



**BY-LAW NUMBER 225-2005
OF
THE CORPORATION OF THE CITY OF STRATFORD**

BEING a by-law to provide for the removal of snow and ice from roofs and sidewalks in the City of Stratford and to repeal By-law 53-82 and amendments thereto.

WHEREAS section 8 of the *Municipal Act, 2001, S.O. 2001, c.25 as amended*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS section 9 of the *Municipal Act* provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities, and inclusive of powers that existed on December 31, 2002;

AND WHEREAS section 11(1) of the *Municipal Act* provides that a single-tier municipality may pass by-laws respecting matters within its spheres of jurisdiction;

AND WHEREAS highways are within the sphere of jurisdiction of The Corporation of the City of Stratford, being a single-tier municipality;

AND WHEREAS section 122 of the *Municipal Act* provides that a 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 snow removal shall be undertaken;

AND WHEREAS section 130 of the *Municipal Act*, provides that a municipality may regulate matters related to the health, safety and well-being of the inhabitants of the municipality;

NOW THEREFORE BE IT ENACTED the Council of The Corporation of the City of Stratford enacts as follows:

DEFINITIONS

1.0 In this By-law:

- a) **"City"** means the City of Stratford;
- b) **"Chief of Police"** means the Chief of Police of the City of Stratford;
- c) **"Council"** means the Council for the City of Stratford;
- d) **"Director"** means the Director of Engineering and Public Works of the City and includes his designate and successor;

- e) **"Officer"** means a Municipal Law Enforcement Officer appointed by Council for carrying out the provisions of this by-law;
- f) **"person"** shall include a corporation or partnership;
- g) **"sidewalk"** means any municipal walkway for the accommodation of pedestrians on that portion of a street between the curb line and the street line which is located outside the traveled portion of the street;
- h) **"snow"** includes ice and slush;
- i) **"street"** means a highway, road allowance, street, avenue, parkway, driveway, land square, place, bridge, viaduct, trestle or public way under the jurisdiction of the City of Stratford and includes a street, boulevard whether or not paved, an unopened road allowance and any portion of the land situated between street lines;
- j) **"traveled portion of the street"** means that portion of the street used or intended for use by the general public for passage of vehicles, and includes parking areas.

2.0 In this By-law, whenever a word imparts the masculine gender it is deemed to include the feminine gender.

3.0 In this By-law, the singular sense is deemed to be inclusive and interchangeable with the plural sense.

4.0 GENERAL DUTIES, OBLIGATIONS AND PROHIBITIONS

4.1 The owner or occupant of an occupied building or the owner of an unoccupied building or vacant land within the geographic limits of the City of Stratford shall not throw, place, blow or deposit snow from privately-owned land upon a street or sidewalk in the City of Stratford.

4.2 The owner or occupant of an occupied building or the owner of an unoccupied building or vacant land within the geographic limits of the City of Stratford shall not throw, place, blow or deposit snow or ice:

- a) on or immediately adjacent to a fire hydrant, or in any manner that obstructs access to a fire hydrant;
- b) in such a manner so as to obstruct drainage to any drain or sewer.

4.3 Every owner or occupant of every occupied building and the owner of every unoccupied building or vacant land in the City shall ensure that any snow or ice that he, she or it has deposited in contravention of Section 4 of this By-law, is removed forthwith. Any snow or ice found to be deposited in contravention of Section 4 may be cleared, treated or removed at the direction of the Director at the expense of the owner and such costs may be added to the tax roll and recovered in the same manner and in the same priority as municipal taxes.

5.0 SNOW AND ICE CLEARING FROM SIDEWALKS - DESIGNATED AREAS

5.1 The owner or occupant of every occupied building, and the owner of every unoccupied building or vacant land identified in Schedule "A" attached hereto, shall clear away and remove all snow and ice from the sidewalks on the streets in front of, along side of, or at the rear of such buildings or vacant lands. This

includes sidewalks in front of, along side of, or at the rear of doorways, laneways, stairwells and private parking areas.

- 5.2 The owner or occupant of every occupied building and the owner of every unoccupied building or vacant land required under section 5.1 of this By-law to clear away and remove all snow and ice from the sidewalks shall do so:
- a) before 10:00 a.m. on every day in the year, except Holidays as defined in the *Retail Business Holidays Act* and Sundays; and thereafter,
 - b) by monitoring sidewalk conditions between 10:00 a.m. and 6:00 p.m. on every day in the year, except Holidays as defined in the *Retail Business Holidays Act*, and Sundays, and to continue to keep the sidewalks cleared of snow and ice at all times.
- 5.3 The owner or occupant of every occupied building and the owner of every unoccupied building or vacant land required under section 5.1 of this By-law to clear away and remove all snow and ice from the sidewalks shall deposit such snow and ice at the edge of the street immediately adjacent to the curb, in such a way so as to not obstruct the traveled portion of the street or access to any fire hydrant.
- 5.4 Snow or ice shall not be removed in a manner which would damage any sidewalk or curb within the City of Stratford.
- 5.5 If ice or hard-packed snow cannot be removed without damage to the sidewalk, the owner or occupant of every occupied building and the owner of every unoccupied building or vacant land shall spread or cause to be spread a material or combination of material on the sidewalk as provided for in Schedule "B" attached hereto and forming part of this By-law.

6.0 REMOVAL FROM ROOFS AND EAVES

- 6.1 The owner or occupant of every occupied building and the owner of every unoccupied building or vacant land within the geographic limits of the City of Stratford,
- a) where the roof or eaves abut or overhang the street or sidewalk upon the street, or
 - b) where the roof slopes towards a sidewalk on a street in front of, along side of, or at the rear of such building so that the snow, icicles or ice may fall from such roof,

shall whenever snow, icicles or ice accumulates on the roof or eaves, remove the same before 10:00 a.m. on every day in the year, except Holidays as defined in the *Retail Business Holidays Act* and Sundays, and in a manner showing due care and precaution for the safety of persons passing.

- 6.2 The owner or occupant of every occupied building and the owner of every unoccupied building or vacant land required under section 6.1 of this By-law to clear away and remove all snow, icicles and ice from roofs and eaves shall continue to monitor the accumulation of snow, icicles and ice and arrange for removal as required for the safety of persons passing.

7.0 REMOVAL TO BE CARRIED OUT BY CITY

- 7.1 If the owner or occupant of every occupied building and the owner of every unoccupied building or vacant land fails, neglects or refuses to comply with Sections 4, 5 or 6 of this By-law, the Director, in lieu of or in addition to any other remedy provided by this By-law, is authorized to cause the snow, icicles or ice to be removed at the expense of the owner or occupant, and to invoice the owner or occupant accordingly. In the case of non-payment of the invoice by the owner or occupant, such expenses may be added to the tax roll and recovered in the same manner and in the same priority as municipal taxes.
- 7.2 Where, in the opinion of the Director or the Chief of Police, or their designates, an emergency situation may exist that requires immediate action by the owner or occupant of every occupied building and the owner of every unoccupied building or vacant land, the Director or Chief of Police or their designates may arrange to clear away such snow, icicles or ice from the sidewalks or roofs or eaves, and arrange for a material identified in Schedule "B" to this By-law, to be applied to the sidewalk at the expense of the owner or occupant, and to invoice the owner or occupant accordingly. In the case of non-payment of the invoice by the owner or occupant, such expenses may be added to the tax roll and recovered in the same manner and in the same priority as municipal taxes.
- 7.3 The removal of snow, icicles and ice by the City shall not relieve any person from liability for the penalty for breach of any of the provisions herein, or for further compliance with any of the provisions herein contained.

8.0 ENFORCEMENT

- 8.1 Any Police Officer, Municipal Law Enforcement Officer or employee of the City designated by Council for the purpose of this Section is authorized to order any person believed by such Officer or employee to be in contravention of this By-law to desist from the activity consisting or contributing to such contravention.

9.0 PENALTY

- 9.1 Any person contravening any provision of this By-law is guilty of an offence and upon conviction, is liable to a fine not exceeding \$5,000.00 per occurrence as provided for under the *Provincial Offences Act, R.S.O. 1990, Chapter P.33*, as amended.

10.0 SEVERANCE

- 10.1 Should a court of competent jurisdiction declare any part or whole of any provision of this By-law to be invalid or of no force and effect, the provision or part shall be deemed to have been severed from this By-law, and it is the intention of Council that the remainder of the By-law survive and be applied and enforced in accordance with the terms to the extent possible under law.

11. TITLE

- 11.1 The title of this By-law shall be the "Snow and Ice Removal By-law."

12.0 REPEAL AND ENACTMENT

- 12.1 By-law 53-82 and By-law 5-83 of the City of Stratford and amendments thereto are hereby repealed.

12.2 This By-law shall come into force upon final passage.

Read a FIRST, SECOND and THIRD time and

FINALLY PASSED this 12th day of December, 2005.

"Daniel B. Mathieson"

MAYOR - Daniel B. Mathieson

"Joan L. Thomson"

CLERK - Joan L. Thomson

THIS IS SCHEDULE "A"
TO BY-LAW NUMBER 225-2005
enacted the 12th day of December 2005

Designated Areas under Section 5 of this By-law

Street	Side	Area
Ontario Street	North side	From the westerly limit of the entrance to 206 Ontario Street to Huron Street
Ontario Street	South side	From Nile Street to Church Street
Downie Street	East side	From Ontario Street to Douro Street
Downie Street	West side	From Ontario Street to St. Patrick Street
Wellington Street	Both sides	From Downie Street to St. Patrick Street
Market Place	Both sides	From Wellington Street to Downie Street
Brunswick Street	Both sides	From Downie Street to Waterloo Street
Albert Street	Both sides	From Downie Street to Waterloo Street
Waterloo Street	East side	From Ontario Street to Albert Street
Waterloo Street	West side	From Ontario Street to Brunswick Street
St. Patrick Street	North side	From Wellington Street to Erie Street
St. Patrick Street	North side	From George Street to Wellington Street
Erie Street	East side	From Cobourg Street to St. Patrick Street
Erie Street	West side	From St. Patrick Street to York Street
York Street	South side	From Huron Street to Erie Street
George Street	North side	From Downie Street to St. Patrick

THIS IS SCHEDULE "B"
TO BY-LAW NUMBER 225-2005
enacted the 12th day of December 2005

Suitable substances with respect to section 5.5

- sand
- sand and/or salt
- calcium chloride
- sodium chloride
- potassium chloride
- magnesium chloride
- urea
- any other suitable substance approved by the Director of Engineering and Public Works