

CITY OF ST. CATHARINES

BY-LAW NO. 2008-315

A By-law to provide for the removal of snow and ice from roofs and sidewalks.

WHEREAS section 11(2), paragraph 6, 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 and pursuant to subsection 11(3), paragraph 1, of the Municipal Act, a municipality may pass by-laws regulating highways;

AND WHEREAS section 122 of the Municipal Act provides that a municipality may require the owners and occupants of buildings to remove snow and ice from the roofs of the buildings and may regulate how and when the removal shall be undertaken;

AND WHEREAS section 425 of the Municipal Act, establishes that any person who contravenes a by-law of the municipality is guilty of an offence;

AND WHEREAS section 446 of the Municipal Act provides that where a municipality has authority to direct that any matter or thing be done, the municipality may also direct that, in default of its being done by the person directed or required to do it, such matter or thing shall be done at his expense, and the municipality may recover the expense incurred in doing so by action or in the same manner as property taxes;

AND WHEREAS the Council of The Corporation of the City of St. Catharines deems it necessary to pass a by-law to provide for the removal of snow and ice from roofs and sidewalks, after having held a public meeting on December 15, 2008;

NOW THEREFORE the Council of The Corporation of the City of St. Catharines enacts as follows:

1. In this By-law:

“City” means The Corporation of the City of St. Catharines;

“sidewalk” means the sidewalk on the highway in front or along side or at the rear of buildings or land.

## SIDEWALKS

2. The owner or occupant of every occupied building and the owner of every unoccupied building and the owner of every parcel of vacant land, within twenty-four (24) hours after any fall of snow, rain, freezing rain or hail shall have ceased, shall clear away and remove, or cause to be cleared away and removed, snow and ice from the sidewalk.
3. The owner or occupant of every occupied building and the owner of every unoccupied building and the owner of every parcel of vacant land, whenever and as often as any part of the surface of the sidewalk has become slippery because the snow and ice has not been completely removed, shall immediately upon such slippery condition having come into existence, sprinkle or cause to be sprinkled upon such portion of the said sidewalk, sand, salt or some other like suitable material, in such manner as to thoroughly cover such slippery surface.
4. When the snow and ice has not been removed from the sidewalk within the twenty-four (24) hour period, or when any part of the surface of such sidewalk has become slippery and has not been sprinkled at the time in accordance with the requirements of this by-law, the City may, at the expense of the owner of the building or land, cause such snow and ice to be cleared away and removed, or such slippery surface to be sprinkled in accordance with the requirements of this by-law, and the expenses incurred in so doing shall be recovered by action or in the same manner as property taxes.

## ROOFS

5. The owner or occupant of every occupied building and the owner of every unoccupied building shall, every day before nine (9) o'clock in the morning, whenever snow or ice accumulates upon the roof of such building in such a quantity as to constitute a danger to:
  - a) the structural integrity of the building; or,
  - b) the persons using the building; or,
  - c) persons and vehicles on adjacent sidewalks, highways or lands,clear away and remove, or cause to be cleared away and removed, the snow and ice from the roof of such building, and every person while removing such snow and ice shall take due and proper care and precaution for the warning and safety of all persons using sidewalks, highways or lands adjacent thereto.

6. When the snow and ice has not been removed from a roof of an unoccupied building before nine (9) o'clock in the morning in accordance with the requirements of this by-law, the City may, at the expense of the owner of the building, cause such snow and ice to be removed, and the expenses incurred in so doing shall be recovered by action or in the same manner as property taxes.

GENERAL PROVISIONS

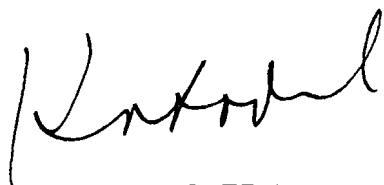
7. No person shall deposit ice or snow on any sidewalk or in such a manner that it will obstruct drainage to any catch-basin or obstruct access to any fire hydrant or in any way obstruct the passage of motor vehicles on a highway.

8. Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to any penalty provided for in the Provincial Offences Act R.S.O. 1990, c.P.33, as amended.

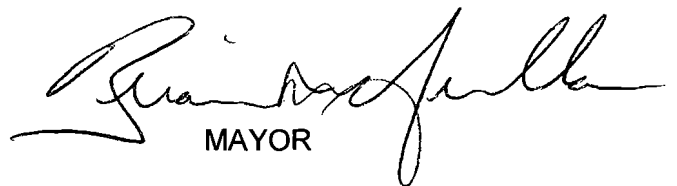
9. This by-law shall supercede By-law No. 77-358, and amendments thereto.

10. This by-law comes into force the date that it is passed.

Read a first time this	15 <sup>th</sup>	day of	December	2008
Read a second time this	15 <sup>th</sup>	day of	December	2008
Read a third time and passed this	15 <sup>th</sup>	day of	December	2008



CLERK



MAYOR