

Consolidation Version as amended by By-laws 24-95 and 82-95

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 13-95

A Bylaw to provide for the removal
of snow and ice from sidewalks in
the Town of Milton

WHEREAS section 210, paragraphs 60 to 63 of the Municipal Act, R.S.O. 1990, C.M.45 provide for the removal of snow and ice from roofs and sidewalks:

NOW THEREFORE THE CORPORATION OF THE TOWN OF MILTON ENACTS AS FOLLOWS:

1. In this By-law

a) "highway" means any street or highway located within the geographical boundaries of the Town intended for the passage of vehicles;

b) "Town" means The Corporation of the Town of Milton;

c) "sidewalk" means the portion of the road allowance, located between the paved portion of the street and the property line, so constructed of asphalt or concrete for the purpose of transporting pedestrians, up to a maximum width of 2.4 metres, or the actual constructed width, whichever is the lesser;

d) "owner" means the registered owner of land;

e) "occupant" includes every person residing in a dwelling who is not an owner and who is at least sixteen years of age,

f) "physically handicapped person" means a person who is unable physically to clear snow and ice and who has filed with the Town a medical certificate so stating,

g) "dwelling" includes a single family detached dwelling, a semi-detached dwelling and a townhouse;

h) "semi-detached dwelling" means one of a pair of two attached single-family dwellings with a common wall dividing the two dwellings vertically;

i) "single family detached dwelling" means a building containing one single family dwelling;

j) "townhouse" means a building which abuts a highway, containing three or more attached single-family dwellings, each of which has a direct access from the outside ground level.

2. a) The owner of every parcel of land, or occupant of any dwelling thereon, if any, which parcel of land fronts or abuts on the side of any highway upon which there is a sidewalk shall, within twenty-four (24) hours after any fall of snow, rain or hail shall have ceased, remove or cause to be removed entirely from the portion of sidewalk adjacent such land, the snow or ice resulting from such fall of snow, rain or hail.

b) Whenever and as often as any part of the surface of the said sidewalks shall have become slippery, said condition having come into existence from any cause whatsoever, such owner, or occupant, if any, shall forthwith upon the occurrence of such slippery condition, apply or cause to be applied, over the slippery areas, ashes, sand, salt or some other suitable material in such manner as to make the said sidewalk safe for the passage of pedestrians.

c) Every owner or occupant, if any, where the roof, eaves or other part of any building or structure abuts or overhangs a highway or sidewalk upon such highway, shall remove any accumulation of snow or ice from the said roof, eaves or other part of the building or structure forthwith and shall take all necessary care and precaution for the safety of the passage of pedestrians.

d) No snow or ice shall be deposited in such manner as to obstruct access to any fire hydrant and no snow or ice shall be deposited upon the travelled portion of a highway or sidewalk and in no event shall snow or ice be placed so as to interfere with the safe passage of vehicles, or pedestrians, or obstruct the visibility of vehicle operators or pedestrians.

3. In the event that neither an owner or occupant of a parcel of land complies with one or more of the requirements of section 2 herein, the Town may, at the expense of the owner, cause such snow and ice to be removed, slippery surface to be made safe or such roofs, eaves or other parts of a building or structure to be cleared.

4. The Town shall keep an account of all expenses incurred pursuant to section 3 herein and the Town may recover any such expenses as against such owner by action or in like manner as municipal taxes pursuant to s.326 of the Municipal Act, R.S.O. 1990, C.M.45, or any successor legislation thereto.

Amended by By-law 82-95

5. Any person who violates any provisions of this By-law is, upon conviction, guilty of an offence and shall be liable to a fine, subject to the provisions of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended, and be subjected to any other penalties permitted by law for each offence. Each day such violation continues, shall constitute a separate offence and shall be punishable as such.

6. Notwithstanding any other provision in this By-law, an occupant or owner who resides in a dwelling and who is a physically handicapped person, shall be exempt from any obligations under this By-law.

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 6th day of February 1995.

MAYOR G.A. KRANTZ

CLERK WM. ROBERTS