

**THE CORPORATION OF THE TOWN OF WHITBY**

**BY-LAW NO. 5685-05**

**BEING A BY-LAW TO PROVIDE FOR THE CLEARING AWAY AND REMOVING OF SNOW AND ICE FROM SIDEWALKS AND THE ROOFS OF BUILDINGS IN THE TOWN OF WHITBY**

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WHEREAS, the Council of the Corporation of the Town of Whitby considers it desirable to pass a by-law to provide for the clearing away and removing of snow and ice from sidewalks as well as the roofs of certain buildings within its jurisdiction;

AND WHEREAS, Subsection 11 (2) of The Municipal Act, S.O. 2001, c. 25, as amended, provides that a lower tier municipality may pass by-laws respecting highways;

AND WHEREAS, Subsection 122 (1) of The Municipal Act, S.O. 2001, c. 25, as amended, provides that a local municipality may require the owners and occupants of buildings to remove snow and ice from the roofs of the buildings and may regulate when and how the removal shall be undertaken;

NOW THEREFORE, the Council of the Corporation of the Town of Whitby enacts as follows:

**DEFINITIONS**

1. In this by-law,
  - (a) "building" includes an unoccupied building;
  - (b) "Director of Public Works" means the Director of Public Works of the Corporation of the Town of Whitby or his or her designate;
  - (c) "highway" means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and includes a portion of a highway;

- (d) "owner" includes not only an individual but also a partnership and body corporate and any association and the heirs, executors, administrators and assigns or other legal representatives thereof to whom the context may apply;
- (e) "property" includes a vacant lot;
- (f) "sidewalk" means a public sidewalk on a highway; and,
- (g) "Town" means the Corporation of the Town of Whitby.

CLEARING AWAY AND REMOVING OF SNOW AND ICE FROM ROOFS OF BUILDINGS

2. Every occupant and, where there is no occupant, every owner of a building in the Town erected in such close proximity to a sidewalk or a highway that snow or ice may or is likely to fall upon such sidewalk or highway from the roof of such building, shall, whenever snow or ice accumulates on the roof of such building to the extent that it is likely to fall upon the sidewalk or highway, clear away and remove, or cause to be cleared away and removed, from the roof of such building the snow or ice and while clearing away and removing same shall take, or cause to be taken, sufficient and proper care and precaution for the warning and safety of pedestrian and vehicular traffic using the sidewalk or highway, as the case may be.

CLEARING AWAY AND REMOVING OF SNOW AND ICE FROM SIDEWALKS

3. (1) Every occupant and, where there is no occupant, every owner of property in the Town shall no later than 24:00 hours (midnight) of the first day after the fall of any snow or other precipitation which freezes on the sidewalk in front of, alongside or at the rear of such property, clear away and remove, or cause to be cleared away and removed, the snow and ice from such sidewalk and where the snow or ice cannot be cleared away and removed without damage to the sidewalk, such person shall place, or cause to be placed, ashes, sand or some other like suitable substance on the sidewalk.
- (2) Despite the provisions of Subsection 3. (1) of this by-law, the Town shall be responsible for the clearing away and removal of snow and ice from the sidewalks located in those designated areas of the Town as are set out in Schedule "A" attached hereto and forming part of this by-law.

4. (1) Any Person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction thereof is liable to a fine of not more than \$5,000.00, exclusive of costs, which shall be recoverable under the provisions of the Provincial Offences Act and all the provisions of the said Act shall apply to any prosecution for any offence under the provisions of this by-law.
- (2) Where an occupant or owner is in default of any of the provisions of this by-law, by failing to carry out the requirements of section 3 (1) within one working day after delivery of notice in writing from the Municipal Law Enforcement Officer, the Director of Public Works shall carry out, or cause to be carried out, on behalf of the Town the work required to be done by this by-law, at the expense of the property owner, and the Town shall recover the expense incurred in doing it in like manner as municipal taxes.

SHORT TITLE

5. This by-law may be referred to as the Snow and Ice Clearing By-law.

REPEAL OF EXISTING BY-LAWS

6. By-law No. 2908-90 is repealed.

EFFECTIVE DATE

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

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 24<sup>TH</sup> DAY OF OCTOBER, A.D., 2005.

  
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Paul Jones, Clerk

  
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Marcel L. Brunelle, Mayor

## **SCHEDULE "A"**

TO

BY-LAW NO. 5685-05

### **DESIGNATED AREAS**

1. Sidewalks on Arterial Roads, as designated in the Town of Whitby Official Plan.
2. Sidewalks on Collector Roads, as designated in the Town of Whitby Official Plan.
3. Sidewalks on Local Roads within downtown Whitby including portions of Kent, King, Centre, Byron, Perry, Hickory, Regency, Green, Elm and Gilbert Streets as per the attached key map.
4. In front of, alongside of or at the rear of Town owned properties.
5. School crossings controlled by crossing guards.
6. Seniors and persons with a disability registered with the Seniors Activity Centre's Seniors Driveway Windrow Program.
7. Reverse frontage sidewalks in residential areas of the Town.
8. Designated park walkways including Central Park, Jack Wilson Park and Ash Street Park.
9. Any other area as designated by the Director of Public Works.