

Town of WESTLOCK

By-Law 2012-08

Province of Alberta

BEING A BY-LAW OF THE TOWN OF WESTLOCK IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF CONTROLLING THE REMOVAL OF SNOW, AND ICE FROM SIDEWALKS

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 Town of Westlock Council deems it necessary to control the removal of snow, ice, dirt, debris, and other obstructions from sidewalks.

NOW THEREFORE, the Town of Westlock Council 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 provision of any other Bylaw of the Town of Westlock, this Bylaw shall prevail.

SECTION 2 - DEFINITIONS

- 2.01 **Catch Basin** a receptacle at the entrance to a storm sewer designed to keep out large or obstructive matter; a reservoir for collecting surface drainage or runoff.
- 2.02 **Culvert** a sewer or drain crossing under a road or embankment.
- 2.03 **Downtown Commercial Area** all properties zoned as commercial property that are located on 107 Street, 106 Street, 105 Street and 100 Avenue within the Town of Westlock – Schedule "A".
- 2.04 **Drainage Ditch** a ditch for carrying off excess surface drainage or runoff.
- 2.05 **Bylaw Enforcement Officer** a Person appoint by Council pursuant to the *Municipal Government Act* and includes a member of the Royal Canadian Mounted Police, and when authorized a Community Peace Officer.
- 2.06 **Highway** in accordance with the Traffic Safety Act means any thorough fare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle, or 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 vehicles.
- 2.07 **Occupant** means a Person who occupies; has possession of; use of; control of, any land or building.

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- 2.08 Owner** 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.
- 2.09 Person** individual, firm, corporation, partnership, trustee, Owner, Occupier, lessee or tenant.
- 2.10 Sidewalk** 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 other type of paving material.
- 2.11 Town** the Town of Westlock, it's employees, or its duly authorized representatives.

SECTION 3 - GENERAL PROVISIONS

- 3.1** Owners of property shall be responsible for 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 required time frame is 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.
- 3.4** Where an Owner or Occupant reasonably anticipates being absent, the Owner or Occupant must make arrangements to ensure the sidewalks are maintained in accordance with this Bylaw.
- 3.5** The Owner or Occupant of any property adjoining or abutting a sidewalk shall remove any snow, ice, dirt, debris, or other obstruction from a sidewalk within twenty four (24) hours after the same has fallen, was deposited or formed on the sidewalk.
- 3.6** Owner who has an awning, canopy, marquee or other encroachment extending from a portion of his property over a sidewalk or other portion of a highway shall endeavor 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.
- 3.7** The Owner shall cause to be cleaned up any water from melting snow or ice on any awning, canopy, marquee or other encroachment on the sidewalk or highway and take the necessary precautions to ensure that an icy or dangerous situation is not allowed to exist on the sidewalk or highway.

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- 3.8** Every Person while removing the same in Section 3.7 shall take due care and proper precautions for the safety and warning of Persons who may be passing thereby.
- 3.9** In the case of a sidewalk being below grade resulting in repeated coverage by ice or water through drainage of melted snow or rain, the sidewalk must be cleaned as completely as reasonably possible and a non-slip, non corrosive, and salt-free 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.
- 3.10** No Person shall cause or allow to be caused damage to any sidewalk when removing snow, ice, by pounding, hammering, picking or chiseling, or depositing any chemical or other substance thereon.
- 3.11** 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.
- 3.12** Notwithstanding Section 3.11 of this By-Law, snow and ice from public sidewalks in the Downtown Commercial Area may be deposited onto the adjacent street if done so within twenty-four (24) hours of cessation of snowfall and if the snow has not yet been removed by the Town. Schedule "B" map.
- 3.13** No Person shall deposit, or in any way cause to be deposited, any snow, ice, dirt, debris, or other obstruction upon any drainage ditch, culvert or catch basin.
- 3.14** No Person shall deposit or in any way cause to be deposited, any snow, ice, dirt, other obstruction on a fire hydrant or traffic control device, on the area adjacent to a fire hydrant or traffic control device, which may in any way block access to, or prevent the operation of, or restrict visibility of the fire hydrant or traffic control device.
- 3.15** No Person shall deposit or in any way cause to be deposited, any snow, ice, dirt, debris, or other obstruction upon any property other than their own property, unless permission from the Owner has been received.
- 3.16** If an emergency situation exists the Town may have the snow, ice, dirt, debris, or other obstruction removed without giving notice to the Owner or Occupant of the property.

SECTION 4.0 – OFFENSES

- 4.1** Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a penalty as set out in Schedule "A".



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- 4.2** Notwithstanding Section 4.1 of this Bylaw, any Person who commits a second, third or subsequent offence. Further, a subsequent offence shall be deemed to occur for each day the contravention continues.
- 4.3** Under no circumstances shall any Person contravening any provision of this Bylaw be subject to a penalty of imprisonment.
- 4.4** Any work carried out by the Town and the costs charged to the Owner will be invoiced to the Owner, and in default of payment the Town may, recover the same as debt due to the Town.

SECTION 5.0 - VIOLATION TAGS

- 5.1** A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any Person, whom the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 5.2** A Violation Tag may be issued to such Person:
- a) either Personally; or
 - b) by mailing a copy, via registered mail, to such Person at his or her last known postal address.
- 5.3** The Violation Tag shall be in a form approved by the Town Manager and shall state:
- a) the name of the Person;
 - b) a description of the offence and the applicable Bylaw section;
 - c) the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
 - d) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag in order to avoid prosecution; and
 - e) any other information as may be required by the Town Manager.
- 5.4** 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 Town Office, the penalty specified on the Violation Tag.

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- 5.5 In the event that a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act* to the Person to whom the Violation Tag was issued.

SECTION 6.0 - VIOLATION TICKETS

- 6.1 Notwithstanding section 5.1 a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person to whom the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 6.2 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*.

The Person to whom the Violation Ticket has been issued may plead guilty by making voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided by this Bylaw.

Where a Clerk of the Court records in the court records the receipt of a voluntary payment pursuant to this Bylaw and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and imposition of a fine in the amount of the specified penalty.

SECTION 7.0 - VALIDITY

- 7.1 By-law 2004-23 and amendments thereto are hereby repealed.
- 7.2 The invalidity of any section, clause, sentence or provision of this Bylaw shall not affect the validity of any other part of this Bylaw, which can be given effect with such invalid part or parts.

SECTION 8.0 - AMENDMENTS

- 8.1 Council may, by Bylaw or resolution in Council, alter, amend or repeal any or all of the Schedules, which form part of the Bylaw.

SECTION 9.0 - EFFECTIVE

- 9.1 This Bylaw shall come into force and take effect upon third and final reading.

READ A FIRST TIME THIS 10 DAY OF September, 2012.

READ A SECOND TIME THIS 10 DAY OF September, 2012.

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Unanimous consent for third reading _____ DAY OF _____, 2012.

READ A THIRD TIME THIS 24 DAY OF September, 2012.

Signed by CEO and Town Manager this 24 DAY OF September, 2012.



MAYOR, Bruce Lennon



TOWN MANAGER, Darrell Garceau

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SCHEDULE "A"

Offence	Section	Fines
Fail to maintain sidewalk	3.2	\$100.00
Damaging a sidewalk during maintenance	3.10	\$250.00
Obstructing sidewalk	3.11	\$100.00
Obstructing drainage ditch, culvert or catch basin	3.13	\$100.00
Obstructing fire hydrant or traffic control device	3.14	\$250.00
Piling snow, ice, dirt, debris or other obstruction on private property w/o authorization	3.15	\$100.00

Any work carried out by the Town and the costs charged to the Owner will be invoiced to the Owner, and in default of payment the Town may recover the same as debt due to the Town.

Any Person who commits a second, third or subsequent offence **shall be deemed to occur for each day the contravention continues** is liable for the increased penalty below.

- i) \$100.00 for any offence for which a fine is not otherwise established in this section;
- ii) A penalty of two (2) times applicable fine as provided in this Bylaw shall be levied against an owner who commits, for a second time, any infraction of this Bylaw, providing that such infraction is committed within one (1) year of the committing of the first infraction;
- iii) A penalty of three (3) times applicable fine as provided in this Bylaw shall be levied against a Person who commits, for a third or subsequent time, any infraction of this Bylaw, providing that such infraction is committed within one (1) year of the committing of the first infraction;
- iii) Administrative surcharge if payment of penalty charged is not received by the municipality within thirty (30) days of date of issuance of specified penalty, \$20.00 or 20% of the Violation Tag whichever amount is greater.