

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

10/2011

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; LINWOOD SETTLEMENT
AREA AND THE HAWKESVILLE SETTLEMENT AREA OF THE TOWNSHIP OF
WELLESLEY

WHEREAS pursuant to S. 130 of the Municipal Act, 2001, S. O. 2001, c. 25 (the “Act”), Municipalities may pass By-laws to regulate matters related to the health, safety and well-being of the inhabitants of the Municipality;

AND WHEREAS pursuant to Paragraph One of the Table to S. 11(2) of the Act, Municipalities may pass By-laws respecting “Highways”;

AND WHEREAS pursuant to S. 55 of the Act, a lower-tier Municipality in which highways are located is responsible for the maintenance of the sidewalks and has jurisdiction over that part of the highway (i.e. the sidewalks);

AND WHEREAS pursuant to S. 122(1) of the Act, a Municipality may require the owners and occupants of buildings to remove snow and ice from the roofs of buildings and may regulate when and how the removal shall be undertaken;

AND WHEREAS pursuant to S. 122(2) of the Act, a Municipality may enter at any reasonable time upon land to remove snow and ice:

- a) from the roofs of unoccupied buildings; and,
- b) from private sidewalks between a highway and the main entrance of building;

AND WHEREAS pursuant to S. 122(3) of the Act, a Municipality may recover the costs of removal of snow and ice from the roofs of unoccupied buildings from the owners of such buildings by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

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

Definitions:

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) "enforcing official" means a Municipal Law Enforcement Officer appointed by the Council of the Township of Wellesley or a member of the Waterloo Regional Police Service, for the purpose of enforcing the provisions of this By-law.
 - (d) "school" means an institution at which instruction is provided at any time of any school day for five or more pupils who have attained compulsory school age in any of the subjects of the elementary or secondary school courses of study, whether under the jurisdiction of a board or not, and whether an institution operated by the Government of Ontario or not.
 - (e)
 - (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.
 - (v) The Settlement Area of Linwood is defined as the lands identified in Schedule "A" attached hereto being a map of the Settlement Area of Linwood.

Sidewalks:

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, Linwood 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.

Roofs:

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, Linwood 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.

Deemed Occupants:

4. For the purpose of Sections 2 and 3 herein, 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, Linwood or Hawkesville of the Township of Wellesley, shall be deemed to be an occupant thereof for the purposes of this By-law.

Depositing Snow and Ice:

5. 5.1 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.
- 5.2 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.
- 5.3 Notwithstanding subsection (1), no person owning or operating a parking lot, public garage, automobile service station, car or truck dealership, commercial building or apartment building shall place or cause to be placed any snow or ice on any sidewalk or highway.

Damage to Sidewalk or Curb:

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.

Offence:

7. Every person who contravenes any of the provisions of this By-law shall, upon conviction is liable to a fine pursuant to Section 61 of the Provincial Offences Act and a penalty not exceeding \$2,000.00 and/or a set fine as outlines in Schedule 1 of this By-law.

Township May Remove Snow and Ice:

8. 8.1 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, as amended.
- 8.2 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.

Repeal:

9. By-law 46/2008 of the Township of Wellesley, and all By-laws amending the same and any other By-law inconsistent with the provisions of this By-law are hereby repealed.

Effective Date:

10. This By-law comes into force and effect on the date it is passed by the Council of the Township of Wellesley.
11. The Schedule of Set Fines shall come into force and effect upon the approval of the Regional Senior Judge, West Region.

Read a first and second time this 15th day of March, 2011.

Read a third and final time and passed this 15th day of March, 2011.

Ross Kelterborn
Mayor Ross Kelterborn

Susan Duke
CAO/Clerk, Susan Duke