

“OFFICE CONSOLIDATION”

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THE CORPORATION OF THE TOWN OF COCHRANE

BY-LAW NUMBER 916-2012

BEING A BY-LAW TO REPEAL BY-LAW 2063-84
AND TO PROHIBIT THE DEPOSITING OF SNOW ON
HIGHWAYS WITHIN THE TOWN OF COCHRANE

WHEREAS the Municipal Act, R.S.O. , 1990, as amended Chapter M.45 Section 210 Paragraph 62 provides that By-laws may be passed by the councils of local municipalities for clearing away and removing snow and ice from the sidewalks on any highway or part of a highway or any class thereof in front of alongside or at the rear of any occupied or unoccupied building or vacant lot or any class thereof at the expense of the owners and Section 314 Paragraph 1 provides for prohibiting or regulating the obstructing encumbering injuring or fouling of highways or bridges and

WHEREAS the Highway Traffic Act RSO1990 as amended Chapter H8 Section 181 prohibits any person from depositing snow or ice on a roadway without permission in writing from the road authority responsible for the maintenance of the road and

WHEREAS it is deemed expedient to enact a By-law for such purposes

NOW THEREFORE the Municipal Council of the Corporation of the Town of Cochrane enacts as follows:

1. That By-law No 2063-84 be and is hereby repealed.
2. Definitions in this By-law
 - a) “Director” means the person appointed by the Corporation to be Director of Public Works or his designate
 - b) “highway” means a common and public highway, street, avenue, lane, parkway, driveway, sidewalk, square, place, bridge, viaduct, trestle, round-about, boulevard ,including the area between the lateral property lines that is intended for the use of the general public.
 - c) “officer” means a person who has powers or duties with respect to the administration of this By-law
 - d) “municipality or municipal” means the Corporation of the Town of Cochrane
 - e) “Person” includes a partnership, a body corporate or politic, an agent or trustee, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law
3. No person shall deposit any snow or permit snow or ice to deposited on a highway within the municipality.
4. No person shall clear away or remove snow or ice from a municipal highway except as may be necessary to clear away snow blocking access to a private entrance or driveway.
 - a) The Town of Cochrane shall only open laneways or portions thereof that have assigned civic addresses fronting on a laneway.
 - b) A person may make application to the Director to remove snow or ice from a laneway or portion thereof with the prescribed application form attached herewith as Appendix A.

- c) If the application is finally approved by the Director, such snow or ice removal will be at the applicant's expense after having paid the application fee. The applicant will also be responsible for any cost or repair of municipal water infrastructure should the repair be associated to freezing, and such cost is recoverable in the same manner as municipal taxes.
- d) Notwithstanding a citizen's right to appeal to Council, Management shall have the discretion in dealing with public requests to provide for an exception to the policy, where the policy doesn't meet extraordinary circumstances to protecting the municipality from liability.
- 5. No person shall create or permit an accumulation of snow to be created on property adjacent to a municipal highway in such a way as to cause an obstruction of traffic, the view of traffic, encumbering or fouling of sidewalks or roadways on such highways, or the movement of snow clearing equipment under the jurisdiction of the Director.
- 6. Every person having deposited snow or permitted snow to be deposited on a municipal highway shall remove said snow from the highway.
- 7. Where a person is in default of any of the provisions of the By-law The Corporation of the Town of Cochrane or its servants or agents shall carry out or cause to be carried out on behalf of the Corporation the work required to done by this By-law at the expense of the property owner and the Municipality shall recover the expense incurred in doing it in like manner as municipal taxes.
- 8. This By-law shall not apply to the Municipal Snow Clearing Operations or to the Ministry of Transportation.
- 9. That this By-law shall come into force and effect on the date of passage

READ a first and second time this 11th day of December, 2012.

MAYOR

CLERK

READ a third and final time this 11th day of December, 2012.

MAYOR

CLERK