



## The Corporation of the Town of Fort Erie By-law 21-2026

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### Being a By-law to Regulate the Depositing of Snow and Ice and to Repeal By-law 17-09

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**Whereas** section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (“*Municipal Act, 2001*” or “the statute”) provides that a lower-tier municipality may pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of Persons, the protection of Persons and property and by-laws respecting animals; and

**Whereas** section 429 of the *Municipal Act, 2001* authorizes a municipality to establish a system of fines for offences under its by-laws; and

**Whereas** section 434.1 of the *Municipal Act, 2001* authorizes a municipality to establish a system of administrative monetary penalties to assist the municipality in promoting compliance with its by-laws; and

**Whereas** subsections 446 (1) and (3) of the *Municipal Act, 2001*, S.O. 2001, as amended, provides that if a municipality has the authority to direct or require a Person to do a matter or thing, the municipality may also provide that, in default of it being done by the Person directed or required to do it, the matter or thing shall be done at the Person’s expense, and may recover the costs by adding them to the tax roll and collecting them in the same manner as property taxes; and

**Whereas** the Council of The Corporation of the Town of Fort Erie deems it necessary and desirable in the public interest to regulate the depositing of snow and ice in the municipality and to enact this By-law for that purpose;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

#### **1.0 SHORT TITLE**

The Short title of this By-law is the “Snow Removal By-Law”.

#### **2.0 DEFINITIONS**

- 2.1 "**Drain**" means a public ditch, swale, channel, water course, pipe, and/or storm sewer that collects and carries storm, ground, surface or subsurface water or any of them, or part thereof, either continuously or intermittently, and including appurtenances such as manholes, catch basins, culverts, and interceptors.
- 2.2 "**Driveway**" means the improved land on a Highway which provides vehicular access from the roadway to a laneway or parking area on adjacent land;
- 2.3 "**Highway**" has the same meaning as in the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended;
- 2.4 "**Municipal Fire Hydrant**" means a hydrant owned by the Town;
- 2.5 "**Officer**" means a Municipal Law Enforcement Officer, Niagara Regional Police Officer or the Supervisor of Roads and Stormwater Services or other person appointed or employed by the Town of Fort Erie for the enforcement of by-laws;
- 2.6 "**Order**" means any notice of non-compliance issued under this By-law;

- 2.7 "**Owner**" means a registered Owner of land, and includes an occupant, lessee, tenant or any other person in charge of, or in control of a premises;
- 2.8 "**Person**" means an individual, firm, corporation, partnership, association or other legal entity and includes an Owner;
- 2.9 "**Sidewalk**" means the portion of the Highway, or common or public walkway designed for the passage of persons and includes that part of the road where pedestrians have priority over traffic;
- 2.10 "**Snow Plow**" has the same meaning as in the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended.

### **3.0 GENERAL PROHIBITIONS**

- 3.1 No Person shall obstruct or permit to be obstructed a Sidewalk, by depositing snow or ice on the Sidewalk.
- 3.2 No Person shall deposit or permit to be deposited snow or ice on or across a Highway that may cause interference with vehicular or pedestrian traffic.
- 3.3 No person shall deposit or permit to be deposited any snow or ice onto the private property of another person, including:
- a) walkways, stairs, ramps, or other means of pedestrian access or egress;
  - b) any building or part thereof.
- 3.4 No Person shall obstruct or permit to be obstructed by depositing snow or ice on or near a Driveway in a manner that obstructs access.
- 3.5 No Person shall obstruct or permit to be obstructed by depositing snow or ice in a manner that obstructs a Municipal Fire Hydrant from view or from use.
- 3.6 No Person shall obstruct or permit to be obstructed by depositing snow or ice in a manner that prevents water flow in a Drain.
- 3.7 Every Person who has deposited or permitted snow or ice to be deposited in contravention of this By-law shall comply with an Order to have the snow or ice removed within the required time period set out in the Order.
- 3.8 Where an Officer determines that snow or ice deposited in contravention of this By-law poses a danger to vehicles or pedestrians, the Person responsible shall remove it immediately upon notice.
- 3.9 This section does not apply to any person operating a Snow Plow on behalf of the municipality or other authority having jurisdiction in care and control of a highway, where the Snow Plow is engaged in the removal of snow from the highway or sidewalk.
- 3.10 Sections 3.3 and 3.4 do not apply if consent is given by the owner of the land the snow has been deposited on.

### **4.0 ADMINISTRATION AND ENFORCEMENT**

- 4.1 This By-law shall be administered and enforced by the Town and any officer appointed for the enforcement of Municipal By-laws.
- 4.2 An Officer may, for the purpose of enforcing this By-law, exercise any power, authority or remedy granted to the Town pursuant to the Municipal Act, 2001.

- 4.3 An Officer may, at all reasonable times, enter upon and inspect any property to determine if this By-law is being complied with.
- 4.4 For the purposes of an inspection under section 4.3 of this By-law, an Officer may require the production for inspection of documents or things relevant to the inspection, and inspect relevant documents or things for the purpose of making copies or extracts, require information from a Person concerning a matter related to the inspection and/or take photographs, samples, measurements necessary for the purposes of the inspection and may also include being accompanied by a Person possessing special or expert knowledge.
- 4.5 An Officer who is satisfied that there has been a contravention of this By-law may make an Order requiring the Person who contravened the By-law or caused or permitted the contravention and/or the Owner or occupant of the property where the contravention occurred to discontinue the contravening activity and/or to bring the property into compliance with this By-law.
- 4.6 No Person shall fail to comply with an Order made under section 4.5.
- 4.7 An Order made under section 4.5 shall set out the municipal address and/or legal description of the property, reasonable particulars of the non-compliance and the work required to correct it and the date(s) by which there must be compliance with the Order.
- 4.8 An order made under section 4.5 may be served by:
- a) personal delivery to the person to whom it is issued;
  - b) registered mail sent to the last know address of the person to whom it is issued;
  - c) regular prepaid mail sent to the last known address of the person to whom it is issued, provided that a copy of the Order is also posted at the property to which the Order relates;
  - d) electronic mail sent to the last known electronic mail address of the person to whom it is issued, provided that a copy of the Order is also sent by regular prepaid mail;
  - e) posting the Order at the property where the contravention occurred, and where no building or structure exists, by affixing the Order to a stake erected by the Officer on the land.
- 4.9 An order served in accordance with section 4.8 shall be deemed to have been served:
- a) in the case of personal delivery, on the date it is delivered to the person;
  - b) in the case of registered or regular prepaid mail, on the fifth day after the date of mailing;
  - c) in the case of electronic mail, on the date the electronic mail is sent; and
  - d) in the case of posting on the property, on the date the Order is posted.
- 4.10 Where any Person fails to comply with an Order made under section 4.5 by the prescribed date(s), the Town may do any matter or thing necessary to bring the property, Highway, Sidewalk, Driveway, Drain, or Municipal Fire Hydrant into compliance with this By-law at the expense of the Person in default of the Order.
- 4.11 The Town may recover the cost of any matter or thing done pursuant to section 4.10 of this By-law by adding the cost to the tax roll and collecting it in the same manner and with the same priority as municipal taxes.
- 4.12 No Person shall obstruct or hinder, or attempt to obstruct or hinder, an enforcement authority in the exercise of a power or the performance of a duty under this By-law.

## **5.0 OFFENCES AND PENALTIES**

- 5.1 Every Person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to such penalties as are provided for in the *Municipal Act, 2001* and the Provincial Offences Act.

5.2 Where an Officer is satisfied that a Person has failed to comply with any provision of this By-law, the Officer may issue a penalty notice imposing an administrative penalty in the amount as established in Schedule “A” to this By-law.

5.3 Administrative Penalty By-law No. 111-2019, as amended or replaced from time to time, applies to each administrative penalty issued pursuant to this by-law.

5.4 Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty By-law No. 111-2019, as amended, be liable to pay to the Town an administrative penalty in accordance with that By-law.

## **6.0 GENERAL**

6.1 In the event of a conflict between this By-law and the provisions of another Town By-law, the provisions of this By-law shall prevail.

6.2 If any section or part of this By-law is found by any court of competent jurisdiction to be illegal or beyond the power of Council to enact, such sections or parts shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.

6.3 This By-law shall be read with all changes in number or gender as are required by context.

6.4 Any reference to legislation or Municipal By-laws in this By-law includes the legislation or By-law and any amendment, replacement, subsequent enactment or consolidation of such legislation or By-law.

6.5 By-law 17-09 is repealed.

6.6 This By-law shall come into force and effect on the date of passage.

6.7 The Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 23<sup>rd</sup> day of March 2026.**

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Mayor

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Clerk

## Schedule 'A'

To Snow Removal By-law No. 21-2026

### Administrative Monetary Penalties

Column 1 (“Description of Offence”) in the table sets out the short form wording to be used in a Penalty Notice for a contravention of the designated provisions listed.

Column 2 (“Section”) in the table lists the specific section of the provision that has been contravened.

Column 3 (“Penalty Tier 1”) sets out the Administrative Monetary Penalty amounts that are payable for a first contravention of the designated provisions listed in Columns 1 and Column 2.

Column 4 (“Penalty Tier 2”) sets out the Administrative Monetary Penalty amounts that are payable for a second contravention of the same designated provisions listed in Columns 1 and Column 2 by the same Person within a one (1) year period from the date the first penalty notice is affirmed.

Column 5 (“Penalty Tier 3”) sets out the Administrative Monetary Penalty amounts that are payable for a third contravention of the designated provisions listed in Columns 1 and Column 2 by the same Person within a one (1) year period from the date the second penalty notice is affirmed.

Offence	Section	Penalty Tier 1	Penalty Tier 2	Penalty Tier 3
Obstruct Sidewalk or with snow or ice	3.1	\$250.00	\$500.00	\$750.00
Deposit snow or ice on or across a Highway causing interference with vehicular or pedestrian traffic	3.2	\$250.00	\$500.00	\$750.00
Deposit snow or ice on another Person’s pedestrian access or egress	3.3(a)	\$250.00	\$500.00	\$750.00
Deposit snow or ice on another Person’s building	3.3(b)	\$250.00	\$500.00	\$750.00

Obstruct access to a Driveway with snow or ice	3.4	\$250.00	\$500.00	\$750.00
Obstruct Municipal Fire Hydrant from view or from use	3.5	\$250.00	\$500.00	\$750.00
Obstruct a Drain	3.6	\$250.00	\$500.00	\$750.00
Fail to comply with an order	4.6	\$500.00	N/A	N/A
Obstruct or hinder an Officer	4.11	\$300.00	N/A	N/A