

THE CORPORATION OF THE TOWNSHIP OF VAL RITA HARTY

BYLAW NUMBER 1232-26

BEING A BYLAW TO PROHIBIT THE OBSTRUCTION OF ROADWAYS AND SIDEWALKS WITHIN THE MUNICIPALITY OF VAL RITA-HARTY AND TO REGULATE THE REMOVAL, DUMPING AND PILING OF SNOW THEREON AND TO REPEAL BYLAW 1013-15.

Legal Authority

Scope of Powers

Section 8 of the *Municipal Act*, 2001, S.O. 2001, c.25, ("*Municipal Act*") as amended provides that the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance its ability to respond to municipal issues.

Section 10 of the *Municipal Act*, 2001, S.O. 2001, c.25, ("*Municipal Act*") as amended, authorizes municipalities to pass bylaws respecting health, safety and well-being of persons.

Section 27 of the *Municipal Act*, 2001, S.O. 2001, c.25, ("*Municipal Act*"), as amended, provides that a municipality may pass bylaws in respect of a highway only if it has a jurisdiction over the highway.

Section 44 of the *Municipal Act*, 2001, S.O. 2001, c.25, ("*Municipal Act*") as amended imposes a statutory duty on municipalities to keep highways under their jurisdiction in a reasonable state of repair, including winter maintenance activities.

Section 425 of the *Municipal Act*, 2001, S.O. 2001, c.25, ("*Municipal Act*"), as amended, establishes that any person who contravenes a bylaw of a municipality is guilty of an offence.

Section 446 *Municipal Act*, 2001, S.O. 2001, c.25, ("*Municipal Act*"), as amended, provides that where a municipality has authority by an Act or Bylaw to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do so, the matter or thing shall be done at the person's expense and the municipality may recover the cost of doing the matter or thing from the person required to do it, by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.

Section 181 of the *Highway Traffic Act*, RSO 1990, as amended, prohibits the depositing of snow or ice on a roadway without permission of the road authority responsible for the maintenance of the road.

Ontario Regulation 239/2 – *Minimum Maintenance Standards for Municipal Highways*, prescribes minimum winter maintenance standards for municipal highways and sidewalks.

Powers of a Natural Person

Section 9 of the *Municipal Act* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act.

Powers Exercised by Council

Section 5 (1) of the *Municipal Act* provides that the powers of a municipality shall be exercised by its Council.

Powers Exercised by By-law

Section 5(3) of the *Municipal Act* provides that a municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by bylaw unless the municipality is specifically authorized to do otherwise.

Preamble

Council for the Corporation of the Municipality of Val Rita-Harty ("Council") deems it advisable and expedient to pass a bylaw prohibiting the obstructing of roadways and sidewalks and regulating the placement of snow thereon. Furthermore, Council for the Corporation of the Municipality of Val Rita-Harty deems it necessary to institute a fee to enable the Municipality to recover the expense incurred for contravention of this bylaw.

Decision

Council of the Corporation of the Municipality of Val-Rita Harty deems it in the best interest of the Corporation to pass a bylaw to provide for the removal of snow and ice from highways and sidewalks and to institute an administrative fee and a fee for recovery of costs (remedial action) at the expense of the property owner.

Direction

NOW THEREFORE the Council of the Corporation of the Municipality of Val Rita-Harty directs as follows:

1. That attached Schedule "A", forms part of this Bylaw and is adopted.
2. That attached Schedule "B" – Administrative Fees, forms part of this Bylaw and is adopted.
3. That attached Schedule "C" - Remedial Action Expense, forms part of this Bylaw and is adopted.
4. This bylaw shall take effect on the final day of passing.
5. That Bylaw No. 2013-14 is hereby repealed.

Read and adopted by Resolution 26- this 27th day of January 2026.

Mayor

Deputy Clerk

SCHEDULE "A" TO BYLAW NO.1232-26

1. DEFINITIONS

"Administrative Fee" shall be a fee as outlined in Schedule "B" to this bylaw and shall be reviewed annually.

"Enforcement Officer" shall mean the Public Works Supervisor or any other person designated by Council for the purpose of this bylaw, who has the responsibility or duties with respect to the administration of this bylaw.

"Highway" means a common and public highway, street, avenue, lane, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for passage of vehicles and includes the area between the lateral property lines thereon.

"Municipality or Municipal" means the Corporation of the Municipality of Val Rita-Harty.

"Occupant" means any person or person over the age of eighteen (18) years of age in possession of the property.

"Owner" means the person holding registered title to land and the person for the time being managing or receiving the rent or paying the municipal taxes on the land in question, whether on his, her or its own account or as agent or trustee of any other person or who would so receive the rent if such were let, and shall also include a lessee or occupant of the land. Where the person holding registered title to the land is a condominium corporation, the owner is the corporation and not its member.

"Person" means any individual, firm, society, association, partnership, agent or trustee, the heirs, executors, administrators, corporation or legal representatives of a person to whom the context can apply according to law.

"Private Entrance" means an improved surface within a highway used or intended for use for vehicular access to and from private property adjacent to the highway.

"Remediation Cost Recovery" shall be a fee as outlined in Schedule "C" to this bylaw and shall be reviewed annually.

"Roadway" shall mean the municipal road allowance.

"Sidewalks" shall mean all such parts of the highway as are set aside for the use of pedestrians or used by the general public for the passage of pedestrians.

"Stockpile" shall mean a concentration of snow pushed into a pile above the height of five (5) feet.

"Travelled portion of the roadway" shall mean as that part of a roadway designated or intended for use by vehicular traffic.

"Windrow" shall mean the pile of snow that is left at the bottom of a driveway after the snowplow has cleared the road.

2. GENERAL PROVISIONS

- 2.1 No person shall deposit any snow or ice on any sidewalk, or in such a manner that it will obstruct drainage to any catch-basin, obstruct access to any fire hydrant, obstruct the passage of pedestrians on any sidewalk, or obstruct the passage of motor vehicles on a roadway/highway.

3. SIDEWALKS, HIGHWAYS AND TRAVELLED PORTION OF THE ROADWAY

- 3.1 No person shall deposit or cause to be deposited snow or ice on a travelled portion of the roadway or sidewalk within the Municipality of Val Rita-Harty.
- 3.2 No person shall deposit or cause to be deposited snow from private property, or cause any snow from private property, to be deposited on any part of a roadway allowance within the Municipality of Val Rita-Harty.
- 3.3 No person shall clear away or remove snow or ice from a municipal highway located in the Municipality of Val Rita-Harty except as may be necessary to clear away snow blocking access to a private entrance or driveway.
- 3.4 No person shall create, place or permit an accumulation of snow on any property or roadways in a manner that obstructs traffic, blocks pedestrian passage or impairs line of sight. Snow piles shall not exceed one meter in height within one meter on either side of a driveway entrance.
- 3.5 No person shall deposit, or cause to be deposited snow or ice to be piled or placed to a height exceeding one (1) meter within five (5) meters of an intersection (corner lot). Snow piles within this area shall not obstruct sightlines for drivers or pedestrians and must be maintained to ensure safe visibility and passage of vehicles and pedestrians.
- 3.6 No person shall deposit, or cause to be deposited snow or ice on, or immediately adjacent to a fire hydrant or in a manner that obstructs access to a fire hydrant.
- 3.7 No person shall deposit, or cause to be deposited snow or ice, in manner so as to obstruct drainage to any municipal owned ditch, drain or sewer.
- 3.8 No person shall place, or cause to be placed, ice or snow from private property or from roadway, onto private property of another person.
- 3.9 The accumulation of snow on the part of the municipal road allowance that is located along the entrance or driveway of a private property may be cleared and deposited by the owner of the property only on the part of the road allowance that fronts his property and that is not open for and used by or for pedestrians and vehicular traffic and parking.
- 3.10 No person, including any resident, property owner, contractor or third party, shall deposit snow by pushing, plowing or transporting it across a municipal highway to deposit onto another property. This includes moving from one side of the highway to the other or onto property. Such actions are prohibited to ensure traffic and pedestrian safety.
- 3.11 The Municipality of Val Rita-Harty shall not be responsible for the removal of the windrow.

4. ENFORCEMENT

4.1 This Bylaw shall be enforced by the Municipality of Val Rita-Harty, in accordance with the steps outlined in Schedule "B" and "C" to this bylaw.

4.2 Where a person is in default of any of the provisions of the bylaw, the Corporation of the Municipality of Val Rita-Harty, or its servants or agents shall carry out, or cause to be carried out, on behalf of the Corporation the work required to be done by this bylaw at the expense of the property owner, along with an administrative fee and the Municipality shall recover the expense (remediation cost recovery) incurred in doing it in like manner as municipal taxes in accordance with Section 446 *Municipal Act*, 2001, S.O. 2001, c.25, as amended.

5. ADMINISTRATIVE FEE AND REMEDIATION COST RECOVERY

5.1 When snow or ice is deposited in contravention of Section 3, notice shall be given to the property owner at the last known address to remove the material forthwith.

5.2 If the property owner fails to remove the snow or ice forthwith, or cannot be notified immediately, or if the property is vacant or if the material is of a nature, volume or consistency to create an immediate hazard, the Public Works Supervisor or his/her designate is authorized to have the material removed and the Municipality will invoice the property owner for the expense incurred (remediation cost recovery) and for the administrative fee.

5.3 The Municipality of Val Rita-Harty shall recover the administrative fee and remediation cost recovery incurred under Section 5.2 by action, or by adding the costs incurred to the tax roll and collecting them in the same manner as taxes in accordance with Section 446 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended.

5.4 Any person who contravenes provisions of this Bylaw is liable to pay an Administrative Fee (Schedule B) and a Remediation Cost Recovery Fee (Schedule C), as attached to this bylaw.

5.5 Where a contravention continues, each day or part of a day that the contravention continues shall be deemed to constitute a separate and distinct default.

6. OBSTRUCTION

6.1 No person shall hinder, interfere with or otherwise obstruct, either directly or indirectly an officer or employee of the Municipality of Val Rita-Harty and/or agent in the lawful exercise or power or duty under this bylaw.

6.2 Any person who has been alleged to have contravened any of the provisions of this bylaw shall identify themselves to the officer or employee and failure to do shall be deemed to have obstructed or hindered the officer or employee in the execution of his/her duties.

7. VALIDITY AND SEVERABILITY

Should any section, subsection, clause, paragraph or provision of this bylaw be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of this bylaw as a whole or any part thereof, other than the Part so declared to be invalid.

SCHEDULE "B" TO BYLAW NO. 1232-26

ADMINISTRATIVE FEE

The Administrative Fee for Default shall be as follows:

| | |
|-----------------------------------------------------|----------|
| First Default: | \$200.00 |
| Second Default within 12 months: | \$250.00 |
| Third Default or subsequent Defaults with 12 months | \$300.00 |

Please Note:

Failure to respond to notices of default may result in additional administrative fees or collection acts.

*****This is an additional cost in addition to the Remediation Cost Recovery Fee. See Schedule "C" to Bylaw No. 1232-26.**

STEPS TO RECORD DEFAULT OF BYLAW

- a) During snow plowing and removal operations municipal staff is authorized to correctly record default of this Bylaw, as follows:
 - Photograph of default with time/date taken and record the correct street address;
 - Provide above information to the municipal administration office staff person.
- b) Administration is authorized to immediately mail/hand deliver letter to property owner explaining default, outlining the administrative fee and possible remediation cost recovery fee which will be levied if the situation is not corrected within five (5) days.
- c) Administration will communicate with Public Works Supervisor when letter is mailed/delivered and five (5) day count commences.
- d) In the event default of the bylaw is not corrected, public works staff will be authorized to correct the default and remedial cost recovery fee will be sent to the property owner.

** The Municipality of Val Rita-Harty shall recover the administrative fee and remediation cost recovery incurred under Section 5.2 by action, or by adding the costs incurred to the tax roll and collecting them in the same manner as taxes in accordance with Section 446 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended.

SCHEDULE "C" TO BYLAW NO. 1232-26

REMEDATION COST RECOVERY FEE

The Remediation Cost Recovery fee will be the Municipality of Val Rita-Harty public works rental hourly fee (minimum) for equipment rental (with operator), as follows:

| | |
|-------------------------------------|--------------------------------|
| 2026 Fee for Equipment and Operator | \$250.00 (minimum hourly rate) |
|-------------------------------------|--------------------------------|