

**TOWN OF CHESTERMERE**

**PROVINCE OF ALBERTA**

**BYLAW #018-11**

Being a Bylaw of the Town of Chestermere, in the Province of Alberta, to control the removal of snow, ice and slush from sidewalks.

**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;

**AND WHEREAS** The Municipal Council deems it necessary and expedient to pass a Bylaw to control the removal of snow, ice and slush from sidewalks;

**AND WHEREAS** the Municipal Government Act authorizes a municipality to pass bylaws regarding the remedying of contraventions of bylaws;

**NOW THEREFORE THE COUNCIL OF THE Town of Chestermere ENACTS AS FOLLOWS:**

**1. Title**

(1) This Bylaw may be cited as the "Snow Removal Bylaw".

**2. Interpretation**

(1) In this Bylaw:

(a) "Boulevard" means the strip of land between the curb and the sidewalk and between the sidewalk and the property line, or where there is no sidewalk, the strip of land between the curb and the property line. Where there is no curb, the meaning shall be extended to include the strip of land between the near edge of the roadway and the property line;

(b) "Council" means the Council of the Town of Chestermere;

(c) "Highway" shall mean any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles.

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(d) "Municipal Government Act (MGA)" means the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended or repealed and replaced from time to time;

(e) "Owner" means:

i) a person who is registered under the Land Titles Act as the owner of a parcel of land;  
or

ii) a person who is recorded as the owner of a property on the tax assessment roll of the Town of Chestermere; or

iii) a person who has purchased or otherwise acquired a parcel of land, whether he has purchased or otherwise acquired the land directly from the owner or from another purchaser, and has not yet become the registered owner thereof; or

iv) a person holding himself out as the person having the powers and authority of ownership of a property or premises or who for the time being exercises the powers and authority of ownership; or

v) a person in possession or control of a property or premises under construction

i) "Pathway" means a multi-purpose thoroughfare controlled by the Town and set aside for the use of pedestrians, cyclists and persons using wheeled conveyances, which is improved by asphalt, concrete or brick, whether or not it is located in an open space, and includes any bridge or structure with which it is contiguous;

(f) "Peace Officer" shall mean a member of a Police Service, or a Peace Officer appointed pursuant to the Peace Officer Act, S.A. 2006, c. P-3.5 and the regulations thereof, as amended or replaced from time to time;

(g) "Person" shall mean any individual, firm partnership, association, corporation, company or society;

(h) "Property" means a parcel of land including any buildings;

(i) "Provincial Offences Procedure Act (POPA)" means the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34, and the regulations thereof, as amended or replaced from time to time;

(j) "Public lands" means all lands under the ownership and control of the Federal Government, Provincial Government, or the Town;

(k) "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 other type of paving;

(l) "Town" means the Town of Chestermere, a municipal corporation, in the Province of Alberta and where the context so requires, means the area contained within the corporate boundaries of the said Town;

(m) "Work Forces" includes employees of The Town and Persons under contract to The Town.

### **3. Application**

(1) The owner of any property, as registered on title at the Land Titles Office, or the owner who is recorded on the tax assessment roll of the Town of Chestermere is ultimately responsible for all activities on the property which may constitute prohibitions of this Bylaw.

(2) Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or licence.

(3) Any heading, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.

(4) 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.

(5) All the schedules attached to this Bylaw shall form a part of this Bylaw.

(6) This bylaw is gender-neutral and, accordingly, any reference to one gender includes the other.

(7) This bylaw shall not apply to public lands.

### **4. Removal of Snow, Ice and Slush**

(1) Whenever snow, ice or slush is deposited on the sidewalk or sidewalks fronting or abutting a property, the owner or occupier of the property shall remove the snow, ice or slush from such portion of the sidewalks within forty-eight (48) hours after the same has fallen, formed or been deposited thereon.

(2) Where the property is not occupied, the owner shall provide for the clearing away of snow, ice or slush from the sidewalks fronting or abutting such property within forty-eight (48) hours after the same has fallen, formed or been deposited thereon.

(3) A person may, in such a way as not to injure or unduly interfere with any other



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 remove snow, ice or slush from any portion of the sidewalk from which the person is required to remove by provision of this Bylaw.

(4) A person who removes snow, ice or slush from public or private sidewalks and/or public or private driveways shall not deposit said snow, ice or slush upon any highway, boulevard, or pathway.

(5) If an owner of a property fails or neglects to remove and clear away all snow, ice or slush from the sidewalks within the time period set out in this bylaw, the Town may employ Work Forces to cause the snow, ice or slush to be removed from such sidewalks and shall charge the cost of the work to the owner of the property. If such expenses are not paid within the prescribed time period, the expenses shall be added to and form part of the taxes payable on the property as taxes in arrears pursuant to section 553.1(1)(c) of the Municipal Government Act.

## **5. Penalties**

(1) Every person who contravenes any of the provisions of this Bylaw by doing any act or thing which the person is prohibited from doing is guilty of an offence.

(2) Any person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00.

(3) Where there is a specified penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the specified penalty for the offence.

(4) Where there is a minimum penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the minimum penalty for the offence.

(5) The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a Person from the necessity of paying any fees, charges or costs from which that Person is liable under the provisions of this Bylaw or any other bylaw.

## **6. Violation Tickets**

(1) Where a Peace Officer believes that a person has contravened any provision of this Bylaw, he may commence proceedings by issuing a violation ticket in accordance with the Provincial Offences Procedure Act.



(2) This Section shall not prevent any officer from issuing a violation ticket requiring the court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedure Act, or from laying an information instead of issuing a violation ticket.

## 7. Severability

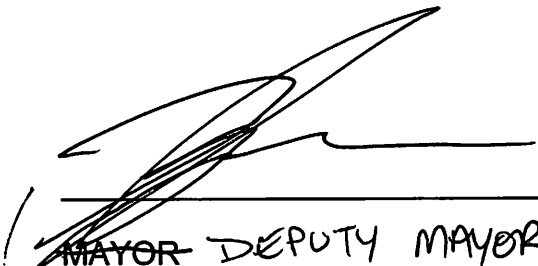
(1) If any Section or parts of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Section or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

That this Bylaw shall come into full force and effect upon the date of the third and final reading.

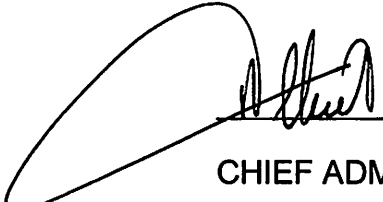
Read a first time this 4<sup>th</sup> day of July, 2011

Read a second time this 4<sup>th</sup> day of July, 2011

Read a third time and passed this 4<sup>th</sup> day of July, 2011



MAYOR DEPUTY MAYOR



CHIEF ADMINISTRATIVE OFFICER

Resolution numbers

278-11, 279-11, 280-11, 281-11

**Schedule "A"**

Section	Offence	Minimum Penalty	Specified Penalty
4(1)	Fail to remove snow/ice/slush from sidewalks within 48 hours	\$150.00	\$250.00
4(2)	Fail to remove snow/ice/slush from sidewalks abutting unoccupied property within 48 hours	\$150.00	\$250.00
4(3)	Fail to ensure sidewalk surface is not damaged due to snow clearing from any power device.	\$300.00	\$500.00
4(4)	Deposit snow or ice upon highway/boulevard/pathway.	\$150.00	\$250.00

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