

**TOWN of HEALTHIER LIVING**  
**BY-LAW #XXXXX**

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A BY-LAW OF THE MUNICIPAL CORPORATION OF THE **TOWN OF HEALTHIER LIVING** IN THE NORTHWEST TERRITORIES REQUIRING PERSONS TO REMOVE AND CLEAN AWAY ALL SNOW, ICE, DIRT AND OTHER OBSTRUCTIONS FROM SIDEWALKS ADJOINING PREMISES OWNED BY OR OCCUPIED BY THEM

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**WHEREAS** pursuant to the **Cities, Towns and Villages Act** of the Northwest Territories, S.N.W.T. 2003, c. 22, section 133, subsections (1) and (2) (a) and (b) and subsequent amendments thereto, which state:

- 13 (1) A municipal corporation is not liable for loss or damage slush on highways in the municipality, unless the municipal corporation is grossly negligent.
- (2) A municipal corporation is not liable for loss or
- a. by the presence, absence or type of any wall, pavement markings, traffic control device, illumination device or barrier adjacent to or in, along or on a highway; or
  - b. by or on account of any construction, obstruction or erection or any situation, arrangement or disposition of any earth, rock, tree or other material or thing adjacent to or in, along or on a highway that is not on the traveled portion of the highway.

**AND WHEREAS** the Council deems it necessary to provide legislation for the removal of snow, ice, dirt and other obstructions from the sidewalks, highways, Utilidor right-of-ways and public places within the municipality;

**NOW THEREFORE BE IT RESOLVED** the Council of the **Town of**

**Healthier Living**, in Council duly assembled, enacts as follows:

## **SHORT TITLE**

1. This by-law may be cited as the "Sidewalk Clearing By-law"

## **DEFINITIONS**

2. In this by-law:

- a. "Central Business District" means all commercial establishments normally found in the community business core, also know as "downtown". Land uses such as professional, financial and business support services, medical and dental clinics, drinking establishments, bands and personnel service establishments are included. These land uses can be complexed with residential, community and recreational uses where the by-law permits.
- b. "Director of Public Services" means the person appointed as the Director of Public Services for the **Town of Healthier Living** and includes any person designated by him/her to act on his/her behalf.
- c. "Dumping Site" means the areas designated by the Town to include the old town air strip, gravel quarry below hospital hill, Navy Road or other sites as may be designated by the Director of Public Services.
- d. "Highway" means a road, place, bridge or structure, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage of vehicles and includes:
  - i. a privately or publicly owned area that is designed and primarily used for the parking of vehicles, other than the driveway of a private dwelling;
  - ii. where a plan of survey or other instrument establishes a highway, the area between the boundary lines of the highway as shown on the plan of survey or instrument;
  - iii. a sidewalk, pathway, ditch or shoulder adjacent to

and on either side of the traveled portion of the road or place and the area between the sidewalk, pathway, ditch or shoulder and the traveled portion of the road or places; and

- iv. a road on a frozen body of water or water course or a road that can be used for only a portion of the year.
- e. "Intersection" means the area closed by the imaginary extension and connection of the curbs or edges of roadways that intersect or join at an angle.
- f. "Occupier" means any person who is a resident or tenant, owner, occupant or any person permanently or temporarily in charge of a property, building or residence.
- g. "Sidewalk" means that portion of a municipal road designed for the use of pedestrians, being exclusively reserved for them, and constructed somewhat differently than other portions of the road.
- h. "Town" means the Municipal Corporation of the **Town of Healthier Living** in the Northwest Territories.
- i. "Utilidor Right-of-Way" means whenever a Utilidor runs through a property or adjacent to a property, the owner of the property shall provide a clear space around the Utilidor and any Utilidor vaults to be available for the Utilidor operations, maintenance and reconstruction work. The minimum clear space around utilidors and Utilidor vaults is defined as a rectangle when viewed along the longitudinal centreline of the Utilidor:
  - i. sides not less than three (3) meters away measured horizontally from the centreline of the Utilidor or vault;
  - ii. top less than two point five (2.5) meters above the highest point of the roof of the Utilidor cross-section or vault structure; and,
  - iii. top not less than five (5) meters above the highest ground at the wall of the Utilidor section or vault structure.
- iv. Whenever a fire hydrant is located on or adjacent to a

property, the owner shall provide a clear space around the fire hydrant for fire fighting , operations , maintenance and reconstruction work . This provision applies to all fire hydrants, whether publicly or privately owned. The minimum clear space around a fire hydrant is defined as all of the volume contained within a vertical cylinder three (3) meters in radius, whose axis runs the centre of the hydrant's fire hose connection(s), and which extends from ground surface to an elevation three (3) meters above the hydrant's fire hose connection(s) .

## **SIDEWALK CLEARING**

3. No person shall place, or shall cause or allow to be placed upon any highway, Utilidor right-of-way or public place within the Town any snow, ice, dirt, or other obstruction removed from any place in the Town other than from a sidewalk pursuant to the provisions of this by-law.
4. No person shall place, or shall cause or allow to be placed within 10 meters of an intersection within the Town any, snow, ice, dirt or other obstruction removed from any place in the Town.
5. Where, pursuant to section 3, the Town undertakes works, the Town is hereby authorized to charge the cost of such work against the property abutting on the subject sidewalk and, in the event of non-payment of such cost, to charge the same as a special tax to be subject to the same conditions and penalties as other taxes
6. Any snow, ice, dirt or other obstruction shall be removed to a dumping site approved by the Director of Public Services.
7. In the Central Business District, commencing from the beginning of the snow season to the end of the snow season, every occupant, land owner, store owner, proprietor or tenant, and, in the case where this is no occupant, the owner of every vacant building or vacant lot shall within 24 hours, where applicable:
  - a. clear away and remove, or cause to be cleared away and removed, any excess or build-up of ice or snow that may be adjacent to their building or vacant lot, from the length and width of the sidewalk, in front of such building or vacant lot, that would

impede or impose a danger to the safe footing and passage of pedestrians, however, it shall not be necessary to remove or cause to be removed all ice or snow down to the level of the ground or pavement, so long as the requirements of safe footing and passage are met.

- b. clear away and remove, or cause to be cleared away and removed, an excess or build-up of ice or snow that may be on or attached to the roof to their building, from the total length and width of the sidewalk, in front of such building and below such roof, that would impose a danger to the safe passage of pedestrians, however, it shall not be necessary to remove or cause to be removed all ice or snow down to the level of the roof so long as the requirement of safe passage is met and every person removing the same shall take due, sufficient and proper care and precaution for the warning and safety of persons passing.
  - c. where necessary, apply an ice and snow melting chemical, grit or sand or both, however, under no circumstances shall Calcium Chloride or common salt be used to ensure the safe footing and passage of pedestrians.
  - d. deposit such snow or ice, as may be removed, on the roadway immediately adjacent to the curbs, however, in such a way as not to obstruct access to any fire hydrant or any passage on the road, street or highway.
  - e. ensure that such snow or ice is removed in such a fashion, as to cause no damage to any sidewalk or curb.
8. In the event of default of compliance with this by-law, the Municipality, through its Peace Officers, By-Law Enforcement Officers, Public Works Superintendent or anyone acting under their respective jurisdictions or such other person or persons as appointed by the Town of Huntsville, may clear and remove snow or ice from sidewalks and apply sand, grit or snow or ice melting chemical and the expense incurred in so doing shall be recovered by action or the amount may be entered in the Tax Collector's rolls and recovered, in like manner, as municipal taxes.
9. The Municipality may clear away ice or snow from the sidewalks of all unoccupied buildings that abut upon any sidewalk adjacent to any road, street or highway or upon any open space in which the public has access and from the sidewalks on the roads, streets or highways in front of, alongside or at the rear of any unoccupied building or of

vacant land and the expense incurred in so doing may be recovered by action or the amount may be entered in the Tax Collector's rolls and recovered, in like manner, as municipal taxes.

10. This by-law shall not be alleged as a basis of any claim for damages for any accident on sidewalks, due to the presence or location, thereon, of dirt, debris, refuse, sweepings, snow or ice, nor shall same be pleaded in any action as an assumption of civil liability by the owners or occupants of those premises abutting any road, street, highway or sidewalk, as outlined herein.
11. Any person, in contravention of this by-law, shall correct or remedy the condition or matter, resulting in such contravention, within a reasonable time where compliance, due to severe and extreme weather conditions, is not reasonably possible.

## **OFFENCES**

12. See schedule 'A'
13. Any person who contravenes any portion of this by-law is guilty of an offence.
14. Each 24 hour period that a condition of this by-law is allowed to exist shall constitute a separate offence.

## **EFFECT**

15. If any provision or part of a provision of this by-law is declared by court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.
16. In the interpretation of this by-law, words in the singular include the plural and vice-versa, words in one gender include all genders, and "person" includes an individual, body corporate, partnership, trust and unincorporated organization.
17. In the event of any conflict between any provisions of this by-law and any other by-law heretofore passed, the provisions of this by-law shall

prevail.

18. This by-law comes into effect upon its final passage

19. By-law #XXXX is hereby repealed.

READ A FIRST TIME THIS XX DAY OF XX, XXXX A.D.

READ A SECOND TIME THIS XX DAY OF XX, XXXX A.D.

READ A THIRD TIME AND FINALLY PASSED THIS XX DAY OF XX, XXXX A.D.

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MAYOR

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SENIOR ADMINISTRATIVE OFFICER



**SCHEDULE "A"**  
**SIDEWALK CLEARING BY-LAW FINES**

<b>OFFENCE</b>	<b>FINE IN LIEU OF PROSECUTION</b>
Placing snow, ice, dirt or other obstruction on highway	
Residential	\$250.00
Commercial	\$500.00