



**TOWN OF CARDSTON  
IN THE PROVINCE OF ALBERTA**

**BYLAW 1719**

**SNOW REMOVAL**

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# TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA

## BYLAW 1719

### SNOW REMOVAL

A BYLAW OF THE TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING SNOW AND ICE REMOVAL FROM SIDEWALKS, RESIDENCES, AND BUSINESS PROPERTY.

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**WHEREAS**, the *Municipal Government Act*, RSA 2000, c.M-26 and amendments thereto permits municipalities to compel all persons to clear snow and ice from sidewalks situated on land adjoining the property owned or occupied by them; and

**WHEREAS** the *Municipal Government Act* authorizes a municipality to pass bylaws respecting the safety, health and welfare of people and protection of people and property;

**NOW THEREFORE, THE COUNCIL OF THE TOWN OF CARDSTON ENACTS AS FOLLOWS:**

#### **PART I - TITLE, PURPOSE, DEFINITIONS AND INTERPRETATION**

- TITLE**                                1) This bylaw shall be known as the “**Snow Removal**” bylaw of the Town of Cardston.
- PURPOSE**                            2) The Purpose of this Bylaw is to regulate snow and ice removal from sidewalks, residences, and business property within the Municipality of the Town of Cardston.
- DEFINITIONS**                    3) In this bylaw:
- (a) “**Act**” means the *Municipal Government Act*, R.S.A. 2000, c.M-26, or as amended, enacted or modified from time to time.
  - (b) “**Enforcement Officer**” means a person appointed as a Bylaw Enforcement Officer and includes any Community Peace Officer, Bylaw Enforcement Officer, RCMP Officer or any other Designated Officer or inspector appointed or employed by the Town with respect to the enforcement of Bylaws of the Town of Cardston.
  - (c) “**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 the:

- i.** sidewalk;
  - ii.** boulevard;
  - iii.** ditch; and
  - iv.** land extending from the edge of the roadway to the fence line.
- (d)** “**In Default**” means failure to fulfill the legal obligation or duty set out in a provincial violation ticket
- (e)** “**Notice**” means a written direction in accordance with Section 17 of this Bylaw.
- (f)** “**Occupant**” means the Person residing on or in apparent possession or control of Property.
- (g)** “**Owner**” means:
- i.** the Person who is registered under the Land Titles Act as the owner of the land;
  - ii.** a Person who is recorded as the owner of the property on the assessment roll of the Town of Cardston;
  - iii.** a Person who has purchased or otherwise acquired the land and has not yet become the registered owner thereof;
  - iv.** a Person holding themselves out as the Person having the powers and authority of ownership, or who exercises the power and authority of ownership;
  - v.** a Person controlling the property pursuant to a rental or lease, licence or permit.
- (h)** “**Person**” means any individual, or any business entity, including a firm, partnership, association, corporation, trustee, executor, administrator or other legal representative.
- (i)** “**Sidewalk**” means that portion of a Highway set aside for the use of and ordinarily used by pedestrians, whether or not the surface of such portion is covered with gravel, concrete, asphalt, or any other type of paving;
- (j)** “**Unsafe Sidewalk**” means a sidewalk as described in



Section 6 of this Bylaw.

**RULES FOR  
INTERPRETATION**

- 4) In this Bylaw:
- (a) The Owner of any real property, as registered on title at the Land Titles Office is ultimately responsible for all activities on the property which may constitute prohibitions of this Bylaw.
  - (b) Nothing in this Bylaw relieves a Person from complying with any Federal or Provincial law or regulation, other bylaw, or any requirements of any lawful permit, order, or license, nor shall it limit any other rights or remedies the Town may have under any other such laws, regulations, bylaws, permits, orders or licenses.
  - (c) Where this Bylaw refers to another act, bylaw, regulation or agency, it includes reference to any act, bylaw, regulation or agency that may be substituted therefore.
  - (d) Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
  - (e) All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.

**PART II – UNSAFE SIDEWALKS & MAINTENANCE  
REGULATIONS**

**UNSAFE  
SIDEWALKS**

- 5) The Owner or Occupant of a parcel of land shall not permit a Sidewalk adjoining, abutting or adjacent to their land to become unsafe or persist in an unsafe condition.
- 6)
- (a) For the purpose of greater certainty, an Unsafe Sidewalk is a Sidewalk that, in the opinion of an Enforcement Officer, is in such condition that it presents a hazard to users.
  - (b) Some factors which may be considered by an Enforcement Officer in determining whether a Sidewalk

is unsafe include:

- i.** the location, zoning, use, and visibility of the Sidewalk;
- ii.** the presence of any of the following on the surface of the Sidewalk:
  - (1)** snow;
  - (2)** ice;
  - (3)** debris; or,
  - (4)** other material.

## **OVERHEAD HAZARDS**

- 7)** The Owner or Occupant of every building abutting on or erected within three (3) meters of a Highway or public place shall remove snow or ice that has accumulated on the roof, eaves, or awning extending from a portion of such building to an extent that a danger is created to persons passing.
- 8)** Persons removing accumulated snow or ice shall take due care and precaution for the warning and safety of persons passing.

## **PUBLIC PROPERTY**

- 9)** Except as provided by Section 10, an Owner or Occupant of a parcel of land shall not remove snow or ice from the parcel of land or the Sidewalk and place it on any portion of the Highway.
- 10)** Subject to Section 11, an Owner or Occupant of a parcel of land located in the Central Commercial Land Use District may remove snow and ice from the Sidewalk and place it on any portion of the Highway adjacent the parcel.
- 11)** Snow and ice shall not be deposited on any portion of the Highway in a manner which creates:
  - (a)** a hazard for users of the Highway; or,
  - (b)** a hinderance for those charged with plowing the Highway.
- 12)** An Owner or Occupant of a parcel of land may, in such a way as not to cause injury or unduly interfere with any person lawfully using the Sidewalk, use a power-driven device that is sufficiently light and of such construction that it will not damage the surface of the Sidewalk to move ice, snow, or other materials from any portion of a Sidewalk.
- 13)** No Person, outside of the Central Commercial Land Use District, shall place snow, ice, dirt or other 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.

## **PARKING ON HIGHWAYS**

- 14)** Unless off street parking is unavailable, no one shall park vehicles on the Highway when snow of sufficient quantity has accumulated so as to making plowing necessary.
- 15)** The clearing of snow plowed around a vehicle parked on the Highway is the responsibility of the vehicle's owner.

## **PART III – ENFORCEMENT**

### **REMEDIES**

- 16)** Where the Owner or Occupant of a parcel of land has not complied with Section 5 of the Bylaw, the Enforcement Officer may issue and serve the Owner with a Notice of the infraction. Said Notice shall state:
- (a)** the required remedial action;
  - (b)** the date and time by which the remedy must be completed; and
  - (c)** that failure to comply may result in the Town completing the remedy at the Owner's expense.
- 17)** Service of any Notice shall be deemed to have been duly given and served on the Owner of the parcel of land as shown on the assessment roll:
- (a)** on it being personally served to the Owner; or
  - (b)** by sending it by regular or registered mail to the Owner; or
  - (c)** on leaving it with a person deemed by the Enforcement Officer to be over the age of sixteen (16) years at the residence of the Person to whom the Notice is addressed; or
  - (d)** by posting it in a conspicuous place on the Property or a Structure on the Property.
- 18)** Where the Owner fails to pay the expenses and costs referred to in clause 16(c) within thirty (30) 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 as taxes due and owing by adding all costs to the tax roll in accordance with clause 553(1)(g.1) of the Act.



## **FINES AND PENALTIES**

- 19)** A Person who contravenes any provision of this Bylaw is guilty of an offense and is liable on summary conviction to a fine not exceeding one thousand dollars (\$1,000) or In Default of payment is liable to imprisonment for a term not exceeding one (1) month.
- 20)** Each day or part of a day, that an offence under this Bylaw continues constitutes a separate offence.
- 21)** The specified penalty for a violation of any provision of this Bylaw is a fine in the amount of two hundred dollars (\$200).
- 22)** Where an Enforcement Officer believes, on reasonable and probable grounds, that a Person has contravened any provision of this Bylaw, the Officer may commence proceedings by issuing a Violation Ticket in accordance with the *Provincial Offences Procedure Act*.
- 23)** Where an Enforcement Officer issues a Person a Violation Ticket in accordance with Section 21 of this Bylaw, the Officer may either:
- (a)** allow the Person to pay the specified penalty as established by this Bylaw by indicating said penalty on the Violation Ticket; or,
  - (b)** require a Court appearance of the Person where the Enforcement Officer believes that such appearance is in the public interest.
- 24)** The issuance of a violation ticket does not relieve any Person so charged from the responsibility of removing snow, ice, dirt or other foreign material from the Sidewalk or Highway.

## **PART IV: COMING INTO FORCE & REPEAL**

**EFFECTIVE DATE** **25)** This Bylaw shall come in force upon the date of its third and final reading.

**REPEAL** **26)** Bylaw 1595 and all prior snow removal bylaws and amendments thereto shall be rescinded.

Received First Reading this 12 day of November, 2024

Received Second Reading this 26 day of November, 2024



Received Third & Final Reading this 26 day of November, 2024

Signed by the Mayor and the Chief Administrative Officer this 27 day of November, 2024

TOWN OF CARDSTON

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MAYOR – *Maggie Kronen*

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CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*

