TOWN OF CLARKE'S BEACH

SNOW CLEARING BY-LAW

Pursuant to the Towns and Local Service Districts Act

1. TITLE AND AUTHORITY

1.1 This By-law shall be known as the **Town of Clarke's Beach Snow Clearing By-law.**

1.2 Pursuant to the authority granted under the *Towns and Local Service Districts Act*, the Town Council of Clarke's Beach hereby establishes the following regulations governing snow clearing, winter parking, the deposit of snow and ice, protection of municipal infrastructure, and related activities within the municipal boundaries of the Town.

1.3 This By-law shall be interpreted and administered in accordance with the *Towns and Local Service Districts Act*, the *Highway Traffic Act*, and all other applicable provincial legislation.

2. INTERPRETATION AND DEFINITIONS

For the purposes of this By-law, the following definitions shall apply:

2.1 "Act" means the *Towns and Local Service Districts Act*, as amended from time to time.

2.2 "Council" means the duly elected Town Council of Clarke's Beach.

2.3 "Enforcement Authority" means a by-law enforcement officer or other person duly authorized to enforce this By-law, acting within the scope of their lawful authority.

2.4 "Highway" has the meaning assigned under the *Highway Traffic Act*.

2.5 "Local Roadway" means a roadway or parking lot under the jurisdiction of, owned by, otherwise vested in, or maintained by the Town, consistent with applicable provincial legislation.

2.6 "Owner" means a person or legal entity holding legal title to a property.

2.7 "Occupant" means a person who occupies, rents, leases, or otherwise has possession or control of a property.

2.8 "Town" means the Town of Clarke's Beach.

2.9 "Snow Clearing Period" means the period commencing December 1 of each year and ending May 1 of the following year, inclusive, during which the parking restrictions established under Section 3 apply according to the following schedule:

a) December 1 to March 31, inclusive: a twenty-four-hour parking prohibition; and

b) April 1 to May 1, inclusive: an overnight parking prohibition between 12:00 midnight and 8:00 a.m.

2.10 "Vehicle" means a vehicle as defined under applicable provincial highway traffic legislation.

2.11 "Violation Notice" means a notice issued by an authorized enforcement official in accordance with applicable legislation.

2.12 "Snow Clearing Operations" includes plowing, blowing, pushing, removing, transporting, sanding, salting, or otherwise managing snow and ice from roadways, shoulders, sidewalks, and other areas maintained by or on behalf of the Town.

2.13 "Road Shoulder" means the portion of a roadway immediately adjoining the travelled portion of the road, whether paved, gravelled, or otherwise surfaced.

2.14 "Municipal Road Right-of-Way" means land under the jurisdiction or control of the Town designated or used for a municipal road and associated infrastructure, including applicable road shoulders, ditches, culverts, drainage areas, and roadside maintenance areas.

3. WINTER PARKING RESTRICTIONS

3.1 December 1 to March 31 – Twenty-Four-Hour Parking Prohibition

No person shall park or leave an unattended vehicle, or any portion thereof, on any municipal roadway, street, road shoulder, or within any portion of a municipal road right-of-way designated for or required to facilitate snow clearing operations within the Town of Clarke's Beach during the period commencing December 1 of each year and ending March 31 of the following year, inclusive.

This restriction shall apply twenty-four (24) hours per day, seven (7) days per week, regardless of whether snowfall is occurring or snow clearing operations are underway.

3.2 April 1 to May 1 – Overnight Parking Prohibition

During the period commencing April 1 of each year and ending May 1, inclusive, no person shall park or leave an unattended vehicle on any municipal roadway, street, or road shoulder, or within three (3) metres of the paved portion of a municipal roadway, between the hours of 12:00 midnight and 8:00 a.m.

Where a municipal roadway is unpaved, the three-metre distance shall be measured from the edge of the travelled surface.

This restriction shall apply regardless of weather conditions or whether snow clearing operations are underway.

3.3 Areas Subject to Parking Restrictions

For the purposes of this section, the parking restrictions include:

a) The paved or travelled portion of a municipal roadway;

b) The adjoining road shoulder, whether paved or unpaved; and

c) Any portion of the municipal road right-of-way to which the applicable restriction extends, including areas where parked vehicles may obstruct or interfere with snow clearing, snow removal, drainage maintenance, or the safe operation of municipal equipment.

3.4 Obstruction of Snow Clearing Operations

No person shall park or leave a vehicle in any manner that obstructs, interferes with, or impedes municipal snow clearing operations at any time throughout the year.

3.5 Extension of Snow Clearing Restrictions

Council may establish additional temporary parking restrictions where anticipated or existing weather conditions require further snow clearing operations, subject to applicable legislative authority.

Where practicable, reasonable public notice of additional restrictions shall be provided.

3.6 Enforcement and Vehicle Removal

Any vehicle parked in contravention of these regulations may be subject to enforcement action, including removal or towing, in accordance with applicable legislation and the enforcement provisions of this By-law.

3.7 Emergency Vehicle Exception

The parking restrictions outlined in this section shall not apply to emergency vehicles, including police, fire, ambulance, and other authorized emergency response vehicles, while actively engaged in responding to an emergency or carrying out essential emergency duties.

This exemption shall apply only for the duration reasonably necessary to perform such duties and shall not extend to routine or personal parking.

Where reasonably practicable, emergency vehicles shall be positioned to minimize obstruction to municipal snow clearing operations and maintain safe access for other emergency vehicles and road users.

Nothing in this provision shall limit an exemption or authorization otherwise established under applicable provincial legislation.

4. DEPOSITING SNOW OR ICE

4.1 No person shall shovel, plow, blow, push, deposit, or cause to be deposited snow or ice from any private driveway, parking lot, commercial property, residential property, or other premises onto any highway, municipal roadway, street, sidewalk, road shoulder, municipal ditch, drainage area, or municipal road right-of-way within the Town of Clarke's Beach.

4.2 No person engaged in snow or ice removal shall carry out such activities in a manner that:

a) Obstructs or interferes with vehicular traffic;

b) Obstructs pedestrian access or creates a hazard on a sidewalk;

c) Interferes with municipal snow clearing operations;

d) Blocks, restricts, or interferes with the proper functioning of municipal ditches, culverts, or drainage systems; or

e) Creates an unsafe condition affecting the normal use, maintenance, or operation of a municipal roadway or associated infrastructure.

4.3 Property owners and occupants shall ensure that snow removal activities undertaken on their property, including activities performed by hired contractors on their behalf, comply with this By-law.

4.4 The restrictions contained in this section shall not apply to Town employees or contractors acting on behalf of the Town while performing authorized municipal snow clearing or maintenance operations.

5. MUNICIPAL RESPONSIBILITIES AND PROPERTY DAMAGE

5.1 The Town shall undertake snow clearing and ice control operations in accordance with its established operational priorities, available resources, prevailing weather and road conditions, and applicable legislative requirements.

5.2 Snow clearing operations may result in the accumulation or displacement of snow and ice along municipal roadways, road shoulders, drainage areas, and adjoining properties.

The Town shall not ordinarily be responsible for damage to lawns or landscaped areas resulting from winter conditions, including lawn browning caused by snow accumulation or damage attributable to the weight of accumulated snow, except where responsibility is established under applicable law.

5.3 Property owners are responsible for identifying and taking reasonable measures to protect privately owned structures and objects located within or adjacent to municipal road rights-of-way where such objects may be exposed to snow clearing operations.

These may include fences, garbage boxes, mailboxes, retaining walls, landscaping, trees, decorative features, and other privately owned improvements.

5.4 The Town does not assume responsibility for damage to privately owned objects or structures situated within the established municipal road right-of-way solely by reason of undertaking authorized snow clearing operations.

Any claim for damage shall be assessed in accordance with applicable legislation, the circumstances of the incident, and any legal responsibility established.

5.5 Where the established boundary of a municipal road right-of-way is uncertain, the Town may refer to available surveys, road plans, property records, or other relevant documentation to determine the extent of the right-of-way.

The centreline of the roadway may be used as a reference point when assessing the location of roadside objects or structures; however, the centreline alone shall not determine property ownership, right-of-way boundaries, or municipal liability.

5.6 Property owners are encouraged to clearly identify and protect trees, fences, garbage boxes, and other vulnerable structures or landscaping features located near municipal roadways or within areas that may be affected by snow clearing operations.

Where appropriate, highly visible painted stakes or pole markers with a minimum height of four (4) feet should be installed to assist snow clearing operators in identifying potential obstructions.

Such markers shall not create a hazard or interfere with municipal equipment.

5.7 Vehicles parked in contravention of this By-law may be exposed to damage during snow clearing operations. Any claim arising from such damage shall be assessed in accordance with applicable law.

5.8 Nothing in this By-law shall be interpreted as excluding or limiting any liability that cannot lawfully be excluded or limited under applicable legislation.

6. VIOLATIONS AND ENFORCEMENT

6.1 Any person who contravenes a provision of this By-law may be subject to enforcement action in accordance with the *Towns and Local Service Districts Act*, the *Highway Traffic Act*, and other applicable legislation.

6.2 Where a vehicle is parked in contravention of this By-law, the Town may, through an appropriately authorized person and in accordance with applicable law, arrange for the vehicle to be removed or towed where necessary to permit snow clearing operations or address a public safety concern.

6.3 Where permitted by applicable legislation, the registered owner of a vehicle removed or towed under this By-law shall be responsible for the reasonable costs associated with towing, removal, and storage.

6.4 Any costs lawfully recoverable by the Town under this By-law may be recovered through the procedures available under applicable legislation.

6.5 Authorized enforcement officials may issue violation notices or take other enforcement measures as permitted by law.

6.6 Where snow or ice has been deposited in contravention of Section 4, the Town may require the person responsible to remove the obstruction or otherwise remedy the condition.

Where authorized by applicable legislation, the Town may undertake necessary remedial action and recover associated costs in accordance with the procedures established by law.

7. PENALTIES

7.1 Any person who contravenes this By-law may be subject to penalties in accordance with the applicable enforcement and penalty provisions of the *Towns and Local Service Districts Act* and other relevant legislation.

7.2 Any penalty prescribed for a parking-related contravention shall comply with Section 8(4) of the *Towns and Local Service Districts Act*, including any requirement concerning the applicable penalty prescribed under the *Highway Traffic Act* and its regulations for the same contravention.

7.3 The enforcement of this By-law shall not prevent the application of any additional remedies or penalties otherwise authorized by law.

8. REPEAL OF PREVIOUS BY-LAWS

8.1 Upon this By-law coming into force, all previous Snow Clearing By-laws and Snow Clearing Regulations adopted by the Town of Clarke's Beach are hereby repealed and replaced.

9. EFFECTIVE DATE

9.1 This By-law shall come into force on Nov. 3, 2026, following its adoption by resolution of Council and completion of all applicable statutory requirements.

9.2 This By-law was duly adopted by the Town Council of Clarke's Beach at a meeting held on November 3, 2026

Motion Number: _____

Mayor: _____

Date: November 3, 2026

Town Clerk: _____

Date: November 3, 2026

[redacted]