

## **Recommendations**

1. To enact a new Snow Clearing By-law to repeal and replace the Snow Clearing By-law 300-93, as amended. The new by-law will be based on the existing by-law, with the changes listed that follow.
2. To add the following to the beginning of the by-law, preceding the definitions and to be numbered accordingly:

### **Short Title**

- (1) This By-law shall be known as the “Snow Clearing By-law”.

### **Applicability and Scope**

- (1) The provisions of this by-law apply to all Properties within the *City*.
- (2) Where any provision of this By-law is in conflict with a provision of any other *City* by-law, the more restrictive provision shall prevail.

### **Definition and Interpretation**

- (1) In this By-law and attached Schedules, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context requires.
- (2) Wherever a word is used in this By-law with its first letter capitalized and the whole word italicized, the term is being used as it is defined in 3.0(3) of this Bylaw. Where any word appears in ordinary case, the commonly applied English language meaning is intended.
- (3) For the purposes of this by-law:

(4) To delete the following definitions:

"Commercial building" means a building used primarily for commercial uses.

"Dwelling" includes a single family detached dwelling, a semi-detached dwelling and a townhouse.

"Dwelling, semi-detached" means a building containing two attached single family dwellings with a common masonry wall dividing the two dwellings vertically.

"Dwelling single family detached" means a building containing one single family dwelling.

"Industrial building" means a building used primarily for industrial purposes.

"Institutional building" means a building used primarily for institutional purposes.

"Occupant" includes every person residing in a dwelling who is at least sixteen years of age and who is not a physically handicapped person or a senior citizen.

"Owner" means the registered owner of land.

"Physically handicapped person" means a person who is unable physically to clear snow and ice and who has filed with the city a medical certificate so stating.

"Residential building" means a building used primarily for human habitation but does not include dwellings.

"Senior citizen" means a person who has attained the age of sixty-five years and who has filed with the city proof thereof.

"Highway" means a street or highway being a provincial highway or under the jurisdiction of the regional municipality of York or assumed by the city.

"Townhouse" means a building which abuts a public street. Containing three or more attached single family dwellings each of which has direct access from the outside ground level.

(5) To add the following definitions:

"Administrative Monetary Penalties By-law" refers to the *Administrative Monetary Penalties By-law* 063-2019, as amended, or its successor by-law;

"City" means the Corporation of the *City* of Vaughan;

"Designated By-law" has the same meaning as in the *Administrative Monetary Penalties By-law*;

"Enforcement Officer" means a *Person* appointed by the Council of the *City* as a Municipal Law *Enforcement Officer*, pursuant to section 15 of the *Police Services Act*, to enforce the provisions of this By-law, or a sworn member of York Regional Police, Ontario Provincial Police, Royal Canadian Mounted Police;

"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 includes the area between the lateral *Property* lines thereof;

"Occupant" includes every *Person* living in a *Property* who is at least eighteen (18) years of age;

"Owner" means the *Owner* of a *Property*;

“Person” includes an individual, firm, corporations, association, partnership, trust, unincorporated organization or the heirs, executors, administrators or other legal representatives of a *Person*;

“Property” means a building or structure or part of a building or structure and includes its *Yard* and all mobile structures, outbuildings, and fences on the *Property*;

“Treasurer” means the Chief Financial Officer and *Treasurer* for the City, or his or her designate;

“Zoning By-law” means the Comprehensive Zoning By-law, 01-2021, or its successor; By-law;

3. To delete the current provision “cover any slippery area with sand or salt if the condition of such sidewalk remains slippery after the removal of the snow and ice” and replace it with “cover any slippery area with sand, salt or other deicing substance of the equivalent or greater efficacy, if the condition of such sidewalk remains slippery after the removal of the snow and ice”.
4. To delete the current provision “That the *Owners* of all occupied or unoccupied buildings abutting sidewalks which are on main streets, along transit routes, and in school zones, hereby constitute a class of persons pursuant to paragraph 210.63 of the *Municipal Act* and notwithstanding Section 2 hereof, the City shall clear such sidewalks of snow and ice at its expense” and replace it with “Where the *City* performs the activities referred to in section 4.0(1) at its expense, such as clearing snow at buildings abutting sidewalks on main streets, along transit routes, and in school zones, the *Owner* of a *Property* is not required to perform these activities

unless otherwise advised by the *City*. ”

5. To delete the requirement for property owners to clear snow and ice within 24 hours after snow, rain and hail has ceased, and add the provision that, “every *Property Owner* shall maintain the sidewalk adjacent to his or her property clear of snow and ice”.
6. To replace the current enforcement and fines sections with the following, numbered accordingly:

### **Orders and Enforcement**

- (1) Any *Person* who contravenes or fails to comply with any provision of this by-law is guilty of an offence.
- (2) An *Enforcement Officer* who finds a contravention of this by-law may give a written order to the *Owner* of the *Property* requiring compliance with this By-law and/or to do work to correct the contravention of this By-law within the time period specified in the order, but no sooner than twenty-four (24) hours after the order is given.
- (3) The order in 5.0(2) may be served in *Person* to whom it is directed or by registered mail to the last known address of that *Person*, in which case it shall be deemed to have been given on the fifth day after it is mailed.
- (4) If there is evidence that the *Occupant* of the *Property* is not the *Property Owner*, the order in 5.0(2) shall be served on both the *Property Owner* and the *Occupant*.
- (5) No *Person* shall hinder or obstruct or attempt to hinder or obstruct the *City* or its *Enforcement Officers* from carrying out any powers or duties under this By-

law.

## **Fines**

- (1) Every *Person* who is guilty of an offence under this By-law may be subject a fine under the *Municipal Act*, such that:
  - (a) a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000;
  - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000, however, the total of all of the daily fines for the offence is not limited to \$100,000; and
  - (c) in the case of a multiple offence, for each offence included in the multiple offence, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000, however, the total of all fines for each included offence is not limited to \$100,000.
- (2) Every Person who is issued a fine under this By-Law may request a review of the matter in accordance with the *Provincial Offences Act*.

## **Administrative Monetary Penalties**

- (1) Instead of laying a charge under the *Provincial Offences Act*, for a breach of any provisions of this By-law, an *Enforcement Officer* may issue an administrative monetary penalty to the *Person* who has contravened this By-law.
- (2) If a *Person* is required to pay an administrative monetary penalty under subsection 7.0(1) and has paid the administrative monetary penalty, no

charge shall be laid against that same *Person* for the same violation.

- (3) The amount of the administrative monetary penalty for a breach under this By-law is listed is \$100.
- (4) A *Person* who is issued an administrative monetary penalty shall be subject to the procedures provided for in the *Administrative Monetary Penalties By-law*.
- (5) Every *Person* who is issued an administrative monetary penalty under this By-Law may request a review of the matter in accordance with the *Administrative Monetary Penalties By-law*.

### **Cost Recovery and Unpaid Fines and Penalties**

- (1) Where the *City*, its employees or authorized agents have performed the work required to bring the *Property* into compliance with the by-law, all expenses incurred by the *City* in doing the work as well as any related fees, shall be deemed to be a debt to the *City* and may be collected by the *City* or added to the tax roll for the *Property* and collected in the same manner as taxes.
- (2) The treasurer of a municipality may add any unpaid fine or administrative monetary penalty to the tax roll for any *Property* in the local municipality of which all of the *Owners* are responsible for paying the fine and collect it in the same manner as municipal taxes.

### **Designation**

- (1) Schedule 1 of the *Administrative Monetary Penalties By-law*, as amended, is hereby amended by including this By-law as a *Designated By-law*.