

## BYLAW NO. 1098/09

A BYLAW OF LACOMBE COUNTY, IN THE PROVINCE OF ALBERTA,  
TO ESTABLISH REGULATIONS FOR THE REMOVAL OF SNOW, ICE, DIRT, DEBRIS  
OR OTHER MATERIALS FROM SIDEWALKS AND HIGHWAYS

WHEREAS, pursuant to the provisions of the *Municipal Government Act*, Revised Statutes of Alberta, 2000, Chapter M-26, the Council may pass a bylaw to regulate the removal of snow, ice, dirt and debris from sidewalks;

NOW THEREFORE, the Council of Lacombe County, in the province of Alberta, duly assembled hereby enacts as follows:

### 1. Definitions:

- 1.1. "COUNTY COMMISSIONER" means the Chief Administrative Officer appointed for Lacombe County or his designate.
- 1.2. "HIGHWAY" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway 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 and includes
  - (a) sidewalk, including a boulevard adjacent to the sidewalk,
  - (b) if a ditch lies adjacent to and parallel with the roadway, the ditch, and
  - (c) if a highway right-of-way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be, but does not include a place declared by regulation not to be a highway.
- 1.3. "OCCUPANT" with respect to a parcel of land, means that person leasing, renting, occupying or otherwise claiming control and possession of the subject parcel.
- 1.4. "OWNER", with respect to a parcel of land, means that person, firm or corporation registered on the tax roll of Lacombe County as the person.
- 1.5. "SIDEWALK" means that part of a highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a highway between the curb line and the adjacent property line, where that part of the highway has been improved by means of any cement, asphalt, or similar material.
- 1.6. A defined term within this bylaw shall also include, without special mention, the plural of that defined term, and the plural form shall have the same defined meaning as for the singular version of that term.

### 2 Snow and Ice:

- 2.1 Within the Hamlet of Mirror the Owner, or where the person or persons in occupancy is not the Owner, the Owner and Occupant of a parcel of land abutting a Sidewalk, shall remove or cause to be removed and cleared away from that portion the Sidewalk immediately adjacent to the subject lands, all snow and ice, within forty-eight (48) hours of the time when the snow and ice was formed or deposited thereon.
- 2.2 Where a person responsible for removal of snow and ice pursuant to Section 2.1 fails to comply within the time limit set out, in addition to any other remedy available to the County for non-compliance with this bylaw, the County may arrange to have the sidewalk cleared by means of County employees or contractors and any cost thereof shall be paid to the County by the Owner, Occupant or each or any of them upon demand.

- 2.3 Where the costs incurred by the County pursuant to section 2.2 are not remitted upon demand Council may, by resolution, direct that the costs incurred be added to the tax roll for the subject lands pursuant to section 553 of the *Municipal Government Act*, RSA 2000, c. M-26, as amended or repealed and replaced from time to time.
- 2.4 Every Owner, or where the person or persons in occupancy is not the Owner, the Owner and Occupant of any structure abutting or within three (3) meters of any Highway, Sidewalk or other public place shall, whenever snow or ice accumulate on the roof, eaves or awnings of the structure to an extent that a danger is created to persons passing that structure, cause that snow and ice to be removed.
- 2.5 Where snow or ice is being removed from a structure in accordance with section 2.4, the Owner or Occupant, and any other person responsible for the removal of that snow and ice, shall take due and proper care and precautions for the warning and safety of persons passing the structure while the snow and ice is being removed.
- 2.6 No person shall remove snow or ice from any Sidewalk, roof, eaves or awning by causing such material to be placed upon any other portion of a Highway, Sidewalk other public place, or onto other private property without the express consent of the Owner or Occupant of that private property.

3 Dirt, Debris and other Materials:

- 3.1 Within the Hamlet of Mirror any person that deposits or causes or contributes to the depositing of dirt, debris, mud, construction material or any other substance likely to create an obstacle or hazard upon the Sidewalk or Highway, shall immediately remove or cause to be removed the deposited material from the Sidewalk or Highway.
- 3.2 No person shall remove dirt, debris, mud, construction material or any other substance likely to create an obstacle or hazard from any Sidewalk or Highway by causing such material to be placed upon any other portion of a Highway, Sidewalk other public place, or onto other private property without the express consent of the Owner or Occupant of that private property.

4 Contraventions and Enforcement:

- 4.1 Any person who contravenes any provision of this bylaw is guilty of an offence and shall be liable upon summary conviction, to a fine as set out at Schedule A of this Bylaw;

5 Violation Tags:

- 5.1 The County Commissioner or designate is hereby authorized and empowered to issue a Violation Tag to any person, whom the County Commissioner has reasonable grounds to believe has contravened any provision of this Bylaw.
- 5.2 A Violation Tag may be issued to such person:
- (a) personally;
  - (b) by registered mail sent to the postal address of the person, as shown on the Tax Assessment Roll or on the Certificate of Title for the property; or
  - (c) by leaving it with a person apparently over eighteen (18) years of age at the place of residency of the person to whom the Violation Tag is addressed.
- 5.3 The Violation Tag shall be in a form approved by the County Commissioner and shall state:
- 5.3.1 the name of the person to whom the Violation Tag is issued;
  - 5.3.2 a description of the offence and the applicable Bylaw section;
  - 5.3.3 the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
  - 5.3.4 that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag in order to avoid prosecution; and



5.3.5 any other information as may be required by the County Commissioner.

5.4 Where a Violation Tag has been issued pursuant to this Bylaw, the person to whom a Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the County Office the penalty specified on the Violation Tag;

6 Violation Tickets:

- 6.1 In the event that a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, the County Commissioner may issue a Violation Ticket, pursuant to Part 2 of the *Provincial Offences Procedure Act*, to the person to whom the Violation Tag was issued.
- 6.2 Notwithstanding Section 6.1, the County Commissioner or designate may immediately issue a Violation Ticket to any person whom the County Commissioner has reasonable grounds to believe has contravened any provision of this Bylaw.
- 6.3 A Violation Ticket issued with respect to a violation of this Bylaw shall be served upon the person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- 6.4 The person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided by this Bylaw.
- 6.5 When a clerk records in the Court records the receipt of a voluntary payment pursuant to Section 6.4 and the *Provincial Offences Procedure Act*, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the specified penalty.

7 General:

- 7.1 This bylaw shall be in effect on the date of the final passing thereof.
- 7.2 This bylaw rescinds Bylaw #6-2001.

Read a first time this 27<sup>th</sup> day of August 2009.

Read a second time this 27<sup>th</sup> day of August 2009.

Read a third and final time this 27<sup>th</sup> day of August 2009.

  
Terry Engen  
Reeve

  
Terry Hager  
County Commissioner

**SCHEDULE "A"**  
**PENALTIES**

With respect to any contravention of a provision of this Bylaw, upon summary conviction the Penalty shall be no less and no more than the amounts specified below:

First offence: \$ 50.00

Second offence within one year of commission of first offence: \$ 100.00

Any subsequent offence within one year of prior offence: \$ 100.00