



CITY OF DAUPHIN

BY-LAW NUMBER 02/ 99

BEING A BY-LAW TO AMEND THE CITY OF DAUPHIN TRAFFIC BY-LAW NO. 3912.

WHEREAS Section 232(1)(F) of the Municipal Act S.M. 1996, C.58 authorizes council to pass by-laws for municipal purposes respecting property adjacent to highways or municipal roads, whether the property is publicly or privately owned.

AND WHEREAS Section 234 of the Municipal Act S.M. 1996, c. 58 states that a by-law passed under Section 232(1)(F) aforesaid may include provisions respecting the control and removal of snow, ice and obstructions.

NOW THEREFORE THE COUNCIL OF THE CITY OF DAUPHIN IN SESSION ASSEMBLED ENACTS AS FOLLOWS:

1. **THAT** By-Law No. 3912 of the City of Dauphin be amended by adding thereto as Paragraph 3(A) the following provisions:

34(A) SNOW, ICE OR DIRT – BUSINESS PREMISES – ZONE 1

Every occupant, or in the event there is no occupant, the owner or person having charge or care of every business premise, shop, building, lot or parcel of land fronting or abutting on any street highlighted in pink and marked as Zone 1 on Schedule “A” hereto shall:

1. (A) before 10:00 hours on each day (10 o’clock in the forenoon), following every fall of snow, hail or rain, which shall freeze on the sidewalk, or after falling of snow or ice from off any building, in those areas included within Zone 1 of Schedule “A” hereto, cause the same to be removed entirely off the sidewalk fronting or abutting on such premise, shop, building, lot or parcel of land, provided always that in the event the ice or snow shall lie so frozen upon the surface, preventing it from being removed without damage to the sidewalks, every such person as aforesaid shall strew the same with ashes, sand, or some other suitable substance which will not damage the said sidewalk surface; further provided no person shall remove from any street, boulevard or sidewalk in such a manner that could create a hazardous condition for either vehicular or pedestrian traffic; or,
- (B) before 10:00 hours on each day, (10 o’clock in the forenoon) remove from the sidewalk fronting or abutting the aforesaid properties all dirt or other obstructions; and,
- (C) when the day for a clean up under paragraphs (A) and/or (B) hereof falls on a holiday, then the clean up may be delayed until the day following the holiday, except when a business affected by this provision is open on any such holiday, then said provisions are to be met on the holiday; and,
- (D) where the provisions of paragraphs (A) and/or (B) hereof have not been met within

twenty-four hours of the time specified in the said clauses, then the By-Law Enforcement Officer shall notify the City Foreman who shall cause the snow, ice, dirt or other obstructions to be removed forthwith by his staff, the expense of such clean up to be recorded and charged to the owner or owners of the land in default; and

- (E) the City Foreman shall monthly report all such expenditures to the City Administrator and the expenditures shall be charged against the adjacent lot or parcel of land on the tax roll for the calendar year of such clean up and collected in the same manner as ordinary municipal taxes.

2. **Snow or Ice – All properties – Zone 2**

- (A) It shall be an offense for any person to remove from any private property, public property, street, boulevard or sidewalk in those areas included within Zone 2 on Schedule “A” hereto, any snow or ice and deposit same on any street, boulevard or sidewalk in such a manner that could create a hazardous condition for either vehicular or pedestrian traffic.
- (B) Subsection (A) shall not apply to the City, the Department of Highways, their agents or employees who are actively engaged in snow removal from streets, boulevards or sidewalks in the course of their employment or fulfillment of contract.
- (C) Any person occupying a property where a building abuts the property line adjacent to a street in such a manner that snow cannot be cleared onto the property may pile the snow at the curb line of the street in such a manner that both vehicular and pedestrian traffic can pass only if a hazardous condition is not cleared when snow is piled in this manner.

DONE AND PASSED by the Council of the City of Dauphin in Regular Session assembled, this 25th day of May A.D. 1999.

Original Signed By
W. H. (Bill) Nicholson
Mayor

Original Signed By
James Puffalt, RMA
City Administrator

READ A FIRST TIME this 11th day of January, 1999.
READ A SECOND TIME this 25th day of May, 1999.
READ A THIRD TIME this 25th day of May, 1999.