



## BY-LAW NO. 2019-25

### BEING A BY-LAW TO PROHIBIT THE DEPOSITING OF SNOW ON HIGHWAYS WITHIN THE TOWNSHIP OF NAIRN AND HYMAN

**WHEREAS**, Section 27(1) of the Municipal Act, 2001, S.O. 2001 c. 25 as amended, permits municipalities to pass by-laws in respect of a highway under the municipalities jurisdiction, and

**WHEREAS**, Section 181 of the Highway Traffic Act, 1990, R.S.O. 1990 c. H. 8 as amended, prohibits any person from depositing snow or ice on a roadway without permission in writing from the road authority responsible for the maintenance of the road, and

**WHEREAS**, it is deemed expedient to enact a by-law for such purposes:

**NOW THEREFORE** the Council of the Municipal Corporation of the Township of Nairn and Hyman enacts as follows:

#### **SECTION 1 – DEFINITIONS**

- a) “highway” means a common and public highway, road, street, avenue, lane, parkway, driveway, sidewalk, square, place, bridge, viaduct, trestle, including the area between the lateral property lines that is intended for the use of the general public.
- b) “traffic” includes vehicles, pedestrians, and other conveyances either singly or together while using any highway for the purposes of travel.
- c) “officer” means a person who has powers or duties with respect to the administration and enforcement of this by-law.
- d) “municipality or municipal” means the Corporation of the Township of Nairn and Hyman.
- e) “person” includes an individual, a partnership, a body corporate or politic, an agent or trustee, and the heirs, executors, administrators or other legal representatives of a person whom the context can apply according to law.

#### **SECTION 2 – PROHIBITION**

- 2.1 That no person shall place, permit or cause to be placed, snow from private property upon or across any highway within the municipality, 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.

**SECTION 3 – APPLICATION**

- 3.1 This by-law shall apply to the whole of the Township of Nairn and Hyman.
- 3.2 That the provisions of this by-law shall not apply to municipal snow clearing operations.

**SECTION 4 – ENFORCEMENT AND PENALTIES**

- 4.1 The By-law Officer is responsible for the enforcement of this by-law.
- 4.2 Any person who violates any provision of this by-law is, upon conviction guilty of an offence and shall be liable to such penalties as prescribed by the Provincial Offences Act, R.S.O., 1990, c. P.33.
- 4.3 Set fines for contravention of this by-law are set out in Schedule “A” of this by-law.
- 4.4 Where a person is in contravention of any of the provisions of this by-law, the municipality or agents shall carry out, or cause to be carried out, on behalf the municipality the work required to be done by this by-law at the expense of the property owner, and the municipality shall recover the expense incurred plus a 10% administration fee in doing it in a like manner as Municipal taxes.
- 4.5 No person shall hinder or obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the municipality in the lawful exercise of a power or duty under this by-law.

**SECTION 5 – APPLICATION**

- 5.1 This by-law shall come into effect upon receipt of approval of Schedule “A”, Short Form Wording/Set Fines by the Ontario Court of Justice.

Read a first and second time this 9<sup>th</sup> day of December, 2019.

Read a third time and finally passed this 9<sup>th</sup> day of December, 2019.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

I, Belinda Ketchabaw, Clerk for the Township of Nairn and Hyman do hereby certify this to be a true and correct copy of By-law No. 2019-25 adopted in open Council on December 9, 2019.

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Belinda Ketchabaw, Clerk

**The Corporation of the Township of Nairn and Hyman**

**Schedule "A"**

**Part 1 Provincial Offences Act**

**By-law 2019-25, Being a by-law to prohibit the depositing of snow on highways within the Township of Nairn and Hyman**

<b>Item</b>	<b>Column 1 Short Form Wording</b>	<b>Column 2 Provision Creating or Defining Offence</b>	<b>Column 3 Set Fine</b>
<b>1.</b>	<b>Place, permit, or caused to be placed snow upon or across highway.</b>	<b>s. 2.1</b>	<b>\$200.00</b>

**Note: The penalty provision for the offence indicated above is Section 4.2 of By-law 2019-25, a certified copy of which has been filed.**