

BYLAW 846/13
Sidewalk Snow & Ice Removal

of the

TOWN OF BASSANO
in the Province of Alberta

BEING A BYLAW OF THE TOWN OF BASSANO IN THE PROVINCE OF ALBERTA TO CONTROL THE REMOVAL OF SNOW AND ICE FROM SIDEWALKS, OVERHANGS OR OTHER ENCROACHMENTS EXTENDING OVER ANY SIDEWALK.

WHEREAS the Municipal Government Act, Statutes of Alberta, 2000, Chapter M-26 and amendments thereto, Section 7(a) provides that Municipal Council may pass a Bylaw for purposes respecting the safety, health and welfare of people and the 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 and ice from sidewalks, overhangs and other encroachments extending over any sidewalk.

NOW THEREFORE, the Municipal Council of the Town of Bassano in the Province of Alberta, duly assembles, **ENACTS AS FOLLOWS:**

1.0 **TITLE**

This Bylaw may be referred to as the “**SIDEWALK SNOW & ICE REMOVAL BYLAW**”.

2.0 **DEFINITIONS AND INTERPRETATIONS**

In this Bylaw the following terms (unless the context specifically requires otherwise) shall have the following meanings:

“**Boulevard**” means the strip of land between the curb and the sidewalk and between the sidewalk and the property line, or where this 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 on land between the near edge of the roadway and the property line.

“**Bylaw**” means the Town of Bassano Sidewalk Snow & Ice Removal Bylaw No. 846/13 as maybe amended from time to time.

“**Council**” means the Council of the Town of Bassano.

- “Downspout”** means a vertical pipe for carrying rainwater from a rain gutter to ground level.
- “Enforcement Officer”** means a member of the Bylaw Enforcement Office of the Town of Bassano.
- “Highway”** in accordance with the Traffic Safety Act means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way 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.
- “Occupier”** means a person who is in possession or occupation of a premise.
- “Overhang”** means the edge of a roof, protruding outwards, beyond the side of the building generally to provide weather protection including awnings, canopies, marquees and other encroachments extending over the sidewalk.
- “Power Driven Device”** means but not limited to a car, truck, ATV, snowmobile.
- “Premise”** means land including local improvements.
- “Property”** means a parcel of land including any buildings.
- “Property Owner”** means a registered owner with Alberta Land Titles.
- “Setback”** means the distance which a building or other structure is set back from the property line.
- “Sidewalk”** means that portion of the 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.
- “Town”** shall mean the Town of Bassano, a municipal corporation in the Province of Alberta, or the geographical area contained within the boundaries of the Town of Bassano, as the context may require.
- “Violation Ticket”** shall mean a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, as amended, and any regulations thereunder.

“Walkway” means a right-of-way set aside for the use of and ordinarily used for pedestrian travel of the general public, whether publicly or privately owned and includes a sidewalk (and boulevard portion thereof) but does not include a pathway.

3.0 REMOVAL OF SNOW, ICE AND SLUSH

- 3.1. Whenever snow or ice is deposited on the sidewalks fronting and/or abutting occupied premises including $\frac{1}{2}$ of the back lane entrance, the occupier of the premises shall remove the snow and ice from such portion of the sidewalks within 24 hours after the same has fallen, formed or been deposited thereon.
- 3.2. Where premises are not occupied the owner thereof shall provide for the cleaning away of snow or ice from the sidewalks fronting and/or abutting such premises including $\frac{1}{2}$ of the back lane entrance within 24 hours after the same has fallen or been deposited thereon.
- 3.3. Whenever snow or ice is deposited on the sidewalks fronting and/or abutting premises including $\frac{1}{2}$ of the back lane entrance which are occupied by other than one family residence, the owner of such premises shall remove or cause to be removed all snow or ice from such portions of the sidewalk or sidewalks within 24 hours after same has fallen, formed or been deposited thereon.
- 3.4. A person who has an overhang extending from a portion of his or her premises over a sidewalk or other portion of a street shall endeavor to keep the overhang free from snow or ice so that it will not drop upon the sidewalk or street below.
- 3.5. The property owner shall cause to be cleaned up any water from melting snow or ice on any overhang or downspout of the sidewalk and take the necessary precautions to ensure that an icy or dangerous situation is not allowed to exist on the street or sidewalk.
- 3.6. 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 injure the surface of the sidewalk to remove snow or ice from any portion of the sidewalk from which he is required to remove it by provision of this Bylaw.
- 3.7. A person who removes snow or ice from public or private sidewalks and/or public or private driveways shall only deposit said snow or ice on their own property and shall not impede storm sewer run off or block access to any storm sewer grate, fire hydrant, curb cut or wheelchair ramp except for those businesses on 2nd Avenue between 2nd and 4th Street with zero (0) setbacks.

- 3.8 In the event of a large accumulation of snow, the Town may cause a street or lane to be cleared of vehicles for the purposes of snow removal. If, after posting signage on said streets or lanes, vehicles blocking snow removal equipment may be towed and impounded at the registered owner's expense.
- 3.9 No person shall place or cause to be placed any electrical cord over a sidewalk unless it is suspended at least 2.5 meters above the sidewalk and does not interfere with any pedestrian or vehicle traffic.

4.0 ENFORCEMENT

- 4.1 In the event that the owner or occupier as required fails or neglects to remove and clear away all snow or ice from the sidewalks within the said number of hours, the Town may cause the snow or ice to be removed from such sidewalk and may charge the cost of the work.
- 4.2 The provisions of this Bylaw shall be enforced by the Municipal Bylaw Enforcement Officer, or other such person as appointed by Council to enforce this Bylaw.
- 4.3 The Municipal Bylaw Enforcement Officer may, at any reasonable time, enter any place for the purpose of determining compliance with this Bylaw, and for this purpose may make such examinations, investigations, tests and inquiries as are necessary.
- 4.4 Every person who hinders or obstructs a person lawfully carrying out the enforcement of this Bylaw is guilty of an offence.
- 4.5 Any person who commits a second or subsequent offence under this Bylaw within one (1) year of committing the first offence, whether or not the second or subsequent offence is the same offence, may be subject to an increased fine.
- 4.6 Any person who has committed an offense under the Bylaw is liable, upon summary conviction to a fine.
- 4.7 For the purpose of administering the provisions of this Bylaw, Council may authorize by separate resolution or Bylaw as may be applicable, the preparation of such fee schedules. Any such fee schedules are deemed to have the full force and effect of this Bylaw in execution of the purpose for which is was designated, authorized and issued.
- 4.8 Fees are included in Appendix "A".

4.9 The Bylaw Enforcement Officer will issue a Violation Ticket to any person who the Municipal Bylaw Enforcement Officer has reasonable and probable ground to believe has contravened any provision of this Bylaw.

4.10 A violation ticket may be issue to such person:

- (a) personally;
- (b) by mailing a copy to such person at his last know post office address;
- (c) if upon a corporation, by serving the offence ticket by mail, or serving a person who is the agent or representative or person in charge of the designated public place.

5.0 SUPERSEDES

5.1 This Bylaw supersedes section 10 (a) of the Town of Bassano Traffic Bylaw 745/96 and Section 3 of the Town of Bassano Maintenance to Boulevards, Sidewalks and Alleys Bylaw 691/84.

6.0 EFFECTIVE DATE

6.1 That this Bylaw comes into full force upon the date of the third and final reading.

READ A FIRST TIME this 9th day of December 2013.

READ A SECOND TIME this 9th day of December 2013.

READ A THIRD TIME and finally passed this 9th day of December 2013.

MAYOR

CHIEF ADMINSTRATIVE OFFICER

BYLAW 846/13
Snow & Ice Removal

Appendix "A"
Specified Penalties per Calendar Year

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| 1. Failure to remove snow or ice from Sidewalks Fronting or abutting <u>occupied</u> premises within 24 (twenty four) hours after snow has fallen. | \$100.00 for 1 st Offense
\$200.00 for 2 nd Offense
\$300.00 for 3 rd Offense |
| 2. Failure to remove snow or ice from sidewalk Fronting or abutting <u>unoccupied</u> premises Within 24 (twenty four) hours after snow has fallen. | \$100.00 for 1 st Offense
\$200.00 for 2 nd Offense
\$300.00 for 3 rd Offense |
| 3. Failure to remove snow or ice from sidewalks fronting or abutting sidewalks occupied by more than one family residence within 48 (forty-eight) ours after snow has fallen. | \$100.00 for 1 st Offense
\$200.00 for 2 nd Offense
\$300.00 for 3 rd Offense |
| 4. Failure to ensure snow or ice from an awning, Canopy, marquee or other overhand does not drip upon the sidewalk. | \$100.00 for 1 st Offense
\$200.00 for 2 nd Offense
\$300.00 for 3 rd Offense |
| 5. Failure to ensure that melting snow or ice from an Awning, canopy, marquee or other overhand Does not cause an icy or dangerous situation on the sidewalks. | \$100.00 for 1 st Offense
\$200.00 for 2 nd Offense
\$300.00 for 3 rd Offense |
| 6. Deposit now or ice in such a manner as to block Access to any storm sewer grate, fire hydrant, Curb cut, wheel chair ramp, boulevard or Highway. | \$100.00 for 1 st Offense
\$200.00 for 2 nd Offense
\$300.00 for 3 rd Offense |
| 7. Failure to ensure sidewalk surface is not damaged due to snow clearing from any power device. | \$250.00 |