

THE CORPORATION OF THE MUNICIPALITY OF POWASSAN

BY-LAW NO. 2020-03

Being a By-law to prohibit the depositing of snow on any highway or bridge of the Municipality of Powassan

Whereas section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under that Act or any other Act;

And whereas section 10(1) of the Municipal Act, 2001 provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas section 10(2) of the Municipal Act, 2001 provides that a single-tier municipality may pass by-laws respecting: in paragraph 5, social and environmental well-being of the municipality; in paragraph 6, health, safety and well-being of persons; in paragraph 7, services and things that the municipality is authorized to provide under section 10(1); in paragraph 8, protection of persons and property; and in paragraph 10, structures, including signs;

And whereas it is deemed expedient to regulate or prohibit depositing of snow on any highway or bridge within the limits of the Municipality of Powassan;

NOW THEREFORE, the Council of the Corporation of the Municipality of Powassan hereby enacts as follows:

DEFINITIONS

1. In this by-law,
 - (a) Bridge means a structure carrying a pathway or roadway.
 - (b) Culvert means a transverse drain.
 - (c) Ditch means a long narrow excavation dug in the earth (as for defense, drainage or irrigation).
 - (d) Highway includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, and part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.
 - (e) Officer means a municipal law enforcement officer or provincial offences officer employed or contracted by the municipality

- (f) Pedestrian means a person a foot and an invalid or child in a wheelchair or carriage.
- (g) Street includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by the general public for the passage of vehicles.
- (h) Traffic includes pedestrians, ridden or herded animals, vehicles, street cars and other conveyances either singly or together while using any street for the purposes of travel.
- (i) Vehicle includes a motor vehicle, trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle.

DEPOSITING OF SNOW

- 2. No person shall deposit or cause to be deposited any snow, slush, or ice upon any portion of any highway or bridge located within the territorial limits of the Corporation of the Municipality of Powassan.
- 3. No person shall move snow, slush or ice within a highway from one side of the cleared portion of the highway intended for vehicular and pedestrian traffic to the other side of the highway.
- 4. No person shall relocate snow, slush or ice within a highway in such manner as to encroach on the cleared portion of the highway intended for vehicular or pedestrian traffic, or that would result in the obstruction of the normal visibility of the safe movement of vehicular and pedestrian traffic on the highway.
- 5. No person shall deposit snow, slush, or ice in such a way to obstruct access to any fire hydrant.
- 6. No person shall deposit snow, slush, or ice in such a way to obstruct drainage to any catch basin.
- 7. No person shall deposit snow on property not belonging to them without permission from the owner of the property.

APPLICATION

- 8. This by-law shall apply to the whole of the Municipality of Powassan.

SEVERABILITY

9. Where a court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of this by-law shall continue in force unless the court makes an order to the contrary.

ENFORCEMENT AND PENALTIES

10. Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
11. This by-law shall be enforced by an officer.
12. Pursuant to section 436 of the Municipal Act, 2001, an Officer may enter onto Land at any reasonable time for the purpose of carrying out an inspection to determine whether or not this by-law is being complied with.
13. No person shall hinder or obstruct an Officer employed to enforce this by-law from carrying out their duties.

COMING INTO FORCE

14. This by-law No 2020-03 shall come into force the 4th day of February, 2020.

REPEAL

15. Upon the coming into force of this by-law, By-Law 2001-25 and any amendments thereto are hereby repealed.

READ a FIRST and SECOND time, the 21st day of January, 2020.

To be **READ a THIRD and FINAL** time and considered passed, the 4th day of February, 2020.



Mayor McIsaac



Deputy Clerk

**Schedule 1
Set Fines**

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining the offence	COLUMN 3 Set Fine
1.	Deposit/Cause to be deposited snow/slush/ice on highway.	2	\$150
2.	Move snow/slush/ice within/across highway.	3	\$150
3.	Relocate snow within highway in manner that obstructs portion cleared vehicle flow.	4	\$150
4.	Deposit snow/slush/ice in manner that obstructs fire hydrant access.	5	\$150
5.	Deposit snow/slush/ice in manner that obstructs drainage.	6	\$150
6.	Deposit snow/slush/ice on property without permission of owner.	7	\$150