

**THE CORPORATION OF THE TOWN OF MIDLAND**

**BY-LAW 2009-70**

**A By-law to regulate the winter maintenance of downtown sidewalks and to repeal by-laws 96-59 and 99-5**

**WHEREAS** The Municipal Act, 2001, S.O. c.25, s.9, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act or any other Act;

**AND WHEREAS** The Municipal Act, 2001, S.O. c.25, s.11 (2) 6 provides that municipalities have the authority to pass by-laws respecting the health, safety and well being of persons;

**AND WHEREAS** Council deemed it expedient to regulate the cleaning away and removing of snow and ice from sidewalks of occupied and unoccupied premises within the downtown.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND HEREBY ENACTS AS FOLLOWS:**

1. **Definitions**
  - a) **“highway”** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and/or pedestrians and includes the area between the lateral property lines thereof.
  - b) **“sidewalk”** means any sidewalk or hard surfaced area forming part of any highway used by or set apart for the use of pedestrians.
  - c) **“Town”** means the Corporation of the Town of Midland.
2. That this by-law shall apply to all properties fronting onto King Street, between Bayshore Drive and Elizabeth Street.
3. That no person shall fail to remove snow and/or ice from the sidewalks within the locations noted in Section 2 of this by-law, abutting property of any occupied or unoccupied building or vacant lot which they own, within a twelve (12) hour period from the cessation of a storm or by 10:00 a.m. the morning after the storm, whichever represents the lesser amount of time.
4. That no person shall move or place any snow and/or ice onto any sidewalk indicated in Section 2 of this by-law so as to impede pedestrian traffic thereon.
5. That snow and/or ice which is cleared in the locations indicated in Section 2, shall be placed on the area sidewalk, roadway curb, a distance no greater than one metre from the curb in order to facilitate removal by the Town.

6. Sand and an ice and snow melting substance shall be applied to any slippery sidewalk surface within the locations noted in Section 2 of this by-law, abutting the property of any occupied or unoccupied building or vacant lot which they own, within a twelve (12) hour period from cessation of a storm or by 10:00 a.m. the morning after the storm, whichever represents the lesser amount of time.
7. In the event that any person contravenes the provision of this by-law, the Town shall procure the clearing and removal of the snow and ice at the expense of the property owner, with the expenses being collected and recovered from the property owner in like manner as municipal taxes.
8. That any person who contravenes any of the 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. That by-laws 96-59 and 99-5 are hereby repealed.
10. That this By-law shall come into force and effect upon approval of the set fines, appended hereto, from the Ontario Court of Justice (Provincial Division).

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 28<sup>TH</sup> DAY OF SEPTEMBER 2009.**

**THE CORPORATION OF THE TOWN OF MIDLAND**

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**MAYOR**

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**CLERK**

**THE CORPORATION OF THE TOWN OF MIDLAND**

**Part 1 Provincial Offences Act**

**By-law 2009-70 being a by-law to regulate the winter maintenance of downtown sidewalks within the municipality**

<b>Item</b>	<b>Column 1 Short Form Wording</b>	<b>Column 2 Offence Creating Provision</b>	<b>Column 3 Set Fine</b>
<b>1.</b>	<b>Fail to remove snow or ice from sidewalk.</b>	<b>3.</b>	<b>\$105.00</b>
<b>2.</b>	<b>Move or place snow or ice onto sidewalk.</b>	<b>4.</b>	<b>\$105.00</b>
<b>3.</b>	<b>Fail to apply melting substance.</b>	<b>6.</b>	<b>\$105.00</b>

**Note: The penalty provision(s) for the offences indicated above is Section 8 of By-law 2009-70, a certified copy of which has been filed.**