



THE CORPORATION OF THE TOWN OF COBALT

BY-LAW NO. 2021-33

Being a by-law to regulate the removal and relocation of snow within the Town of Cobalt

WHEREAS the Council of the Corporation of the Town of Cobalt deems it necessary and expedient to pass a By-law to regulate the removal and relocation of snow within the Town of Cobalt;

AND WHEREAS under Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS under Section 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, 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;

AND WHEREAS Section 10(2) 6 of the Municipal Act, S.O. 2001, c. 25, as amended, authorizes Council to pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS Section 27 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides a municipality may pass by-laws with respect to highways over which it has jurisdiction;

AND WHEREAS Section 425(1) of the Municipal Act, S.O. 2001, c. 25, as amended, provides a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

AND WHEREAS Section 429(1) of the Municipal Act, S.O. 2001, c. 25, as amended, provides a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Act ;

AND WHEREAS Section 446(1) of the Municipal Act, S.O. 2001, c. 25, as amended, provides that if a municipality has the authority under any Act or under a by-law under any Act 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 it, the matter or thing shall be done at the person's expense;

AND WHEREAS Section 446(3) of the Municipal Act, S.O. 2001, c. 25, as amended, provides that a municipality may recover costs of doing a matter or thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.

NOW THEREFORE the Council of the Corporation of the Town of Cobalt hereby enacts as follows:

1. That Council adopts a by-law to regulate the removal and relocation of snow within the Municipality identified as Schedule "A", attached hereto and forming part of this By-Law;
2. That By-Law 2008-12 being a By-Law to prohibit the depositing of snow on any highway or bridge within the Town of Cobalt is hereby repealed on the date this By-Law become effective.
3. That the Clerk of the Town of Cobalt is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the By-law and schedule, after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.
4. That this By-Law shall come into force and take effect on the date of its final passing.

Read a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 2nd day of November 2021.

Mayor

Clerk/Treasurer



**THE CORPORATION OF THE TOWN OF COBALT
SCHEDULE "A" TO BY-LAW NO. 2021-33**

**TO REGULATE THE REMOVAL AND RELOCATION OF SNOW WITHIN
THE TOWN OF COBALT**

**PART 1
GENERAL PROVISIONS**

SECTION

1.1 Short Title

This By-Law shall be cited as the "Snow Removal By-law".

1.2 Scope

The provisions of this By-law shall apply to all property within the geographic limits of the Town of Cobalt, except where otherwise provided.

1.3 Enforcement

This By-law shall be enforced by a By-law Enforcement Officer or a Police Officer.

1.4 Conflicts with Other By-Law

Where a provision of this By-law conflicts with a provision of another by-law in force in the Town of Cobalt, the provisions that establishes the higher standard in terms of protecting the health, safety and welfare of the general public and the environmental well-being of the Municipality, shall prevails to the extent of the conflict.

**PART 2
DEFINITIONS**

Definitions of words, phrases and terms used in this By-law that are not included in the list of definitions in this section shall have the meanings which are commonly assigned to them in the context in which they are used in this By-law.

The words, phrases and terms defined in this section have the following meaning for the purposes of this By-law.

SECTION

2.1 "By-law Enforcement Officer" means the person or persons duly appointed by Council as Municipal Law Enforcement Officers for the purpose of enforcing regulatory by-laws of the Municipality.

2.2 "Municipal" means the Corporation of the Town of Cobalt.

2.3 "Municipal Property" means any land situated within the Town which is owned by the Municipality or controlled by the Municipality by lease or otherwise.

2.4 "Council" means the Municipal Council of the Town of Cobalt.

2.5 "Municipality" means the land within the geographic limit of the Town of Cobalt.

2.6 "Person" means an individual, firm or corporation.

2.7 "Police Officer" means a member of the Ontario Provincial Police service.

2.8 "Private Property" means property which is privately owned and is not Municipal property.

2.9 "Provincial Offences Act" means the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

2.10 "Sidewalk" means any municipal walkway, or that portion of a street between curb lines or the lateral lines of a roadway, and the adjacent property line, primarily intended for use by pedestrians.

- 2.11** **"Street"** means a common and public highway, street, roadway, crescent, avenue, parkway, driveway, square, place, bridge, viaduct, trestle or other such place designated and intended for, or used by the general public for the passage or parking of vehicles and includes the area of land between the lateral property lines thereof.

**PART 3
REGULATIONS**

SECTION

3.1 Deposit of Snow

No person shall deposit, or cause to be deposited, any snow, ice, or other debris, on any Municipal property or street or including sidewalks from their property or any other private property.

3.2 Re-Deposit of Snow

3.2.1 No person shall move snow within a street or allow snow to be moved from one side of the cleared portion of the street intended for vehicular and pedestrian traffic, to the other side of the street.

3.2.2 No person shall relocate snow within a street or allow snow to be relocated in such a manner as to encroach on the cleared portion of the street intended for vehicular and pedestrian traffic.

3.2.3 No person shall relocate snow within a street or allow snow to be relocated in such a manner as to obstruct the normal visibility or the safe movement of vehicular and pedestrian traffic on the street.

3.2.4 No person shall deposits or moves snow in a manner that, in the opinion of the Supervisor of Public Works or the By-Law Enforcement Office, does not:

- a) interferes with municipal snow removal operations
- b) creates a safety or damage hazard on a street, sidewalk or municipal infrastructure
- c) creates a potential water run-off situation impacting neighbouring properties.

3.3 Exemption

Sections 3.1 and 3.2 do not apply to the following persons:

3.3.1 Any municipal employee or any contractor working under the direct or indirect supervision of a municipal employee.

**PART 4
PENALTIES**

SECTION

4.1 Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for by Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P. 33, as amended.

Where an offense is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence under this By-Law as provided for in Section 429 of the Municipal Act, S.O. 2001, c.25.

PART 5
VALIDITY

SECTION

5.1 **Validity of By-law**

If any section, clause, or provision of this By-law, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not effect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.



**THE CORPORATION OF THE TOWN OF COBALT
Appendix “1” OF Schedule “A”
TO REMOVAL AND RELOCATION OF SNOW BY-LAW NO. 2021-33**

**Part I of Provincial Offences Act
Set Fines**

Item	COLUMN 1 Short form wording	COLUMN 2 Offence creating provision or Defining offence	COLUMN 3 Set fine
1	Deposit snow on Municipal property	Sch. A, s. 3.1	\$100.00
2	Deposit snow on Sidewalk	Sch. A, s. 3.1	\$100.00
3	Deposit snow on Street	Sch. A, s. 3.1	\$100.00
4	Re-Deposit snow from one side of street to the other.	Sch. A, s. 3.2.1	\$100.00
5	Re-Deposit snow to cleared portion of street.	Sch. A, s. 3.2.2	\$100.00
6	Re-Deposit snow so as to obstruct visibility.	Sch. A, s. 3.2.3	\$100.00
7	Deposits snow so as to interferes with municipal snow removal operations	Sch. A, s. 3.2.4 (a)	\$100.00
8	Deposits snow in a manner that creates a safety or damage hazard	Sch. A, s. 3.2.4 (b)	\$100.00
9	Deposits snow in a manner that impacts neighbouring properties	Sch. A, s. 3.2.4 (c)	\$100.00

Note: The general penalty provision for the offences listed above is Schedule A section 4.1 of By-Law No. 2021- 33, a certified copy of which has been filed.