

TOWN OF BASHAW

BY-LAW NO. 672-04

BYLAW 672-04 BEING A BY-LAW OF THE TOWN OF BASHAW IN THE PROVINCE OF ALBERTA TO REGULATE SNOW, ICE, HAIL, DIRT OR ANY OTHER OBSTRUCTION THAT HAS BEEN DEPOSITED OR FORMED ON SIDEWALKS.

PURSUANT TO THE PROVISIONS OF THE MUNICIPAL GOVERNMENT ACT, CHAPTER M-26, RSA 2000, AND AMMENDMENTS THERETO:

WHEREAS Section 7 (a) of the Municipal Government Act allows a Council to pass By-Laws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS The Town of Bashaw considers it desirous to have clean and safe sidewalks;

NOW THEREFORE The Council of the Town of Bashaw, in the Province of Alberta, duly assembled, Hereby Enacts as Follows:

TITLE

This By-Law may be cited as "The Sidewalk Snow Removal By-Law".

DEFINITIONS

In this By-Law the following definitions shall apply:

- a) "Town" means the Town of Bashaw.
- b) "Council" means the Municipal Council of the Town of Bashaw.
- c) "Enforcement Officer" means a peace officer or any other person appointed by Council to enforce any provision of this By-Law.
- d) "Owner" means any person who has legal title to property, or who possesses property under a purchase agreement, or who has the control or management of the property.
- e) "Occupant" means a person who occupies or has possession of, or the use of, any land or building within the Town.
- f) "Person" includes any association, or body corporate, or company, or partnership, or any individual person.
- g) "Residential Property" means any property, whether occupied or not, that is intended for use as single family residence, duplex, tri-plex, or four-plex.
- h) "Sidewalk" means any hard surfaced path or route intended for use by pedestrians and is situated on Town owned land.
- i) "Street" means and includes any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, or other place owned or maintained by the Town, which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and includes all land from the property line on one side of said place to the property line on the opposite side of said place.
- j) "Roadway" means that part of a street intended for use by vehicular traffic.
- k) "Downtown Commercial Area" means the area enclosed within, and including 49 Street, 48 Avenue, 50 Street and 52 Avenue.

REGULATIONS

1. Every occupant or owner of any property, other than a residential property, that abuts a sidewalk shall, within twenty-four (24) hours (excluding Sundays and Holidays) after a deposit or obstruction has formed, remove all snow, ice, hail, dirt or any other obstruction from any sidewalk that fronts or flanks the said property.
2. Every occupant or owner of any residential property, that abuts a sidewalk shall, within seventy-two (72) hours (excluding Sundays and Holidays) after

deposit or obstruction has formed, remove all snow, ice, hail, dirt or any other obstruction from any sidewalk that fronts or flanks the said property.

3. Notwithstanding Paragraph 2, owners of vacant residential land in areas of residential subdivisions which are not substantially developed, are not required to clear snow.
4. Every occupant or owner of any building abutting on or erected within three (3) meters of any street or public place shall, whenever snow or ice shall accumulate on the roof, eaves or awning extending from a portion of such building to an extent that a danger is created to pedestrians passing, cause the same to be removed at once, and every person while removing the same shall take due and proper care and precaution for the warning and safety of pedestrians passing.
5. The Town of Bashaw will not be required to clear snow from any trail system within the municipality.
6. No person shall cause damage to any sidewalk by pounding, hammering, picking, striking, cutting or chiseling, or depositing any chemical or other substance thereon, whether or not such person is engaged in removing snow, ice, hail, dirt or any other obstruction from such sidewalk.
7. No person shall deposit, or in any way cause to be deposited upon any public sidewalk or roadway, any snow, ice, hail, dirt or any other obstruction.
8. Notwithstanding Paragraph 7, the downtown commercial area may, if done so within twenty-four (24) hours after a deposit or obstruction has formed, and if the street has not yet been cleared by the Town, deposit all snow, ice, hail, dirt or any other obstruction from any public sidewalk onto the adjacent street.
9. No person shall deposit, or in any way cause to be deposited, any snow, ice hail, dirt or any other obstruction upon any drainage ditch, culvert end, or catch basin.
10. No person shall deposit or in any way cause to be deposited, any snow, ice, hail, dirt or any other obstruction on any fire hydrant or on the area adjacent to a fire hydrant which in any way blocks access to, or prevents operation of, or restricts visibility of the hydrant.
11. An Enforcement Officer may issue a Notice requiring the owner and/or occupant of a property in the Town to remedy, within twenty-four (24) hours, any condition which in his opinion, is in contravention of this By-Law, and every person who fails or neglects or refuses to comply with a Notice issued herein is guilty of an offence under this By-Law.
12. In the event that any person who has been issued with a Notice to remedy a condition that is deemed to be in contravention of this By-Law, fails or neglects or refuses to comply with such Notice, the Enforcement Officer may cause such work to be done as he considers necessary, and
 - (a) charge the cost to the owner or occupant as a debt due and owing to the Town
 - (b) charge the cost against the property as a special assessment to be recovered in like manner as and with other taxes
13. Any person who contravenes any provision of this By-law is guilty of an offense and shall be liable on summary conviction to a fine(s) as outlined in Schedule "A".
14. By-Law 23-47 is hereby repealed.
15. This By-Law shall come into full force and effect on the day it is finally passed by Council.

READ a First time this _____ day
of _____ 2004.

MAYOR

READ a Second time this _____ day
of _____ 2004.

TOWN MANAGER

READ a THIRD time and finally
passed this _____ day
of _____ 2004.

SCHEDULE "A"

Fine Schedule for By-law

- a) Not less than \$50.00 for first offence
- b) \$100.00 for second offence
- c) \$150.00 for third offence

All occurring within the same calendar year.