

Snow Removal By-Law #1595

A By-Law for the purpose of regulating snow & ice removal from sidewalks, residences and business property in the Town of Cardston, in the Province of Alberta

WHEREAS the Municipal Government Act, Chapter 26, section 531 (1) (g.1) Revised Statutes of Alberta 2000 and amendments thereto permits the Council of the Town of Cardston, by By-Law, to compel all persons within the specified area of the municipality to clear snow and ice from sidewalks situated on land adjoining the property owned or occupied by them.

AND WHEREAS the Council of the Town of Cardston deems it advisable to adopt such a By-Law;

NOW THEREFORE the Council of the Town of Cardston, in the Province of Alberta, duly assembled enacts as follows:

1.0 TITLE

1.1 This By-Law may be cited as the "Snow Removal By-law"

2.0 DEFINITIONS

2.0 in this By-Law:

2.1 "Adult" means any person over 18 years of age.

2.2 "Council" means the elected officials' forming the municipal council of the Town.

2.3 "Curb" means the actual curb, if there be one, and should there be no curb in existence the edge of the travel portion of the road.

2.4 "In Default" means failure to fulfill the legal obligation or duty set out in a municipal tag or provincial ticket

2.5 "Enforcement Officer" means a member of the Royal Canadian Mounted Police, a Peace Officer or a Bylaw Enforcement Officer of the Town of Cardston.

2.6 "Highway" means any thoroughfare, street, road, roadway, trail, avenue, parkway, driveway, viaduct, lane, square, bridge, causeway, trestle-way, or other place, whether publicly or privately owned and any part of which the public is ordinarily entitled or permitted to use for the passage of Vehicles and includes:

- a) a Sidewalk (including a Boulevard portion thereof);
- b) where a ditch lies adjacent to and parallel with a roadway, the ditch; and
- c) where a highway right of way is contained within fences or between a fence and one side of the roadway all the land between the fences or all the land between the fence and closest edge of the Roadway as the case may be, but does not include a place declared within this bylaw not to be a highway.

2.7 "Municipal Tag" means a tag or ticket wherein a person alleged to have committed a breach of a provision of this By-Law is given an opportunity to pay a voluntary penalty to the Town of Cardston in lieu of prosecution for the offence;

2.8 "Sidewalk" means that part of a Highway especially adapted to the use of or ordinarily used by pedestrians, and includes part of a highway between the curb line (or the edge of the roadway, where there is no curb line) and the adjacent property line, whether or not paved or improved.

2.9 "Town" means the Town of Cardston or the area within the corporate limits of the Town of Cardston, as the context may require;

2.10 "Voluntary penalty" means a penalty specified in this By-Law for the contravention of a provision of this By-Law which amount shall be paid by a person to whom a municipal tag has been issued.

2.11 "Winter Season" is defined as the period of time between the first snowfall in the fall of a given year and the last snowfall in the spring of the following year.

3.0 REGULATIONS

3.1 Whenever snow, ice, dirt or debris is deposited on the sidewalk or sidewalks adjoining, abutting or adjacent to any lot or parcel of land located in the Town of Cardston, then the occupant or owner of the said lot or parcel shall within 24 hours after the same has fallen, formed or been deposited thereon, shall remove or cause to be removed, the said snow, ice and/or debris from the sidewalk or sidewalks.

3.2 The owner or occupant of every building abutting on or erected within three (3) metres of a highway or public place shall, whenever snow or ice shall accumulate on the roof, eaves or awning extending from a portion of such building to an extent that a danger is created to person(s) passing, cause the same to be removed at once, and every person while removing the same shall take due care and precaution for the warning and safety of persons passing.

3.3 Other than snow from a sidewalk adjoining their property, no person operating a business within the Central Commercial Zoning (one block either side of and including Main Street) shall place any snow, ice, dirt or other materials taken from their own property on any highway or portion thereof, other than snow, ice, dirt or other foreign material deposited there by Town operated snow removal or road maintenance equipment.

3.4 No person, outside of the Central Commercial Zoning, shall place snow, ice, dirt or other foreign materials taken from the sidewalk or any private property on the highway, other than snow, ice, dirt or other foreign material deposited there by Town operated snow removal or road maintenance equipment.

3.5 No person shall operate any Off Highway Vehicle on any sidewalk or boulevard within the Town of Cardston unless they are in fact in the process of removing snow from the sidewalk, their driveway or other private property (verification may be required). Such snow should not be placed on the roadway except as indicated in section 3.3.

- 3.6 All persons within the Town of Cardston shall refrain from parking vehicles on the street, if off street parking is or can be made available, when snow of sufficient quantity is or has accumulated, where plowing may be necessary.
- 3.7 When plowing of streets is carried out, and vehicles are parked on the streets, the owner/operator of such vehicle is responsible for clearing the way for such vehicle.

4.0 REMEDIES

- 4.1 Should the occupant or owner of a property fail to comply with any part of section 3 of this bylaw, the Town may cause the sidewalk to be cleared at the expense of the owner or occupant of the premises adjoining the sidewalk or highway.
- 4.2 The Town may render the account for the expense incurred by section 4.1 in writing to the owner of the premises adjoining the sidewalk and the person to whom the account was rendered shall pay the same upon receipt thereof.
- 4.3 If the Town does not receive payment of the expense incurred in cleaning the sidewalk as provided in this section within sixty (60) days of the date on which the account was mailed or delivered to the owner or occupant, the Town may charge the same against the property adjoining the portion of the sidewalk which was cleared by the Town as a special assessment to be recovered in a like manner as taxes assessable against the property. [Municipal Government Act 553(1) (g.1)]

5. FINES AND PENALTIES

- 5.1 A person who contravenes any provision of this Bylaw is guilty of an offense punishable on summary conviction and is liable for a fine not exceeding \$500.00 or in default of payment thereof by a term of imprisonment not exceeding one month.
- 5.2 Where any Enforcement Officer believes a person has committed a breach of this Bylaw, he or she may serve upon such person a municipal tag pursuant to Part 2 of the Provincial Offences Procedure Act, Alberta.
- 5.3 Service of any tag shall be sufficient if it is:
- a) Personally served to the owner of the lot or parcel; or
 - b) served by registered mail to the owner of the lot or parcel; or
 - c) left with any adult at the place of residence of the said owner/occupant of the property.

Upon issuance of a municipal tag for breach of any section of the Bylaw the penalties as per Schedule "A" of this Bylaw apply.

- 5.4 A person served with a tag pursuant to section 5.2 of this Bylaw may make a voluntary payment in respect of the summons with the violation ticket as per Schedule "A" of this Bylaw
- 5.5 The issuance of a municipal tag does not relieve any person so charged from the responsibility of removing snow, ice, dirt or other foreign material from the sidewalk or highway.

5.6 Any person who commits an offence under this Bylaw of a continuing nature is liable to a fine not exceeding fifty (\$50.00) for each day such offence is continued.

6. **SEVERABILITY**

6.1 Each separate provision of this Bylaw shall be deemed independent of all other provisions herein. Should any provision of this Bylaw be declared invalid, all other provisions herein shall remain valid and enforceable.

7. **REPEAL OF BYLAWS**

7.1 Bylaw 890 and Section 13, of Bylaw 1578 and any amendments are hereby removed.

8.0 **FINAL PASSING**

This Bylaw shall come into effect on the date of the final reading.

Received First Reading this 8 day of February 2011.

Received Second Reading this 8 day of February 2011.

Received Third and Final Reading this 22 day of February 2011.



Mayor



Municipal Administrator

Dated FEB. 24, 2011

SCHEDULE "A" PENALTIES

3.1 Fail to clear sidewalk	\$ 50.00/day
3.2 Fail to remove snow from roof, eaves or awnings	\$ 50.00/day
3.3 Obstruct road/sidewalk with snow from Commercial property	\$ 50.00/day
3.4 Obstruct road/sidewalk with snow from Private property	\$ 50.00/day
3.5 Off Highway Vehicle on sidewalk not removing snow/ice	\$ 50.00/day
3.6 Parked obstructing snow plow	\$ 50.00/day