

A BYLAW OF THE VILLAGE OF HAY LAKES IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE REMOVAL OF SNOW AND OTHER OBSTRUCTIONS FROM SIDEWALKS IN THE VILLAGE OF HAY LAKES.

WHEREAS The Municipal Government Act, R.S.A. 2000, Chapter M-26-1, as amended grants a Council of a municipality the ability to pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property.

AND WHEREAS it is deemed expedient by the Council of the Village of Hay Lakes that all snow be cleared away from sidewalks situated on City owned property by the owners or occupants of land adjoining said property;

NOW THEREFORE, the Council of the Village of Hay Lakes, in the Province of Alberta duly assembled, hereby enacts as follows:

- 1) This Bylaw may be cited as “The Snow Removal By-Law”.
- 2) In this Bylaw:
 - a) “Village” means the Village of Hay Lakes.
 - b) “Council” means the Municipal Council of the Village of Hay Lakes.
 - c) “Downtown Commercial Area” is the area enclosed within and including Main Street, between Railway Avenue and 4th Avenue
 - d) “Enforcement Officer” means a peace officer or any person appointed by Council to enforce any provision of this By-Law.
 - e) “Occupant” means any person occupying any property, whether he is the owner or lessee of such property or whether such person resides thereon or conducts a business thereon.
 - f) “Owner” means a person having title to, or legal possession of any property, or who possesses property under a purchase agreement or who has the control or management of property.
 - g) “Person” includes any association, or body corporate, or company or partnership or any individual person.
 - h) “Residential Property” means any property, whether occupied or not, that is intended for use as single family residence or duplex.
 - i) “Roadway” means that part of a street intended for use by vehicular traffic.
 - j) “Sidewalk” means any hard surfaced path or route intended for use by pedestrians and is situated on City owned land.
 - k) “Street” means and includes any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley or other place owned or maintained by the City, 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 of said place to the property line on the opposite side of said place.
 - l) “Walkway” is a sidewalk extending between two residential properties.
3. 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 the said property.
4. 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.
5. Notwithstanding Paragraph 4, where residential properties have both front and rear sidewalks and there is a continuous and uninterrupted fence along the rear of the properties, the owners or occupants are not required to remove snow from the rear sidewalk.

6. Notwithstanding Paragraph 5, owners of vacant residential land in areas of residential subdivisions which are not substantially developed, are not required to clear snow.
7. The Village of Hay Lakes will not be required to clear snow from the Village Public sidewalks adjacent to parks or road right-of-ways or at the rear of properties described in paragraph 5, if in the opinion of Public Works, the sidewalk is
 - a) in a remote area, or
 - b) is in an area where it would not be used, or
 - c) is in an area where there would be little use, and there is an alternate sidewalk readily available.
8. The Village of Hay Lakes will not be required to clear snow from walkways if in the opinion of the Superintendent of Public Works, the walkway is:
 - a) in a remote area, or
 - b) is in an area where it would not be used, or
 - c) the walkway leads to an open field which is not cleared of snow.
9. No person shall cause damage to any sidewalk by pounding, hammering, picking or chiseling, or depositing any chemical or other substance thereon.
10. No person shall deposit, or in any way cause to be deposited upon any public sidewalk or roadway, any snow or ice or dirt.
11. Notwithstanding Paragraph 10 of this bylaw, snow and ice from public sidewalks in the downtown commercial area may be deposited onto the adjacent street if done so within twenty four hours of cessation of snowfall, and if the street has not yet been cleared by the Village.
12. No person shall deposit, or in any way cause to be deposited, any snow or ice upon any drainage ditch, culvert end, or catch basin.
13. No person shall deposit or in any way cause to be deposited, any snow or ice upon any fire hydrant or in the area adjacent to a fire hydrant which in any way blocks access to, or prevents operation of, or restricts visibility of the hydrant.
14. An Enforcement Officer may issue a Notice requiring the owner and/or occupant of any property in the Village 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.
15. 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 Village, or
 - b) charge the cost against the property as a special assessment to be recovered in like manner as and with other taxes
16. 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 of not less than \$50.00 for the first offense, and \$100.00 for the second and subsequent offences.
17. Notwithstanding any other provisions for penalties in this By-Law, an Enforcement Officer may, in lieu of laying an information in respect to the alleged breach, issue a Voluntary Penalty Ticket to the accused and the accused may, within ten (10) days of the issuance of such ticket,

pay to the Village a monetary penalty in the same amount as the amount of the minimum fine that may be imposed by the Court for such breach.

18. This By-Law shall come into full force and effect on the day it is finally passed by Council.

READ A FIRST TIME IN COUNCIL THIS 17th DAY OF December, AD 2007.

READ A SECOND TIME IN COUNCIL THIS DAY OF January, AD 2008.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS DAY OF January, AD 2008.

MAYOR

Date Signed

MUNICIPAL ADMINISTRATOR