

THE CORPORATION OF THE

TOWN OF PELHAM

By-law 3069 (2009)

Being a by-law to provide for the removal of snow and ice from sidewalks.

WHEREAS section 11(2), paragraph 6, of the Municipal Act 2001, S.O. 2001, c25, as amended, provides that a municipality may pass by-laws respecting the health, safety and well-being of persons and pursuant to subsection 11(3), paragraph 1, of the Municipal Act, a municipality may pass by-laws regulating highways;

AND WHEREAS section 425 of the Municipal Act, establishes that any person who contravenes a by-law of the municipality is guilty of an offence;

AND WHEREAS section 446 of the Municipal Act provides that where a municipality has authority to direct that any matter or thing be done, the municipality may also direct that, in default of its being done by the person directed or required to do it, such matter or thing shall be done at his expense, and the municipality may recover the expense incurred in doing so by action or in the same manner as property taxes;

AND WHEREAS the Council of The Corporation of the Town of Pelham deems it necessary to pass a by-law to provide for the removal of snow and ice from sidewalks;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

1. DEFINITIONS:

That in this by-law, the following definitions shall apply:

- (a) "Town" means The Corporation of the Town of Pelham;
- (b) "Sidewalk" means the concrete sidewalk or paved walkway on the highway in front or along side or at the rear of buildings or land.

2. SIDEWALKS:

- (a) Within twenty-four (24) hours after the substantial end of any fall of snow, rain, freezing rain or hail event the owner or occupant of every occupied building and the owner of every unoccupied building and the owner of every parcel of vacant land, shall clear away and remove, or cause to be cleared away and removed, snow and ice from the sidewalk.
- (b) Beyond the twenty-four (24) hour period, the owner or occupant of every occupied building and the owner of every unoccupied building and the owner of every parcel of vacant land, whenever and as often as any part of the surface of the sidewalk has become slippery because the snow and ice has not been completely removed or a melt event has occurred, shall immediately upon such slippery conditions having come into existence, sprinkle or cause to be sprinkled upon such portion of the said sidewalk, sand, salt or some other like suitable material, in such manner as to thoroughly cover the slippery surface.

(c) When the snow and ice has not been removed from the sidewalk within the twenty-four (24) hour period, and beyond the twenty-four (24) hour period when any part of the surface of such sidewalk has become slippery and has not been sprinkled at the time in accordance with the requirements of this by-law, the Town may, at the expense of the owner of the building or land, cause such snow and ice to be cleared away and removed, or such slippery surface to be sprinkled in accordance with the requirements of this by-law, and the expenses incurred in so doing shall be recovered by action or in the same manner as property taxes.

3. GENERAL PROVISIONS

(a) No person shall deposit ice or snow on any sidewalk or 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 passage of motor vehicles on a highway.

(b) Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to any penalty provided for in the Provincial Offences Act R.S.O. 1990, cP.33 as amended.

4. This by-law comes into force the date that it is passed.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
14th, DAY OF DECEMBER, 2009 A.D.


MAYOR


CLERK