

BYLAW NO 2013-04

THIS BYLAW BEING BYLAW NO. 2013-04 OF THE VILLAGE OF ANDREW, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING A SIDEWALK SNOW REMOVAL BYLAW FOR THE VILLAGE OF ANDREW

WHEREAS, under the provisions of the Municipal Government Act; RSA 2000, Chapter M-26, the Council of the Village of Andrew may pass Bylaws respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS, under the provisions of the Municipal Government Act, the Council of the Village of Andrew may pass Bylaws and may make provisions that it deems necessary to carry out the purposes of the Bylaw;

AND WHEREAS, the Council of the Village of Andrew deems it desirable and necessary to promote the timely removal of snow, ice, dirt and other debris from publicly owned sidewalks, within the corporate limits of the Village of Andrew;

NOW THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE VILLAGE OF ANDREW, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED ENACTS AS FOLLOWS:

1. SHORT TITLE

1.1 This Bylaw may be cited as the “Sidewalk Snow Removal Bylaw”.

2. DEFINITIONS

2.1 “Council” means the Municipal Council of the Village of Andrew.

2.2 “Corporate Limits” shall mean all the lands within the Corporate Limits of the Village of Andrew.

2.3 “Chief Administrative Officer” shall mean the Chief Administrative Officer of the Village of Andrew.

2.4 “Highway” means and includes any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way 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:

- i) a sidewalk, including a boulevard adjacent to the sidewalk,
- ii) if a ditch lies adjacent to and parallel with the roadway, the ditch; and

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.

2.5 “Inspector” means any person(s) designated by the Village of Andrew to enter and inspect property in accordance with the provisions of this Bylaw.

2.6 “Peace Officer” means:

- a) any member of the Royal Canadian Mounted Police;
- b) any member of a Municipal Police Service;
- c) any Community Peace Officer;
- d) any Bylaw Enforcement Officer.

iii)

2.7 “Property Owner” means a person or persons, a firm, company or corporation that is registered on the Tax Roll of the Village of Andrew and Alberta Land Titles Office.

2.8 “Property” are any lands, buildings or premises in the Village of Andrew.

2.9 “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;

- i) the curb line; or
- ii) where there is no curb line, the edge of the roadway;

and the adjacent property line, whether or not it is paved or improved.

2.10 “Village” or “Village of Andrew” means the Municipal Corporation of the Village of Andrew.

3. REMOVAL OF SNOW, ICE, DIRT AND OTHER DEBRIS FROM SIDEWALKS

3.1 All Property Owners shall ensure:

- a) the removal of snow, ice, dirt and other debris from any public sidewalk located adjacent to the property including private driveway crossings within seventy-two (72) hours after the cessation of a snowfall, rainfall or the depositing of debris on a sidewalk;
- b) no person shall push or propel any snow, ice or any other debris onto any highway or any other public property owned by the Village of Andrew;
- c) snow, ice and other debris shall be considered removed when the sidewalk is cleaned for the entire width of the sidewalk to the sidewalk surface as completely and reasonably possible;
- d) no person shall cause damage to any sidewalk by pounding, hammering, picking, chiseling or depositing a chemical substance; any costs to repair associated damage will be the responsibility of the property owner;
- e) no person shall deposit or propel snow, ice, dirt or other debris upon any drainage ditch, culvert end or catch basin;
- f) no person shall deposit any snow, ice, dirt or other debris 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 visibility of the hydrant;
- g) where a Property Owner reasonably anticipates being absent, the Property Owner must make arrangements to ensure the sidewalks are maintained in accordance with this Bylaw.

4. ENFORCEMENT AND DIRECTION

4.1 Any Inspector or Peace Officer may issue a Notice to Maintain Property ("Schedule A") or Notice of Entry ("Schedule B") which shall specify a deadline for compliance or date of entry.

4.2 The Village must serve the Notice to Maintain Property or Notice of Entry by delivering or sending it to the Property Owner(s) by way of:

- a) delivering it in person to the owner(s);
- b) posting it to the door of a building or in any other conspicuous place on the property, and is effective the day of posting;
- c) hand deliver;
- d) regular mail.

5. PENALTIES

- 5.1 If the property owner has not complied with the Notice to Maintain Property by a specified deadline, the Inspector, Peace Officer or Chief Administrative Officer, upon delivery of the Notice of Entry, may direct any work to be done to remove the snow, ice, dirt or other debris that has accumulated on the sidewalk or to repair damage related to Section 3.1. d), e) or f), and will charge the owner all the costs associated with the property maintenance or repair.
- 5.2 If the owner fails to pay for the work done under section 5.1, or repairs related to Section 3.1. d), e) or f), the Village shall charge the cost against the land as taxes due and recover the cost as taxes.
- 5.3 The cost of the work done, as stated under section 5.1, or repairs related to Section 3.1.d), e) or f) is charged in addition to an Administration Fee, as set out in "Schedule C".
- 5.4 The Village, or any Inspector who inspects any property under this Bylaw, or any person who performs any work on behalf of the Village to remedy a nuisance is not liable for any damages caused by the inspection, the work, or disposition of any material in order to complete the work set out in the Notice to Maintain Property.

6. SCHEDULES

- 6.1 All schedules attached hereto form part of this Bylaw and may be changed by resolution of Council from time to time.

7. RESCIND

- 7.1 Bylaw No.20 01-01 and amendments thereto have been rescinded.

8. EFFECTIVE DATE

- 8.1 This bylaw shall come into full force and effect upon the date of the third and final reading.

READ for a first time this day of A.D.

READ for a second time this day of A.D.

READ for a third time this day of A.D.

Mayor

Administrator

“SCHEDULE A”

To: _____

NOTICE TO MAINTAIN PROPERTY

File # _____

Date _____

Dear Sir/Madam:

The condition of your property located at _____ Lot(s) _____
Block _____, Plan _____, is in question, and you are being
issued a form letter regarding required maintenance of a sidewalk(s) adjacent to your property.

In order to keep the sidewalks safe and clean within the Village of Andrew and in accordance
with the Sidewalk Snow Removal Bylaw No. 0&201 1, the Town is asking your cooperation by
keeping the sidewalk(s) clean. Maintenance may be done by methods outlined in this notice
within seven (7) days of the mailing of this letter.

The questioned area regarding your property and a suggested remedy is as follows:

Please give this matter your immediate attention. If you have any questions, contact the
undersigned at (780) 365-3687.

If the work is not completed by _____, the Village of Andrew will have the
work done by a contractor at the owner's expense. In addition to the contractor's bill, an
Administrative fee per lot will apply as per "Schedule C".

Sincerely,

Municipal Enforcement Services

"SCHEDULE B"

NOTICE OF ENTRY

To:

File:

Date:

Dear Sir/Madam:

In accordance with Section 542 of the Municipal Government Act, you are hereby notified that an Inspector or Peace Officer will be entering onto the property located at _____
Lot(s) _____, Block _____, Plan _____ on Date: _____

In accordance with the Village of Andrew Sidewalk Snow Removal Bylaw No _____, all costs incurred for any remedial action, including a \$75.00 administration fee per lot as per "Schedule C" will be the responsibility of the property owner and may be added to the tax roll.

Please give this matter your immediate attention. If you have any questions, contact the undersigned at (780) 365-3687.

Sincerely,

Municipal Enforcement Services

"SCHEDULE C"
Administration Fee

SECTION:

AMOUNT

Administration fee for every lot requiring enforcement of Bylaw No.

\$75.00

- a 3% increase shall be applied to the administration fee effective January 1st of each year.

