

CORPORATION OF THE TOWN OF PETAWAWA

BY-LAW 683/11

**BEING A BY-LAW TO REGULATE THE CLEARING AND REMOVAL
OF SNOW AND ICE WITHIN THE MUNICIPAL BOUNDARIES
OF THE TOWN OF PETAWAWA**

WHEREAS Section 9 of the Municipal Act, 2001, S.O. 2001, c 25, states that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority under this or any other act;

AND WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended provides that a municipality may pass by-laws respecting the health, safety and well being of persons;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PETAWAWA ENACTS AS FOLLOWS:

This by-law shall be known and may be cited as the "Snow Removal By-law". In the text of the by-law, it is referred to as "this by-law".

**SHORT TITLE
SNOW REMOVAL BY-LAW**

1. DEFINITIONS:

1.1 "Person" shall mean any individual, owner or operator of a vehicle, corporation, partnership, company, association or party and their heirs, executors, administrators or other legal representative of such person to whom the context can apply according to laws; shall include any group of persons comprising a society or other organization and shall include the plural wherein the context requires;

1.2 "Boulevard" shall mean the area of a highway between the edge of the pavement, curb or the roadway and the boundary of land adjacent to the highway, but excluding a sidewalk;

2. GENERAL PROHIBITIONS:

2.1 No person shall place, or cause to be placed, ice or snow from private property or from a boulevard, onto a sidewalk or traveled portion of a highway;

2.2 No person shall deposit, or cause to be deposited, ice or snow on a boulevard that is not directly adjacent to their property, including but not limited to snow pushed or deposited across a roadway or highway;

2.3 No person shall place, or cause to be placed, ice or snow from private property or from a boulevard, onto the private property of another person;

2.4 No person shall place, or cause to be placed, ice or snow from private property or from a boulevard, in such a manner as to obstruct or hinder the access to any fire hydrant or emergency water stand within the Municipality;

2.5 No person shall pile, redistribute or otherwise cause the accumulation of snow on a sidewalk or traveled portion of a highway, within a the municipality, in such a manner as to obstruct traffic, the view of traffic, or obstruct in any way, the movement of snow clearing equipment under the jurisdiction of the Public Works Department.

2.6 No person, shall move, place or operate any equipment, vehicle or material on any part of a road or highway such that damage to the road surface, curbs, sidewalks or municipal services results from their actions.

3. EXEMPTIONS:

3.1 The provisions of this by-law shall not apply to municipal snow clearing operations, the County of Renfrew snow clearing operations, or to the Ontario Ministry of Transportation.

4. REPAIR AND RECOVERY:

4.1 Every person shall ensure that any snow or ice that is moved or deposited in contravention of Para 2 is removed forthwith. Any snow or ice found to be deposited in contravention of Para 2 may be cleared, treated or removed at the direction of the Public Works Superintendent without notice to and at the expense of the owner of the abutting land, and such costs may be recovered by action or by adding the costs to the tax roll and collecting them in the same manner as municipal taxes.

5. PENALTY:

5.1 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 Offences Act, R.S.O., 1990 as amended.

6. SEPERATION:

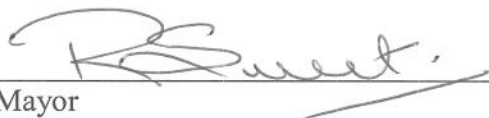
6.1 If any Court of competent jurisdiction finds that any of the provisions of this By-law is ultra vires of the jurisdiction of the Council to pass or is invalid for any reason, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of this By-law;

7. EFFECTIVE DATE:

7.1 This By-law shall come into force on and take effect upon the date of the final passing thereof.

By-law read a first and second time this 4th day of April, 2011.

By-law read a third time and passed this 4th day of April, 2011.



Mayor



Clerk

THE HONOURABLE LISE T. MAISONNEUVE
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
EAST REGION

161 ELGIN STREET, 6TH FLOOR
OTTAWA, ONTARIO K2P 2L1



L'HONORABLE LISE T. MAISONNEUVE
JUGE PRINCIPALE RÉGIONALE
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'EST

161, RUE ELGIN, 6^{ÈME} ÉTAGE
OTTAWA (ONTARIO) K2P 2L1

TELEPHONE/TÉLÉPHONE (613) 239-1520
FAX/TÉLÉCOPIEUR (613) 239-1572

RECEIVED

November 7th, 2011

Corporation of the Town of Petawawa
1111 Victoria Street
Petawawa, Ontario
K8H 2E6

Attention: Mr. David Newton

Dear Mr. David Newton,

Re: *Set Fines – Provincial Offences Act – Part I*
By law No. 683-11: Snow Removal

Enclosed herewith is an original Order dated November 7th, 2011 and original schedule of set fines for By-Law No. 683-11, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the Corporation of the Town of Petawawa.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Lise T. Maisonneuve', written over a horizontal line.

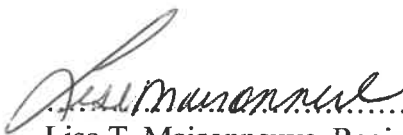
Lise T. Maisonneuve
Regional Senior Justice
East Region
Enclosures

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 683-11 of the Corporation of the Town of Petawawa, attached hereto is the set fine for that offence. This Order is to take effect on November 7th, 2011

Dated at Ottawa this 7th day of November 2011.


.....
Lise T. Maisonneuve, Regional Senior Justice
Ontario Court of Justice
East Region

SET FINE SCHEDULE
TOWN OF PETAWAWA – BY-LAW 683/11

PART 1 PROVINCIAL OFFENCES ACT
TITLE: SNOW REMOVAL BY-LAW

ITEM	COLUMN 1 SHORT FORM WORDINGS	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1	Place/cause to be placed – Snow/Ice-on sidewalk/highway	2.1	250.00
2	Deposit/cause to be deposited – Snow/Ice on boulevard	2.2	125.00
3	Place/cause to be placed – Snow/Ice onto private property	2.3	125.00
4	Obstruct/hinder access to fire hydrant/emergency water stand	2.4	500.00
5	Snow – Obstruct traffic	2.5	250.00
6	Snow – Obstruct view of traffic	2.5	250.00
7	Snow – Obstruct movement of snow clearing equipment	2.5	250.00
8	Equipment/Vehicle/Materiel – cause damage	2.6	500.00
9			

NOTE: The penalty provision for the offences indicated above is section 5.1 of by-law no. 683/11, a certified copy of which has been filed.

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By-law read a third time and passed this 4th day of April, 2011.



Mayor



Clerk

I hereby certify the above is a true copy of
By-law 683/11 as enacted and passed
by the Council of the Town of Petawawa
April 4, 2011


Sarah Laverdure, a Commissioner, etc.,
County of Renfrew, while Deputy Clerk of
the Corporation of the Town of Petawawa.