

Office Consolidation of By-Law 93-144



The Corporation of the Municipality of Clarington

By-Law 93-144

Being a By-law to regulate the clearing away and removal of snow and ice from the roof of buildings and from sidewalks within the Municipality of Clarington.

Passed, by Council, on: September 27, 1993

Consolidated as of: November 16, 2016

Amendments:

| Amending By-Law | Date | Amendment Details |
|-----------------|--------------------|--|
| 2016-003 | January 18, 2016 | Delete section 4, and replace with fee table. |
| 2014-106 | September 29, 2014 | Amend subsection section 1(a) Amend section 4 Delete Subsection 1(b) |
| 99-182 | December 13, 1999 | Re-number Section 1. to 1(a), and adding 1(b) |

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Office Consolidation of By-Law 93-144

The Corporation of the
Municipality of Clarington
By-Law 93-144

Being a By-law to Repeal By-laws 87-197 and 91-79 to Regulate the
Clearing Away and Removal of Snow and Ice from the Roofs of
Buildings and from Sidewalks Within the Municipality of Clarington

WHEREAS Section 210(60) of The Municipal Act R.S.O.1990 provides that a Council of a Municipality may pass By-laws regarding the removal of snow and ice from roofs and sidewalks of occupied premises;

AND WHEREAS Section 210(61) of The Municipal Act R.S.O. 1990 provides that a Council of a Municipality may pass By-laws regarding the removal of snow and ice from roofs and sidewalks of unoccupied premises;

AND WHEREAS Section 210(62) of The Municipal Act provides that a Council of a Municipality may pass By-laws regarding the removal of snow and ice from sidewalks at the expense of the abutting owner, in any manner, including that provided by Section 326 of this Act;

NOW THEREFORE, The Council of the Corporation of the Municipality of Clarington enacts as follows:

Sidewalks

1. (a) Every owner and/or occupant of property within the Municipality of Clarington shall clear away and remove, or cause to be cleared away and removed, any snow, slush or ice, from the sidewalks on any highway or part of a highway or any class thereof in front of, alongside, or at the rear of said property within 24-hours after a fall of snow, rain or hail.
2. If, after clearing away or removing or having cleared away or removed snow, slush or ice from the sidewalk, as required in Section 1, the sidewalk still remains to be slippery and poses a hazard to pedestrians, the owner and/or occupant shall spread or cause to be spread, sand or any other reasonable suitable material, along said portion of sidewalk.
3. Every owner and/or occupant as mentioned in Sections 1 and 2, must ensure that the portion of sidewalk for which they are responsible is continually kept and maintained free of slippery surfaces, snow, slush, ice or any combination thereof, by appropriate means, between falls of snow, rain or hail, no matter what the cause.

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4. Any and all expenses incurred for work undertaken shall be recovered at the following rates, and may be recovered by action, or in like manner as taxes.

| Details of Work Undertaken on sidewalk in front of, alongside, or at the rear of: | Distance of sidewalk area on which the work was undertaken: | Fee |
|---|--|------------------|
| Developed Residential lot with at least one dwelling unit | Up to 23 metres (75.5 feet) | \$150 flat fee |
| Developed Residential lot with at least one dwelling unit | Greater than 23 metres (75.5 feet) | \$250 flat fee |
| Developed land with a Commercial / Industrial or mixed use building on it | | \$4.00 per metre |
| Vacant land (regardless of its Zoning Designation) or any land under development prior to the date of closing of sale | | \$4.00 per meter |

5. Every owner and/or occupant of any building within the Municipality, that has a roof which slopes toward a highway or a sidewalk on a highway in front of, alongside of, or at the rear of such building, shall ensure that the roof of said building is cleared of any snow and/or ice constituting a hazard to the public.
6. Any person removing snow from the roof of a building as mentioned in Section 5, shall take due and proper care and precaution for the warning and safety of all persons using such sidewalk or highway.
7. The Municipality of Clarington may remove snow and/or ice, constituting a hazard to the public, from the roofs of all unoccupied/vacant buildings without notice to, and at the expense of owner. Any and all expenses incurred in so doing may be recovered by action or in like manner as taxes.

General Provisions

8. No person shall sweep, shovel, throw, drop or place or cause to be swept, shovelled, thrown, dropped or placed any snow, slush or ice onto the travelled portion of any highway or onto any sidewalk on any highway.
9. No person shall remove snow, slush and/or ice from a public sidewalk in a manner which would damage any sidewalk or curb.
10. No person shall deposit snow, slush, and/or ice in such a way as to obstruct access to any fire hydrant.

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Liability

11. The removal of snow, slush, and/or ice by the Municipality of Clarington, its servants, agents, or employees, shall not relieve any person from the liability for breach of the provisions of this By-law.

Contravention of By-Law

12. Any person who contravenes any provisions of this By-law is guilty of an offence.

Severability

13. (a) Words imparting the singular number include plural and vice versa.
(b) Where applicable, the term "person" shall include a company.
14. Should any part of this By-law be declared by a Court of competent jurisdiction to be invalid in part or in whole, the validity of the other provisions of this By-law shall not be affected thereby, the intent of Council being that each provision of the By-law shall be determined to be separately valid and enforceable to the fullest extent permitted by law.

Repeal of Previous By-Law

15. By-law 87-197 and By-law 91-79 are hereby repealed.

Enactment

16. This By-law shall come into full force and effect immediately upon its final passing.

BY-LAW read a first, second and third time and finally passed this 27th day of September 1993.