

Town of Stonewall
By-law No. 16/13

Being a by-law to restrict the disposal of snow within the Town of Stonewall ("the Town") to a designated site.

WHEREAS subsection 232(1)(b) of The Municipal Act provides that a council may pass by-laws for municipal purposes respecting the following:

"people, activities and things in, on or near a public place or a place open to the public";

AND WHEREAS subsection 232(2) of The Municipal Act provides that:

"Without limiting the generality of subsection (1), a council may in by-law passed under this Division
a) regulate or prohibit";

AND WHEREAS section 233 of The Municipal Act provides that:

"A bylaw under clause 232(1)(c) (activities or things in or on private property) may contain provisions only in respect of

a) the requirement that land and improvements be kept and maintained in a safe and clean condition";

AND WHEREAS subsection 236 (1) of the Municipal Act provides that:

"Without limiting the generality of clauses 232(1)(o) (enforcement of by-laws), a by-law passed under that clause may include provisions

(b) remedying contraventions of by-laws, including
(i) creating offences,
(ii) subject to the regulations, providing for fines and penalties";

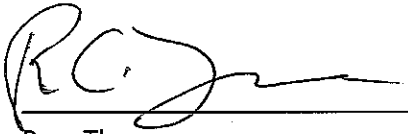
AND WHEREAS the Town of Stonewall has an existing site which is currently the *de facto* location for snow disposal within the Town;

NOW THEREFORE the Council of the Town of Stonewall enacts as follows:

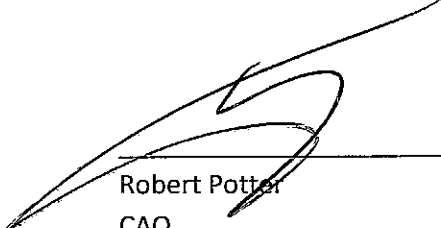
- 1) That the area within the bounds of the Works and Operations site located at 30 Limestone Bay (Lots 1 and 2, Block 2, Plan 36860) designated by the Engineering Manager as a snow disposal site be adopted as the official designated site for snow disposal ("official site") within the Town.
- 2) That the fee for depositing snow at the official site shall be as prescribed in Schedule A.
- 3) That no individual or entity shall cause or allow snow to be removed from within the boundaries of a private property excepting that it is delivered within a reasonable time to the official site.
- 4) That no individual or entity shall cause or allow snow to be removed from or moved within the boundaries of a public property (e.g. a sidewalk) excepting that the snow is either immediately deposited on adjacent private property where the remover has the right of title or permission of the owner, or delivered within a reasonable time to the official site.
- 5) That no individual or entity shall allow the accumulation of snow on their property, either naturally or in the course of snow removal from other areas of the property or an adjacent public property, which could be deemed to create unsafe or unsightly conditions.

- 6) That any individual who disposes of any debris or other substance, material, or matter other than snow at the official site may be subject to the penalties set out herein or to a loss of privilege to use the site for snow disposal.
- 7) That any person or entity who contravenes, neglects, omits, or fails or refuses to comply with any provision of By-law No. 16/13 is guilty of an offence and is subject to the penalty outlined in Schedule A to this By-law, and that the continuance of a single offence over a period of time not shorter than one day may, at the discretion of the Town, be deemed to be two or more separate offences (subject to a minimum of one day for each offense up to and including the penultimate offense) and penalized as such.
- 8) That the interpretation of "delivered within a reasonable time" in sections 3 and 4, the decision of what constitutes "unsafe or unsightly conditions" in section 5, and penalties as prescribed by section 7 (subject to the limitations of Schedule A) are solely within the purview of the Town or a duly authorized agent.
- 9) That the Town reserves the right to exempt any properties or entities, public or private, from the preceding on a temporary or permanent basis.

DONE AND PASSED as a by-law of The Town of Stonewall at Stonewall in the Province of Manitoba this 7th of August, 2013



Ross Thompson
Mayor



Robert Potter
CAO

Read a first time this 3rd of July, 2013.

Read a second time this 7th of August, 2013, as amended.

Read a third time this 7th of August, 2013

Schedule A – Fees and Penalties

Fee:

The fee for depositing snow at the official site shall be the per load rate as shown below and shall be collected on an honour system basis and payable to the Town on or before April 30th of each year.

- Single axle truck - \$3.00 / load
- Tandem axle truck - \$5.00 / load
- Tractor truck & trailer - \$10.00 / load

Penalty for Offences:

The fine for an offence under this by-law shall not exceed \$250.00 plus \$5.00 per year that the by-law has been in force or \$1,000.00, whichever is lesser.