

BY-LAW NO. 168-08

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, and to repeal By-law No. 273-05.

WHEREAS pursuant to subsection 11(2) of the Municipal Act, 2001, S. O. 2001, c. 25, as amended (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 subsection 11(3) of the Act, municipalities may pass by-laws respecting "Highways";

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

1. From the roofs of unoccupied buildings; and,
2. from private sidewalks between a highway including a highway of an upper-tier municipality and the Province of Ontario 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. **"City"** means the City of Cambridge;
 - b. **"highway"** includes a common and public highway, common and public walkway, street, road, avenue, parkway, square, place, bridge, viaduct,

trestle, or any other way open to public use, and includes the area between the lateral property lines thereof, and any curbs or gravel shoulders continuous thereto;

- c. **“occupant”** means any person or persons over the age of eighteen years in possession of the property.

SIDEWALKS

2. Subject to section 3, every owner or occupant of a building on premises adjoining a highway in the City shall clear away and remove all snow and ice from the sidewalks on the highways in front of, alongside of, or at the rear of such buildings or land within thirty-six (36) hours after the cessation of a snowfall.
3. Section 2 does not apply to sidewalks that receive sidewalk snow clearing services, as set out in Schedule “A”.

ROOFS

4. Every owner or occupant of a building on premises adjoining a highway in the City shall, if the roof of such building slopes towards such highway so that snow and ice may fall from such roof thereon, clear away and remove the snow and ice from such roof within thirty-six (36) hours after the cessation of a snowfall.

DUE AND PROPER CARE AND PRECAUTION

5. When removing snow and ice in accordance with this by-law, every person shall take due and proper care and precaution for the warning and safety of all persons using such sidewalks.

DEPOSITING SNOW AND ICE

8. No person shall deposit snow and ice in such a manner that it will obstruct drainage to any catch-basin, obstruct access to any fire hydrant, or obstruct or encumber any highway.

DAMAGE TO SIDEWALK OR CURB

10. No person shall clear away and/or remove snow or ice in a manner that damages any sidewalk or curb.

REMOVAL BY CITY

11. In addition to any penalty imposed as a result of prosecution under this by-law, if an owner of buildings and/or land as described in section 2 fails to remove snow and/or ice from the sidewalk in accordance with section 2 of this by-law, the City may cause the snow and/or ice to be removed from such sidewalks at the expense of the building’s owner.

12. In addition to any penalty imposed as a result of prosecution under this by-law, if an owner of a building as described in section 4 fails to remove snow and/or ice from the roof of said building in accordance with section 4, the City may cause the snow and/or ice to be removed from such roofs at the expense of the building's owner.
13. The expense incurred by the City in incurring the removal of snow and/or ice pursuant to Sections 11 and 12 shall be recovered from the owner of the building in like manner as municipal taxes pursuant to the provisions of the Municipal Act, 2001, as amended.

OFFENCE

14. 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.

TITLE

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

REPEAL OF BY-LAWS

16. By-law No. 273-05 as amended is hereby repealed.

EFFECTIVE DATE

17. 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 13TH DAY OF JANUARY, A.D. 2014

DOUG GRAIG

MAYOR

ALEX MITCHELL

CLERK

SCHEDULE “A”

SIDEWALKS RECEIVING SNOW CLEARING SERVICES FROM THE CITY OF CAMBRIDGE

Legend For Interpreting Maps:

“Public”: A sidewalk with “public” snow clearing jurisdiction on a map means that the public, or adjacent property owner, is responsible for snow removal on that sidewalk.

“CSD”: A sidewalk with “CSD” snow clearing jurisdiction on a map means that the Community Services Division of the City of Cambridge is responsible for snow removal on that sidewalk.

“TPW”: A sidewalk with “TPW” snow clearing jurisdiction on a map means that the Transportation and Public Works Division of the City of Cambridge is responsible for snow removal on that sidewalk.