

**SIDEWALK SNOW REMOVAL BYLAW**

**A BYLAW OF THE VILLAGE OF ANDREW, IN THE PROVINCE OF ALBERTA**

A Bylaw of the Village of Andrew in the Province of Alberta, pursuant to the provisions of the Municipal Government Act, being Chapter M-26 of the Statutes of Alberta 2000 and amendments thereto, to establish standards for personal conduct and decorum within Andrew for the use and maintenance of property, in order to prevent and/or rectify unreasonable and hazardous conditions, and to ensure a safe, hospitable, and attractive living environment throughout the municipality.

WHEREAS the Municipal Government Act provides that municipal councils may pass bylaws respecting "the safety, health and welfare of people and the protection of people and property"; "people, activities and things in, on or near a public place that is open to the public"; and "nuisances, including unsightly property";

AND WHEREAS the Municipal Government Act allows for the enforcement of bylaws through the "creation of offences"; the carrying out of inspection; "the imposition of fines(s) not exceeding \$10,000 or imprisonment for not more than one year, or both" the issuance of orders to remedy bylaw infractions; the remedying of bylaw infractions at an offender's expense; and the abstention from prosecution for an offence if the offender pays a specified amount by a given deadline;

AND WHEREAS the rules established in the Bylaw are beneficial to the safety, health, and welfare of Andrew residents;

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

**1. Bylaw Title and Interpretation**

- 1.1 This Bylaw Shall be cited as "Sidewalk Snow Removal Bylaw"
- 1.2 Nothing in this bylaw relieves a person from complying with any provision of any Provincial or Federal legislation or regulation, other bylaw or any requirement of any lawful permit, order or license.
- 1.3 The headings in this bylaw are for guidance purposes and convenience only.
- 1.4 Every provision of this bylaw is independent of all other provisions and if any provision of this bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this bylaw shall remain valid and enforceable.
- 1.5 Any reference to the provisions of a statute of Alberta is a reference to that statute as amended, from time to time.

**2. Definitions**

(a) **Boulevard** means that part of a Highway that: (i) is not a roadway; and (ii) is that part of the Sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians;

(b) **Building** includes a structure and any part of a building or structure placed in, on or over land whether or not it is so affixed to become transferred without special mention by a transfer or sale of that land;

(c) **Chief Administrative Officer** means the chief administrative officer of the Municipality or his or her delegate;

(d) **Downtown Core Sidewalk** means those Sidewalks, or portions thereof along 51 Avenue between 50 and 51 Avenue;

(e) **Highway** has the same meaning as in the Traffic Safety Act;

(f) **Motor Vehicle** has the same meaning as in Traffic Safety Act;

(g) **Municipality** means the municipal corporation of the Village of Andrew and includes the geographical area within the boundaries of the Municipality;

(h) **Municipal Tag** means a tag or similar document issued by the Municipality pursuant the Municipal Government Act that alleges a bylaw offence and provides a Person with the opportunity to pay an amount to the Municipality in lieu of prosecution for the offence;

(i) **"Offender"** means a person found or alleged to be in breach of this Bylaw, whether as a result of his/her action, inaction, or use/misuse of property.

(j) **Occupy or Occupies** means residing on or to be in apparent possession or control of Property;

(k) **Own or Owns** means: (i) in the case of land, to be registered under the Land Titles Act as the owner of the fee simple estate in a parcel of land; or (ii) in the case of personal property, to be in lawful possession or have the right to exercise control over it or to be the registered owner of it;

(l) **Peace Officer** means a bylaw enforcement officer or a community peace officer appointed by the Municipality to enforce bylaws of the Municipality, and includes a member of the Royal Canadian Mounted Police;

(m) **Property** means a parcel of land including any Buildings;

(n) **Service Agreement** means the agreement between a property owner or occupier to have the Village provide snow and ice removal services at the fees established by this and any other Village Bylaw.

(n) **Sidewalk** means that part of the Highway especially adapted to the use of or ordinarily used by pedestrians and includes that part of a Highway between the curb line or, where there is no curb line, the edge of the roadway, and the adjacent property line whether or not it is paved or unpaved;

(o) **Violation Ticket** has the same meaning as in the Provincial Offences Procedure Act.

### 3. Clearing Sidewalks

- 3.1 A Person shall remove snow and ice from any Sidewalk adjacent to Property that the Person Owns or Occupies within **48 hours** after the snow or ice has been deposited.
- 3.2 If a Person fails to comply with subsection 3.1, the Municipality may arrange to have the Sidewalk cleared and the expenses and costs incurred by the Municipality for removing the snow and ice shall be paid upon demand and, if unpaid, may be added to the tax roll of the Property.
- 3.3 The municipality may undertake snow removal, through the fee established in fees and charges bylaw plus an administrative charge set out in Schedule B, if requested by the owner through Service Agreement. The cost for this service shall be paid upon demand and, if unpaid, may be added to the tax roll of the Property. All services agreements must be signed prior to the deadline established annually by the Chief Administrative Officer unless otherwise approved by the Chief Administrative Officer.
- 3.4 Subject to subsection 3.5, a Person shall not deposit snow or ice:
- (a) upon any Highway;
  - (b) upon or in any drainage ditch, culvert or catch basin;
  - (c) in any Public Place;
  - (d) on private Property that is not their own; or
  - (e) in a location that restricts access to, or visibility or operation of, a fire hydrant.
- 3.5 A Person may deposit snow or ice that has been removed from a Downtown Core Sidewalk onto the portion of Highway that is immediately adjacent to the Downtown Core Sidewalk in question, but may only do so in a manner that does not impede the flow of traffic on the Highway, reduce driver visibility, damage, or create a risk of damage to, Motor Vehicles or endanger Persons travelling upon, or in the vicinity of, Highway.

#### **4. Damage to Sidewalks or curbs**

- 4.1 No Person shall damage a Sidewalk or curb.
- 4.2 A Person who contravenes subsection 4.1 shall, in addition to any penalty that may be imposed under this Bylaw, be liable for, and pay upon demand, all costs incurred by the Municipality to repair the damage.

#### **5. Roofs and Awnings**

- 5.1 A Person shall maintain any roof or awning that extends over a Sidewalk from a Building they Own or Occupy free of snow and ice.

### **ENFORCEMENT**

#### **6. Orders to Remedy Contraventions**

- 6.1 In addition to any other relief or enforcement measure that may be taken, if the Chief Administrative Officer finds that a Person is contravening this bylaw, the Chief Administrative Officer may, by written order in accordance with section 545 of the Municipal Government Act, require any Person responsible for the contravention to remedy it.
- 6.2 The Municipality may take whatever action or measures are necessary to remedy a contravention of this bylaw, or to prevent reoccurrence of the contravention, if:
- (a) the Municipality has issued an order pursuant to section 545 of the Municipal Government Act, as described in subsection 6.1;
  - (b) the order contains a statement providing that if the Person issued the order does not comply with the directions with a specified time frame, the Municipality will take the action or measure at the expense of the Person;
  - (c) the Person to whom the order is directed has not complied with the order within the time specified in the order; and
  - (d) the appeal periods respecting the order have passed or, if an appeal has been made, the appeal has been decided and it allows the municipality to take the action or measures.
- 6.3 The expenses and costs of an action or measure taken by the Village pursuant to this bylaw are an amount owing to the Village by the Offender and include, but are not limited to, the administration charge set out in Schedule "B" of this bylaw. The Village may recover these expenses and costs by means of:
- a) Civil action for debt in a court of competent jurisdiction; or
  - b) Adding the amount owing to the tax roll of the parcel of land which was the subject of the Order to Comply.
- 6.4 Where the remedying of a contravention requires the sale of all or part of a structure that has been removed after 30 days, the proceeds of the sale must be used to pay the expenses and costs of the sale and removal, and any excess proceeds must be paid to the person entitled to them.

## **7. Service of Order**

- 7.1 An order issued, pursuant to Section 545 of the Municipal Government Act, for a contravention of this bylaw may be served:
- (a) in the case of an individual:
    - (i) by delivering it personally to the individual,
    - (ii) by leaving it for the individual at their apparent place of residence with someone who appears to be at least eighteen (18) years of age,
    - or

{iii) by registered mail addressed to the individual at their apparent place of residence or to any address for the individual on the tax roll of the Municipality; and

{b) in the case of a corporation:

(i) by delivering it personally to any director or officer of the corporation,

(ii) by delivering it personally to a Person apparently in charge of an office of the corporation at an address held out by the corporation to be its address, or

(iii) by registered mail addressed to the registered office of the corporation.

7.2 In the event that the methods of service listed under subsection 7.1 prove, in the opinion of the Chief Administrative Officer, to be impractical or not likely to be successful, service can be affected by any other means that the Chief Administrative Officer determines to be appropriate, including but not limited to:

(a) posting to the Property;

{b) issuance by regular mail; or

(c) advertising in a local newspaper or similar publication.

## **8. Review by Council**

8.1 A person who is issued an order pursuant to Section 545 of the Municipal Government Act, for a contravention of this bylaw, may by written notice request Council to review the order within fourteen (14) days after the date the order is received.

8.2 After reviewing the order, Council may confirm, vary, substitute or cancel the order.

## **9. Offence**

9.1 A Person who contravenes any provision of this bylaw is guilty of an offence.

## **10. Continuing Offence**

10.1 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such day.

## **11. Vicarious Liability**

11.1 For the purposes of this bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the

Person, or in the course of the agent's exercising the powers or performing the duties on behalf of the Person under their agency relationship.

## **12. Corporations and Partnerships**

- 12.1 When a corporation commits an offence under this bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- 12.2 If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

## **13. Fines and Penalties**

- 13.1 Person who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding \$10,000.00, and to imprisonment for not more than 6 months for non-payment of a fine.
- 13.2 Without restricting the generality of subsection 13.1, the fine amounts set out in Schedule "A" are established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered.

## **14. Municipal Tag**

- 14.1 A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 14.2 A Municipal Tag may be issued to such Person:
  - (a) either personally; or
  - (b) by mailing a copy to such Person at his or her last known address.
- 14.3 The Municipal Tag shall be in a form approved by the Chief Administrative Officer and shall state:
  - (a) the name of the Person;
  - (b) the offence;
  - (c) the specified penalty established by this bylaw for the offence;
  - (d) that the penalty shall be paid within 14 days of the issuance of the Municipal Tag; and (e) any other information as may be required by the Chief Administrative Officer. 15 35.

## **15. Payment in Lieu of Prosecution**

- 15.1 Where a Municipal Tag is issued pursuant to this bylaw, the Person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay to the Municipality the penalty specified within the time period indicated on the Municipal Tag.

#### **16. Violation Ticket**

- 16.1 If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the Provincial Offences Procedure Act.
- 16.2 Notwithstanding subsection 16.1, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the Provincial Offences Procedure Act to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 16.3 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- (a) specify the fine amount established by this bylaw for the offence; or (b) require a Person to appear in court without the alternative of making a voluntary payment.

#### **17. Voluntary Payment**

- 17.1 A Person who commits an offence may:
- (a) if a Violation Ticket is issued in respect of the offence; and
  - (b) if the Violation Ticket specifies the fine amount established by this bylaw for the offence;
- make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

#### **18. Obstruction**

- 18.1 A Person shall not obstruct or hinder any Person in the exercise or performance of the Person's powers pursuant to this bylaw.

#### **19. Powers of Chief Administrative Officer**

- 19.1 Without restricting any other power, duty or function granted by this bylaw, the Chief Administrative Officer may:
- a) carry out any inspections to determine compliance with this bylaw;
  - b) take any steps or carry out any actions required to enforce this bylaw;
  - c) take any steps or carry out any actions required to remedy a contravention of this bylaw;

- d) establish investigation and enforcement procedures with respect to residential, commercial, industrial or other types of Property and such procedures may differ depending on the type of Property in question;
- e) establish areas where activities restricted by this bylaw are permitted;
- f) establish forms for the purposes of this bylaw;
- g) issue permits with such terms and conditions as are deemed appropriate; and
- h) delegate any powers, duties or functions under this bylaw to an employee of the Municipality.

## **20. Certified Copy of Record**

- 20.1 A copy of a record of the Municipality, certified by the Chief Administrative Officer as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

## **21. Enactment**

- 21.1 The following Bylaws are hereby repealed:

- a) Bylaw No. 2013-04 be repealed.

- 21.2 This Bylaw shall come into full force and effect upon third reading.

Read a first time this 22<sup>nd</sup> day of September, 2025.


Read a second time this 22<sup>nd</sup> day of September, 2025.

Read a third time this 22<sup>nd</sup> day of September, 2025.



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Mayor



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Chief Administrative Officer



### **Schedule A – Fines & Penalties**

<b>Offence</b>	<b>First Offence</b>	<b>Reference</b>
Failing to clear snow or ice from a sidewalk within 48 hours	\$250	<b>3.1</b>
Improperly Depositing Snow or Ice	\$250	<b>3.3</b>
Damage to Sidewalk	\$500	<b>4.1</b>
Failing to maintain a roof or awning clear of snow and ice	\$250	<b>5.1</b>

**Schedule B – Administration Fee**

<b>Charge</b>	<b>Amount</b>
Administration Charge contemplated in section 6.3, payable when actions or measures are taken by Municipality to remedy/prevent a contravention pursuant to section 6.	\$100
Administration Charge contemplated in section 3.3, when a Service Agreement is signed.	\$25 per invoice issued