



**BY- LAW NUMBER 2008-212**

**A By-law of The Corporation of the City of Barrie to regulate the clearing away and removal of snow and ice from the sidewalks in front of, along side of or at the rear of buildings or vacant lots and to repeal By-law 96-264.**

**WHEREAS**, the Municipal Act, S.O. 2001, c. 25, Section 8, (3) provides that shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

**AND WHEREAS**, the Municipal Act, S.O. 2001, c. 25, Section 9, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

**AND WHEREAS**, the Municipal Act, S.O. 2001, c. 25, Section 10, (2) provides that a single-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein, Health, Safety and well-being of persons;

**AND WHEREAS**, the Municipal Act, S.O. 2001, c. 25, Section 425 establishes that any person who contravenes any by-law of the municipality or of a police services board, as the case may be, passed under the Act, is guilty of an offence;

**AND WHEREAS** by Motion 08-G-560 the Council of The Corporation of the City of Barrie deems it expedient to regulate the clearing away and removal of snow and ice from sidewalks in front of and along side of buildings or vacant lots.

**NOW THEREFORE** the Council of The Corporation of the City of Barrie enacts as follows:

1.0.0.0.0 **GENERAL**

1.1.0.0.0 This by-law shall apply to the geographic boundaries as set out in Section 3.0.0.0.0. The intent of this by-law is to regulate the clearing away and removal of snow and ice from the sidewalks in front of, along side of or at the rear of buildings or vacant lots by 10:00 a.m. each day within to ensure safe passage for pedestrians.

2.0.0.0.0 **DEFINITIONS**

2.1.0.0.0 For the purpose of this by-law:

2.1.1.0.0 **City** – means The Corporation of the City of Barrie;

2.1.2.0.0 **Municipal Law Enforcement Officer** - means a person appointed under the authority of the Police Services Act for the purpose of enforcing City by-laws;

2.1.3.0.0 **Officer** - means a Municipal law Enforcement Officer or other law enforcement officer as appointed by The Council of the Corporation of the City of Barrie, the Barrie Board of Police Commissioners, or a Provincial Offences Officer;

2.1.4.0.0 **Owner** - means the registered owner of the lot and premise, or the person or his authorized agent in lawful control of the lot, premise, building, or the person who has occupancy of such lot, premise or building;

2.1.5.0.0 **Person** - includes any individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to the law; shall include any group of persons comprising a society or other organization and shall include the plural wherein the context requires. Wherever the word "he" or "him" is used, it shall mean and include the feminine or neuter gender wherever the context so requires;

2.1.6.0.0 **Shall** - is mandatory and not directory; words in the singular includes the plural; words in the plural include the singular; words in the present tense include future or past tense;

- 2.1.7.0.0 **Sidewalk** - means that portion of the highway or common and public walkway designed for the passage of persons and includes that part of the road where pedestrians have priority over traffic;
- 2.1.8.0.0 **Street Line** - means the limit of the street or highway allowance and is the dividing line between a lot and a street;
- 2.1.9.0.0 **Lot** - means a piece of land to which the title may be legally conveyed and which has continuous frontage on a street and which has an assessment roll number; and
- 2.1.10.0.0 **Vacant Lot** - means a lot upon which there are no permanent buildings or structures.
- 3.0.0.0.0 **GEORGRAPHIC BOUNDARIES**
- 3.1.0.0.0 Every owner or occupant of a building or premise adjoining any portion of:
- Dunlop Street East from Poyntz Street to Bayfield Street;  
Dunlop Street West from Bayfield Street to High Street;  
Mulcaster Street from the foot of Mulcaster Street at Lakeshore Drive to Collier Street;  
Owen Street from Dunlop Street East to Worsley Street;  
Clapperton Street from Dunlop Street East to Collier Street;  
West side of Bayfield Street from Simcoe Street to Ross Street;  
East side of Bayfield Street from Simcoe Street to Worsley Street;  
Maple Avenue from Simcoe Street to Ross Street;  
Mary Street from Simcoe Street to Dunlop Street West;  
North side of Simcoe Street from Bayfield Street to Fred Grant Square;  
South side of Simcoe Street from Fred Grant Square to Dunlop Street East;  
West side of Fred Grant Square from Simcoe Street to Dunlop Street East;  
South side of Ross Street from Bayfield Street to Maple Avenue; and,  
Collier Street from Bayfield Street to Mulcaster Street;
- shall clear away and removal all snow and ice from the sidewalks in front of, alongside or at the rear of the building before 10 o'clock in the forenoon (10:00 a.m.) of each and every day of the year.
- 3.1.2.0.0 Every owner of an unoccupied building or premise, or of a vacant lot adjoining any portion of the streets described in Section 3.1.0.0.0 shall clear away and remove all snow and ice from the sidewalks in front of, alongside or at the rear of the building, premise or vacant lot before 10 o'clock in the forenoon (10:00 a.m.) of each and every day of the year.
- 4.0.0.0.0 **ENFORCEMENT**
- 4.1.0.0.0 The provisions of this by-law shall be enforced by a Municipal Law Enforcement Officer, Police Officer, Peace Officer, or other individual duly appointed for the purpose of enforcing this by-law.
- 5.0.0.0.0 **FEES**
- 5.1.0.0.0 Failure to comply with the provisions of this by-law shall result in the Corporation undertaking to cause such snow and ice to be removed at the expense of the owner of such building, premise or vacant lot, and to recover the cost of such removal of snow and ice in like manner as municipal taxes.
- 5.1.2.0.0. The cost of the clearing and removal of any snow and ice shall be as outlined in the provisions of the City's Fees By-law as updated from time to time.
- 6.0.0.0.0 **PENALTY**
- 6.1.0.0.0 Every person who contravenes the provisions of any section of this by-law is guilty of an offence and liable upon conviction to a penalty not exceeding \$ 5,000 exclusive of costs and the provision of the Provincial Offences Act, R.S.O 1990, c. P33, as amended, shall apply to said fine.
- 7.0.0.0.0 **REPEAL**
- 7.1.0.0.0 That By-law 96-264 be repealed.
- 8.0.0.0.0 **FORCE AND EFFECT**
- 8.1.0.0.0 This By-law shall come into force and effect immediately upon final passing thereof.

**READ** a first and second time this 8th day of December, 2008.

**READ** a third time and finally passed this 8<sup>th</sup> day of December, 2008.

**THE CORPORATION OF THE CITY OF BARRIE**

**“ORIGINAL SIGNED”**

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**MAYOR – D. ASPDEN**

**“ORIGINAL SIGNED”**

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**CITY CLERK – DAWN A. MCALPINE**