

**By-Law 92-2009
of The Corporation of the City of Oshawa**

being a by-law respecting the removal of snow and ice in the City of Oshawa.

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

1. Short Title

- 1.1 Short Title: This by-law may be cited as the “Winter Access By-law”. (186-2022)

2. Definitions

2.1 In this By-law:

- (a) “Boulevard” means 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.
- (b) “Building” means any structure consisting of a roof supported by walls or columns which is used or intended to be used for the shelter, accommodation or enclosure of Persons, animals, goods, chattels or equipment and includes an unoccupied building.
- (c) “City” means The Corporation of the City of Oshawa.
- (d) “Director” means the City’s Director, Municipal Law Enforcement and Licensing Services or Director, Operations Services or their designate. (186-2022)
- (e) “Commissioner” means the City’s Commissioner, Community and Operations or Commissioner, Safety and Facilities or their designate. (186-2022)
- (f) “Highway” means a common and public highway, street, avenue, or parkway any part of which is intended for use by the general public for the passage of vehicles and includes the area between the lateral property lines including any boulevard.
- (g) “Lot” means a parcel of land within the City’s territorial limits which is:
 - (i) shown as a lot or block on a registered plan of subdivision; or
 - (ii) described in a single Transfer/Deed of Land of legal effect registered in the Land Registry Office or the Land Titles Office for the Land Registry Division of Durham
- (h) “Officer” means each of:
 - (a) the City’s Director, Municipal Law Enforcement and Licensing Services;
 - (b) the City’s Manager, Municipal Law Enforcement Services;
 - (c) a Municipal Law Enforcement Officer appointed by or under the authority of a City 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.(11- 2016)
- (i) “Owner” means each owner of a Lot, and includes an individual, association, firm, partnership, corporation, trustee, or agent, and their heirs, executors, or legal representatives.
- (j) Deleted by By-law 63-2013.
- (k) “Person” includes an individual, partnership, association, firm or corporation.

- (l) "Sidewalk" means that part of the Highway specifically set apart for use by pedestrians, including the portion that crosses a private driveway, the portion that connects the main sidewalk to the travelled portion of the highway and the portion that connects the main sidewalk to private property.
- (m) "Windrow" means a ridge of snow left behind by a snow plow at a sidewalk or driveway.

3. Snow and Ice Removal – Sidewalk

- 3.1 Every Owner of a Lot shall, no later than midnight of the first day after the fall of snow or any other precipitation which freezes has ended, 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 the Lot.
- 3.2 If, after removing the snow and ice from the Sidewalk, any portion of the Sidewalk remains or becomes slippery from any cause, the Owner shall immediately and as often as necessary apply or cause to be applied sand, salt or some other suitable material on the Sidewalk so as to completely cover the slippery surface.
- 3.3 Sections 3.1 and 3.2 do not apply to an Owner for whom the City has undertaken the responsibility to clear away and completely remove snow and ice from a Sidewalk in front of, alongside or at the rear of the Owner's Lot.

4. Snow and Ice Removal – Building

- 4.1 Every Owner of a Building in such close proximity to a Sidewalk or a Highway that snow or ice may fall or flow upon the Sidewalk or Highway must, whenever snow or ice accumulates upon any portion of the Building to such an extent that it is likely to fall or flow onto the Sidewalk or Highway shall clear away and remove, or cause to be cleared away and removed, the snow and ice.
- 4.2 Every Owner shall take proper care and precaution for the warning and safety of pedestrian and vehicular traffic during the removal of snow and ice from the Owner's Building.

5. Snow and Ice Removal by City

- 5.1 Where an Owner has not cleared away and completely removed snow and ice from a Sidewalk on a Highway in front of, alongside or at the rear of the Owner's Lot pursuant to this By-law, the Commissioner may, without notice to any Owner, cause the snow and ice to be removed at each Owner's expense. Without limitation, the Commissioner may retain such Persons to assist in completing the snow and ice removal as the Commissioner determines appropriate.
- 5.2 Each Owner is jointly and severally liable to the City for all costs incurred in any way related to the removal of snow and ice for the purposes of section 5.1 including, without limitation, interest calculated at the rate of fifteen per cent (15%) for the period commencing on the day that the cost was incurred and ending on the day that all costs, including the interest, are paid in full.
- 5.3 The City'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.
- 5.4 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. Prohibition

- 6.1 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. (11-2016)
- 6.2 No Person shall deposit or cause to be deposited snow or ice on a Boulevard that is not adjacent to his or her Lot.
- 6.3 Deleted by By-law 11-2016

- 6.4 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.
- 6.5 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.
- 6.6 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.

7. Deleted by By-law 11-2016

8. Administrative Penalties

- 8.1 No Person shall fail to comply with any provision or standard of this By-law (127-2022)
- 8.2 Administrative Penalty Process By-law 63-2013 applies to each Administrative Penalty issued pursuant to this By-law. (63-2013)
- 8.3 Each Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law 63-2013, be liable to pay to the City an administrative penalty. If a Person receives a penalty notice in accordance with the City's Administrative Penalty Process By-law for a contravention of the Winter Access By-law, and the Person has not received a penalty notice for the same contravention within one (1) calendar year or less, the Person shall be liable to pay to the City a tier one (1) administrative penalty amount for that contravention in the amount of \$75. If a Person receives an additional penalty notice for the same contravention of the Winter Access By-law within one (1) calendar year or less from the date of the penalty notice containing a tier one (1) administrative penalty amount, the Person shall be liable to pay to the City a tier two (2) administrative penalty amount for that contravention in the amount of \$175. If the Person receives a subsequent penalty notice for the same contravention of the Winter Access By-law within one (1) calendar year or less from the date of the penalty notice containing a tier two (2) administrative penalty amount, the Person shall be liable to pay to the City a tier three (3) administrative penalty amount for that contravention in the amount of \$275. If the Person receives any subsequent penalty notices for the same contravention of the Winter Access By-law within one (1) calendar year or less from the date of the penalty notice containing a tier three (3) administrative penalty amount, the Person shall be liable to pay to the City a tier three (3) administrative penalty amount for that offence in the amount of \$275.
(81-2020, 186-2022)

9. Deleted by By-law 63-2013

10. Offences

- 10.1 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.

11. Notice

Deleted by By-law 11-2016

12. General

- 12.1 For the purpose of section 23.2(4) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, it is the opinion of Council that the powers delegated to the Hearings Officer and to the Director pursuant to this By-law are of a minor nature.

13. Conflict

- 13.1 This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations.
- 13.2 If there is a conflict between a provision of this By-law and a provision of any other City By-law, the provision that establishes the higher standard to protect the health and safety of the public and to maintain clean and tidy condition on land shall apply.

14. Severability

- 14.1 If any provision or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in certain circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

15. Effective Date

- 15.1 This By-law is effective on the date of its passing.
- 15.2 By-law 101-79 is hereby repealed.

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