

# SNOW AND ICE

## Chapter 223

# SNOW AND ICE

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[HISTORY: Adopted by the Municipal Council of the Corporation of the Borough of Etobicoke: Art. I, 1976-05-10 as By-Law No. 3838; Art. II, 1967-11-27 as By-Law No. 544, amended in

its entirety 1976-05-10 by By-Law No. 3839; Art. III, 1975-10-27 as By-Law No. 3684. Sections 223-4 and 223-7 amended during codification; see Ch. 1, General Provisions, Art. II. Other amendments noted where applicable.]

#### GENERAL REFERENCES

Removal of snow and ice from fire routes — See Ch. 134.

Property maintenance standards — See Ch. 198.

Snow vehicles — See Ch. 225.

Streets and sidewalks — See Ch. 231.

#### ARTICLE I

#### Removal by Property Owners or Occupants

[Adopted 1976-05-10 as By-Law No. 3838]

#### § 223-1. Time limit for removal.

Except as specifically referred to in other by-laws, every occupant and, in case there is no occupant, the owner of every house, shop, building, lot or parcel of land and every person having charge or care of any church, chapel or other public building or any park, square or other property fronting or abutting on any street on which the sidewalks are constructed or on which there are cinder-paths maintained by the borough as public sidewalks shall, within the first twelve (12) hours after every fall of snow, or fall of hail or rain which shall freeze on the sidewalk, or after a fall of snow from any building, cause the snow or ice to be removed entirely off the sidewalks in front of, alongside and/or at the rear of such house, shop, building, lot or parcel of land or park, square or other property, save and except those occupants and, in the case of no occupants, those owners of residential properties which abut on highways at both the front and rear thereof, in which case this provision shall apply to only sidewalks on the front and alongside thereof; and in case the ice or snow shall be so frozen that it cannot be removed without injury to the sidewalks or pavement, such person shall strew the same with ashes, sand or some like suitable substance. Snow, hail or ice removed from a roof of a building, driveway or sidewalk as provided herein shall

be placed or deposited in places other than the travelled portion of a public highway and where it will not cover or hinder the use of fire hydrants.

**§ 223-2. Removal by borough; assessment of costs.**

In case the snow or ice has not been removed from the sidewalk in front of, alongside and/or at the rear of any vacant or other property within eighteen (18) hours, as hereinbefore provided, the Commissioner of Works, or other person appointed for that purpose, may forthwith thereafter cause such snow or ice to be removed at the expense of the owner in case of such default; and in every such case he shall keep an account of all expenses of and relating to such removal and of the properties in respect of which such monies have been expended and shall make a return annually to the Treasurer of all expenses incurred as aforesaid during the preceding winter, with the number of the revised assessment roll of each property in respect of such expense so incurred and the names of owners thereof as appearing on the said roll; and the said expense shall be charged as a special assessment against each of the said properties, respectively, and shall be levied and collected in the following year in the same manner as municipal taxes.

**§ 223-3. Removal from buildings.**

Every occupant and, in case there is no occupant, the owner of every house, shop or building and every person or trustee severally or collectively having charge or care of any church, chapel or other public building fronting or abutting on or erected so near to any street that snow or ice may or is likely to fall upon the street from such house, shop, building, church, chapel or public building shall, whenever snow or ice shall accumulate upon any portion of such house or building aforesaid to an extent that shall be dangerous to persons passing upon the street, cause the said snow or ice to be forthwith removed therefrom; and every person, while removing the same, and the person or persons responsible for such removal, shall take due, sufficient and proper care and precaution for the warning and safety of persons passing.

**§ 223-4. Penalties for offences.<sup>1</sup>**

Any person who contravenes the provisions of this Article shall, upon conviction under the provisions of the Summary Convictions Act, be liable at the discretion of the court to a penalty of not more than two thousand dollars (\$2,000.), exclusive of costs, for each offence.

**ARTICLE II****Removal from Shopping Centres and  
Service Stations**

[Adopted 1967-11-27 as By-Law No. 544; amended in its  
entirety 1976-05-10 by By-Law No. 3839]

**§ 223-5. Responsibility of occupants and owners.**

The occupants and, in case there is no occupant, the owners of all shopping centres and service stations in the Borough of Etobicoke are hereby required to clear away and remove the snow and ice from the sidewalks in front of, alongside and/or at the rear of such buildings, immediately after any snowfall or deposit of ice on such sidewalk, and to deposit such snow or ice removed therefrom in some location other than on a public highway.

**§ 223-6. Deposit in highways prohibited.**

No person shall deposit snow, hail or ice removed from sidewalks, driveways or parking areas on the travelled portion of a public highway or in such location as to cover or hinder the use of a fire hydrant.

**§ 223-7. Penalties for offences.<sup>2</sup>**

Any person who contravenes the provisions of this Article shall, upon conviction under the provisions of the Summary Convictions Act, be liable at the discretion of the court to a penalty of not less than twenty-five dollars (\$25.) and not more than two thousand dollars (\$2,000.), exclusive of costs, for each offence.

<sup>1</sup> Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II.

<sup>2</sup> Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II.

**ARTICLE III**  
**Removal by Borough**  
**[Adopted 1975-10-27 as By-Law No. 3684<sup>3</sup>]**

**§ 223-8. Determination of physically handicapped status.**

For the purpose of this Article, a physically handicapped person is a person who has a physical disability, infirmity or malformation of twelve (12) months or more duration which is caused by bodily injury, health defect or illness. It is not limited to any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impairment or to physical reliance on a Seeing Eye dog, wheelchair, crutches, cane(s), brace(s) or other remedial appliance or device except insofar that the physical disability precludes the functional physical activity of handling a shovel so as to push, lift, pull, throw or pile snow from the sidewalk, or the person is unable to shovel snow because of blindness or visual impairment or other medical attention.

**§ 223-9. Application; qualifications.**

Upon application therefor by the owner or tenant of a one-family or two-family dwelling, the Commissioner of Works is hereby authorized to clear away and remove snow and ice from sidewalks on the highways in front of, alongside or at the rear of such dwelling at the expense of the corporation, provided that:

**A. The owner or tenant applicant:**

- (1) Resides in such dwelling;
- (2) Is sixty-five (65) years of age or over and is in receipt of an old age security pension from the Government of Canada; and
- (3) Has no close relative under the age of sixty-five (65) years residing in the same dwelling who is not a physically handicapped person.

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<sup>3</sup> Editor's Note: This by-law was adopted under the authority of the Borough of Etobicoke Act, 1975, c. 95.

**B. The owner or tenant applicant:**

- (1) Resides in such dwelling;
- (2) Is a physically handicapped person;
- (3) Has no close relative residing in the same dwelling who is under the age of sixty-five (65) years and is not a physically handicapped person; and
- (4) Files a statement from a medical doctor that he or she is unable to shovel snow because of the medical condition of such person.

**§ 223-10. Proof of qualifications.**

The Commissioner of Works shall require an applicant to supply satisfactory proof that he or she is entitled to the snow and ice removal provided for in this Article.

**§ 223-11. Renewal of application.**

The application must be renewed each year.