

 <p>COBOURG</p>	<p>THE CORPORATION OF THE TOWN OF COBOURG</p> <p>BY-LAW NUMBER 014-2025</p>
--	--

BEING A BY-LAW TO LICENCE, REGULATE AND GOVERN THE REMOVAL OF ICE AND SNOW FROM ROOFS AND SIDEWALKS IN THE TOWN OF COBOURG AND REPEAL BY-LAW 081-2014.

WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, (the “Municipal Act, 2001”) as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under this or any other Act; and

WHEREAS section 10(2) of the Municipal Act, 2001, provides a local municipality may pass by-laws respecting the health, safety and well-being of persons and protection of persons and property; and

WHEREAS section 122(1) of the Municipal Act, 2001, provides 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 section 122(2) of the Municipal Act, 2001 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 section 122(3) of the Municipal Act, 2001, 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 BE IT RESOLVED THAT THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF COBOURG ENACTS AS FOLLOWS:

1. Definitions

“**Boulevard**” shall mean that part of a highway between a street line and the edge of the curb or, where there is no curb, that portion of the highway which is travelled or designed to be travelled by vehicles. A boulevard may or may not contain a sidewalk.

“**Officer**” shall mean each of:

- a) the Town’s Director, Municipal Law Enforcement and Licensing Services

- b) the Town's Manager, Municipal Law Enforcement and Licensing Services;
- c) a Municipal Law Enforcement Officer appointed by or under the authority of a Town by-law to enforce a Designated By-law; and
- d) a police officer employed by a municipal police force, by the Ontario Provincial Police or by the Royal Canadian Mounted Police.

"Owner" shall mean each owner of a Lot, and includes an individual, association, firm, partnership, corporation, trustee, or agent, and their heirs, executors, or legal representatives.

"Occupant" 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.

"Lot" shall mean a parcel of land within the Town's territorial limits which is:

- a) shown as a lot or block on a registered plan of subdivision; or
- b) described in a single Transfer/Deed of Land of legal effect registered in the Land Registry Office.

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

"Notice to Comply" shall mean a notice or document with respect to this by-law provided to the property owner/occupant that gives direction on what actions need to be taken.

"Person" shall mean an individual, partnership, association, firm or corporation.

"Roof" shall mean the external upper covering of a building.

"Sidewalk" 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 Lot, 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 Lot, buildings or vacant lands.
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. Should an owner or occupant be found in contravention of any of the provisions contained in this By-law, the Officer shall:
 - a) 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 Officer within twenty four (24) hours or, if in the opinion of the Officer, such contravention constitutes a public health and safety hazard the snow and ice must be cleared immediately by the owner and/or occupant.
 - b) If no action is taken within the time frames as outlined in ss. 5. a) 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.
 - c) The Town’s costs and the interest thereon of the snow and ice removal may be added to the tax roll and collected in the same manner as property taxes.
 - d) The amount of the costs and interest constitute a lien on the Lot or the land on which the Building is situated upon registration in the proper land registry office of a notice of lien.
6. Any notice or document respecting this By-law may be given in writing in any of the following ways and is effective:
 - a) on the date a copy is personally delivered to the Person to whom it is addressed;
 - b) on the third (3rd) day after a copy is sent by regular mail or by registered mail to the Person’s last known address;
 - c) upon confirmation of the successful transmission of a copy by facsimile transmission to the Person’s last known facsimile transmission number;
 - d) upon sending a copy by e-mail transmission to the Person’s last known e-mail address;
 - e) upon a copy being posted on the door of any building or structure on the Person’s last known Premises or, where no building or structure exists, on a stake erected by the Officer on the Person’s last known Premises; or
 - f) on the date a copy is placed on or affixed in any manner to a Person’s motor vehicle

7. General Provisions

- 7.1 No Person shall move or permit to be moved snow or ice from private property onto or pile, redistribute or otherwise cause the accumulation of snow on a Sidewalk or a Highway.
- 7.2 No Person shall deposit or cause to be deposited snow or ice on a Boulevard that is not adjacent to their Lot.

- 7.3 No Person shall fail to clear away and completely remove or cause to be cleared away and completely removed, the snow and ice, including Windrows, from any Sidewalk on any Highway in front of, alongside or at the rear of his or her Lot by midnight of the first day after the fall of snow or any other precipitation which freezes.
- 7.4 No Person shall fail to immediately and as often as necessary apply or cause to be applied sand, salt or some other suitable material on any Sidewalk on any Highway in front of, alongside or at the rear of his or her Lot so as to completely cover any portion of the Sidewalk that remains or becomes slippery from any cause after removing the snow and ice from the Sidewalk.
- 7.5 No Person who owns a Building in such close proximity to a Sidewalk or a Highway that snow or ice may fall or flow upon the Sidewalk or the Highway shall fail to clear away and remove, or cause to be cleared away and removed, the snow and ice whenever snow or ice accumulates upon any portion of the Building to such an extent that it is likely to fall or flow onto any Sidewalk or Highway.

8. Offences and Penalties

- 8.1 Each Person who contravenes any provision of this By-law is guilty of an offence and on conviction is Liable to a fine of:
- a) not less than \$300 and not more than \$5,000;
 - b) not less than \$400 and not more than \$10,000 for a second conviction of the same offence within a twelve (12) month period; and
 - c) not less than \$500 and not more than \$25,000 for a third or subsequent conviction of the same offence.
- 8.2 Administrative Penalty Process By-law 079-2022 applies to each administrative penalty issued pursuant to this By-law.
- 8.3 Each Person who contravenes any provision of this By-law or fails to comply with a Notice to Comply issued in accordance with this By-law, shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law 079-2022 be liable to pay to the Town an administrative penalty of:
- a) \$175 for the remainder of the first day on which the contravention occurs; and
 - b) \$275 for each subsequent day on which the contravention continues.

9. Severability

- 9.1 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. Repeal

10.1 By-law No. 081-2014 is hereby repealed.

11. Short Title

11.1 This by-law may be cited as the “Ice and Snow Removal By-law”

That this By-law shall come into effect on the 26th day of March, 2025.

READ and finally passed in Open Council this 26th day of March, 2025.

“Lucas Cleveland”

Lucas Cleveland, Mayor

“Brent Larmer”

Brent Larmer, 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:
 - i) King South to 217 King
 - ii) Ontario East from King to Albert
 - iii) Albert North side to 224 Albert
5. Marie Dressler House – King North side at 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 – Northeast Corner
10. Kerr Street Right of Way – East Side of Sinclair St
11. Old Esso Lot – William West side from Kerr to Boulton St
12. 422 Bolton St – 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 Crt
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 – Deplama 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 at Carlisle
25. Westwood Park – 699 Westwood Dr
26. Westwood Park – 737 to 751 Westwood Dr
27. Westwood Crescent – Walkway from Westwood Cres 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 at 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 side
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 – Cadde 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

51. Elgin Street West
52. Birchwood Trail East Side – Elgin St to Otter Dr
53. Ontario Street East side – Elgin St to Huycke St
54. Ballantine Street South Side – Across Morley Cane Park
55. Division St
56. D’Arcy St
57. King Street East South Side – Abbott Blvd to Brook Road South
58. Wilmott St West Side – King St to Delanty Rd
59. Coverdale Ave West Side – Across Coverdale Park
60. McGill St West Side – Across the Municipal Parking lot
61. Queen St North Side – Across the Municipal Parking lot
62. Charles St South Side – Across the Municipal Parking lot
63. Albert St South side – Second St to Division St
64. Third Street North side – across Marina Park
65. Third Street East side – Across the LCBO Parking lot entrance
66. Hibernia Street East side – Across Marina Park

Schedule “B”
Site Map of Town of Cobourg Snow Clearing of Sidewalks

