

**BYLAW 2019-02
VILLAGE OF BEISEKER
SNOW REMOVAL BYLAW**

BEING A BYLAW TO RESCIND BYLAW 2018-07 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 as amended, the Council may pass a Bylaw for the purposes of safety, health and welfare of people and the protection of people and property;

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

NOW THEREFORE, 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 (Alberta)*, 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, or control of any land or building.
- 2.3 “*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.
- 2.4 “*Enforcement 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.
- 2.5 “*Person*” means an individual, firm, corporation, partnership, trustee, Owner, Occupier, lessee or tenant.
- 2.7 “*Village*” means the Village of Beiseker
- 2.8 “*Violation Tag*” means a ticket or similar document issued by an Enforcement Officer pursuant to the *Municipal Government Act*, R.S.A. 2000, c-M-26 as amended.
- 2.9 “*Violation Ticket*” means a ticket issued in accordance with the *Provincial Offences Procedure Act*, R.S.A. c. P-34 as amended
- 2.10 “*Work Forces*” includes employees of the Village of Beiseker and Persons under contract to the Village of Beiseker. .

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 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.
- 3.4 Where an Owner or Occupant is absent, arrangements must be made to ensure the sidewalks are maintained in accordance with this Bylaw.

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- 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 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 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.
- 3.7 No Person shall cause or allow to be caused damage to any sidewalk when removing snow, ice, by pounding, hammering, picking or chiseling.
- 3.8 No Person shall deposit or in any way cause to be deposited upon any public sidewalk or highway, any snow, ice, dirt, debris or other obstructions.
- 3.9 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 is received from the Owner of the receiving property.

SECTION 4 – FINES & PENALTIES

- 4.1 Any Person who contravenes any provision of this Bylaw by:
- (a) doing something that is prohibited in this Bylaw, or
 - (b) failing to do something that is required in this Bylaw, or
 - (c) doing something in a manner different from which is required or permitted in this Bylaw,
- is guilty of an offence.
- 4.2 If a Violation Ticket has been issued in respect to an offence:
- (a) the Person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a penalty not exceeding \$10,000.00
 - (b) 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.
 - (c) 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.
- 4.3 The levying and payment of any penalty 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.

SECTION 5 – OBSTRUCTION

- 5.1 No Person shall obstruct, hinder or impede any authorized representative of the Village in the exercise of their powers or duties pursuant to this Bylaw.

SECTION 6 – REMEDIES

- 6.1 If an owner fails or neglects to remove and clear away all snow, ice, dirt or debris or any other obstruction from the sidewalks within the time period set out by this Bylaw, the Village may employ Work Forces to cause the snow, ice, dirt, debris or other obstruction to be removed from such sidewalks and the expenses shall be invoiced to the owner of said property. If invoice is not paid, the amount owing shall be added to and form part of the taxes payable on the property as taxes in arrears pursuant to Section 553.1 (c) of the *Municipal Government Act*.

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SECTION 7 – ENFORCEMENT

- 7.1 An Enforcement Officer is hereby authorized and empowered to use a Violation Tag to any Person, whom the Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 7.2 If a Violation Tag is issued in respect of an offence, the Person receiving the Violation Tag may make payment to the Village of Beiseker as per the amount specified on the Violation Tag in order to avoid prosecution for the offence.
- 7.3 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, an Enforcement 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 Procedure Act*
- 7.4 *Notwithstanding Section 5.1*, an Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person to whom the Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 7.5 If a Violation Ticket is issued in respect of an offence, the Person receiving the Violation ticket may pay the fine amount as per the amount specified on the Violation Ticket on or before the required date in order to avoid further prosecution for the offence.

SECTION 8 -SEVERABILITY

- 8.1 If any Section or parts of this Bylaw are found in any court of law to be illegal, or are otherwise invalid and 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.

SECTION 9 – DEEMED SERVED

- 9.1 A Violation Tag issued by the Enforcement Officer pursuant to any of the provisions of this Bylaw shall be deemed to have been duly given and served on the person whom it is addressed:
- a) Being personally delivered to the person named on the Municipal Tag; or
 - b) upon sending the Violation Tag by regular mail to the address as is shown on the assessment roll. A Violation Tag will be considered served after 5 (five) business days upon mailing.
- 9.2 A Violation Ticket issued by the Enforcement Officer pursuant to any of the provisions of this Bylaw shall be deemed to have been duly given and served:
- a) on the Person to whom it is addressed pursuant to the Provincial Offences Procedures Act or;
 - b) swearing an Information and Complaint against the person; or
 - c) by leaving a copy for such person at his/her residence with an individual at the residence who appears to be at least 18 years of age, and such service shall be adequate for the purposes of this Bylaw.
- 9.3 A Violation Ticket may be served on a Person which is a **corporation**, either:
- a) by sending it by registered mail to the registered office of the corporation, A Violation Ticket will be considered served after 5 (five) business days upon mailing; or
 - b) by delivering it personally to the manager, secretary or other executive officer of the corporation or the person apparently in charge of a branch office of the corporation at an address held out by the corporation to be its address, and such service shall be adequate for the purposes of this Bylaw.
- 9.4 This Section does not prevent an Enforcement Officer from issuing a Violation Ticket requiring a Court appearance by the Defendant in accordance with the *Provincial Offences Procedures Act*.

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SECTION 10 RECOVERY OF ENFORCEMENT COSTS

- 10.1 The expenses incurred by the Village in carrying out enforcement action pursuant to this Bylaw constitutes a debt owing to the Village from the Person responsible for the Bylaw contravention and may be collected by civil action for debt in a court of competent jurisdiction, in accordance with the *Municipal Government Act*.
- 10.2 In the event of the Village carrying out enforcement action pursuant to a Remedial Order, the CAO is responsible for sending a demand for payment of enforcement expenses incurred by the Village to the Owner of the property where the infraction took place and if the Owner fails to pay the enforcement expenses incurred by the Village within the time frame set out in the demand for payment, the CAO shall place the unpaid expense amount onto the tax roll of the subject Land and that amount:
- a) is deemed to for all purposes to be a tax imposed under Division 2 of Part 10 of the *Municipal Government Act* from the date it was added to the tax roll, and
 - b) forms a special lien against the Land in favour of the Village from the date it was added to the tax roll for the Land, in accordance with the *Municipal Government Act*.

SECTION 11 – COMING INTO FORCE

11.1 This Bylaw comes into force on the final passing thereof and replaces Bylaw 2018-07

READ A FIRST TIME this day of , 2019

READ A SECOND TIME this day of , 2019.

Unanimous permission given to have Third and Final Reading this day of , 2019

READ A THIRD TIME AND FINALLY PASSED this day of , 2019

MAYOR, Warren Wise

CAO, Heather Leslie

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Fines in lieu of prosecution:**

Offence	VIOLATION TAG		VIOLATION TICKET	
	1ST Offence	2ND Offence	Minimum Penalty	Maximum Penalty
Item 3.2/3.5 Failure to remove snow, ice, dirt, debris or obstruction	\$150.00	\$300.00	\$500.00	\$750.00
Item 3.6 Failure to remove snow, ice, dirt, debris or obstruction when sidewalk is below grade	\$150.00	\$300.00	500.00	750.00
Item 3.7 Causing damage to sidewalk	\$300.00	\$600.00	\$600.00	\$900.00
Item 3.8 Deposit snow, ice, dirt, debris or obstruction on Highway	\$150.00	\$300.00	\$500.00	\$750.00
3.9 Deposit snow, ice, dirt, debris or obstruction on any other property	\$150.00	\$300.00	\$500.00	\$750.00