

**THE CORPORATION OF THE
TOWNSHIP OF WELLESLEY
BY-LAW NUMBER**

46/2008

A BY-LAW CONCERNING THE REMOVAL OF SNOW AND ICE FROM
SIDEWALKS AND ROOFS WITHIN THE HEIDELBERG SETTLEMENT AREA;
WELLESLEY SETTLEMENT AREA; ST. CLEMENTS SETTLEMENT AREA AND
THE HAWKESVILLE SETTLEMENT AREA OF THE TOWNSHIP OF WELLESLEY

**THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF
THE TOWNSHIP OF WELLESLEY ENACTS AS FOLLOWS:**

1. For the purpose of this by-law:
 - (a) "Highway" means a common and public highway and includes a street and a bridge forming part of the highway or on, over or across which a highway passes.
 - (b) "Traveled Roadway" means that portion of a highway which includes the pavement of the highway together with any curbs or gravel shoulders contiguous thereto.
 - (c)
 - (i) The Settlement Area of St. Clements is defined as the lands identified in Schedule "A" attached hereto being a map of the Settlement Area of St. Clements.
 - (ii) The Settlement Area of Wellesley is defined as the lands identified in Schedule "A" attached hereto being a map of the Settlement Area of Wellesley.
 - (iii) The Settlement Area of Hawkesville is defined as the lands identified in Schedule "A" attached hereto being a map of the Settlement Area of Hawkesville
 - (iv) The Settlement Area of Heidelberg is defined as the lands identified in Schedule "A" attached hereto being a map of the Settlement Area of Heidelberg.
2. The owner or occupant of every occupied building, and the owner of every unoccupied building or vacant land in any of the Settlement Areas identified in this By-law being Heidelberg, St. Clements, Wellesley or Hawkesville of the Township of Wellesley shall, within twenty-four hours after a snow fall or rain, during the months of October, November, December, January, February, March and April in each year, clear away and remove all snow and ice from the sidewalks on the highways in front of, along side of, or at the rear of such building or vacant lands.
3. The owner or occupant of every occupied building and the owner of every unoccupied building in any of the Settlement Areas identified in this By-law being Heidelberg, St. Clements, Wellesley or Hawkesville of the Township of Wellesley containing a roof which slopes towards a sidewalk on a highway in front of, along side of, or at the rear of such building so that the snow may fall from such roof, shall, before the hour of 9:00 o'clock in the forenoon and every day, except Sunday, during the months of October, November, December, January, February, March and April, in each year, remove the snow and ice from the roof of the premises so owned or occupied by him or her; and every person while removing the same, shall take due and proper care and precaution for the warning and safety of all persons using such sidewalk or highway.

4. Every person having the charge or care of any church, chapel, school, public hall or other public building, in any of the Settlement Areas identified in this By-law being Heidelberg, St. Clements, Wellesley or Hawkesville of the Township of Wellesley, shall be deemed to be an occupant thereof for the purposes of this by-law.
5.
 - (a) Subject to subparagraph (b) hereof, no person shall place or cause to be placed any snow or ice on any public sidewalk or traveled roadway.
 - (b) Where there is no boulevard, no person shall deposit snow or ice in such a manner that it will obstruct drainage to any catch basin, or obstruct access to any fire hydrant, or in any way obstruct the normal passage of motor vehicles on the highway.
6. No person shall remove snow or ice in such a manner which would damage any sidewalk or curb within the Settlement Areas of the Township of Wellesley.
7. Every person who contravenes any of the provisions of this By-law shall, upon conviction thereof, forfeit and pay a penalty not exceeding Two Thousand (\$2,000.00) Dollars exclusive of costs, for each such offence and every such penalty shall be recoverable under The Provincial Offences Act, R.S.O. 1980.
8. If the roof or sidewalk is not cleared in accordance with Sections 2 and 3 herein, the Director of Public Works & Environment of the Township of Wellesley, may at its discretion, authorize the clearing or removal of the same, at the expense of the owner and the cost of so doing shall be recovered in a like manner as taxes pursuant to the Provisions of the Municipal Act, 2001.
9. In addition to the foregoing penalty or action by the Township to clear or remove said snow, the Township of Wellesley may give notice to the owner of the building or vacant land in question directing him to clear the sidewalks and roof and to remove the snow or ice there from as required by this By-Law within twenty-four hours; provided however that if the owner so directed fails or neglects or refuses to comply with such notice, the Township may, at the expiration of the time set out in such notice, cause all the snow and/or ice to be removed and cleaned away from the said sidewalk or sidewalks and roof at the expense of such owner; provided further that the Township may recover the expenses incurred in such removal and cleaning away of snow or ice, for which there will be a minimum charge of one hour for labour and equipment, by commencing an action, or, in like manner as municipal taxes.
10. By-laws 7/2002 and 43/2001 are hereby repealed.

Read a first and second time this **6th** day of October, **2008**.

Read a third and final time and passed this **6th** day of October, **2008**.

Ross Kelterborn
Mayor Ross Kelterborn

Susan Duke
CAO/Clerk, Director of Planning Susan Duke