

BY-LAW NO. 273 - 05

OF THE

CORPORATION OF THE CITY OF CAMBRIDGE

Being a by-law of The Corporation of the City of
Cambridge to require the removal of snow and ice from
sidewalks and roofs.

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;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF CAMBRIDGE ENACTS AS FOLLOWS:

DEFINITIONS

1. In this by-law:

- a. "curb-faced sidewalk" means a sidewalk which is adjacent to the curb-face or which is located not more than .25 of a metre from the curb-face;
- b. "back-lotted sidewalk" means a sidewalk which is located adjacent to the rear lot line of a property;
- c. "school site" means land or premises required for a school, school playground, school garden, teachers residence, caretakers residence, gymnasium, offices, parking areas or for any other school purposes;
- d. "school" means an institution at which instruction is provided at any time between the hours of 9:00 a.m. and 4:00 p.m. on 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.

SIDEWALKS

- 2.1 Subject to sub-section (2), the owner or occupant of every occupied building and the owner of every unoccupied building and the owner of every parcel of vacant land shall, within twenty-four (24) hours after a snow fall ends, clear away and remove snow and ice from the sidewalks on the highways in front or, along side or at the rear of such buildings or land.
- 2.2 Sub-section (1) does not apply to sidewalks, which are:
- (a) curb-faced sidewalks but excluding the curb-faced sidewalks on the highways shown on the Schedules "A", "B", "C" and "D" attached hereto;
 - (b) back lotted sidewalks; and,
 - (c) sidewalks which are located adjacent to highways under the jurisdiction of the Regional Municipality of Waterloo.

ROOFS

3. The owner or occupant of every occupied building and the owner of every unoccupied building which building has a roof adjacent to a sidewalk in such a way that the snow or ice may fall from such roof onto such sidewalk shall, every day before nine (9) o'clock in the morning, clear away and remove the snow and ice from the roof of such building and every person while removing such snow and ice shall take due and proper care and precaution for the warning and safety of all persons using such sidewalks.

DEEMED OCCUPANTS

4. For the purpose of Sections 2 and 3 herein, every person having the charge or care of any church, chapel, school, school site, public hall or other public building, shall be deemed to be an occupant thereof.

DEPOSITING SNOW AND ICE

- 5.1 The snow and ice cleared away and removed, as required by this by-law, may be deposited on the boulevard, if any exists, or such snow and ice may be deposited on the edge of the highway but no person shall deposit snow and 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.
- 5.2 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. Snow and ice shall not be cleared away and removed in a manner that will damage any sidewalk or curb.

OFFENCE

7. Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided in the Provincial Offences Act.

CITY MAY REMOVE SNOW AND ICE

8. In addition to the penalty imposed upon conviction for violation of this by-law and notwithstanding that no prosecution may have been brought for such violation, the City may at the expiration of twenty-four (24) hours after such a snow fall ends:
- a. clear away and remove snow and ice from the roof of any unoccupied building where such roof is adjacent to a sidewalk in such a way that the snow or ice may fall from such roof onto such sidewalk;
 - b. do so at the expense of the owner of the unoccupied building;
 - c. recover the costs incurred by the City from the owners of the buildings by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.

TITLE

9. This By-law may be referred to as the "Sidewalk Snow Removal By-law".

REPEAL OF BY-LAWS

10. By-law 244-85, as amended, and By-law 80-04, as amended, be and the same are hereby repealed.

EFFECTIVE DATE

11. This by-law comes into force and effect on the date it is enacted by City Council.

READ A FIRST, SECOND AND THIRD TIME

ENACTED AND PASSED THIS 12TH DAY OF DECEMBER, 2005, A.D.

"Doug Craig"
MAYOR

"David Calder"
CLERK