



THE CORPORATION OF THE TOWN OF COBOURG

**BY-LAW NUMBER 081-2014**

**A BY-LAW RESPECTING THE REMOVAL OF ICE AND SNOW FROM ROOFS AND SIDEWALKS IN THE TOWN OF COBOURG.**

**AND WHEREAS** Section 9 of the *Municipal Act*, 2001 S.O., Chapter 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 this or any other Act;

**AND WHEREAS** pursuant to Section 10 (2) of the *Municipal Act*, 2001 S.O. Chapter 25 as amended, a local municipality may pass by-laws respecting the (6.) the health, safety and well-being of persons and (7.) Protection of persons and property;

**AND WHEREAS** pursuant to Section 122 (1) of the *Municipal Act*, 2001 S.O. Chapter 25 as amended, a local municipality may require the owners and occupants of buildings to remove snow and ice from the roofs of buildings and may regulate when and how the removal shall be undertaken;

**AND WHEREAS** pursuant to Section 122 (2) of the *Municipal Act*, 2001 S.O. Chapter 25 as amended provides for Power of Entry; in that a Local municipality may enter at any reasonable time upon land to remove snow and ice, a) from roofs of unoccupied buildings; and b) from private sidewalks between a highway, including a highway of an upper tier municipality and the Province of Ontario, and the main entrance of a building;

**AND WHEREAS** pursuant to Section 122 (3) of the *Municipal Act*, 2001 S.O. Chapter 25 as amended provides for Recovery of Costs; under clause (2) (a) incurred by the municipality from the owners of the buildings by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

**AND WHEREAS** Council has deemed it advisable and in the public interest to enact a by-law with regard to the clearance and removal of ice and snow from buildings and sidewalks;

**NOW THEREFORE** the Municipal Council of the Corporation of the Town of Cobourg enacts as follows:

1. Definitions

“Owner” shall mean shall mean the registered owner of land;

“Occupant” shall mean shall mean every person residing in a dwelling who is not an owner and who is at least sixteen years of age;

“Highway” shall mean a common and public highway, common and public walkway, street, road, avenue, parkway, square, place, bridge, viaduct, trestle, laneway or any other way open to public use, and includes the area between the lateral property thereof;

“Roof” shall mean the external upper covering of a building;

“Municipality” shall mean the Corporation of the Town of Cobourg;

“Notice to Comply” shall mean a document provided to the property owner/occupant that gives direction on what actions need to be taken;



"Sidewalk" shall mean shall mean any municipal walkway or road works for the accommodation of pedestrians on that portion of a street between the curb line and the street line which is located outside of a roadway, primarily intended for the use of pedestrians;

"Town" shall mean the Corporation of the Town of Cobourg.

2. Every owner or occupant of any building, unoccupied building or vacant lands within the limits of the Corporation of the Town of Cobourg shall clear away and remove all of the snow and ice which constitutes a hazard to the public using a highway from the roofs of such buildings and shall clear and remove all the snow and ice from the sidewalks on the highways in front of, alongside of or at the rear of such buildings.
3. The clearance and removal of snow and ice herein shall be carried out as often as required, and in any event, not later than midnight on the day following any snowfall, fall of hail or freezing rain or after the fall of any snow from any building or after the municipality has completed its general snow ploughing operations from the highway in front of, alongside of or at the rear of such buildings or vacant lands referred to in Section 2 of this By-law.
4. Sidewalk snow clearing shall be carried out in accordance with Schedule "A" as attached hereto which provides for a 'Winter Maintenance Sidewalk Snow Clearing Schedule' to recognize a list of municipal sidewalks as exceptions to this By-law.
5. The Manager of Engineering or designate is hereby appointed as the By-law Enforcement Officer for enforcing the ice and snow sidewalks regulations in accordance with this By-law.
6. The Chief Building Official/Property Standards Officer or designate is hereby appointed as the By-law Enforcement Officer for enforcing the ice and snow on roofs regulations in accordance with this By-law.
7. Should an owner or occupant be found in contravention of any of the provisions contained in this By-law, the By-law Enforcement Officer shall:
  - i) Deliver a Notice to Comply to the owner and/or occupant advising that they are required to clear and remove the snow and ice in the area identified by the By-Law Enforcement Officer within (24) twenty four hours or, if in the opinion of the By-Law Enforcement Officer, such contravention constitutes a public health and safety hazard the snow and ice must be cleared immediately by the owner and/or occupant.
  - ii) If no action is taken within the time frames as outlined in Section (7) (i); the Town has the authority to have the identified ice and snow cleared and removed by the Municipality or Contractor with the cost of removal to be charged back to the owner.

## **8 PENALTY**

Any person who contravenes any 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, c. P.33*, as amended.


## **9 SEVERABILITY**

If any section, clause or provision of this By-law, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council that all remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof may have been declared invalid.

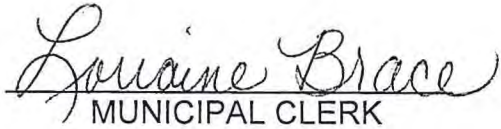


10 THAT Town of Cobourg By-law No. 13-80 and By-law No. 094-2013 be hereby repealed.

READ a first, second and third time and finally passed in Open Council this 11<sup>th</sup> day of August, 2014.



MAYOR



MUNICIPAL CLERK

## SCHEDULE "A"

### Town of Cobourg Winter Maintenance Sidewalk Snow Clearing Schedule

#### *Roads/Sewers*

1. King Street Bridge (Ken Rumball)
2. King and William Street – Northwest Corner
3. William Street East Side – King to University
4. Library Sidewalk:
  - a. King South to 217 King
  - b. Ontario East from King to Albert
  - c. Albert North Side to 224 Albert
5. Marie Dressler House – King North Side @ 212 King West
6. William Street East Side – University to Harden St.
7. William Street West Side – University to Harden St.
8. Harden Street South Side – William to Sinclair St.
9. Sinclair Street Playground – North East Corner
10. Kerr Street Right of Way – East Side of Sinclair St.
11. Old Esso Lot – William West Side from Kerr St. to Boulton St.
12. 442 Boulton – Wall
13. William Street East Side from Kerr St. to 860 William St.
14. William Street - 865 William to Elgin St.
15. Burnham Street - 879 Burnham to William St.
16. Burnham Street - 982 Burnham to Rayner Road
17. Rayner Road South Side - Burnham St. to Fraser Ct.
18. Walkway from Rayner Road to Field Court
19. Burnham Street West Side - Children's Aid to DePalma
20. DePalma Bike Path - North Side from Burnham to 1050 DePalma
21. Strathy Bike Path East Side – DePalma to Elgin
22. Strathy Bike Path West Side – #1 to Courthouse Rd.
23. Rogers Road Bike Path – Carlisle to Kerr
24. Westpark Village Parkette – Prince of Wales Drive @ Carlisle
25. Westwood Park – 699 Westwood Drive
26. Westwood Park – 737 to 751 Westwood Drive
27. Westwood Crescent – Walkway from Westwood Crescent to Mall
28. Westwood Park – 736 to 748 Ewing St.
29. Kerr Street – Westwood to Prince of Wales Drive – Both Sides
30. Westwood Park at 665 Carlisle
31. Burnham Street @ Kerr Street Right of Way
32. Burnham Street West Side – King Street to CN Tracks
33. George Street – 532 George to CP Tracks
34. Park Street Bridge – North Side
35. Spencer Street Bridge – Both Sides
36. University Street Bridge
37. Buck Street Bridge – Both Sides
38. Covert Street Bridge
39. Trinity Lot Walk – 274 Division St.



40. Trinity Lot – Swayne St. Entrance
41. First Street – Walkway to King St.
42. Municipal Lot – 107 King West
43. Albert St. North Side – Third St. to Division St.
44. Second Street East Side – Albert St. to CIBC
45. Ontario Street Bike Path – White Street to 401 Both Sides
46. Ontario Street South – 90 Ontario St. to Boardwalk
47. New Amherst Parkette – Caddy Drive Parkette
48. Creighton Park – Wilkins Gate to Creighton Place
49. New Amherst West Side – Elgin St. to Bradbury Ave.
50. Albert Street North Side – Ontario St. to Third St.

### *Parks*

1. Elgin St. W.:
  - a. North Side – Frei St. to Cobourg Creek
  - b. South Side – Ontario St. to McKeen Chrysler c. South Sides – Division St. to D’Arcy St.
  - d. North Side – Birchwood Trail to D’Arcy St.
2. Birchwood Trail East Side – Elgin St. to Otto Dr.
3. Ontario St. East Side – Elgin St. to Huycke St.
4. Ballantine St. South Side – Across Morley Cane Park
5. Division St.:
  - a. West Side – Buchanan St. to Division St. Pump Station
  - b. East Side – Elgin St. to Munroe St.
6. D’Arcy St.:
  - a. West Side – Northam Industrial Park to King St.
  - b. East Side – Alexandria Dr. to Legion Fields South Limit
7. King St. E. South Side – Abbott Blvd. to Brook Rd. S.
8. Wilmott St. West Side – King St. to Delanty Rd.
9. Coverdale Ave. West Side – Across Coverdale Park
10. McGill St. West Side – Across the Municipal Parking Lot
11. Queen St. North Side – Across the Municipal Parking Lot
12. Charles St. South Side – Across the Municipal Property
13. Albert St. South Side – Second Street to Division St.
14. Third St. North Side – Across Marina Park
15. Third St. East Side – Across the LCBO Parking Lot entrance
16. Hibernia St. East Side – Across Marina Park



# SCHEDULE "B"

## Site Map of Town of Cobourg Snow Clearing of Sidewalks

