

BY-LAW NUMBER 52/97  
OF  
THE CORPORATION OF THE TOWN OF PORT HOPE  
BEING A BY-LAW RESPECTING THE REMOVAL  
OF SNOW AND ICE

**WHEREAS** Section 210, paragraph 61 of The Municipal Act R.S.O. 1990 c.M. 45 as amended, (hereinafter referred to as "the Act") authorizes Council to pass a by-law to, amongst other things, provide for the clearing away and removing of snow and ice from sidewalks in front of, alongside or at the rear of any designated class of unoccupied buildings or vacant lands at the expense of the owners and for collecting or recovering the expenses incurred in so doing in accordance with the Act;

**AND WHEREAS** Section 210, paragraph 62 of the Act authorizes Council to pass a by-law to, amongst other things, provide for the clearing away and removing of snow and ice from the sidewalks on any highway or part of a highway or any class thereof in front of, alongside or at the rear of any occupied or unoccupied building or vacant lot, or any class thereof, at the expense of the owners, and for collecting or recovering the expenses incurred in so doing in any manner including the manner provided by Section 326 of the Act;

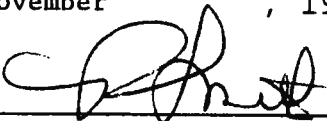
NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PORT HOPE ENACTS AS A BY-LAW OF THE CORPORATION OF THE TOWN OF PORT HOPE AS FOLLOWS:

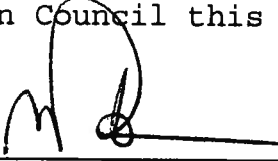
1. In this By-law the following definitions shall apply:
  - (a) "enforcement officer". The Town Engineer is hereby appointed the Enforcement Officer for roads and sidewalks and the Chief Building Official is hereby appointed the Enforcement Officer for snow and ice accumulation on buildings.
  - (b) "Heritage Business Improvement Area" means the area so designated by By-law #11/90 as amended from time to time.
  - (c) "owner" means the registered owner and the person(s) listed on the current assessment roll
  - (d) "occupant" includes all tenants, lessees, and licensees
  - (e) "road" includes a common and public highway, street, lane, avenue, parkway, driveway, square, place or bridge designed for use by the general public for vehicular or pedestrian passage;
  - (f) "storm" means an accumulation of 3 inches (75 millimetres) or more of fallen snow or an accumulation of ice to cause a surface to be slippery for pedestrians or vehicles, the decision of the Town Engineer as to what meets this criteria shall be final. For the purposes of this by-law storm begins when the accumulation reaches 3 inches and a storm ends when there has been no further accumulation of ice and/or snow for a one hour period;
  - (g) "windrows" means the row or ridges of snow on sidewalks where sidewalks meet roads, or are in close proximity to roads, which ridges are created by road snow clearing operations.
2. This By-law applies to all roads, sidewalks, etc. within the corporate limits of The Corporation of the Town of Port Hope from time to time.
3. The Town shall deploy resources as set out in Schedule "A" and continue to clear all roads of snow and as required, in priority as set out in Schedule "A" attached hereto and forming part of this by-law, in accordance with resources available.

4. The Town shall clear snow from the sidewalk areas and sand same as required within road allowances, as set out in Schedule "B" (including Schedules B1 and B2) attached hereto and forming part of this By-law, in accordance with resources available, normally not later than the later of:
  - (a) 48 hours after the storm begins, or
  - (b) 7 p.m. on the second day following the time when the storm began
  
5. The Town shall remove windrows of snow (including ice and snow) after the priority roads are cleared. The priority for clearing windrows of snow shall be as set out in Schedule "C" attached hereto and forming part of this By-law, in accordance with resources available. Normally those sites designated as priorities i), ii) and iii) in Schedule "B" shall be done not later than:
  - (a) 48 hours after the storm begins, or
  - (b) 7 p.m. on the second day following the time when the storm began
  
6. Each owner of property and each occupant of a building adjacent to a public sidewalk shall clear the sidewalk in front of, alongside, or at the rear of the property, as often as required but in any event by no later than the later of:
  - (a) 48 hours after the storm begins, or
  - (b) 7 p.m. on the second day following the time when the storm began
  
7. Except as expressly exempted by Section 14, no person shall in any way cause snow, ice or any combination thereof to be placed, deliberately or accidentally:
  - (i) on a road or sidewalk except as expressly authorized herein;
  - (ii) on a boulevard except a boulevard adjoining the person's own property.
  
8. Every owner or occupant of any building within the corporate limits of The Corporation of the Town of Port Hope from time to time, shall clear away and remove all the snow and ice, or any combination thereof on a roof or other part of a building, which snow and/or ice constitutes a hazard to the public using the sidewalk or road.
  
9. Notwithstanding any other provision(s) of this By-law to the contrary every owner or occupant of any property in the Heritage Business Improvement Area adjacent to sidewalks within the Heritage Business Improvement Area shall clear the sidewalk adjacent to that Owner's property from the building face, or front lot line if the building face is not adjacent to the sidewalk, to within two feet of the curb (60 centimetres) not later than the later of:
  - a) 6 hours after a storm ends, or
  - b) 10 a.m. the day after the storm commenced where the storm commences after 11:00 a.m.;and the snow may be piled on the sidewalk adjacent to the curb provided such clearing and piling is done before the clearing of the windrow as contemplated by Schedule "C", paragraph i).
  
10. Each owner of property and each occupant of a building adjacent to a public sidewalk shall sand or otherwise treat any icy sections of the sidewalk so as to remove or minimize such a hazard.


11. It shall not be an offence under this By-law for any agent or employee of the Town in carrying out his or her duties in a conscientious manner who deposits snow in contravention of this By-law provided such contravention is ancillary to the main snow clearing.
12. Upon the contravention of any of the provisions of this by-law, the Enforcement Officer shall:
  - i) Request that the owner and/or occupant clear and remove the snow and ice as soon as possible and in any event within twenty-four hours.
  - ii) If the contravention continues after such request, the Enforcement Officer may have the clearance and removal of the snow and ice done at the owner's expense in accordance with the provision of Section 13, herein.
13. In the event that the owner fails to comply with any of the provisions of this by-law, The Corporation of the Town of Port Hope may clear and remove the said snow and ice and recover the costs incurred in so doing by action or in like manner as municipal taxes in accordance with the provisions of the Act as amended.
14. Notwithstanding Section 7 of this By-law to the contrary it shall not be an offence for a person residing on streets, or portions of streets listed in Schedule "D" for non-compliance:
  - i) with section 7 of this By-law;
  - ii) with section 6 of this By-law if the Town snow clearing operations have deposited a windrow on the sidewalk.
15. Any owner or occupant who contravenes any provision of this By-law shall be guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than \$5,000.00 for a first offence and subsequent offences exclusive of costs, and every such fine is recoverable under the Provincial Offences Act.
16. Any prior by-laws or resolutions inconsistent with this By-law are hereby repealed or rescinded, as the case may be.

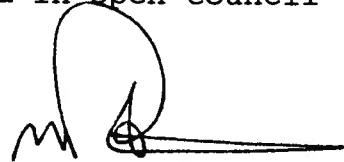
READ a FIRST AND SECOND TIME in open Council this 3rd day of November, 1997.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Administrative Officer

READ a THIRD TIME and finally passed in open Council this 3rd day of November, 1997.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Administrative Officer

## SCHEDULE "A"

### ROAD SNOW CLEARING PRIORITIES AND DEPLOYMENT OF EQUIPMENT

#### PRIORITIES:

In descending order of priority:

- i) Major Roads and Collector Roads, when officially assumed, as set out on Schedule "B" to the Official Plan of The Corporation of the Town of Port Hope;
- ii) Additional Roads designated as Snow Routes in Traffic By-law 37/89 as amended;
- iii) All other Roads, after those roads referenced in i) and ii) above are attended to, and only during regular working hours.

#### DEPLOYMENT OF EQUIPMENT AND PERSONNEL

- . at the commencement of a snow storm, two (2) sander units with under chassis ploughs will maintain priority routes #1 and #2.
- . when snow accumulates to a depth that these two (2) units are unable to clear the routes, four (4) snow plough equipped units will be deployed, two (2) units to each side of Town. These units will commence ploughing all streets. In addition, two (2) loaders will be called out to clear lanes, parking lots, and courts. One (1) sander with under chassis plough will continue on the major routes such as Highway 2 and Highway 28 until reached by one of the four plough units.
- . call out of employees for Winter Maintenance operations shall be at the discretion of the Works Foreman or designee.
- . in the event that the secondary street system or portions thereof become hazardous or impassable due to heavy snow accumulations, major drifting, ice or freezing rain conditions, winter control operations may be carried out at times other than during normal working hours at the discretion of the Works Superintendent, Town Engineer or duly authorized Town Personnel.
- . should assistance be required during emergency snow conditions, the Works Department has authority to hire additional equipment and/or personnel including local contractors with appropriate winter maintenance equipment and operators subject to the approval of the Town Engineer, Chief Administrative Officer, Deputy Clerk-Administrator, or the Mayor in their absence.
- . snow removal operations in the downtown business area will be carried out during normal working hours except during the Christmas Season, when snow will be removed after normal business hours.
- . in addition, public parking lots, access to Police Station, Fire Hall, Water Pollution Control Plan, and Ruth Clarke Centre, Thomas Street (Walton to Lions centre), Hill Street (north of Walton). Brodgers Lane and Maitland Street are included for priority ploughing. The snow plough routes, parking lots, lanes and access areas are indicated on Schedule "A1" attached.
- . on snow routes, salt and/or sand-salt mixtures shall be applied with due consideration being given to snow, freezing rain, and temperature conditions.

## SCHEDULE "B"

### SIDEWALK CLEARING BY THE TOWN

In descending order of priority:

- i) steps (such as from King Street to Mill Street, Town Parking Lot to Lent's Lane). <sup>1</sup> shall normally be cleared by the later of:
  - (a) 6 hours after a storm ends, or
  - (b) 10 a.m. the day after the storm commenced where the storm commences after 11:00 a.m.;
- ii) sidewalks within municipal road allowances as set out in Schedule "B1";
- iii) school crossings, after bus stops, bridges as set out on Schedule "B2";
- iv) other sidewalks within or adjacent to Town property as determined from time to time by the Town Engineer, whose decision shall be final;
- v) sidewalks ordered cleared by the Town Engineer pursuant to Section 13 of this By-law.

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<sup>1</sup>It is anticipated that clearing of steps will normally be contracted out by the Town to one or more private contractors.

SCHEDULE "B2"

SNOW CLEARING AND SANDING

SCHOOL CROSSINGS

1. Victoria at Jocelyn
2. Victoria at Percival
3. Cavan at Jocelyn
4. Ontario at Hope
5. Ontario at Martha
6. Hope at Harcourt
7. King at Peter
8. Rose Glen at Peacock
9. Pine at Walton
10. Ridout at Toronto Road
11. St. Anthony's School (Toronto Rd.)

BUS SHELTERS

1. Wellington at Rosevear
2. Wellington at Oxford
3. Wellington at Medical Centre
4. Hope at Peter St.
5. #164 Peter at Tower of Port Hope
6. Toronto Rd. at Pineview Plaza
7. Jocelyn at Moore Dr.

BRIDGES

1. Walton Street
2. Ontario Street
3. Reynolds Bridge
4. Molson at Bridge

CROSSWALKS

1. Walton at Mill
2. Queen, Ontario, John, Cavan

**SCHEDULE "C"**

**WINDROW CLEARING PRIORITIES**

In descending order of priority:

- i) Heritage Business Improvement Area as set out in By-law 11/90 as amended from time to time;
- ii) Within road allowances adjacent to, or next to adjacent to, school sites;
- iii) residential areas where the pedestrian volume of traffic is highest as determined by the Town Engineer from time to time including bus stops in those areas;
- v) other residential areas including bus stops;
- vi) other areas.

**SCHEDULE "D"**

EXEMPTIONS TO SECTION 7 OF BY-LAW

1. Harcourt Street (both sides)
2. Armour Street (both sides)
3. Park Street (South side)
4. Pine Street (East side from Walton Street to Augusta Street)
5. Young Street (both sides)
6. Yeovil Street (both sides)
7. Craig Street (both sides)
8. South Street (both sides from Brown Street to Cavan Street)
9. Cavan Street (both sides from Bedford Street to Highland Drive)
10. Brown Street (both sides)