

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 227-2022

A By-law requiring *Property Owners* to remove snow and ice from sidewalks, and to repeal and replace by-laws 300-93 and 56-96.

WHEREAS section 11(1) of the *Municipal Act*, 2001, S.O. 2001, c. 25 (“*Municipal Act*”) allows municipalities to pass by-laws respecting the environmental well-being of the municipality, and the health and safety of persons;

AND WHEREAS section 122 (1) of the *Municipal Act*, states that a local municipality may require the *Owners* and *Occupants* of buildings to remove snow and ice from the roofs of the buildings and may regulate when and how the removal shall be undertaken;

AND WHEREAS section 122 (2) of the *Municipal Act*, states that a local municipality may enter at any reasonable time upon land to remove snow and ice, from private sidewalks between a *Highway*, including a *Highway* of an upper-tier municipality and the Province of Ontario, and the main entrance of a building;

AND WHEREAS section 425(1) of the *Municipal Act*, allows municipalities to pass by-laws, in which persons who are not compliant with a by-law are guilty of an offence;

AND WHEREAS section 429(1) of *Municipal Act*, 2001, enables municipalities to establish a system of fines for offences under a by-law;

AND WHEREAS section 434.1(1) through (3) of the *Municipal Act*, enables municipalities to establish a system of administrative penalties to encourage compliance with a by-law that are not punitive;

AND WHEREAS section 435 of the *Municipal Act* establishes the conditions under which the City’s *Enforcement Officers* may enter onto private *Property*;

AND WHEREAS section 436 of the *Municipal Act* provides municipalities with the authority to pass by-law which allows its staff to enter onto land at any reasonable time for the purpose of carrying out an inspection to determine whether a by-law is being complied with;

AND WHEREAS section 438 of the *Municipal Act* states that municipalities may establish by-laws in which inspections can be undertaken to evaluate compliance with the by-law;

AND WHEREAS sections 441 and 441.1 of the *Municipal Act* state that a municipality can add unpaid fines to the tax roll of the *Property* of the *Person* who owes them;

AND WHEREAS sections 444 and 445 of the *Municipal Act* state that a municipality can order someone in contravention of a by-law to discontinue the contravening activity or to order this *Person*, a *Property Owner* or *Occupant*, or someone who caused or permitted the contravening activity to correct the contravention;

AND WHEREAS the *Provincial Offences Act*, R.S.O. 1990, c. P.33 (“*Provincial Offences Act*”) establishes rules for governance of provincial offences and judicial proceedings and penalties;

AND WHEREAS the Council of The Corporation of the City of Vaughan deems it advisable to enact such a By-law;

NOW THEREFORE the Council of The Corporation of the City of Vaughan hereby enacts as follows:

1.0 Short Title

- (1) This By-law shall be known as the “Snow Clearing By-law”.

2.0 Applicability and Scope

- (1) The provisions of this By-law apply to all *Properties* within the *City*.
- (2) Where any provision of this By-law is in conflict with a provision of any other *City* by-law, the more restrictive provision shall prevail.

3.0 Definition and Interpretation

- (1) In this By-law and attached Schedules, unless the context otherwise required, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context requires.
- (2) Wherever a word is used in this By-law with its first letter capitalized and the whole word italicized, the term is being used as it is defined in 3.0(3) of this By-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.
- (3) For the purposes of this By-law:
“Administrative Monetary Penalties By-law” is the *City’s* Administrative Monetary Penalties By-law, as amended, or its successor by-law;

“City” means the Corporation of the City of Vaughan, and includes its employees and agents acting on its behalf;

“Designated By-law” has the same meaning as in the *Administrative Monetary Penalties By-law*;

“Director” means the Director, By-law and Compliance, Licensing and Permit Services, and Chief Licensing Officer, or her or his delegate;

“Enforcement Officer” means a *Person* appointed by the Council of the *City*, through its delegated authority to the *Director*, as a Municipal Law *Enforcement Officer*, pursuant to section 15 of the *Police Services Act*, to enforce the provisions of this By-law, or a sworn member of York Regional Police, Ontario Provincial Police, or Royal Canadian Mounted Police;

“Highway” includes a common and public *Highway*, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral *Property* lines thereof;

“Occupant” includes every *Person* living in a *Property* who is at least eighteen (18) years of age;

“Owner” includes:

- (a) the *Person* having the right, title, interest or equity in the land, or his or her agent authorized in writing;
- (b) the *Person* for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other *Person*, or who would receive the rent if the land and premises were let;
- (c) a lessee or occupant of the *Property* who, under the terms of a lease, is required to repair and maintain the *Property*.

“Person” includes an individual, firm, corporation, association, partnership, trust, unincorporated organization or the heirs, executors, administrators or other legal representatives of a *Person*;

“Property” means a building or structure or part of a building or structure and includes its yard and all mobile structures, outbuildings, and fences within the border of its lot lines;

“Treasurer” means the Chief Financial Officer and Treasurer for the *City*, or his or her designate;

“Zoning By-law” means the *City’s* Zoning By-law, or its successor by-law;

4.0 General Provisions

(1) The *Owner* of any *Property* shall:

(a) maintain the sidewalk adjacent to his or her property clear of snow and ice; and

(b) cover any slippery area with sand, salt or other deicing substance of the equivalent or greater efficacy, if the condition of such sidewalk remains slippery after the removal of the snow and ice.

(2) Where the *City* performs the activities referred to in section 4.0(1) at its expense, such as clearing snow at buildings abutting sidewalks on main streets, along transit routes, and in school zones, the *Owner* of a *Property* is not required to perform these activities unless otherwise advised by the *City*.

5.0 Orders and Enforcement

(1) Any *Person* who contravenes or fails to comply with any provision of this By-law is guilty of an offence.

(2) An *Enforcement Officer* who finds a contravention of this By-law may give a written order to the *Owner* of the *Property* requiring compliance with this By-law and/or to do work to correct the contravention of this By-law within the time period specified in the order, but no sooner than twenty-four (24) hours after the order is given.

(3) The order in 5.0(2) may be served in *Person* to whom it is directed or by registered mail to the last known address of that *Person*, in which case it shall be deemed to have been given on the fifth day after it is mailed.

(4) If there is evidence that the *Occupant* of the *Property* is not the *Property Owner*, the order in 5.0(2) shall be served on both the *Property Owner* and the *Occupant*.

(5) No *Person* shall hinder or obstruct or attempt to hinder or obstruct the *City* or its *Enforcement Officers* from carrying out any powers or duties under this By-law.

6.0 Fines

- (1) Every *Person* who is guilty of an offence under this By-law may be subject a fine under the *Municipal Act*, such that:
 - (a) a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000;
 - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000, however, the total of all of the daily fines for the offence is not limited to \$100,000; and
 - (c) in the case of a multiple offence, for each offence included in the multiple offence, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000, however, the total of all fines for each included offence is not limited to \$100,000.
- (2) Every *Person* who is issued a fine under this By-Law may request a review of the matter in accordance with the *Provincial Offences Act*.

7.0 Administrative Monetary Penalties

- (1) Instead of laying a charge under the *Provincial Offences Act*, for a breach of any provisions of this By-law, an *Enforcement Officer* may issue an administrative monetary penalty to the *Person* who has contravened this By-law.
- (2) If a *Person* is required to pay an administrative monetary penalty under subsection 7.0(1) and has paid the administrative monetary penalty, no charge shall be laid against that same *Person* for the same violation.
- (3) The amount of the administrative monetary penalty for a breach under this By-law is \$100.
- (4) A *Person* who is issued an administrative monetary penalty shall be subject to the procedures provided for in the *Administrative Monetary Penalties By-law*.
- (5) Every *Person* who is issued an administrative monetary penalty under this By-Law may request a review of the matter in accordance with the *Administrative Monetary Penalties By-law*.

8.0 Cost Recovery and Unpaid Fines and Penalties

- (1) Where the *City* has performed the work required to bring the *Property* into

compliance with the By-law, all expenses incurred by the *City* in doing the work as well as any related fees, shall be deemed to be a debt to the *City* and may be collected by the *City* or added to the tax roll for the *Property* and collected in the same manner as taxes.

- (2) The *Treasurer* of a municipality may add any unpaid fine or administrative monetary penalty to the tax roll for any *Property* in the local municipality of which all of the *Owners* are responsible for paying the fine and collect it in the same manner as municipal taxes.

9.0 Repeal

- (1) The Snow and Ice By-law 300-93, and its amending by-law, 56-96, are hereby repealed.

10.0 Designation

- (1) Schedule 1 of the *Administrative Monetary Penalties By-law*, as amended, is hereby amended by including this By-law as a *Designated By-law*.

11.0 Force and Effect

- (1) This by-law shall come into force and effect upon the date it is passed by Council.

Enacted by City of Vaughan Council this 28th day of September, 2022.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk