

Snow Clearing Damage Policy - 2016

1. Damage must be due to actual physical contact of snow clearing equipment.
2. Damage must be located more than 3.048 meters (10.0 feet) from the road curb where a sidewalk is present, or 1.524 meters (5.0 feet) from the road curb without a sidewalk, or 1.524 meters (5.0 feet) from the edge of the asphalt where no curb is present.
3. Markers must have been in place clearly indicating the corners of the property in question.
4. The Town shall not be liable for any damages for the repair of any fence whatsoever where the Town, its employees or agents or otherwise have acted without negligence. In particular, the Town shall not be liable for any damages or repairs of any fence whatsoever during normal operation of snow clearing on streets or sidewalks located within the Municipal Planning Area.
5. When in the opinion of the Town, a fence creates a safety hazard or obstruction or impeded snow-clearing due to its location, height or construction material, the Town may issue an order to the property owner stating that the fence or portions thereof be removed, reconstructed or repaired within a specific time in order to correct the safety hazard or obstruction, and the cost to remove, construct or repair said fence or part thereof will be at the owner's expense. In the event that the property owner does not remove the fence within the specified period of time as ordered, the Town may remove the fence and the cost to remove, reconstruct or repair said fence will be at the owner's expense.

Procedures: Claims for winter damages will be accepted up until May 15th each year, applications must be made in writing and should be directed to the Superintendent of Public Works or designate.

6. Where Town equipment caused damage to an individual's grass during snow clearing operations, the Town shall only be liable to compensate the individual where;
 - (a) The grass is eroded by more than 3 meters (9.8') in length; or
 - (b) The total depth of damage to the grass is greater than 0.3048 meters (1.0').

7. An individual claiming damages as per subsection 6 must complete a Snow Clearing Damages or Grass Replacement Claim in a form prescribed by the Town Manager and submit it to the Town no later than May 31st of the year in which the damage occurred. Notwithstanding any other provision in this policy, under no circumstances shall the Town assume liability for damages arising from claims submitted after May 31st in the calendar year during which the damage occurred. Incomplete Snow Clearing Damages or Grass Replacement Claim Forms shall not be accepted.

8. When the Town receives a Snow Clearing Damages or Grass Replacement Claim as per subsection 7, the following administrative procedure shall apply:
 - (a) The Public Works Supervisor is immediately notified.

 - (b) The Public Works Supervisor completes an investigation and submits a report to the Town Clerk.

 - (c) The Town Clerk places the matter on the nearest agenda of the Public Works Committee.

 - (d) The matter is considered by Council.

 - (e) The Town Clerk notifies the individual of Council's decision.