

# THE CORPORATION OF THE TOWN OF TECUMSEH

## BY-LAW 2016-06

Being a by-law respecting the removal of snow and ice from sidewalks on the highways in the Town of Tecumseh

**WHEREAS** Section 128(1) of the *Municipal Act, 2001 S.O. 2001 c.25* provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are, could become or cause public nuisances;

**AND WHEREAS** Section 130 of the *Municipal Act, 2001 S.O. 2001 c. 25* provides that a municipality may regulate matters not specifically provided for by the Act for purposes related to the health, safety and well-being of the inhabitants of the municipality;


**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF TECUMSEH ENACTS AS FOLLOWS:**

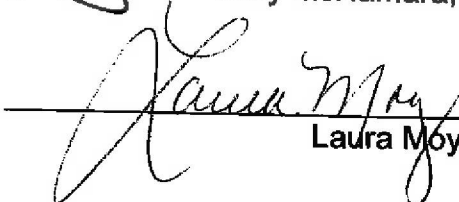
1. In this by-law:
  - (a) "Building"
    - (i) "Commercial" shall mean any building which is not a Multiple Family or Single Family Building;
    - (ii) "Multiple Family" shall mean a building designed or intended or used for occupancy by two or more families and includes apartment buildings and apartment hotels;
    - (iii) "Single Family" shall mean a detached building designed or intended or used for occupancy by not more than one family.
  - (b) "Corporation" means The Corporation of the Town of Tecumseh.
  - (c) "Highway" means a common and public highway and includes a street and a bridge forming part of a highway or on, over or across which highway passes whether under the jurisdiction and control of the Town of Tecumseh, the Corporation of the County of Essex or the Province of Ontario;
  - (d) "Occupant" shall include,
    - (i) the person who is in physical possession of a building or land; or
    - (ii) the person who has responsibility for and control over the condition of a building or the activities carried on therein or control over persons allowed to enter the building;  
**notwithstanding that there may be more than one occupant of the same building or land;**
  - (e) "Owner" shall include any person who is an owner of land either jointly or in common with any other person or persons and shall include any or all of such persons.
2. (a) The Owner of every Single Family Building in the Town of Tecumseh shall clear away and remove snow and ice from the sidewalks on the Highways in front of, alongside and at the rear of such Building and any private sidewalks between a Highway and the main entrance of the Building;

- (b) If the Owner is not in physical possession of the Single Family Building, the Occupant and the Owner shall be jointly and severally responsible for clearing away and removing the snow and ice from the said sidewalks referred to in section 2(a).
3. The Owner of every Multiple Family Building in the Town of Tecumseh shall clear away and remove the snow and ice from the sidewalk on the Highways in front of, alongside and at the rear of such Building and any private sidewalks between a Highway and the main entrance of the Building.
4.
  - (a) The Owner of every Commercial Building in the Town of Tecumseh shall clear away and remove snow and ice from the sidewalks on the Highways in front of, alongside and at the rear of such Building and any private sidewalks between a Highway and the main entrance of the Building.
  - (b) If the Owner is not in physical possession of the Commercial Building, the Occupant and the Owner shall be jointly and severally responsible for clearing away and removing the snow and ice from the said sidewalks referred to in Section 4(a).
5. The owner of any vacant lands in the Town of Tecumseh shall clear away and remove snow and ice from the sidewalks on the Highways in front of, alongside and at the rear of such vacant land.
6. Where snow falls or ice forms upon the sidewalks referred to in Sections 2, 3 and 5 of this By-law, the Owner or Occupant in the case of a Single Family Building and the Owner of a Multiple Family Building shall remove the said snow or ice from the sidewalks within twelve (12) hours following the snow fall or formation of ice.
7. Where snow falls or ice forms upon the sidewalks referred to in Section 4 of this By-law, the Owner or Occupant shall remove the said snow or ice from the sidewalks within:
  - (a) four (4) hours following the snow fall or formation of ice upon the said sidewalks during daylight hours; or
  - (b) four (4) hours following sunrise in the case of snow falling or ice forming overnight.
8. Where the clearing away and removal of ice from public sidewalks as provided for in this By-law may cause damage to such sidewalks, the Owner or Occupant, as the case may be, of a Single Family, Multiple Family or Commercial Building shall spread sand, salt, or other abrasive material designed for use on sidewalks upon those portions of the said sidewalks where ice has formed in such a manner so as to remove the danger of any person slipping and falling on the said sidewalks.
9. No person shall cause any damage to any public sidewalk in the Town of Tecumseh by clearing away and removing snow or ice therefrom.
10. No Owner, Occupant, or other person shall move or permit to be moved snow or ice from private property onto the sidewalk or any other part of a Highway.
11.
  - (a) The Owner (or in the case of a Commercial Building or Single Family Building the Owner and Occupier) of a Building which fronts or abuts on, or is erected near a Highway, from which snow or ice may fall upon the Highway, must, whenever snow or ice accumulates upon any portion of the Building to an extent that is dangerous to the public using the sidewalk or any other part of the Highway, cause the snow or ice to be immediately removed from the Building.

- (b) The Owner or Occupant, as the case may be, must take proper care and precaution for the warning and the safety of the public using the Highway during the removal of the snow and ice.
- 12. Where this By-law requires any matter or thing to be done by a person and the matter or thing is not done by said person, the matter or thing may be done by the Corporation, without notice to and at the expense of the person responsible under this By-law and the cost for doing such matter or thing may be added to the tax roll and collected in the same manner as property taxes.
- 13. (a) Every person who is convicted of an offence is liable to a fine of not more than Five Thousand (\$5,000.00) Dollars as provided for in the *Provincial Offences Act, R.S.O. 1990, Chap. P.33.*  
 (b) This Section shall not be construed to derogate from any other remedies or rights which the Corporation may have.
- 14. By-law 2003-100 is hereby repealed.
- 15. Notwithstanding Section 14 hereof, any matter or proceeding that has been commenced under By-law 2003-100 before the day this By-law comes into force shall be continued and disposed of under By-law 2003-100.
- 16. This By-law shall come into force and take effect from the date of the third and final reading.


**READ** a first, second and third time and finally passed this 12<sup>th</sup> day of January, 2016.


  
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 Gary McNamara, Mayor

  
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 Laura Moy, Clerk

**Read** a first, second and third time and finally passed this 12<sup>th</sup> day of January, 2016.



  
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 Gary McNamara, Mayor

  
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 Laura Moy, Clerk