

**The Corporation of the
Municipality of Trent Lakes**

By-law No. B2018-015

**A by-law respecting the removal of snow and ice within
the Municipality of Trent Lakes**

Whereas Section 8 of the *Municipal Act, 2001, S.O. 2001, c.25* (hereinafter referred to as the "Municipal Act") provides that the powers under the Municipal Act or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate to enhance the municipality's ability to respond to municipal issues;

And Whereas Section 181 of the *Highway Traffic Act, R.S.O. 1990, c.H.8* prohibits any person from depositing snow or ice on a roadway without permission in writing from the road authority responsible for the maintenance of the road;

And Whereas pursuant to Section 425 of the Municipal Act, a municipality may pass by-laws providing that a person that contravenes a by-law of the municipality passed under this Act is guilty of an offence;

And Whereas pursuant to Section 426 of the Municipal Act, no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a by-law passed under this Act;

And Whereas pursuant to Section 429 of the Municipal Act, a municipality may establish a system of fines for offences under a by-law passed under a by-law of the municipality passed under this Act;

And Whereas pursuant to Section 436 of the Municipal Act, a By-law Enforcement Officer may enter upon any land at any reasonable time for the purpose of carrying out an inspection to determine compliance with this by-law;

Now Therefore the Council of The Corporation of the Municipality of Trent Lakes enacts as follows:

1. Definitions

1.1 In this by-law:

- a) "**Building**" means any structure consisting of a roof supported by walls or columns which is used or intended to be used for the shelter, accommodation or enclosure of Persons, animals, goods, chattels or equipment and includes an unoccupied building.
- b) "**Director**" means the person appointed by the Corporation to be Director of Public Works or his designate.
- c) "**Highway**" means a common and public highway, street, avenue, lane, parkway, driveway, sidewalk, square, place, bridge, viaduct, trestle, including the area between the lateral property lines that is intended for the use of the general public.
- d) "**Officer**" means a person who has powers or duties with respect to the administration of this by-law.
- e) "**Owner**" means the owner of a property.
- f) "**Municipality**" means The Corporation of the Municipality of Trent Lakes.
- g) "**Person**" includes an individual, partnership, association, firm or corporation.

2. Prohibition

- 2.1 No Person shall deposit or permit to be deposited snow or ice from private property onto or pile, redistribute or otherwise cause the accumulation of snow on any portion of a Highway.

- 2.2 No Person shall deposit or permit to be deposited snow or ice from any property on or along one side of a Highway and deposit the snow or ice onto the opposite side of the Highway at any time.
- 2.3 No Person shall deposit or permit to be deposited snow or ice exceeding one (1) metre in height to be created on property adjacent to a Highway in such a way as to cause obstruction, encumbering or fouling of a Highway.
- 2.4 Every Person who owns a Building in such close proximity to a Highway that snow or ice may fall or flow upon the Highway shall clear away and remove, or cause to be cleared away and removed, the snow and ice whenever snow or ice accumulates upon any portion of the Building to such an extent that it is likely to fall or flow onto any Highway.

3. Administration and Enforcement

- 3.1 Any Officer or any other individual assisting an Officer may, at all reasonable times, enter upon land for the purpose of carrying out an inspection, taking photographs and obtaining evidence to determine compliance with this by-law and an Officer may be accompanied by other Municipal employees or agents for this purpose.

4. Obstruction

- 4.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this by-law. Any person who is alleged to have contravened any of the provisions of this by-law shall identify themselves to the Officer upon request. Failure to identify upon request shall be deemed as obstruction of the Officer.

5. Offences and Penalties

- 5.1 Any Person who contravenes any of the provisions of this by-law is guilty of an offence and, upon conviction, is liable to any penalty provided under the *Provincial Offences Act, R.S.O. 1990, c.P.33*, as amended.
- 5.2 Every person guilty of an offence under this by-law may, if permitted under the *Provincial Offences Act*, pay a set fine and the Chief Justice of the Ontario Court of Justice shall be requested to establish set fines in accordance with Schedule "A" of this by-law
- 5.3 For the purpose of this by-law, each day of a continuing offence shall be deemed to be a separate offence.

6. Conflict

- 6.1 This by-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the Municipality or by any governmental authority having jurisdiction to make such restrictions or regulations.
- 6.2 If there is a conflict between a provision of this by-law and a provision of any other municipal by-law, the provision that establishes the higher standard to protect the health and safety of the public and to maintain clean and tidy condition on land shall apply.

7. Severability

- 7.1 If any provision or part of a provision in this by-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in certain circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

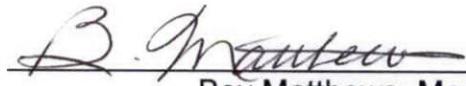
8. Short Title

- 8.1 This by-law shall be known as the "Snow and Ice Removal By-law".

9. **Effective Date**

9.1 This by-law shall come into full force and effect upon the date of passage hereof.

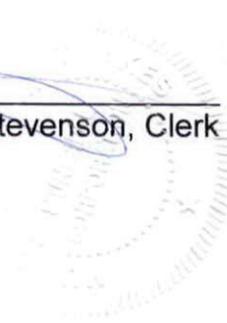
Read a first, second and third time and passed this 6th day of February, 2018.



Bev Matthews, Mayor



Kari Stevenson, Clerk

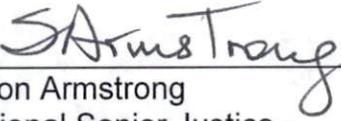


PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the attached schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law B2018-015 for the Municipality of Trent Lakes attached hereto is the set fine for those offences. This Order is to take effect February 22, 2018.

DATED at Newmarket this 22
day of February, 2018.



Simon Armstrong
Regional Senior Justice
Central East Region

**The Corporation of the
Municipality of Trent Lakes
Part 1 Provincial Offences Act**

By-law No. B2018-015: Snow and Ice Removal By-law

Schedule "A"

Proposed Set Fines and Short Form Wording

Item	Column 1 (Short Form Wording)	Column 2 (Provision Creating or Defining Offence)	Column 3 (Set Fine)
1	Deposit snow/ice on highway	2.1	\$200.00
2	Deposit snow/ice across highway	2.2	\$200.00
3	Deposit snow/ice creating an obstruction exceeding 1 metre in height	2.3	\$200.00
4	Failure to prevent snow/ice accumulation from a building	2.4	\$200.00

Note: The general penalty provisions for the offences listed above is Section 5.1 of By-law No. B2018-015, a Certified Copy of which has been filed.