

1937

c 291 Snow Roads and Fences Act

Ontario

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CHAPTER 291.

The Snow Roads and Fences Act.

PART I.

SNOW ROADS.

Interpreta-
tion—
"vehicle."

1. In this Act "vehicle" shall mean a vehicle drawn by one or more horses or other animals or propelled by any motive power. R.S.O. 1927, c. 254, s. 1.

Powers of
county
council.

2. The council of a county may provide, by by-law, for the making of a double track during the season of sleighing in each and every year upon such leading highways within the county, whether or not county roads, as such council deems advisable. R.S.O. 1927, c. 254, s. 2.

Nature of
tracks.

3. Where a county council has passed such a by-law, the double track shall be so made that one vehicle may pass another without being obliged to turn out when meeting. R.S.O. 1927, c. 254, s. 3.

Right of
road.

4. Every vehicle shall travel in the right-hand track, and any person driving or propelling his vehicle in the wrong track shall leave it when he meets a vehicle entitled to use such track. R.S.O. 1927, c. 254, s. 4.

Duties and
powers of
pathmasters
or road-
masters.

5.—(1) A county council may also provide, by by-law, that pathmasters appointed by township councils shall cause the highways on which double tracks are to be made to be kept open for travel within their respective municipalities, or, if there are no such pathmasters available, may appoint roadmasters to perform that duty.

Calling out
persons
liable to
perform
statute
labour.

(2) Such pathmasters or roadmasters shall have power to call out persons liable to perform statute labour to assist in keeping open such highways within their respective municipalities, and may give to the persons employed in so doing certificates of having performed statute labour to the amount of the days' work done, and such work shall be allowed for in the next season's statute labour.

Application
of commuta-
tion of
statute
labour.

(3) The county council may also provide for the application by such township councils of so much of the commutation of statute labour fund as may be necessary for the keep-

ing open of such highways within their respective municipalities. R.S.O. 1927, c. 254, s. 5.

6. If a township council neglects or refuses to keep such highways open for travel, as provided by section 5, the county council may do so, and may impose upon the township so in default a rate sufficient for that purpose, and such rate shall be levied and collected in the manner provided by *The Assessment Act* for the collection of county rates. R.S.O. 1927, c. 254, s. 6.

County acting on default by township.
Rev. Stat. c. 272.

7. Any person liable to perform statute labour who refuses or neglects to turn out and work under any pathmaster or roadmaster who warns him out for that purpose, under the authority of this Act, shall incur a penalty of not less than \$1 or more than \$20. R.S.O. 1927, c. 254, s. 7.

Penalty for persons refusing to work.

8. Any person travelling with his vehicle in the wrong track and refusing or neglecting to leave the same when met by a person who is rightfully travelling therein with his vehicle shall incur a penalty of not less than \$1 or more than \$20. R.S.O. 1927, c. 254, s. 8.

Penalty for refusing to turn out of wrong track.

9. All the rights and powers by this Act conferred upon councils of counties may be exercised by the councils of townships in districts without county organization. R.S.O. 1927, c. 254, s. 9.

How Act enforceable in townships in districts.

PART II.

SNOW FENCES.

10.—(1) The council of every county, township, city, town and village may pass by-laws requiring the owners or occupants of land bordering upon a public highway to take down, alter or remove any fence which causes an accumulation of snow or drift so as to impede or obstruct travel.

Powers of councils to require removal of fences.

(2) The council shall make such compensation to the owners or occupants for the taking down, alteration or removal of such fence and for the construction in lieu thereof of some other description of fence, approved of by the council, as may be mutually agreed upon, and in default of agreement the compensation shall be determined by arbitration, and three fence-viewers appointed by the council shall be the arbitrators. R.S.O. 1927, c. 254, s. 10.

Making compensation therefor.

11.—(1) If the owner or occupant refuses or neglects to take down, alter or remove the fence as required by the council, the council, after the expiration of two months from the

Power in case of neglect or refusal by owner or occupant.

time the compensation has been agreed upon or determined by arbitration, may take down, alter or remove such fence, and may construct the fence which has been approved of by the council, and the amount of all costs and charges thereby incurred by the council, over and above the amount of compensation, may be recovered from such owner or occupant by action in any division court having jurisdiction in the locality, and the amount of the judgment, if not sooner paid, shall be placed by the clerk of the municipality upon the collector's roll against the land upon or along the boundaries of which the fence is situate, and shall be collected as other taxes.

Right of occupant to deduct amount paid from rent.

(2) Where an occupant, other than the owner, is required to pay such sum, or any part thereof, he may deduct it, and any costs paid by him, from the rent payable by him, or may otherwise recover the same unless he has agreed with the landlord to pay it.

Duties of arbitrators.

(3) The arbitrators shall examine the premises and shall, if required, hear evidence.

Fees.

(4) The arbitrators shall be entitled to \$2 a day, which shall be paid by the corporation of the municipality if the amount of the award exceeds the amount offered by the corporation, otherwise by the owner or occupant.

Appeal.

(5) The award shall be filed in the office of the clerk of the municipality, and an appeal shall lie therefrom to the judge of the county or district court of the county or district.

Rev. Stat. c. 349. to apply.

(6) The provisions of *The Line Fences Act* shall *mutatis mutandis* apply to such appeal. R.S.O. 1927, c. 254, s. 11.

Power to enter on lands.

12.—(1) Every such council may, on or after the 15th day of November and before the 31st day of March following, enter into and upon any lands of His Majesty, or of any corporation or person, situate within the municipality and lying along any public highway in or adjoining any such municipality, and may erect and maintain snow fences thereon, subject to the payment of such damages, if any, as may be suffered by the owner or occupant of the land so entered upon, the amount thereof to be ascertained, if not mutually agreed upon, by arbitration as provided in section 10.

Removal.

(2) The snow fences so erected shall be removed on or before the 1st day of April following. R.S.O. 1927, c. 254, s. 12.

Recovery of penalties. Rev. Stat. c. 136.

13. The penalties mentioned in sections 7 and 8 shall be recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 254, s. 13.