

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2021-**

### **A By-law to Repeal and Replace Town of Lindsay By-law 95-04, Being a By-law to Regulate Winter Sidewalk Maintenance in the Lindsay Downtown Area in the City of Kawartha Lakes**

#### **Recitals**

1. The Municipal Act, 2001, c. 25, s. 27 (1) enables the municipality to pass by-laws in respect of a highway.
2. The Municipal Act 2001, c. 25, s. 44 (1) states the municipality that has jurisdiction over a highway or bridge shall keep it in a state of repair that is reasonable in the circumstances, including the character and location of the highway or bridge.
3. The Municipal Act 2001, c. 25, s. 44 (9) starts except in case of gross negligence, a municipality is not liable for a personal injury caused by snow or ice on a sidewalk.
4. The Town of Lindsay Council adopted By-law 95-04 on January 23, 1995 to regulate the clearing away and removing snow and ice from sidewalks downtown in the Town of Lindsay and this by-law repeals the original by-law as it has been replaced.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2021-      .**

#### **Section 1.00: Definitions and Interpretation**

##### **1.01 Definitions:** In this by-law,

**"BIA"** means the Lindsay Downtown Business Improvement Association as established under By-law 2008-212, as amended and its successor by-laws.

**"City", "City of Kawartha Lakes" or "Kawartha Lakes"** means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

**"City Clerk"** means the City employee appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

**"Council" or "City Council"** means the Municipal Council for the City;

**"Director of Public Works"** means the City employee who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

**“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 a highway passes as defined by the Municipal Act 2001, c. 25, s. 26.

**“Manager of Municipal Law Enforcement”** means the City employee who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

**“Municipal Law Enforcement Officer”** means a person within the administration of the City who has been appointed as an officer for the purposes of the enforcement of any or all of the City’s By-Laws.

**“Person”** means the owner or person who rents, leases or otherwise occupies property in within the location identified in Section 2.00, including all those under jurisdiction of the BIA. This includes any person authorized by the registered owner to act on his or her behalf; and manager or trustee in bankruptcy with possession and control of the property.

**“Sidewalk”** means any sidewalk, pathway, footpath or area forming part of any Highway or bridge or boulevard or other means of public transportation used by or set apart for the use of pedestrians.

#### 1.02 **Interpretation Rules:**

(a) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

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 shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

### **Section 2.00: Location**

2.01 The areas included within the scope of this By-Law include:

- Kent Street West between Lindsay Street South and Sussex Street
- Lindsay Street South between Kent Street West and Kent Street East
- Lindsay Street North between Kent Street East and the Scugog River
- York Street between Peel Street and Russell Street West
- William Street South between Kent Street West and Russell Street West
- William Street North between Kent Street West and Peel Street
- Cambridge Street South between Kent Street West and Russell Street West
- Cambridge Street North between Kent Street West and Peel Street
- Victoria Avenue South between Kent Street West and Russell Street West
- Victoria Avenue North between Kent Street West and Peel Street

### **Section 3.00: Requirements**

- 3.01 The City shall provide winter maintenance response within the area identified within Section 2.01 in accordance with Council's policy on winter sidewalk level of service, as amended, and its successor policies.
- 3.02 No Person shall fail to remove snow and/or ice from sidewalks from the area identified in Section 2.01 of this By-law, abutting the property of any occupied or unoccupied building or vacant lot which they own, within a twenty-four (24) period from the cessation of a storm.
- 3.03 No Person shall move or place any snow and/or ice onto any sidewalk, indicated in Section 2.01 or this By-Law, so as to impede pedestrian traffic thereon.
- 3.04 Any Person clearing snow and/or ice from in the locations identified in Section 2.01 of this By-law, shall place the snow on the edge of the sidewalk immediately adjacent to the road's edge road in a manner so as not to impede pedestrian movement from the adjacent parking spaces or in a manner so as not to impede or reduce the parking space.

### **Section 4.00: Enforcement, Offence and Penalties**

- 4.01 In the event that any Person contravenes the provisions of this By-law, the City shall procure the clearing and removal of the snow and/or ice at the expense of the nearest or adjacent property owner.
- 4.02 The expenses incurred by the City under Sections 3.00 and 4.00 of this By-law shall be collected and recovered from the property owner in like manner as municipal taxes.
- 4.03 Where a Person has received a second, third and subsequent offence for the same location, an inspection administration fee shall apply as set out in the Consolidated Fees By-law and if not paid, the fee shall be added to the tax roll of the property and shall be collected in a like manner as municipal taxes.
- 4.04 Any Person who contravenes any section of the By-law is guilty of an offence and is liable to a fine allowed under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, Section 61 or as amended.
- 4.05 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-Law.
- 4.06 Enforcement: This By-Law may be enforced by every Municipal Law Enforcement Officer or Police Officer.

### **Section 5.00: Administration and Effective Date**

- 5.01 **Administration of the By-law:** The Director of Public Works and the Manager of Municipal Law Enforcement are responsible for the administration of this by-law.
- 5.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

## **Section 6.00: Repeals**

6.01 **Repeal:** Town of Lindsay By-law 95-04 is repealed.

By-law read a first, second and third time, and finally passed, this \_\_\_\_ day of \_\_\_\_\_, 2021.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk