-law of the corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- 5.4 Despite section 5.3 and the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, the total of all daily fines for the offence is not limited to \$100,000.
- 5.5 For the purpose of multiple offences, every person who contravenes any provision of this by-law and every director or officer of a corporation who knowingly concurs in the contravention of a by-law of the corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- 5.6 Despite section 5.5 and the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the total of all daily fines for the offence is not limited to \$100,000.
- 5.7 Every person who fails to comply with a notice made under this By-law is guilty of an offence.
- 5.8 It shall be an offence for a person to hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under the Municipal Act, 2001, as amended, or under a by-law passed under the Municipal Act, 2001, as amended.
- 5.9 Any person who has been alleged to have contravened any of the provisions of a by-law passed under the Municipal Act, 2001, as amended shall identify themselves to the Officer upon request. Failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of the Officer's duties.
- 5.10 Every person who contravenes any section of this by-law under a Part 1 ticket, upon conviction shall be liable to a fine as provided for in the Provincial Offences Act, R.S.O 1990, Chapter P.33, as amended.
- 5.11 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

6.0 VALIDITY AND SEVERABILITY

- 6.1 Should any section, subsection, clause, paragraph or provision of this by-law be declared by a Court of competent jurisdiction to

be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the Part so declared to be invalid.

7.0 SHORT TITLE

7.1 The short title of this by-law is the Snow Removal By-law.

8.0 REPEALED

8.1 By-law No. 2003-08 is hereby repealed.

9.0 EFFECTIVE DATE

9.1 This by-law shall come into force and take effect immediately upon the final passing thereof.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 29TH DAY OF FEBRUARY, 2016.

THE CORPORATION OF THE TOWNSHIP OF TAY

MAYOR, Scott Warnock

CLERK, Alison Thomas

CORPORATION OF THE TOWNSHIP OF TAY

PART 1 PROVINCIAL OFFENCES ACT

By-law 2015-48: Snow Removal

ITEM	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Deposit or cause to be deposited, snow or ice on a roadway or sidewalk	Section 2.1	\$150.00
2	Deposit or cause to be deposited, snow or ice on a boulevard that is not adjacent to his or her property	Section 2.2	\$150.00
3	Deposit or cause to be deposited, snow or ice on a boulevard that obstructs the line of sight	Section 2.3	\$150.00
4	Deposit or cause to be deposited, snow or ice on, or immediately adjacent to a fire hydrant	Section 2.4	\$150.00
5	Deposit or cause to be deposited, snow or ice as to obstruct drainage to any Township drain or sewer	Section 2.5	\$150.00
6	Deposit or cause to be deposited, snow or ice on Township owned property	Section 2.6	\$150.00
7	Pile the accumulation of snow on a sidewalk or traveled portion of a highway	Section 2.7	\$150.00
8	Redistribute the accumulation of snow on a sidewalk or traveled portion of a highway	Section 2.7	\$150.00
9	Cause the accumulation of snow on a sidewalk or traveled portion of a highway	Section 2.7	\$150.00
10	Obstructing an Officer or Agent	Section 4.1	\$300.00

Note: The penalty provision(s) for the offences indicated above is Section 5.1 of By-law 2015-48 a certified Copy of which has been filed

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