

**BYLAW 2018-04
VILLAGE OF BEISEKER
SNOW REMOVAL BYLAW**

BEING A BYLAW TO RESCIND BYLAW 2014-01 AND BEING A BYLAW OF THE VILLAGE OF BEISEKER, IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF CONTROLLING THE REMOVAL OF SNOW, ICE, DIRT, DEBRIS OR OTHER MATERIAL FROM SIDEWALKS WITHIN THE VILLAGE OF BEISEKER.

WHEREAS, under the provisions of Section 7, *Municipal Government Act*, Chapter M-26, R.S.A. 2000, and amendments thereto, the Council may pass a Bylaw for the purposes of safety, health and welfare of people and the protection of people and property;

WHEREAS, the Village of Beiseker Council deems it necessary to control the removal of snow, ice, dirt, debris and other obstructions from sidewalks;

NOWHEREFORE, the Village of Beiseker Council, duly assembled, enacts as follows:

SECTION 1 – SHORT TITLE

- 1.1 This Bylaw may be cited as the “Snow Removal Bylaw”.
- 1.2 Where the provisions of this Bylaw conflict with the provisions of any other Bylaw or policy of the Village of Beiseker, this Bylaw shall prevail

SECTION 2 – DEFINITIONS

- 2.1 Highway in accordance with the *Traffic Safety Act*, means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle or any other place or any part of them whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles.
- 2.2 Occupant means any Person who occupies; has possession of; use of; control of any land or building.
- 2.2 Owner means any Person registered as the owner of a property pursuant to the Provision of the *Land Titles Act* (Alberta) and shall include a person who is purchasing a property under an Agreement for Sale.
- 2.3 Peace Officer means a person appointed by Council pursuant to the *Municipal Government Act* and includes a member of the Royal Canadian Mounted Police, a Community Peace Officer or a Bylaw Enforcement Officer.
- 2.4 Person means an individual, firm, corporation, partnership, trustee, Owner, Occupier, lessee or tenant.
- 2.4 Sidewalk means that portion of street 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 material.
- 2.5 Village means the Village of Beiseker.
- 2.6 Violation Tag means a ticket or similar document issued by a Peace Officer pursuant to the *Municipal Government Act*, R.S.A. 2000, c-M-26 and amendments.
- 2.7 Violation Ticket means a ticket issued in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34 and amendments.

SECTION 3 – GENERAL PROVISIONS

- 3.1 Owners of property shall be responsible for the removal of snow, ice, dirt, debris or other obstructions from any sidewalk fronting or abutting their property, including private driveway crossings.
- 3.2 Any Person who fails to remove snow, ice, dirt, debris or other obstructions within the 48 hours after the same has fallen, was deposited or formed on the sidewalk shall be guilty of an offence.
- 3.3 Snow, ice, dirt, debris or other obstructions will be considered removed when the sidewalk is cleaned for the entire width of the sidewalk, to the sidewalk surface.

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- 3.4 Where an Owner or Occupant is absent, arrangements must be made to ensure the sidewalks are maintained in accordance with this Bylaw.
- 3.5 An Owner who has an awning, canopy, marquee or other encroachment extending from a portion of their property over a sidewalk or highway, shall endeavour to keep the said awning, canopy, marquee or other encroachment free from snow or ice so that the snow or ice will not deposit or drip upon the sidewalk or highway below.
- 3.6 The Owner shall clean up any water from melting snow or ice on any awning, canopy, marquee or other encroachment on the sidewalk or highway and take necessary precautions to ensure that an icy or dangerous situation is not allowed to exist on the sidewalk or highway.
- 3.7 In the case of a sidewalk being below grade, resulting in repeated coverage by ice or water through the drainage of melted snow or rain, the sidewalk must be cleaned as completely as reasonably possible and a non-slip material such as sand or similar material must be scattered on the surface of the sidewalk as frequently as required to maximize traction for pedestrians.
- 3.8 No Person shall cause or allow to be caused damage to any sidewalk when removing snow, ice, by pounding, hammering, picking or chiseling.
- 3.9 No Person shall deposit, or in any way cause to be deposited upon any public sidewalk or highway, any snow, ice, dirt or other obstructions.
- 3.10 No Person shall deposit or in any way cause to be deposited any snow, ice, dirt, debris or any other obstruction upon any property other than their own property, unless permission from the Owner has been received.

SECTION 4 – OFFENCES

- 4.1 Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a fine of \$250.00 (two hundred and fifty dollars) for the first offence and \$500.00 (five hundred dollars) for the second offence and any offence after that.
- 4.2 Any work carried out by the Village to remove snow, ice, dirt, debris or any other obstruction on sidewalks that fronts or abuts their property, will be charged to the Owner at a rate of \$1.00 (one dollar) per foot.
- 4.3 Failure of the Owner to pay the costs in Section 4.2 will result in the outstanding balance being charged as an expense against the property tax account and will be recovered in like manner with any other taxes pursuant to the *Municipal Government Act*.

SECTION 5 - ENFORCEMENT

- 5.1 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any Person, whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 5.2 Where a Violation Tag has been issued pursuant to Section 5.1, the Person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Village, the penalty specified on the Violation Tag.
- 5.3 In the event the Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid in the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket to the Person to whom the Violation Tag was issued pursuant to the *Provincial Offences Procedures Act*.
- 5.4 Notwithstanding, Section 5.1, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person to whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 5.5 A Violation Ticket issued with respect to a violation of this Bylaw may be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.

SECTION 6 - SEVERABILITY

