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**A BY-LAW OF THE MUNICIPAL CORPORATION OF THE TOWN OF INUVIK 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:

133. (1) A municipal corporation is not liable for loss or damage caused by snow, ice or slush on highways in the municipality, unless the municipal corporation is grossly negligent.
- (2) A municipal corporation is not liable for loss or damage caused
- a. by the presence, absence or type of any wall, fence, guardrail, railing, curb, 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 Inuvik, 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 known as "downtown". Land uses such as professional, financial and business support services, medical and dental clinics, drinking establishments, bars 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 Inuvik 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:
    - a. 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;
    - b. 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;

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- c. 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
  - d. 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 Inuvik 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:
    - a. sides not less than three (3) meters away measured horizontally from the centreline of the Utilidor or vault;
    - b. 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,
    - c. top not less than five (5) meters above the highest ground at the wall of the Utilidor section or vault structure.

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. Any snow, ice, dirt or other obstruction shall be removed to a dumping site approved by the Director of Public Services.
- 6. The occupier of commercial property abutting on a sidewalk in the Central Business District area shall remove or cause to be removed snow and ice and take such other reasonable measures as shall be necessary to ensure safety of pedestrians using the sidewalk.
- 7. 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.

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8. Where sidewalks adjoin vacant premises and the premises of persons who neglect to clear the same for twenty-four (24) hours may be cleared by the Town. Where costs are billed, the expenses thereof shall be paid by the owner of the adjoining premises to the Town;

In the event of non-payment of such expenses, they shall be charged against the land as a special tax to be recovered in manner as other taxes.

**OFFENCES**

9. See schedule 'A'

**EFFECT**

10. This by-law comes into effect upon its final passage.  
11. By-law #92-1232 is hereby repealed.

READ A FIRST TIME THIS 8<sup>th</sup> DAY OF NOVEMBER, 2006 A.D.

READ A SECOND TIME THIS 8<sup>th</sup> DAY OF NOVEMBER, 2006 A.D.

READ A THIRD TIME AND FINALLY PASSED THIS 22<sup>nd</sup> DAY OF NOVEMBER, 2006 A.D.

  
MAYOR  
SENIOR ADMINISTRATIVE OFFICER

SCHEDULE "A"  
SIDEWALK CLEARING BY-LAW FINES

OFFENCE	FINE IN LIEU OF PROSECTUION
Placing snow, ice, dirt or other obstruction on highway	
Residential	\$250.00
Commercial	\$500.00