

BYLAW 1-2022 SIDEWALK CLEARING BYLAW

Section 7 of the Municipal Government Act permits Council to pass bylaws for municipal purposes in relation to the safety, health and welfare of people and the protection of people and property, and to create offences and impose fines and penalties; and

Section 8 of the Municipal Government Act permits Council to regulate or prohibit particular activities, industries, businesses, or other things; and

Section 3(c) of the Municipal Government Act states that the development and maintenance of safe and viable communities is one of the purposes of a municipality; and

Section 542 of the Municipal Government Act allows a designated officer of a municipality to enter land, buildings, and structures in order to carry out an inspection, enforcement, or action authorized or required by a bylaw;

Section 553(1)(g.1) of the Municipal Government Act allows a municipality to add its unpaid costs, for clearing snow and ice from sidewalks adjacent to a parcel, to that parcel's tax roll;

Therefore Council enacts:

PART I – PURPOSE, DEFINITIONS, AND INTERPRETATION

Purpose

- 1 The purpose of this bylaw is to:
 - (a) ensure snow and ice is removed from sidewalks in a timely manner; and
 - (b) to ensure sidewalks are safe for pedestrian use within a reasonable time.

Definitions

- 2 In this bylaw:
 - (a) "bylaw enforcement officer" means an individual appointed or authorized by the Chief Commissioner to enforce County bylaws, including a peace officer and a police officer;
 - (b) "Chief Commissioner" means the chief administrative officer of the County or delegate;
 - (c) "County" means the municipal corporation of Strathcona County, a specialized municipality established under the authority of the *Municipal Government Act*, RSA 2000, c M-26 and Order in Council 761/95, or the municipal boundaries of Strathcona County, as the context requires;
 - (d) "hamlet" means an unincorporated community in the County that has been designated by Council as a hamlet, in accordance with the Municipal Government Act;
 - (e) "Municipal Government Act" means the *Municipal Government Act*, RSA 2000, c M-26;

- (f) "owner" means any one or more of:
 - (i) a person who legally or beneficially owns or claims a proprietary interest in a property or a parcel of land;
 - (ii) a person who is entitled to use or occupy a property or a parcel of land, including a leaseholder and a licensee; or
 - (iii) a person that is the owner of a property, parcel of land, or estate in land pursuant to any bylaw or legislation, including the *Land Titles Act*, RSA 2000, c L-4;
- (g) "peace officer" means an individual appointed by the province of Alberta under the authority of the *Peace Officer Act*, SA 2006, c P-3.5, as a peace officer, and with the authority to enforce this bylaw, and includes a police officer;
- (h) "Provincial Offences Procedure Act" means the *Provincial Offences Procedure Act*, RSA 2000, c P-34;
- (i) "sidewalk" means that part of a highway especially adapted to the use of pedestrians along the front yard of a parcel of land, or where it is a corner parcel, that portion along the front yard and that portion along the side of the parcel; and
- (j) "urban service area" means the territory described as the Sherwood Park Urban Service Area in Order in Council No. 761/95 as amended or repealed and replaced from time to time or as the boundary of such territory is amended by Strathcona County Council from time to time.

Interpretation

- 3 The following rules apply to interpretation of this bylaw:
 - (a) The word "including" means "including, but not limited to";
 - (b) Where specific examples are provided in support of a general term, the specific examples should not be construed as limiting the generality of the general term;
 - (c) Margin notes in this bylaw are for ease of reference only;
 - (d) Headings, titles, and preambles in this bylaw are intended to assist in the interpretation of this bylaw;
 - (e) References to one gender includes all genders, and the singular includes the plural as the context requires;
 - (f) Every provision of this bylaw is independent of all other provisions, and if any provision of this bylaw is declared invalid by a Court, all other provisions of this bylaw remain valid and enforceable;
 - (g) References to bylaws and enactments in this bylaw include amendments and replacement bylaws and enactments, and regulations and orders thereunder.

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| Application | <p>4 This bylaw applies to all properties in the County that:</p> <p style="margin-left: 40px;">(a) are in the urban service area or a hamlet; and</p> <p style="margin-left: 40px;">(b) have a sidewalk adjacent to the front or side of the property.</p> <p>5 The provisions of this bylaw do not apply to the County, or to sidewalks adjacent to County properties.</p> <p>6 Nothing in this bylaw relieves a person from the obligation to comply with a provision of any other bylaw or enactment, or the requirements of a permit, order, or license issued under another bylaw or enactment.</p> |
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PART II – SIDEWALK CLEARING REQUIREMENTS

Sidewalk Clearing

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| Clearing Sidewalks | <p>27 (1) The owner of a property must remove all snow and ice from every sidewalk along the front yard and side yard of the property within 48 hours following the snow or ice deposit.</p> |
| Non-slip Material | <p>(2) If an owner is unable to remove all snow and ice from a sidewalk as required by subsection (1), the owner shall apply a non-slip material that maximizes traction and renders the sidewalk safe for pedestrian use.</p> <p>(3) If an owner applies a non-slip material to a sidewalk, the owner must remove all snow and ice from every sidewalk along the front yard and side yard of the property within 96 hours following the snow or ice deposit.</p> |
| Criteria | <p>28 A sidewalk is considered to have been cleared when the sidewalk is clear for the entire length and width of its surface, as much as is reasonably possible.</p> |
| Authority to Increase Days | <p>29 In the event of a weather event that results in a large accumulation of snow or ice in a short period of time, the Chief Commissioner is authorized to increase the time allowed for removal of snow and ice or application of non-slip material.</p> <p>30 The Chief Commissioner is authorized to increase the time allowed for removal of snow and ice or application of non-slip material if the owner of the property is participating in a snow-clearing program authorized by the Chief Commissioner.</p> |

Notice to Clear Sidewalks

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| Order to Clear Sidewalk | <p>31 If an owner fails to comply with the requirements of this bylaw, the Chief Commissioner may issue a notice directing the owner to comply within any period directed by the Chief Commissioner, but not less than 24 hours.</p> |
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- 32 The notice must state that if the owner does not comply with this bylaw, the County may take action to remove ice and snow from the sidewalk or apply non-slip material to the sidewalk, at the owner's expense.
- County May Remove Snow and Ice 33 (1) If an owner fails to comply with a notice issued under this bylaw, the County may, without further notice to the owner:
- (a) remove any ice and snow from the sidewalk; or
 - (b) apply a non-slip material to the sidewalk; or
 - (c) remove any ice and snow and apply a non-slip material to the sidewalk.
- (2) The cost of any actions taken by the County under this section are a debt owing to the County and may be added to the property's tax roll.
- Notice 34 When a notice must be provided under this bylaw, it may be served:
- (a) by delivering it personally to the owner;
 - (b) by leaving it with an individual at the property who appears to be at least 18 years of age;
 - (c) by mail addressed to the owner at any address for the owner on the tax roll of the County or at the Land Titles Registry; or
 - (d) in the case of a property owned by a corporation, by mail addressed to the registered office of the corporation.

PART III – ENFORCEMENT

- Offences 35 A person who fails to comply with a provision of this bylaw is guilty of an offence.
- Continuing Offences 36 If an offence is of a continuing nature, each day or part thereof that a person fails to comply with the requirements of this bylaw constitutes a new offence.
- Burden of Proof 37 The burden of proving that an exception applies in a particular case is on the person alleging the exception, on a balance of probabilities.
- Obstruction 38 Any person who interferes with or obstructs a bylaw enforcement officer in the execution of the bylaw enforcement officer's duties under this bylaw is guilty of an offence.
- False Information 39 Any person who provides false information to a bylaw enforcement officer is guilty of an offence.

Enforcement
Measures

40 Nothing in this bylaw precludes a bylaw enforcement officer or a peace officer from taking any enforcement measure available in another bylaw or enactment, in addition to issuing a municipal tag or violation ticket for an offence.

41 A bylaw enforcement officer is a designated officer of the municipality with the power to conduct inspections, take enforcement action, and order any person to remedy a contravention pursuant to the Municipal Government Act, or as provided for and in accordance with any enactment or bylaw.

Municipal Tag

42 A bylaw enforcement officer may issue and serve a municipal tag on any person the officer has reasonable and probable grounds to believe has contravened a provision of this bylaw by:

- (a) personally serving the municipal tag on the person; or
- (b) mailing a copy of the municipal tag by pre-paid post to the address provided by a person on a permit application, or to the person's last known postal address.

43 A municipal tag shall be in a form approved by the Chief Commissioner and shall state:

- (a) the name of the person to whom the municipal tag is issued;
- (b) the particulars of the contravention of the bylaw;
- (c) the specified penalty for the offence as set out in Schedule A;
- (d) that the specified penalty must be paid within thirty (30) days of the issuance of the municipal tag in order to avoid prosecution; and
- (e) any other information as may be required by the Chief Commissioner.

Violation Ticket

44 If a municipal tag has been issued and the specified penalty on the municipal tag has not been paid within the prescribed time, a peace officer may issue a violation ticket to the person to whom the municipal tag was issued.

45 (1) A peace officer may, in the officer's sole discretion, elect to issue and serve a violation ticket without first issuing a municipal tag.

(2) A peace officer is authorized to issue a violation ticket to any person the peace officer believes on reasonable and probable grounds has committed an offence under this bylaw.

46 If a violation ticket is issued it must be in the prescribed form and must:

- (a) state the specified penalty for the offence as set out in Schedule A of this bylaw; or
- (b) require the person to appear in Provincial Court with or without the alternative of making a voluntary payment.

Penalties

47 Any person guilty of an offence under this bylaw is liable on summary conviction to a penalty in an amount not less than the amount specified in Schedule A of this bylaw, or if not prescribed in Schedule A, not more than \$10,000, and any other penalties as may be prescribed in default of payment in relation to proceedings taken under the Provincial Offences Procedure Act.

PART IV – DECISIONS AND APPEALS

Decisions

- 48 The following matters are within the Chief Commissioner's discretion, subject to any appeal or review provided for in this bylaw or to a court:
- (a) to increase the time allowed for removal of snow and ice, or to apply non-slip material; and
 - (b) to approve snow-clearing programs.

PART V – TRANSITIONAL

Repeal

49 Bylaw 36-2013 is repealed.

FIRST READING: _____

SECOND READING: _____

THIRD READING: _____

SIGNED THIS ____ day of _____, 20____.

MAYOR

DIRECTOR, LEGISLATIVE AND LEGAL
SERVICES

**SCHEDULE A
BYLAW 1-2022
SIDEWALK CLEARING BYLAW
SPECIFIED PENALTIES**

Section	Offence	Municipal Tag	Violation Ticket		
			First Offence	Second Offence Within two year period	Third or more Offences Within two year period
27(1)-(2)	Fail to clear snow and ice from sidewalk or apply non-slip material within 48 hours	\$75	\$100	\$200	\$400
27(3)	Fail to clear snow and ice from sidewalk within 96 hours	\$75	\$100	\$200	\$400
38	Interfere with or obstruct a peace officer	\$500	\$500	\$1000	\$2000
39	Provide false information to a peace officer	\$500	\$500	\$1000	\$2000