

THE CORPORATION OF THE TOWNSHIP OF NIPISSING

BY-LAW NUMBER 2021-63

Being a By-law to prohibit the depositing of snow on any highway or bridge within the Corporation of the Township of Nipissing.

WHEREAS Section 10(2) of the Municipal Act, 2001, as amended, provides that single-tier municipalities may pass by-laws respecting the health, safety and well-being of person, paragraph 6.; protection of person and property, including consumer protection, paragraph 8.; and structures, including fences and signs, paragraph 10;

AND WHEREAS the Highway Traffic Act, R.S.O. 1990, c. H. 8, s. 181 provides that no person shall deposit snow or ice on a roadway without permission in writing to do so from the Ministry or the road authority responsible for the maintenance of the road;

AND WHEREAS it is deemed necessary to prohibit and regulate depositing of snow, slush and ice on any highway, roadway or bridge within the limits of the Township of Nipissing.

NOW THEREFORE the Council of the Corporation of the Township of Nipissing hereby ENACTS AS FOLLOWS:

1. DEFINITIONS

- a) “**Highway**” means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, or any part which is intended for or used by the general public for the passage of motor vehicles and includes the area between the lateral property line thereof, and “street” and “road” shall have a like meaning.
- b) “**Municipal Law Enforcement Officer**” means the By-law Enforcement/Municipal Law Enforcement Officer(s) employed by the Corporation of the Township of Nipissing.
- c) “**Private Road or Driveway**” means every way or place in private ownership and used for vehicular traffic by the owner and those having expressed, or implied permission given by the owner or duly authorized agent.
- d) “**Public Road**” means a “highway” within the meaning of the *Municipal Act* of Ontario, 2001, as amended, which is under the jurisdiction of the Township of Nipissing.
- e) “**Roadway**” means that portion of a street improved, designed or ordinarily used for vehicular traffic.

2. REGULATIONS

- a) No person shall , unless otherwise authorized by the provisions of this or any other by-law of the Corporation of the Township of Nipissing, deposit or cause to be deposited any snow, slush or ice upon any portion of any highway, bridge or roadway located within the territorial limits of the Corporation of the Township of Nipissing.
- b) No person shall relocate snow within the road allowance in such a manner as to encroach on the portion of the road allowance intended for vehicular and pedestrian traffic, or that would result in the obstruction of normal visibility of the safe movement of vehicular and pedestrian traffic on the road allowance.
- c) No person shall move snow, slush or ice within a highway from one side of the cleared portion of the highway intended for vehicular or pedestrian traffic, to the other side of the highway.
- d) No person shall relocate snow, slush or ice within a highway in such a manner as to encroach on the cleared portion of the highway intended for vehicular or pedestrian traffic, or that would result in the obstruction of the normal visibility of the safe movement of vehicular or pedestrian traffic on the highway.

- e) No person shall deposit snow, slush or ice in such a way as to obstruct access to a water source or an Emergency Loading Zone, as defined by the Township of Nipissing Parking By-Law 2021-50.
- f) No person shall deposit snow, slush or ice in such a way as to obstruct drainage to any ditch or drainage system in place to drain roadways.
- g) No person shall deposit snow on property not belonging to them without permission from the owner of the property.
- h) No person shall move, push or drag any snow, slush or ice across a highway, roadway or bridge within the Township of Nipissing interfering with the winter maintenance. This includes the disruption, disposition or removal of any application of traction material including sand or salt.

3. APPLICATION

This By-Law shall apply to the whole of the Township of Nipissing.
The provisions of this By-Law shall not apply to an employee or an agent of the Corporation of the Township of Nipissing who is engaged in moving snow, slush or ice in the performance of their duties.

4. SEVERABILITY

Where a court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of this by-law shall continue in force unless the court makes an order to the contrary.

5. ENFORCEMENT AND PENALTIES

The Ontario Provincial Police (O.P.P.) may enforce the provisions of this By-law.

The Council may appoint one or more persons as Municipal Law Enforcement Officers (MLEO) to enforce the provisions of this By-law.

Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is subject to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended.

Pursuant to section 436 of the Municipal Act, 2001, an Officer may enter onto Land at any reasonable time for the purpose of carrying out an inspection to determine whether or not this by-law is being complied with.

No person shall hinder or obstruct an Officer employed to enforce this by-law from carrying out their duties.

- 6. That this By-law comes into effect on the date of passing.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 21ST DAY OF DECEMBER, 2021.

THE CORPORATION OF THE TOWNSHIP
OF NIPISSING

Tom Piper - Mayor

Kris Croskery-Hodgins, Municipal Administrator