

BYLAW 36-2013

A BYLAW OF STRATHCONA COUNTY IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING THE REMOVAL OF SNOW AND ICE FROM SIDEWALKS WITHIN THE COUNTY

WHEREAS pursuant to the Municipal Government Act, RSA 2000, c. M-26 Council may, by bylaw, require the clearing of snow and ice; and

WHEREAS pursuant to Municipal Government Act, RSA 2000, c. M-26 Council may add unpaid expenses and costs incurred by the municipality for removing snow and ice to the tax roll of a parcel of land; and

WHEREAS the Council of Strathcona County considers it necessary and expedient to keep the Sidewalks within the Urban Service Area of Strathcona County free and clear from deposits of snow and ice;

NOW THEREFORE the Council of Strathcona County, duly assembled, enacts as follows:

SECTION 1 – SHORT TITLE

1.1 This Bylaw may be cited as Strathcona County's "Sidewalk Clearing Bylaw".

SECTION 2 – DEFINITIONS

2.1 "Council" means the Council of Strathcona County of the Province of Alberta.

2.2 "County" means Strathcona County in the Province of Alberta.

2.3 "Director" means the Director, Transportation and Agriculture Services.

2.4 "Non-Slip Material" means a non corrosive/salt free material such as sand or winter chips applied to a sidewalk to maximize traction.

2.5 "Notice" means a notice issued under this Bylaw in a form approved by the Director.

2.6 "Owner" means any Person having a legal or equitable interest in any Parcel and includes any resident, tenant or occupier of such Parcel.

2.7 "Parcel" means any lot or block shown on a plan of subdivision registered in a land titles office.

2.8 "Peace Officer" means a Peace Officer appointed by the County to do any act, perform any duty, and enforce any provision outlined in any County Bylaw, and includes a member of the Royal Canadian Mounted Police or a Bylaw Enforcement Officer.

- 2.9 "Person" includes one or more individuals, other than the Municipality or its legal representatives, and specifically includes the Owner of the Parcel that is found to contain Foreign Matter.
- 2.10 "Sidewalk" means that part of a Highway especially adapted to the use of pedestrians along the frontage of a Parcel, or where it is a corner site, that portion along the frontage and that portion along the side of a Parcel.
- 2.11 "Urban Service Area" means the boundaries of the Hamlet of Sherwood Park, as designated in Ministerial Order 700/84 as amended or repealed and replaced from time to time.
- 2.12 "Violation Tag" means a tag or similar document issued by the County.
- 2.13 "Violation Ticket" means a ticket or similar document issued by the County.

SECTION 3 – APPLICATION OF BYLAW

- 3.1 All Owners of a Parcel in the Urban Service Area shall be responsible to remove all snow and ice from any Sidewalk along the frontage and/or side of the Parcel within 8 days following the initial deposit.
- 3.2 Where an Owner is unable to remove all ice as per Section 3.1, the Owner shall apply a Non-Slip Material to the extent that walking is safe and traction is maximized.
- 3.3 Where an Owner fails to comply with Section 3.1 or 3.2, the County may issue a Notice directing the Owner of a Parcel to clear snow and ice from any Sidewalk or apply Non-slip Material to any Sidewalk; along the frontage and/or side of the Parcel within 24 hours.
- 3.4 Where an Owner fails to comply with a Notice issued pursuant to Section 3.3, the County may cause the snow and ice to be removed and/or Non-Slip Material applied to such Sidewalk; and afterwards, add the cost of remedial work (plus 50% administration fee) to the tax roll of the said Parcel.
- 3.5 For the purpose of Section 3.1, snow and ice will be considered removed when the Sidewalk is cleaned for the entire width of the Sidewalk surface as completely as reasonably possible.
- 3.6 The provisions of this Bylaw shall not apply to any agents, employees or contractors of the County in the performance of their assigned duties.
- 3.7 In the event of an unforeseen climatic condition that creates a problem for residents in keeping their sidewalks clean, the Director of Transportation and Agriculture Services is authorized to suspend the enforcement of this Bylaw.

SECTION 4 – OFFENCES AND PENALTIES

- 4.1 For the purposes of this Bylaw a Notice issued under Section 3.3 shall be deemed delivered:
- (a) either leaving the Notice with an adult person residing in the home; or
 - (b) Posting the Notice at the front door in a prominent location
- 4.2 Under no circumstances shall any Person contravening any provision of this Bylaw be subject to a penalty of imprisonment.
- 4.3 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 4.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by a Peace Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 4.5 A Violation Tag may be issued to such Person:
- (a) either personally, or
 - (b) by mailing a copy to such Person at his last known post office address.
- 4.6 The Violation Tag shall be in a form approved by the County and shall state:
- (a) the name of the Person;
 - (b) the offence;
 - (c) the appropriate penalty for the offence as set out in this Bylaw;
 - (d) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
 - (e) any other information as may be required by the County.
- 4.7 Where a Violation Tag is used pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the County the penalty specified on the Violation Tag.
- 4.8 Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket for the mandatory Court appearance of any Person who contravenes any provision of this Bylaw.

SECTION 5 – VIOLATION TICKET

- 5.1 If the penalty specified on a Violation Tag is not paid within the prescribed time period, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c. P-34.
- 5.2 Notwithstanding Section 4.3 of this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c. P-34, as amended, to any Person who the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

SECTION 6 – SEVERABILITY PROVISION

- 6.1 Should any provision of this Bylaw be invalid, then such provision shall be severed and the remaining Bylaw shall be maintained.

SECTION 7 – EFFECTIVE DATE

- 7.1 This Bylaw takes effect on October 1, 2013.

READ a first time this 25th day of June, 2013

READ a second time this 25th day of June, 2013

READ a third time and finally passed this 25th day of June, 2013

MAYOR

DIRECTOR
LEGISLATIVE & LEGAL SERVICES

August 12, 2013
DATE SIGNED

SCHEDULE "A"

SECTION	OFFENCE	PENALTY
3.1	Failure to remove snow and Ice from a Sidewalk within 8 days	\$100.00
3.2	Failure to apply a Non-Slip Material	\$100.00