

Bylaw 459-11

A BYLAW OF THE VILLAGE OF HEISLER, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REMOVAL OF SNOW, ICE, DIRT, DEBRIS OR OTHER MATERIAL FROM SIDEWALKS IN CERTAIN AREAS

WHEREAS The Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26.1 with amendments authorizes the Council of a municipality to pass by-laws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property.

AND WHEREAS Council deems it expedient that all snow be cleared away from sidewalks situated on Village owned property by the owners or occupants of land adjoining said property

NOW THEREFORE, The Municipal Council of the Village of Heisler, in the Province of Alberta, duly assembled hereby enacts as follows:

PART I **DEFINITIONS**

1. This Bylaw is known as the Snow Removal Bylaw.
2. Definitions
 - 2.1 COUNCIL means the Municipal Council of the Village of Heisler.
 - 2.2 ENFORCEMENT OFFICER means a peace officer or any person appointed by Council to enforce any provision of this Bylaw.
 - 2.3 OCCUPANT means a person who occupies or has possession of, or the use of, any land or building within the Village,
 - 2.4 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 property,
 - 2.5 PERSON includes any association or body corporate or company or partnership or any individual person.
 - 2.6 RESIDENTIAL PROPERTY means any property, whether occupied or not, that is defined as an R1 or R2 through the Village of Heisler Land Use Bylaw (Bylaw 452-11)
 - 2.7 ROADWAY means that part of a street intended for use by vehicular traffic.
 - 2.8 SIDEWALKS means any hard surfaced path or route intended for use by pedestrians and is situated on Village owned land.

2.9 STREET means and includes any thoroughfare, street road, trail, avenue, parkway, driveway, viaduct, lane, alley or other place owned or maintained by the Village, which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes all the land from the property line on one side or said places to the property line on the opposite side of said place.

2.10 VILLAGE means the Village of Heisler

PART II **OWNER, OCCUPANT AND/OR PERSON(S) OBLIGATIONS**

3. All owners of property shall be responsible for removal from their sidewalk any snow, ice, dirt, debris or other material.

3.1 Every occupant or owner of any property, other than a residential property shall within twenty-four (24) hours (**excluding Sundays and holidays**) after the cessation of a snowfall, remove all snow and ice from any sidewalk adjacent to said property.

3.2 Every occupant or owner of any residential property shall within seventy-two (72) hours (**excluding Sundays and holidays**) after the cessation of a snowfall, remove all snow and ice from any sidewalk adjacent to the said property.

3.3 No people shall deposit or in any way cause to be deposited upon any public sidewalk, roadway or street, any snow or ice or dirt.

3.4 Notwithstanding Section 3.3 of this Bylaw, snow and ice from public sidewalks may be deposited onto the adjacent street if done so within twenty-four (24) hours of cessation of snowfall, and/or if the street has not yet been cleared.

3.5 No person shall deposit or in any way causes to be deposited any snow or ice upon any drainage ditch culvert end or catch basin.

3.6 No person shall deposit or in any way cause to be deposited any snow or ice 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 the visibility of the hydrant.

3.7 No person shall cause damage to any sidewalk by pounding, hammering, picking or chiseling or depositing any chemical or other substance thereon.

PART III **VILLAGE OBLIGATIONS**

4. The Village shall be responsible for removal of snow off roadways and streets within the Village

4.1 The Village will not be required to clear snow from walkways or walking path if in the opinion of the Chief Administrative Officer, the walkway or walking path is:

- 4.1.1 in a remote area
- 4.1.2 Is in an area where it would not be used
- 4.1.3 Is in an area where there would be little use, and there is an alternate sidewalk
- 4.1.4 If there is other snow removal priorities within the Village.

4.2 The Village is not required to remove any snow that may be pushed on a sidewalk or driveway during the Villages snow removal practices.

PART IV PENALTIES AND ENFORCEMENT

- 5. An Enforcement Officer may issue a Bylaw Violation Tag requiring the owner and/or occupant of any property in the Village to remedy, within twenty four (24) hours any condition which in there opinion, is in contravention of this bylaw and every person who fails or neglects or refuses to comply with a Bylaw Violation Tag issued herein is guilty of an offence under this bylaw.
- 6. Failure to comply with this bylaw shall constitute a breach of the bylaw:

5.1	First Offense	Written Warning shall be issued
5.2	Second Offences	\$50 fine
5.3	Third and Subsequent Offences	\$100 fine
- 7. In the event of any person failing to comply with this bylaw, the Village of Heisler may carry out the removal of snow, ice, dirt, debris or other material or contract out the removal with all costs involved being charged to the owner of the said property.

PART V EFFECTIVE DATE

- 8. With the passing of this Bylaw, Bylaw 262-94 is hereby repealed.
- 9. This bylaw shall take effect on the date of the third and final reading

READ a first time this 27th day of September, 2011.

READ a second time this 27th day of September, 2011.

Given Unanimously consent for third and final reading this 27th day of September, 2011.

READ a third and final time this 27th day of September, 2011.

X

Sean Maciborski
Mayor

X

Brenda Loesch
CAO