

B I L L
No. 136
1986

B Y - L A W N U M B E R 8544

A BY-LAW RESPECTING THE REMOVAL OF SNOW
AND ICE FROM SIDEWALKS ON THE HIGHWAYS IN
THE CITY OF WINDSOR

Passed the 5th day of May, 1986.

WHEREAS Section 210, paragraphs 53, 54 and 55 of the **Municipal Act**, R.S.O. 1980, provides that by-laws may be passed by the councils of local municipalities for the removal of snow and ice from the sidewalks on the highways in front of, alongside or at the rear of occupied and unoccupied premises;

AND WHEREAS it is deemed expedient to enact a by-law for such purposes;

THEREFORE the Council of The Corporation of the City of Windsor enacts as follows:

1. In this by-law

(a) **"building"**

- (i) **"commercial"** shall mean a building in which the activities are primarily the buying and selling of merchandise or the provision of services;
- (ii) **"multiple family"** shall mean a building designed or intended or used for occupancy by two or more families and includes apartment buildings and apartment hotels;
- (iii) **"single family"** shall mean a detached building designed or intended or used for occupancy by not more than one family;

(b) **"Corporation"** means The Corporation of the City of Windsor;

(c) **"highway"** means a common and public highway and includes a street and a bridge forming part of a highway or on, over or across which highway passes;

(d) **"occupant"** shall include,

- (i) the person who is in physical possession of a building or land; or
- (ii) the person who has responsibility for and control over the condition of a building or the activities carried on therein or control over persons allowed to enter the building;

notwithstanding that there may be more than one occupant of the same building or land;

(e) **"owner"** shall include any person who is an owner of land either jointly or in common with any other person or persons and shall include any or all of such persons.

2. (1) The owner of every single family building in the City of Windsor shall clear away and remove snow and ice from the sidewalks on the highways in front of, alongside and at the rear of such building.

(2) If the owner is not in physical possession of the single family building, the occupant and the owner shall be jointly and severally responsible for clearing away and removing the snow and ice from the said sidewalks on the highways in front of, alongside and at the rear of such building.
3. The owner of every multiple family building in the City of Windsor shall clear away and remove the snow and ice from the sidewalk on the highways in front of, alongside and at the rear of such building.
4. (1) The owner of every commercial building in the City of Windsor shall clear away and remove snow and ice from the sidewalks on the highways in front of, alongside and at the rear of such building.

(2) If the owner is not in physical possession of the commercial building, the occupant and the owner shall be jointly and severally responsible for clearing away and removing the snow and ice from the said sidewalks on the highways in front of, alongside and at the rear of such building.
5. Where snow falls or ice forms upon the sidewalks referred to in Sections 2 and 3 of this By-law, the owner or occupant in the case of a single family dwelling and the owner of a multiple family dwelling shall remove the said snow or ice from the sidewalks within twelve (12) hours following the snow fall or formation of ice.
6. Where snow falls or ice forms upon the sidewalks referred to in Section 4 of this By-law, the owner or occupant shall remove the said snow or ice from the sidewalks within
 - (a) four (4) hours following the snow fall or formation of ice upon the said sidewalks during daylight hours; or
 - (b) four (4) hours following sunrise in the case of snow falling or ice forming overnight.
7. Where the clearing away and removal of ice from the sidewalks as provided for in this by-law may cause damage to such sidewalks, the owner or occupant, as the case may be, of a single family, multiple family or commercial building shall spread ashes, sand, salt, or other abrasive material upon those portions of the said sidewalks where ice has formed in such a manner so as to remove the danger of any person slipping and falling on the said sidewalks.
8. No person shall cause any damage to any sidewalk in the City of Windsor by clearing away and removing snow or ice therefrom.
9. The Corporation may clear away and remove snow and ice from the sidewalks on the highways in front of, alongside or at the rear of vacant lands at the expense of the owner, and the Corporation may recover the expense incurred in like manner as municipal taxes.

10. The Corporation may clear away and remove snow and ice from the sidewalks on any highway in front of, alongside or at the rear of any occupied or unoccupied single family building, multiple family building or commercial building, and the Corporation may recover the expense incurred in like manner as municipal taxes.

11. (1) Every person who contravenes any of the provisions of this by-law (Chapter) is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than Five Thousand Dollars (\$5,000), exclusive of costs and every such fine is recoverable under the Provincial Offences Act. **(inserted B/L 10277, May 22/90)**

(2) This Section shall not be construed to derogate from any other remedies or rights which the Corporation may have.

12. (1) City of Windsor By-law Number 6152 is repealed.

(2) Despite subsection (1), any matter or proceeding that has been commenced under City of Windsor By-law Number 6152 before the day this by-law comes into force shall be continued and disposed of under By-law 6152.

13. This by-law shall come into force and take effect on the day of the final passing thereof.

(signed) "D. A. Burr"
MAYOR

(signed) "J. B. Adamac"
ACTING CLERK

First Reading - May 5, 1986
Second Reading - May 5, 1986
Third Reading - May 5, 1986