

**THE CORPORATION OF THE
TOWN OF SPANISH
BY-LAW #2023-05**

Being a by-law to prohibit the deposit of snow and ice on Municipal highways and bridges

WHEREAS, pursuant to Section 8(1) of the *Municipal Act, 2001*, S.O. 2001 c.25, municipalities have broad authority to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS, pursuant to Sections 10(1), and 10(2), of the *Municipal Act, 2001*, S.O. 2001, c.25 a single-tier municipality may pass by-laws with respect to health, safety and well-being of persons and highways under its jurisdiction;

AND WHEREAS, pursuant to section 27 of the *Municipal Act, 2001*, a municipality may pass by- laws in respect of a highway only if it has jurisdiction over the highway;

AND WHEREAS, pursuant to section 122 (3) of the *Municipal Act, 2001*, a municipality may recover costs incurred by the municipality;

AS SUCH, the Council of The Corporation of the Town of Spanish ENACTS AS FOLLOWS:

1. **SHORT TITLE** This By-law may be cited as the Town of Spanish Snow and Ice By-Law.
2. **DEFINITIONS** The definitions contained within the Highway Traffic Act, R.S.O. 1990, c. H.8 shall apply in the interpretation of this By-law.

DEFINITIONS

1.1 In this by law,

"Boulevard" means all parts of a highway between the curb or edge of roadway and the street line, exclusive of the area covered by sidewalk.;

"Town" means the municipal Corporation of the Town of Spanish, or the geographic area within the limits of the Town of Spanish, as the context requires.

"By law Enforcement Officer" means the Bylaw Enforcement Officer for the Corporation of the Town of Spanish or other person appointed by Council to enforce the whole or part of this By-Law.

"Department Head" means the Department Head of Public Works and includes his or her authorized representative or representatives.

"Highway" means a common and public highway, street, avenue, parkway, laneway, driveway, square, place, and includes any bridge, trestle, or other structure forming part of the highway, designed and intended for, or used by, the general public for the passage of vehicles and except as otherwise provided, includes a portion of a highway and, includes the area between the lateral property lines thereof under the jurisdiction of the Town. The width of a highway or street extends for 10 meters in either direction from the center line of the roadway and includes the boulevard and the sidewalk.

"Owner" includes the person holding registered title to land and the person for the time being managing or receiving the rent or paying the municipal taxes on the land in question, whether on their own account or as an agent or trustee of any other person. Or, who would so receive the rent if such were let, and shall also include lessee or occupant of the land. Where the person holding registered title to the land is a condominium corporation, the owner is the corporation and not its members.

"Person" includes any individual, firm., partnership, association, corporation, company or organization of any kind but does not include the Municipality.

"The Provincial Offences Act" means The Provincial Offences Act, R.S.O. 1990, Chapter P33 as amended and regulations thereto;

"Public or private entrance" means an improved surface within a highway used or intended for use for vehicular or pedestrian access to and from public or private property adjacent to the highway.

"Roadway" means that part of a highway that is improved, designed or intended for vehicular traffic, but does not include the shoulder;

"Shoulder" means that part of a highway immediately adjacent to the roadway and having a surface which has been improved for the use of vehicles with asphalt, concrete or gravel;

"Sidewalk" means all parts of a highway set aside by the Town of Spanish for the use of pedestrians or used by the general public for the passage of pedestrians;

"Street line" A lot line dividing a lot or other area from a street. The street line is the line created where the sidewalk and property meet. If there is no sidewalk then the street line is determined to be located at 10 meters or 32.8 feet from the center line; and,

"Vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car.

INTERPRETATION

- 2.1** Whenever this By Law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By law with the gender applicable to the circumstances.

SNOW and ICE

- 3.1** No person shall throw, push, plow, dump or otherwise deposit any snow or ice on any highway or part thereof, by any means whatsoever, regardless of whether the snow or ice has been removed from an adjoining property, a private entrance, or a sidewalk.

- 3.2** No person shall authorize or direct the throwing, pushing, plowing,

dumping or other depositing of any snow or ice on any highway or part thereof, by any means whatsoever, regardless of whether the snow or ice has been removed from an adjoining property, a private entrance or a sidewalk.

- 3.3** No person shall throw, push, plow, dump or otherwise deposit any snow or ice on any Town property or part thereof, other than the boulevard, by any means whatsoever, regardless of whether the snow or ice has been removed from an adjoining property, a private entrance, or a sidewalk.
- 3.4** Despite sections 3.1, 3.2, and 3.3, if so authorized in writing by the Department Head, a person may deposit snow or ice in such location and in such manner on a sidewalk, or shoulder as authorized or directed by the Department Head.
- 3.5** No person shall move snow or ice within the highway or authorize or cause the moving of snow or ice within the highway such that snow or ice:
- (i) Encroaches on the cleared portion of the roadway or the sidewalk; or,
 - (ii) Encumbers the entrance to or exit from a private, or public place; or
 - (iii) Interferes with the safe movement of vehicular and pedestrian traffic on the highway; or
 - (iv) Is moved from one side of the cleared portion of the highway to the other side of the highway.

ENFORCEMENT

- 4.1** This By law may be enforced by any By-law Enforcement Officer or their designate upon direction by Council.
- 4.2** No person shall hinder or obstruct, or attempt to hinder or obstruct any person exercising a power of performing a duty under this By-law.

OFFENCE

- 5.1** Every person who contravenes any of the provisions of this By-law is guilty of an offence upon conviction is liable to a fine as provided for in the *Provincial Offences Act*.
- 5.2** For the purposes of Subsection 6.1, each day on which a person contravenes any of the provisions of this By law shall be deemed to constitute a separate offence under this By-law.
- 5.3** The making of a false or intentionally misleading statement or representation in any agreement or request for permission provided for by this By law shall be deemed to be a violation of the provisions of this By law.

PENALTIES

- 6.1** Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended.

SEVERABILITY / CONFLICT

- 7.1** If any section, subsection, part or parts of this By-law is declared by any court of law to be illegal or ultra vires, such section, subsection, paragraph, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such:
- 7.2** Nothing in this By-law relieves any Person from complying with any provision of any federal or provincial legislation or any other By-law of the Municipality.
- 7.3** Where a provision of this By-law conflicts with the provisions of another By-law in force in the Town, the provision that establishes the higher standard to protect the health, safety and welfare of Persons or the environmental well-being of the municipality shall prevail.

THAT this by-law shall come into effect on the date it is passed by the Council of the Corporation of the Town of Spanish.

READ a first time
this 11th day of
January, 2023.

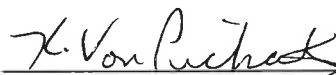


Karen Von Pickartz, Mayor



Lisa Hobbs, Deputy Clerk

READ a second
time this 25th day of
January, 2023.




Karen Von Pickartz, Mayor



Pam Lortie, CAO/Clerk-Treasurer

READ a third
time and finally passed
this 1st day of
February, 2023.



Karen Von Pickartz, Mayor



Lisa Hobbs, Deputy Clerk

**THE CORPORATION OF THE TOWN OF SPANISH
SCHEDULE "A"
SNOW AND ICE BY-LAW
NO. 23-05 PART 1
PROVINCIAL OFFENCES
ACT SET FINES**

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Deposit snow on highway.	3.1	\$305.00
2	Deposit ice on highway.	3.1	\$305.00
3	Authorize the deposit of snow on highway.	3.2	\$305.00
4	Authorize the deposit of ice on highway	3.2	\$305.00
5	Deposit snow or ice on municipal property.	3.3	\$305.00
6	Move snow such that it encroaches on road way.	3.5 (i)	305.00
7	Move snow such that it encroaches on sidewalk.	3.5 (i)	305.00
8	Move snow such that it encumbers entrance of private or public place.	3.5 (ii)	305.00
9	Move snow such that it encumbers exit of private or public place.	3.5 (ii)	305.00
10	Move snow such that it interferes with vehicular traffic.	3.5 (iii)	305.00
11	Move snow such that it interferes with pedestrian traffic.	3.5 (iii)	305.00
12	Move snow across cleared highway	3.5 (iv)	305.00
13	Make false statement in request for permission	5.3	305.00

Note: the general penalty provision for the offences listed above is Section 6.1 of By-law 23-05, a certified copy of which has been filed.

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3	Authorize the deposit of snow on highway.	3.2	
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5	Deposit snow or ice on municipal property.	3.3	
6	Move snow such that it encroaches on road way.	3.5 (i)	
7	Move snow such that it encroaches on sidewalk.	3.5 (i)	
8	Move snow such that it encumbers entrance of private or public place.	3.5 (ii)	
9	Move snow such that it encumbers exit of private or public place.	3.5 (ii)	
10	Move snow such that it interferes with vehicular traffic.	3.5 (iii)	
11	Move snow such that it interferes with pedestrian traffic.	3.5 (iii)	
12	Move snow across cleared highway	3.5 (iv)	
13	Make false statement in request for permission	5.3	

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