

TOWN OF NEW GLASGOW
SIDEWALK SNOW AND ICE REMOVAL BYLAW # 34

Departments: Engineering & Public Works, Community Development

1. This By-Law is entitled the "Sidewalk Snow and Ice Removal By-Law of The Town of New Glasgow".

Definitions

2. In this By-Law:

a) "Abutter" means the owner, lessee, or occupier of any premises property or lot which abuts a Town of New Glasgow sidewalk and includes a condominium corporation which manages a condominium under the Condominium Property Act;

b) "Crosswalk" means that portion of a roadway clearly marked for pedestrian crossings and ordinarily located within the prolongation of curbs or sidewalks at intersections;

c) "Day" for the purposes of section 7 of this by-law includes Monday to Saturday inclusive, but does not include Sunday;

d) "Engineer" means the engineer for The Town of New Glasgow as defined in the Municipal Government Act and appointed by The Town of New Glasgow and includes any person acting under his or her supervision;

e) "Roadway" means that portion of a Town of New Glasgow Street between the curb lines or the traveled portion of a street designed for vehicular travel;

f) "Sidewalk" means either that portion of a Town of New Glasgow

Street between the curb line and an adjacent property line or any part of the street especially set aside for pedestrian traffic but for greater certainty does not include the so-called "bump out";

f) "Street" means a Town of New Glasgow street, highway, road, lane, sidewalk, thoroughfare, bridge, square, and the curbs, culverts and retaining walls in connection therewith.

3. This By-Law applies to Abutters of sidewalks owned by the Town of New Glasgow respecting activities and conditions affecting the Town of New Glasgow sidewalks and streets. Sections 4 to 8 of this by-law apply only to Abutters owning, leasing or occupying non-residential properties and mixed use properties (which includes residential and non-residential mixed uses within one property) within the Downtown Core and the Downtown Commercial Zones as depicted in the Land Use By-law Zoning Map forming a part of the Municipal Planning Strategy for The Town of New Glasgow.

Removal of Ice and Snow from Sidewalks

4. An Abutter shall remove all snow and ice:

- a) from any sidewalk which abuts any side of their property or lot;
- b) from any pathway leading from a sidewalk abutting their property to the roadway;
- c) between any sidewalk abutting their property and a crosswalk.

5. The snow and ice removal required by Section 4 of this By-Law shall be such as to leave an area entirely cleared of snow and ice consisting of the entire length of the sidewalk, pathway or area between a sidewalk and a crosswalk and of a width equal to the greater of:

- a) one metre or
- b) the full width of the sidewalk.

6. The Abutter shall not permit snow or ice to block the sidewalk.
7. The snow and ice removal required by this by-law shall be completed
 - a) within 4 hours after snow stops falling or the ice is formed if the snowfall ceases or the ice is formed on any Day during daylight and at least 4 hours before sunset or
 - b) when a snowfall ceases or ice is formed at any other time, within 4 hours after sunrise the Day following the snowfall, or
 - c) in accordance with an order of the Town Engineer pursuant to section 10 hereinafter set out.
8. When walking conditions are slippery due to snow or ice, an Abutter shall apply sufficient sand, salt, or other material to provide good traction for pedestrian traffic:
 - a) on any sidewalk which abuts any side of their property,
 - b) on any pathway leading from the sidewalk abutting their property to the roadway and
 - c) between any sidewalks abutting their property and a crosswalk.

The Abutter's obligation under this section applies irrespective of whether the Town of New Glasgow has plowed, sanded or salted the sidewalks, pathways or areas between a sidewalk and a crosswalk at any time or times in the past.

9. An Abutter shall forthwith remove any snow, icicles or ice on any structure or roof which overhangs or abuts a sidewalk and which snow, icicles or ice might reasonably be expected to fall or slide onto a sidewalk.

10. When an Abutter fails to remove snow, ice or icicles from sidewalks

or structures as required by this By-Law or as conditions warrant, the Engineer may give to the Abutter an order to remove the snow, ice or icicles either within 24 hours or forthwith upon service of such notice. The amount of time allowed for the removal of the snow, ice or icicles is within the sole discretion of the Engineer.

11. If the remedial work ordered pursuant to Section 10 of the By-Law is not made within the time provided for by the order, the Engineer may make or cause to be made such snow, ice or icicle removals.

12. The Town of New Glasgow may recover the expense incurred in making snow or ice removals pursuant to Section 11, together with costs and prejudgment interest by action in any court of competent jurisdiction and may charge and collect same as a first lien on the Abutter's property.

13. Nothing in this By-Law creates a duty upon The Town of New Glasgow to inspect or become aware of hazardous conditions created by snow or ice on, near or overhanging sidewalks. Having regard to the resources and fiscal priorities of The Town of New Glasgow:

- a) the Town of New Glasgow need only carry out inspections upon receiving a complaint about such conditions in respect of a specific location, and
- b) such complaints shall be deemed to be remedied upon the removal or remediation of the hazardous condition that existed at the time of the making of the complaint.

Penalty

14. Any person who contravenes any provision of this by-law, commits an offence punishable on summary conviction:

- a) by a fine of not less than One Hundred Dollars (\$100.00) and

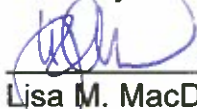
not more than Two Thousand Dollars (\$2000.00)

Repeal

15. The "Removal of Snow and Ice" section, Pages 20 & 21 of the By-laws and Ordinances of the Town of New Glasgow dated 1923, is hereby repealed and replaced by this by-law.

I, Lisa M. MacDonald, CAO of the Town of New Glasgow, do hereby certify that the foregoing is a true copy of a bylaw duly passed at a duly called meeting of the Town Council duly convened and held on the 17th day of January, 2011.

Given under the hand of the CAO and under the seal of the said Town this 20th day of January, 2011.



Lisa M. MacDonald

First Reading:
"Notice of Intent" Publication:
Second Reading:
Date of Publication

December 20/10
December 28/10
January 17/11
January 24/11