

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

OFFICE CONSOLIDATION OF BY-LAW 2002-116

Consolidated on November 16, 2007

Passed by Council on October 22, 2001

Amendments:

- 1) By-law 2007-268 November 16, 2007 Article 1

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2001 - 150

A BY-LAW TO PROHIBIT THE PLACING OF SNOW OR LITTER ON CITY STREETS

Recitals

1. The *Highway Traffic Act* provisions which prohibit the placing of litter or snow/ice on highways are cumbersome to enforce.
2. The *Municipal Act* permits municipalities to control these activities through municipal by-law, which would provide for municipal law enforcement.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2001-150.

Article 1.00: Definitions and Interpretation

- 1.01 **Definitions:** Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in this Section 1.01. Where any word appears in ordinary case, its regularly applied meaning in the English language is intended.
- (a) “**By-law**” means this by-law, as it may be amended from time to time. The Recitals to, and the Schedules attached to this By-law are considered integral parts of it.
 - (b) “**City**” means The Corporation of the City of Kawartha Lakes.
 - (c) “**Debris**” means any discarded or unused material, whether or not it is re-useable and shall include leaves and brush. (2007-268, effective Nov. 13/07)
 - (d) “**Director**” means the Director of Engineering & Public Works for the City.
 - (e) “**Highway**” means any opened and assumed road allowance under the jurisdiction of the City, and includes the traveled portion of the road allowance as well as the shoulders and any traffic islands within the road.
- 1.02 **Interpretation Rules:**
- (a) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
 - (b) References to items in the plural include the singular, as applicable.
 - (c) The word “include” is not to be read as limiting the phrases or descriptions that precede it.
- 1.03 **Statutes:** Specific references to laws in this By-law are printed in italic font and are meant to refer to the current laws applicable within the Province of Ontario as at the time the By-law was enacted. For Provincial laws, the reference is to the relevant chapter of the R.S.O. 1990 edition, as amended from time to time, including successor legislation.

- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law will be considered to be severed from the balance of the By-law, which will continue to operate in full force.

Article 2.00: Prohibitions

- 2.01 **Snow and Ice:** It shall constitute an offence for any person to place or deposit, or cause to be placed or deposited, any snow or ice upon any Highway. Without limitation, this includes the movement of snow or ice from private driveways, laneways, roads, parking lots and sidewalks, from those lands to the Highway.
- 2.02 **Debris:** It shall constitute an offence for any person to place or deposit, or cause to be placed or deposited, any Debris upon any Highway.

Article 3.00: Enforcement

- 3.01 **Offence:** Any person convicted of an offence pursuant to this By-law shall be subject to the penalties provided for in the Provincial Offences Act.
- 3.02 **Work by City Forces:** If, in the opinion of the Director or his or her delegate, it is considered necessary for the safety of persons using the Highway, that snow, ice or Debris placed or deposited on the Highway be removed, it shall complete the work at the expense of the person who placed or deposited, or who caused to be placed or deposited, the material on the Highway. If the person is a municipal taxpayer, the sums expended shall be collected in like manner as municipal taxes. If the person is not a municipal taxpayer, the sums expended may be recovered by any process permitted at law.
- 3.03 **Item:** The City's ability to recover its costs pursuant to Section 3.02 is not considered a penalty for breach of this By-law, and is an independent proceeding from any proceedings in Provincial Court pursuant to Section 3.01.
- 3.04 **Enforcement Proceedings:** Offences pursuant to this By-law may be enforced under Part 1 of the *Provincial Offences Act* once short form wording has been approved in accordance with that statute.

Article 4.00: Repeal of Prior Historic By-Laws; Effective Date

- 4.01 **Former County By-law:** County of Victoria By-Law 1991-09 is repealed.
- 4.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 22nd day of October, 2001.

Mayor

Clerk