

## THE CORPORATION OF THE TOWN OF MILTON

### BY-LAW NO. 106-2019

A BYLAW TO PROVIDE FOR THE REMOVAL OF SNOW AND ICE FROM SIDEWALKS IN THE TOWN OF MILTON AND TO REPEAL AND REPLACE BY-LAW NUMBERS 13-95 AND 82-95

**WHEREAS** section 11(2), of the *Municipal Act* 2001, S.O. 2001, Chapter 25, as amended, provides that a lower-tier municipality may pass by-laws, subject to the rules set out in subsection (4), respecting the health, safety and well-being of persons;

**AND WHEREAS** section 11(3), of the *Municipal Act* 2001, S.O. 2001, Chapter 25, as amended, provides that a lower-tier municipality may pass by-laws, subject to the rules set out in subsection (4), respecting Highways;

**AND WHEREAS** section 122 of the *Municipal Act* 2001, S.O. 2001, Chapter 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;

**AND WHEREAS** section 425(1) of the *Municipal Act* 2001, S.O. 2001, Chapter 25, as amended, provides that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;

**AND WHEREAS** section 445(1) of the *Municipal Act* 2001, S.O. 2001, Chapter 25, as amended, provides that if a municipality is satisfied that a contravention of a by-law of the municipality passed under this Act has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention;

**AND WHEREAS** section 446 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended provides that if a municipality has the authority under this or any other Act or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense and the municipality may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

**NOW THEREFORE** the Council of the Corporation of the Town of Milton hereby enacts as follows:

## 1. DEFINITIONS

1.1 In this By-law:

- a) "**Dwelling**" includes a single family detached dwelling, a semi-detached dwelling and a townhouse;
- b) "**Highway**" includes a common public highway, street, avenue, parkway, lane, alley, roadway, driveway, square, place, bridge, viaduct or trestle, designed and intended for and used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- c) "**Occupant**" includes every person residing in a dwelling who is not an owner and who is at least sixteen years of age;
- d) "**Owner**" means any person who is the registered or beneficial owner of, an adjacent property or who leases, maintains or otherwise controls an Adjacent Property;
- e) "**Person**" includes a natural person, company, corporation, partnership, firm, association, society, organization, party or other like entity.
- f) "**Person with a disability**" means a person who is unable physically to clear snow and ice and who has filed with the Town medical documentation so stating;
- g) "**Semi-detached dwelling**" means one of a pair of two attached single-family dwellings with a common wall dividing the two dwellings vertically;
- h) "**Sidewalk**" means the improved land between the edge of the roadway or boulevard and the property lines of the lot abutting the roadway and which is intended for the use of pedestrians;
- i) "**Single-family detached dwelling**" means a building containing one single family dwelling;
- j) "**Town**" means The Corporation of the Town of Milton;
- k) "**Townhouse**" means a building which abuts a highway, containing three or more attached single-family dwellings, each of which has a direct access from the outside ground level.

## **2. REGULATIONS**

- 2.1 The owner of every parcel of land, or occupant of any dwelling shall, within twenty-four (24) hours after any fall of snow, rain or hail shall have ceased, remove or cause to be removed entirely from the portion of the sidewalk adjacent such land, the snow or ice resulting from such fall of snow, rain, or hail.
- 2.2 Whenever and as often as any part of the surface of the said sidewalks shall have become slippery, an owner, or occupant, shall apply or cause to be applied, over the slippery areas, ashes, sand, salt or some other suitable material in such manner as to make the said sidewalk safe for the passage of pedestrians.
- 2.3 No snow or ice shall be deposited in such manner as to obstruct access to any fire hydrant and no snow or ice shall be deposited upon the travelled portion of a highway or sidewalk and in no event shall snow or ice be placed so as to interfere with the safe passage of vehicles, or pedestrians, or obstruct the visibility of vehicle operators or pedestrians.
- 2.4 In the event that neither an owner or occupant of a parcel of land complies with one or more of the requirements of section 2 herein, the Town may, at the expense of the owner, cause such snow and ice to be removed, slippery surface to be made safe or such roofs, eaves or other parts of a building or structure to be cleared.

## **3. ENFORCEMENT**

- 3.1 Every person who contravenes any provision of this By-law is, upon conviction, guilty of an offence and is liable to a fine in the amount provided for by Section 61 of the Provincial Offences Act, R.S.O. 1990, C.P.33, or any successor legislation thereto.
- 3.2 The Town shall keep an account of all expenses incurred pursuant to section 2.4 herein and the Town may recover any such expenses as against such owner by action or in like manner as property taxes.

## **4. EXEMPTION**

- 4.1 Notwithstanding any other provision in this By-law, an occupant or owner who resides in a dwelling and who is a person with a disability shall be exempt from any obligations under this By-law.

**5. REPEAL**

5.1 **THAT** By-law 13-95 and By-law 82-95 be repealed in their entirety.

**6. EFFECTIVE DATE**

6.1 **THAT** this By-law shall come into force and effect on the day it is passed.

**PASSED IN OPEN COUNCIL ON NOVEMBER 18, 2019**

\_\_\_\_\_ Mayor  
Gordon A. Krantz

\_\_\_\_\_ Town Clerk  
Troy McHarg