

BEING A BY-LAW OF THE VILLAGE OF CLYDE  
IN THE PROVINCE OF ALBERTA FOR  
THE PURPOSE OF CONTROLLING THE  
REMOVAL OF SNOW AND ICE

WHEREAS under the provisions of Section 7, Municipal Government Act, Chapter M-26, R.S.A. 2000, and amendments thereto, the Council may pass a Bylaw for the purposes of safety, health and welfare of people and the protection of people and property;

WHEREAS the Village of Clyde deems it necessary to control the removal of snow, ice, dirt, debris, and other obstructions.

NOW THEREFORE, the Village of Clyde enacts as follows:

SECTION 1 – SHORT TITLE

- 1.1 This Bylaw may be cited as the “Snow Removal Bylaw”.
- 1.2 Where the provisions of this Bylaw conflict with the provision of any other Bylaw of the Village of Clyde, this Bylaw shall prevail.

SECTION 2 - DEFINITIONS

- 2.1 “Alley” means a narrow roadway providing and offering access to the rear of buildings and parcels of land
- 2.2 “Catch Basin” means a receptacle at the entrance to a storm sewer designed to keep out large or obstructive matter; a reservoir for collecting surface drainage or runoff.
- 2.3 “Culvert” means a sewer or drain crossing under a road or embankment.
- 2.4 “Drainage Ditch” means a ditch for carrying of excess surface drainage runoff.
- 2.5 “Bylaw Enforcement Officer” means a Person appointed by Council pursuant to the *Municipal Government Act* and includes a member of the Royal Canadian Mounted Police, and when authorized a Community Peace Officer.
- 2.6 “Highway” in accordance with the *Traffic Safety Act* means any thorough fare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle, or other place or any part of them whether publicly or privately owned, that the public is ordinarily entitle or permitted to use for the passage or parking vehicles.

- 2.7 "Occupant" means a Person who occupies; has possession of; use of; control of, any land or building.
- 2.8 "Owner" means any person registered as the Owner of a property pursuant to the provision of the *Land Titles Act* (Alberta) and shall include a person who is purchasing a property under an Agreement for Sale.
- 2.9 "Person" means in individual, firm, corporation, partnership, trustee, Owner, Occupier, lessee or tenant.
- 2.10 "Sidewalk" means that portion of street set aside for the use of an ordinarily used by pedestrians, whether or not the surface of such portion is covered with gravel, concrete asphalt or other type of paving material.
- 2.11 "Village" means the Village of Clyde, its employees, or its duly authorized representatives.

### SECTION 3 – GENERAL PROVISIONS

- 3.1 Owners of property shall be responsible for removal of snow, ice, dirt, debris or other obstructions from any sidewalk fronting or abutting their property, including private driveway crossings.
- 3.2 Any Person who fails to remove snow, ice, dirt, debris or other obstructions within the required 48 hour time frame is guilty of an offence.
- 3.3 Snow, ice, dirt, debris or other obstructions will be considered removed when the sidewalk is cleaned for the entire width of the sidewalk, to the sidewalk surface.
- 3.4 Where an owner or Occupant reasonably anticipates being absent, the Owner or Occupant must make arrangement to ensure the sidewalks are maintained in accordance with this Bylaw.
- 3.5 The Owner or Occupant of any property adjoining or abutting a sidewalk shall remove any snow, ice, dirt, debris, or other obstruction from a sidewalk within forty eight (48) hours after the same has fallen, was deposited or formed on the sidewalk.
- 3.6 Owner who has an awning, canopy, marquee or other encroachment extending from a portion of his property over a sidewalk or other portion of a highway or alley shall endeavour to keep the said awning, canopy, marquee or other encroachment free from snow or ice so that the snow or

- 3.7 The Owner shall cause to be cleaned up any water from melting snow or ice on any awning, canopy, marquee or other encroachment on the sidewalk, highway or alley and take the necessary precautions to ensure that an icy or dangerous situation is not allowed to exist on the sidewalk, highway or alley.
- 3.8 Every Person while removing the same in Section 3.7 shall take due care and proper precautions for the safety and warning of Personal who may be passing thereby.
- 3.9 In the case of a sidewalk being below grade resulting in repeated coverage by ice or water through drainage of melted snow or rain, the sidewalk must be cleared as completely as reasonably possible and a non-slip, non-corrosive, and salt-free material such as sand or similar material must be scattered on the surface of the sidewalk as frequently as required to maximize traction for pedestrians.
- 3.10 No Person shall cause or allow to be caused damage to any sidewalk when removing snow, ice, by pounding, hammering, picking or chiselling, or depositing any chemical or other substance thereon.
- 3.11 No Person shall deposit, or in any way cause to be deposited upon any public sidewalk, highway or alley any snow, ice, dirt or other obstructions.
- 3.12 No Person shall deposit, or in any way cause to be deposited, any snow, ice, dirt, debris or other obstruction upon any drainage ditch, culvert or catch basin.
- 3.13 No Person shall deposit or in any way cause to be deposited, any snow, ice, dirt, debris, or other obstruction on a fire hydrant or traffic control device, on the area adjacent to a fire hydrant or traffic control device, which may in any way block access to, or prevent the operation of, or restrict visibility of the fire hydrant or traffic control device.
- 3.14 No Person shall deposit or in any way cause to be deposited, any snow, ice, dirt, debris or other obstruction upon any property other than their own property, unless permission from the Owner has been received.
- 3.15 If an emergency situation exists the Village may have snow, ice, dirt, debris or other obstruction removed without giving notice to the Owner or Occupant of the property.

#### SECTION 4 - OFFENSES

- 4.1 Any Person who contravenes any provision of this Bylaw is guilty of an

offence and is liable, upon summary conviction, to a penalty as set out in Schedule "A".

- 4.2 Notwithstanding Section 4.1 of this Bylaw, any Person who commits a second, third or subsequent offence. Further, a subsequent offence shall be deemed to occur for each day the contravention continues.
- 4.3 Under no circumstances shall any Person contravening any provision of this Bylaw be subject to a penalty of imprisonment.
- 4.4 Any work carried out by the Village and the costs charged to the Owner will be invoiced to the Owner, and in default or payment the Village may, recover the same as debt due to the Village.

#### SECTION 5 – VIOLATION TAGS

- 5.1 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any Person, whom the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 5.2 A Violation Tag may be issued to such Person:
- a) Either Personally; or
  - b) By mailing a copy, via registered mail, to such Person at his or her last known postal address
- 5.3 The Violation Tag shall be in a form approved by the Village CAO and shall state:
- a) The name of the Person;
  - b) A description of the offence and the applicable Bylaw section;
  - c) The appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
  - d) That the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag in order to avoid prosecution; and
  - e) Any other information as may be required by the Village CAO.
- 5.4 Where a Violation Tag has been issued pursuant to section 5.1, the Person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Village Office the penalty specified on the Violation Tag.
- 5.5 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, a Bylaw Enforcement Officer is hereby authorized and empowered to

issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedures Act* to the Person to whom the Violation Tag was issued.

SECTION 6 – VIOLATION TICKETS

- 6.1 Notwithstanding section 5.1 a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person to whom the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 6.2 A Violation Ticket issued with respect to a violation of this Bylaw may be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.

The Person to whom the Violation Ticket has been issued may plead guilty by making 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.

Where a Clerk of the Court records in the court records the receipt of a voluntary payment pursuant to this Bylaw and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and imposition of a fine in the amount of the specified penalty.

SECTION 7 - VALIDITY

- 7.1 The invalidity of any section, clause, sentence, or provision of this Bylaw shall not affect the validity of any other part of this Bylaw, which can be given effect with such invalid part or parts.

SECTION 8 - AMENDMENTS

- 8.1 Council may, by Bylaw or resolution of Council, alter, amend or repeal any or all of the Schedules, which form part of the Bylaw.

SECTION 9 - EFFECTIVE

- 9.1 This Bylaw shall come into force and take effect upon third and final reading.



Schedule "A"

| OFFENCE   | SECTION | FINE     |
|---|---------|----------|
| Fail to remove snow, ice, dirt, debris or other obstructions                              | 3.5     | \$100.00 |
| Damaging a sidewalk during maintenance  | 3.10    | \$250.00 |
| Obstructing sidewalk, highway or alley  | 3.11    | \$100.00 |
| Obstructing drainage ditch, culvert or catch basin  | 3.12    | \$100.00 |
| Obstructing fire hydrant or traffic control device  | 3.13    | \$250.00 |
| Piling snow, ice, dirt, debris or other obstruction on private property w/o authorization | 3.14    | \$100.00 |

Any work carried out by the Village and the costs charged to the Owner will be invoiced to the Owner, and in default of payment the Village may recover the same as a debt due to the Village.

Any Person who commits a second, third or subsequent offence shall be deemed to occur for each day the contravention continues is liable for the increased penalty below.

- i) \$150.00 for any offence for which a fine is not otherwise established in this section;
- ii) A penalty of two (2) times applicable fine as provided in this Bylaw shall be levied against an owner who commits, for a second time, any infraction of this Bylaw, providing that such infraction is committed within one (1) year of the committing of the first infraction;
- iii) A penalty of three (3) times applicable fine as provided in this Bylaw shall be levied against a Person who commits, for a third or subsequent time, any infraction of this Bylaw, providing that such infraction is committed within one (1) year of the committing of the first infraction;
- iv) Administrative surcharge if payment of penalty charged is not received by the municipality within thirty (30) days of date of issuance of specified penalty, \$20.00 or 20% of the Violation Tag whichever amount is greater.