

THE CORPORATION OF THE MUNICIPALITY OF RED LAKE

BY-LAW NO. **935-07**

BEING A BY-LAW TO PROHIBIT THE DEPOSITING OF SNOW OR ICE ON ANY MUNICIPAL ROADWAY OR SIDEWALK

WHEREAS *Section 10(2) of the Municipal Act, 2001, as amended*, provides that a single-tier municipality may pass by-laws respecting the health, safety and well-being of persons; and

WHEREAS *Section 181 of the Highway Traffic Act, R.S.O. 1990, as amended*, enables a municipality to pass by-laws respecting depositing snow or ice on a roadway; and

WHEREAS *Section 128 of the Municipal Act, 2001, as amended*, allows a local municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

NOW THEREFORE the Council of The Corporation of the Municipality of Red Lake **HEREBY ENACTS AS FOLLOWS:**

1. DEFINITIONS

1.1 'Municipal Roadway' includes a common and public street, avenue, parkway, driveway, square, place, bridge viaduct or trestle designed and intended for, or used by, the general public for the passage of vehicles.

2. GENERAL PROVISIONS

2.1 No person shall deposit or cause to be deposited any snow or ice upon any portion of any municipal roadway or municipal sidewalk located within the territorial limits of the Corporation of the Municipality of Red Lake.

2.2 No person shall relocate snow within the street allowance in such a manner as to encroach on the cleared portion of the street 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 street allowance.

3. ENFORCEMENT

3.1 Any person who contravenes any of the provisions of this By-Law is guilty of an offense and, upon conviction, shall be subject to a fine or penalty of not more than \$5,000.00, exclusive of costs, and all such penalties shall be recoverable under the Provincial Offences Act.

3.2 A court in which the conviction has been entered, or any court of competent jurisdiction thereafter may make an Order prohibiting the continuation or repetition of the offence by the person convicted and such Order shall be in addition to any other penalty imposed on the person convicted.

4. VALIDITY

4.1 If a court of competent jurisdiction declares any provision, any part of a provision, in the By-Law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-Law that each and every provision in this By-Law authorized by By-Law that be applied and enforce in accordance with the terms to the extent possible according to law.

5. SHORT TITLE

5.1 This By-Law may be cited as the Municipality of Red Lake "Snow and Ice Removal By-Law".

6. IMPLEMENTATION

- 6.1 This By-Law shall come into force and effect on the date the Ministry of the Attorney General approves the Set Fines under By-Law No. 935-07.

READ a FIRST and SECOND TIME this 16th day of October, 2007.

Phil T. Vinet, Mayor

Shelly L. Kocis, Clerk

READ a THIRD TIME and FINALLY PASSED this 16th day of October, 2007.

Phil T. Vinet, Mayor

Shelly L. Kocis, Clerk

SCHEDULE "A"

THE CORPORATION OF THE MUNICIPALITY OF RED LAKE

Attached to and forming part of By-Law No. 935-07

THE CORPORATION OF THE MUNICIPALITY OF RED LAKE

SET FINES

"Part I Provincial Offences Act"

Municipality of Red Lake By-Law No. 935-07 Title: Snow and Ice Removal By-Law

| Item # | Column 1 (Short Form Wording) | Column 2 (Offence Creating Provision) | Column 3 (Set Fines) |
|--------|---|---|-------------------------|
| 1. | Deposit snow or ice upon municipal roadway (sidewalk) (bridge). | Sec. 2.1 | \$100.00 |
| 2. | Relocate snow within street allowance to result in obstruction. | Sec. 2.2 | \$100.00 |

"NOTE: the general penalty provision for the offences listed above is Section 3 of By-Law No. 935-07, a certified copy of which has been filed and Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33."