

Authority: Item 4, Committee of the Whole
Report 03-028 (PW03130/PD03226)
CM: October 15, 2003

Bill No. 296

CITY OF HAMILTON By-law No. 03-296 Being a By-law to provide for the removal of snow and ice from roofs and sidewalks

WHEREAS Section 130 of the Municipal Act, Chapter 25, S.O. 2001, provides that a municipality may regulate matters related to the health, safety, and well-being of the inhabitants of the municipality;

AND WHEREAS the City of Hamilton Act, 1999, SO. 1999 Chapter 14, Schedule C did incorporate, as of January 1st, 2001, the municipality of the "City of Hamilton";

AND WHEREAS the City of Hamilton Act, 1999, provides that the By-laws of the former municipalities continue in force and effect in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council for the City of Hamilton deems it expedient to enact a single By-law to provide for the removal of snow and ice from roofs and sidewalks, in place of By-laws of the former area municipalities;

NOW THEREFORE, the Council for the City of Hamilton enacts as follows:

Definitions

1. In this By-law,
 - (a) "City" means the City of Hamilton;
 - (b) "Council" means the council for the City of Hamilton;
 - (c) "Consecutive winter storm events" refers to any precipitation and/or accumulation of snow or ice from the beginning of the original winter snow event, and any subsequent storm events occurring within a 24 hour period of the cessation of the previous storm event;
 - (d) "Director" means the Director of the Operations and Maintenance Division of the Public Works Department for the City, and includes his designate and successor;
 - (e) "Highway" means a common and public highway under the jurisdiction of the City of Hamilton, and includes a street, sidewalk, boulevard whether paved or not paved, an unopened road allowance, and any portion of the land situated between street lines;

- (f) "Winter Storm Event" refers to any precipitation and/or accumulation of snow or ice.
- 2. In this By-law, whenever a word imparts the masculine gender it is deemed to include the feminine gender;
- 3. In this By-law, the singular sense is deemed to be inclusive and interchangeable with the plural sense

Application of By-law

- 4. The provisions of this By-law shall apply to all lands within the boundaries of the City, except for those areas designated as being exempt by the Director.

General Duties, Obligations, and Prohibitions

- 5. That every occupant or owner shall, within 24 hours of the cessation of a Winter Storm Event, or within 24 hours of the cessation of a series of Consecutive winter storm events, remove and clear all snow and ice from sidewalks abutting the highways in front of, or along side, or at the rear of any occupied or unoccupied lot, or vacant lot;
- 6. All owners or occupants of buildings where the roof or eaves of which abut or overhang the highway or sidewalk upon the highway shall, whenever ice or snow accumulates on the roof or eaves, remove the same immediately, and in a manner showing due care and precaution for the safety of persons passing.
- 7. No owner or occupant shall throw, place, bring, or deposit snow or ice:
 - (a) On or immediately adjacent to a fire hydrant, or in any manner that obstructs access to a fire hydrant;
 - (b) On or adjacent to a travelled portion of the highway, or in such a manner so as to interfere with the safe passage of vehicles, or pedestrians, or obstruct the visibility of vehicle operators or pedestrians
 - (c) In such a manner so as to obstruct drainage to any drain or sewer
- 8. That if the owner or occupant fails, neglects, or refuses to comply with Sections 5, 6, and 7 of this By-law, the Director in lieu of, or in addition to any other remedy provided by this By-law, is authorized to have the snow or ice to be removed at the expense of the owner or occupant, and in the case of non-payment, such expenses may be recovered in a like manner as municipal taxes.

Enforcement

- 9. Any Police Officer, Municipal Law Enforcement Officer, or employee of the City designated by the Director for the purpose of this Section is authorized to inform any person of the provisions of this By-law and to request compliance therewith;

10. Any Police Officer, Municipal Law Enforcement Officer, or employee of the City designated by the Director for the purpose of this Section is authorized to order any person believed by such Officer or employee to be in contravention of this By-law to desist from the activity consisting or contributing to such contravention;

Penalty

11. Any person contravening any provision of this By-law is guilty of an offence and upon conviction, is liable to such penalty as provided for under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

Severance

12. Should a court of competent jurisdiction declare any part or whole of any provision of this By-law to be invalid or of no force and effect, the provision or part shall be deemed to have been severed from this By-law, and it is the intention of Council that the remainder of the By-law survive and be applied and enforced in accordance with the terms to the extent possible under law.

Short Title

13. The short title of this By-law shall be "The Snow Removal By-law".

Repeals and Enactment

14. That By-law 88-152-S (Flamborough), By-law 86-77 (Hamilton) Section 7, By-law 4114-93 (Dundas), By-law 434-90 (Glanbrook), By-law 4477-96 (Stoney Creek), and By-law R77-109 (Regional Roads By-law) Section 7 be repealed.
15. Any references to By-laws 88-152-S, 86-77, 4114-93, 434-90, 4477-96, and R77-109, as amended, antedating the passing and enactment of this By-law shall be deemed a reference to this By-law.
16. This By-law shall come into force and effect on the date of its passing and enactment.

PASSED AND ENACTED this 15TH day of October, 2003.

R. E. Wade

MAYOR

K. Christenson

CLERK