

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

BY-LAW #11-2017

**BEING A BY-LAW TO PROHIBIT THE DEPOSITING OF SNOW ON
HIGHWAYS WITHIN THE TOWNSHIP OF ARMOUR**

WHEREAS, Section 27(1) of the Municipal Act, 2001, S.O. 2001 c. 25 as amended, permits municipalities to pass by-laws in respect of a highway under the municipalities jurisdiction, and

WHEREAS, Section 181 of the Highway Traffic Act, 1990, R.S.O. 1990 c. H. 8 as amended, 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, it is deemed expedient to enact a by-law for such purposes:

NOW THEREFORE the Council of the Municipal Corporation of the Township of Armour enacts as follows:

SECTION 1 – DEFINITIONS

- a) “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.
- b) “officer” means a person who has powers or duties with respect to the administration and enforcement of this by-law.
- c) “municipality or municipal” means the Municipal Corporation of the Township of Armour.
- d) “person” includes a partnership, a body corporate or politic, an agent or trustee, and the heirs, executors, administrators or other legal representatives of a person whom the context can apply according to law.

SECTION 2 – PROHIBITION

- 2.1 No person shall deposit any snow, or permit snow to be deposited on a highway within the municipality.
- 2.2 No person shall clear away or remove snow from a municipal highway, except as may be necessary to clear away snow blocking access to a private entrance or driveway.
- 2.3 No person shall create or permit an accumulation of snow to be created on property adjacent to a municipal highway in such a way as to cause an obstruction, encumbering or fouling of sidewalks, roadways or drainage ditches on such highways.

SECTION 3 – ADMINISTRATION AND ENFORCEMENT

- 3.1 Every person having deposited snow or permitted snow to be deposited on a municipal highway shall remove said snow from the highway.
- 3.2 Every person having created or permitted an accumulation of snow on property adjacent to a municipal highway shall remove said snow from the property.

- 3.3 Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offence Act as amended, and all the provisions of the said Act shall apply to any offence under the provisions of this By-law.
- 3.4 Where a person is in contravention of any of the provisions of this By-law the Municipal Corporation of the Township of Armour or agents shall carry out, or cause to be carried out, on behalf of the Municipal Corporation the work required to be done by this By-law at the expense of the property owner and the Municipality shall recover the expense incurred plus a 10% administration fee in doing it in a like manner as Municipal taxes.

SECTION 4 - SEVERABILITY AND ENACTMENT

- 4.1 If any court of competent jurisdiction declares any section or part of this By-law to be invalid, such section or part of a section thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent there from and to be enacted as such and the remainder of the By-law shall be valid and shall remain in force.
- 4.2 This by-law shall come into force and effect upon being passed.

Read in its entirety, approved,
signed and the seal of the
Corporation affixed thereto and
finally passed in open Council this
14th day of February, 2017.

Original signed by Bob MacPhail
REEVE

Original signed by Wendy Whitwell
CLERK-ADMINISTRATOR

Township of Armour

By-Law #11-2017

Part I Provincial Offences Act

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Deposit snow on municipal highway	s. 2.1	\$150.00
2	Permit deposit of snow on municipal highway	s. 2.1	\$150.00
3	Clear away or remove snow from municipal highway	s. 2.2	\$150.00
4	Create or permit accumulation of snow on property adjacent to a municipal highway	s. 2.3	\$150.00

NOTE: The penalty provision for the offences indicated above is Section 3.2 of By-Law #11-2017 and section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.