

# THE CORPORATION OF THE TOWN OF MIDLAND

## BY-LAW 2009-69

**A By-law to regulate the removal and piling of snow within the municipality and to repeal by-laws 77-13 and 99-6**

**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 enact regulations to govern and control the removal and piling of snow within the municipality.

**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.
- b) **“Town”** means the Corporation of the Town of Midland.

**2.** That no person shall place, permit or cause to be placed or permitted, snow from private property upon any highway or sidewalk within the Town, in such a manner as to obstruct traffic, or the view of traffic, or obstruct in any way the movement of the Town's snow clearing equipment.

**3.** That the provisions of this by-law shall not apply to municipal snow clearing operations.

**4.** 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.

**5.** That by-laws 77-13 and 99-6 are hereby repealed.

6. 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 2009-69 being a by-law to regulate the removal and piling of snow 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>Cause, place or permit snow on highway.</b>	<b>2.</b>	<b>\$105.00</b>
<b>2.</b>	<b>Cause, place or permit snow on sidewalk.</b>	<b>2.</b>	<b>\$105.00</b>

**Note: The penalty provision(s) for the offences indicated above is Section 4 of By-law 2009-69, a certified copy of which has been filed.**