

By-law No. PW-002: RESPECTING SNOW AND ICE CONTROL

WHEREAS the purposes of the Town include providing services the Council considers necessary or desirable for all or part of the Town;

WHEREAS the *Local Governance Act*, SNB 2017, c. 18, as amended, authorizes the Town to make by-laws for municipal purposes respecting, among other things, the safety, health and welfare of people, the protection of people and property and services provided by or on behalf of the Town;

WHEREAS the Council has determined that it is desirable to enact this By-law to provide for the development, adoption and implementation of a snow and ice control plan for the Town and to provide for other measures with respect to snow and ice control;

WHEREAS the establishment through a snow and ice control plan of priority systems for snow and ice control measures for streets, sidewalks and municipal properties is intended to recognize financial or economic factors or constraints; and

WHEREAS the limitations expressed in this By-law with respect to repairs to property and other corrective measures have been adopted by the Council for the purpose of recognizing financial or economic factors or constraints;

NOW THEREFORE the Council of the Town of Grand Bay-Westfield, in the Province of New Brunswick, under authority vested in it by paragraphs 10(1)(a) and (i) of the *Local Governance Act*, SNB 2017, c. 18, as amended, enacts as follows:

1. Citation

This By-law may be cited as the *Snow and Ice Control By-law*.

2. Definitions

“**CAO**” means the Chief Administrative Officer of the Town appointed by Council under section 71 of the *Local Governance Act*, SNB 2017, c. 18, as amended;

“**Council**” means Grand Bay-Westfield Town Council;

“**Snow and Ice Control Plan**” means the snow and ice plan for the Town developed, adopted and implemented in accordance with this By-law; and

“**Town**” means The Town of Grand Bay-Westfield.

3. Snow and Ice Control Plan

3.(1) The Council shall develop, adopt and implement a snow and ice control plan.

3.(2) The Snow and Ice Control Plan shall establish priority systems for snow and ice control measures for any street, sidewalk or municipal property and for any class of streets, sidewalks or municipal properties.

3.(3) The Council shall review and update the Snow and Ice Control Plan on an annual basis.

3.(4) The Council hereby delegates to the CAO the Council's powers, duties and functions to develop, adopt and implement a snow and ice control plan.

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- 3.(5)** The CAO is hereby authorized to subdelegate to any one or more other officers and employees of the Town the powers, duties and functions delegated to the CAO hereunder with respect to the development, adoption and implementation of a snow and ice control plan.
- 4. Repairs to Property and Other Corrective Measures**
- 4.(1)** Where real property located within the Town or any personal property, improvement or other installation located thereon is damaged or otherwise affected due to the activities of the Town or its officers, employees or agents in the course of implementing the Snow and Ice Control Plan, the Town shall repair such damage or remedy such effect:
- (a) in respect of a lawn or other property damaged during the winter season, only to the extent that the lawn or other property is located outside the municipal right of way, subject always to paragraph (b) hereof;
 - (b) in respect of a mailbox or newspaper delivery receptacle that is damaged during the winter season, only to the extent that the damage occurred due to snow removal equipment actually hitting the mailbox or newspaper delivery receptacle; and
 - (c) in respect of sand deposited on a property, only to the extent that such sand was deposited directly at a place located outside the municipal right of way, without consideration of any sand carried to any such place due to snow or ice melt and run-off.
- 4.(2)** The Town shall not repair any damage to the property of any person where such property was placed in the municipal right of way and such damage occurred due to the activities of the Town or its officers, employees or agents in the course of implementing the Snow and Ice Control Plan.
- 4.(3)** Where access to a mailbox or newspaper delivery receptacle located within the Town is restricted by snow or ice due to the activities of the Town or its officers, employees or agents in implementing the Snow and Ice Control Plan, the Town shall not take any steps to provide access to the mailbox or newspaper delivery receptacle. Notwithstanding the foregoing, the Town may take reasonable steps to provide access to a mailbox or newspaper delivery receptacle to which access has been restricted by snow or ice in cases where such snow or ice was moved by the Town or its officers, employees or agents in implementing the Snow and Ice Control Plan from another area where it had previously been collected after clearing.
- 6. Responsibilities of Property Owners and Occupants**
- 6.(1)** No person shall sweep, shovel, throw, drop or place or cause to be swept, shoveled, thrown, dropped or placed any slush, snow or ice on the highways or sidewalks within the Town.

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- 6.(2)** No person shall remove slush, snow or ice from a sidewalk in a manner that may cause damage to any sidewalk or curb.
- 6.(3)** No person shall deposit ice, snow or slush in such a way as to obstruct access to any fire hydrant or to obstruct or otherwise interfere with the ability of the public to use or travel upon the sidewalk.
- 6.(4)** Whenever any roof, eave or portion of roof or eave, or any window-sill, is laden with ice either in the form of icicles or otherwise, or with snow, in such manner as to endanger persons or property passing on any street underneath such ice, icicles or snow by the fall thereof upon persons or property, it shall be the duty of the owner or agent or any person having the care of such building or lot to remove such ice, icicles or snow from time to time.
- 6.(5)** In this By-law, highway has the same meaning as it does under the *Traffic By-law*.
- 6.(6)** A person who contravenes any provision of this Section 6 is guilty of an offence and upon conviction is liable to a fine of between \$100.00 and \$1,500 per offence.
- 6.(7)** The Town may require an administrative penalty to be paid with respect to a contravention of a provision of this Section 6.
- 6.(8)** A person who contravenes a provision of this Section 6 may pay to the Town an administrative penalty in the amount of
 - (a) where the person has not previously contravened this Section 6, \$100.00; and
 - (b) where the person has previously contravened this Section 6, the sum of the amount paid or to be paid by the person in respect of the most recent contravention and \$100.00, provided that in no event shall a person be required to pay an administrative penalty in an amount exceeding \$1,500.00, and, upon such payment, the person who committed the contravention is not liable to be prosecuted therefor.
- 6.(9)** A person who may pay to the Town an administrative penalty in accordance with this Section 6 may pay the administrative penalty in accordance with the *Administrative Penalty By-law*.

5. Traffic By-Law

Nothing in this By-law impairs or otherwise affects any provision of the *Traffic By-law* with respect to snow removal.

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READ A FIRST TIME by summary this 10th day of October, 2023.

READ A SECOND TIME by title this 10th day of October, 2023.

READ A THIRD TIME in its entirety and ENACTED on this 27 day of November, 2023.


This By-law comes into force on the date of final passing thereof.

SIGNED AND APPROVED this 28 day of November, 2023.



John Ehns-Wind
CAO / Clerk

Seal



Brittany Merrifield
Mayor



I certify that this instrument
is registered or filed in the
Kings
County Registry Office,
New Brunswick

J'atteste que cet instrument est
enregistré ou déposé au bureau
de l'enregistrement du comté de
Kings
Nouveau-Brunswick

2023-12-20 12:42:28 44556240
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Registrar-Conservateur