



A Bylaw of the Town of High Prairie in the Province of Alberta, pursuant to the provisions of the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26* (MGA) for the purpose of controlling the removal of snow, ice, dirt and other obstructions from sidewalks, driveways and to identify snow routes and snow route parking bans in the corporate limits of the Town of High Prairie.

WHEREAS, pursuant to Section 7 of the MGA, a Council of a Municipality may pass bylaws respecting:

- a) the safety, health and welfare of people and the protection of people and property;
- b) people, activities, and things in, on or near a public place or place that is open to the public; and
- c) business, business activities and persons engaged in business.

AND WHEREAS, the Council of the Town of High Prairie deems it advisable to pass a bylaw to require the removal of snow, ice, dirt and other obstructions from sidewalks and driveways;

AND WHEREAS, the Council of the Town of High Prairie deems it necessary to identify snow routes to facilitate snow removal and to create snow route parking bans;

NOW THEREFORE, the Council of the Town, duly assembled, enacts as follows:

1. TITLE

- 1.1 This Bylaw may be cited as the "Snow Clearing Bylaw".

2. DEFINITIONS

2.1 In this Bylaw:

- a) **"Alley"** means a narrow Highway intended chiefly to give access to the rear of buildings or parcels of land;
- b) **"Boulevard"** means that portion of the Highway lying between the curb of the Highway and the adjacent property line, whether actually planted or improved or not, except that portion occupied by a Sidewalk. Where there is no curb that portion of a Highway lying between the portion of Highway ordinarily traveled by Motor Vehicles and the adjacent property line, whether planted or not, except that portion occupied by a Sidewalk;
- c) **"CAO"** means the Chief Administrative Officer or designate, appointed pursuant to the MGA;
- d) **"Council"** means the Council of the Town;

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- e) **"Highway"** means any thoroughfare, street, road, trail, avenue, parkway, lane, Alley, square, bridge, public utility lot, parking lot or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of Motor Vehicles, and includes:
- i. where a ditch lies adjacent to and parallel with the roadway, the ditch; and
 - ii. where a Highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fence and the roadway;
- f) **"Motor Vehicle"** means a motor vehicle, as defined in the *Traffic Safety Act, Revised Statutes of Alberta 2000, Chapter T-6*;
- g) **"MGA"** means the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26*;
- h) **"Occupant"** means any Person other than the registered Owner who is in possession of the property, including, but not restricted to, a lessee, licensee, tenant, or agent of the Owner;
- i) **"Officer" means:**
- i. a person who is an employee of the Town who has been appointed to carry out the duties of enforcing the Bylaws,
 - ii. a person who is a community peace officer as defined under the *Peace Officer Act, Statutes of Alberta 2006, Chapter P-3.5* who is employed by the Town, or
 - iii. a person who is a member of the Royal Canadian Mounted Police;
- j) **"Owner" means:**
- i. any Person registered as the Owner of Property under the *Land Titles Act, Revised Statutes of Alberta 2000, Chapter L-4*;
 - ii. a Person who is recorded as the Owner of Property on the Assessment Roll of the Town;
 - iii. a Person holding himself out as the Person exercising the power or authority of Ownership or, who for the time being exercises the powers and authority of Ownership over the Property;
 - iv. a Person in control of Property under construction; or
 - v. a Person who occupies the Property under a lease, license or permit;
- k) **"Park When Prohibited"** means to allow a Motor Vehicle occupied or not, to remain standing in one place, contrary to a traffic control device except;
- i. when standing temporarily for the purpose of and actually engaged in loading and unloading passengers; or

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- ii. when standing in obedience to a Officer;
 - l) **"Pedestrian"** means a person afoot, or a person using a wheelchair or mobility aid;
 - m) **"Person"** means an individual and includes partnership, corporation, trustee, executor, joint venture, proprietorship, association, society and any other legal entity;
 - n) **"Provincial Offences Procedures Act"** means the *Provincial Offences Procedure Act, Revised Statutes of Alberta 2000, Chapter P-34*;
 - o) **"Remedy Order"** means an Order issued by a Designated Officer as described in Section 545 or Section 546 of the MGA, as applicable;
 - p) **"Right of Access"** means the right of an Officer, to enter onto a property to inspect the property, in accordance with Section 542 of the MGA, and determine if there are conditions that may contravene or fail to comply with the provisions of this Bylaw;
 - q) **"Sidewalk"** means that part of a Highway especially adapted to the use of or ordinarily used by Pedestrians and includes that part of the Highway between the curb line (on the edge of the roadway, where there is no curb line) and the adjacent property line, whether or not paved or improved;
 - r) **"Snow Route"** means a designated route along which parking may be prohibited to assist in providing safe and efficient snow removal, as per Schedule B downtown snow removal area as signed;
 - s) **"Specified Penalty"** means a penalty specified by this Bylaw, for a contravention of a provision of this Bylaw which amount may be paid by a person to whom a summons was issued;
 - t) **"Town"** means the Town of High Prairie;
 - u) **"Violation Tag"** means a ticket issued by the Town pursuant to the MGA for breach of its Bylaws; and
 - v) **"Violation Ticket"** has the same meaning as in the *Provincial Offences Procedure Act, Revised Statutes of Alberta, 2000 Chapter P-34*.

3. GENERAL INTERPRETATION

- 3.1 All schedules attached to this Bylaw form part of this Bylaw.
- 3.2 Headings or subheadings in this Bylaw are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.
- 3.3 Words in the singular include the plural and words in the plural include the singular.
- 3.4 Where this Bylaw cites or refers to any act, regulation, code or other bylaw, the citation or reference to the act, regulation, code or other bylaw includes any amendments thereto before or after the commencement of this Bylaw, and includes reference to any act, regulation, code or other bylaw that may be substituted in its place.
- 3.5 Each provision of this Bylaw is independent of, and severable from, all other provisions and if any provision is declared invalid or unenforceable for any reason by a court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.
- 3.6 Nothing in this Bylaw relieves a Person from complying with any provision of any federal, provincial, or municipal law or regulation or any requirement of any lawful permit, order or license.

4. GENERAL PROVISIONS

- 4.1 Every occupant, and in case there is no occupant, then the owner of every house, shop, building, lot, parcel of land or other property and every person having charge or care of any building abutting on a Sidewalk in the Town, forming part of this Bylaw, shall remove or cause to be removed and cleared away, snow, ice, dirt, debris or other materials from any Sidewalk adjoining the property owned or occupied by them, such removal to be completed within forty-eight (48) hours of the time when the snow, ice, dirt or other obstruction was formed or deposited thereon.
- 4.2 Section 4.1 of this Bylaw is only in effect if the Town is unable to clear sidewalk(s).
- 4.3 No person shall remove snow or ice from a Sidewalk, driveway, Alley or boulevard by causing it to be placed upon the roadway adjacent to such Sidewalk, driveway or Alley except to the extent that removal of the snow and ice to private property is impractical.
- 4.4 No person shall cause any damage to any Sidewalk or Highway by striking, picking or cutting the same with any shovel, pick, crowbar or other instrument whatever whether such person be engaged in removing snow, ice or dirt from such sidewalk or not.

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- 4.5 No person shall pile/place snow or any debris as to obstruct the access to any fire hydrant or emergency exit or traffic control device.
 - 4.6 No person shall pile/place snow or any debris as to obstruct any alley, Highway or Sidewalk.
 - 4.7 No person shall pile/place snow or any debris and place it on any public or private property without prior approval of the property owner.
 - 4.8 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.
 - 4.9 No Owner shall allow obstructions, including snow and/or ice, to accumulate within 1 meter of fire hydrants on and/or abutting their property.

5. SNOW ROUTES

- 5.1 No person shall Park When Prohibited a Motor Vehicle or trailer on a designated snow route or residential area when a snow route parking ban is in effect as listed in Schedule C.
- 5.2 Any Officer is hereby authorized to remove or cause to be removed any Motor Vehicle or trailer to a place designated by the CAO, where it will remain until such time as it is claimed by the registered owner:
 - a) if it is parked in contravention of a provision of this Bylaw;
 - b) where emergency conditions may require such removal from a Highway; or
 - c) When a Motor Vehicle has been removed pursuant to Section 5.1, the Motor vehicle will be returned to the owner of such vehicle upon payment of any and all expenses incurred from the seizure, in addition to payment of any fines or penalties imposed for contravention of this Bylaw.

6. OFFENCES AND PENALTIES

- 6.1 Any Person who contravenes any provision of this Bylaw is guilty of an offence pursuant to this Bylaw.
- 6.2 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 no less than that established by this Bylaw for each such day.
- 6.3 A Person shall not obstruct or hinder any person in the exercise or performance of the person's powers and duties under this Bylaw.

7. ENFORCEMENT

- 7.1 An Officer is hereby authorized to have the Right of Access to enter onto any property for the inspection of conditions that may contravene or fail to comply with the provisions of this Bylaw.
- 7.2 Any Owner, Occupant or Person who contravenes this Bylaw may be issued a Remedy Order by an Officer or a designated officer to remedy the contravention in any manner deemed necessary in the circumstances, pursuant to Section 545 of the MGA.
- 7.3 When a condition exists which contravenes any of the provisions of this Bylaw, the Officer or a designated officer may issue a Remedy Order to the Owner or Occupant of the property in question advising of the condition and directing as to what conditions are to be rectified within 14 days from the date of issuing the Remedy Order.
- 7.4 If any Owner or Occupant fail, neglect, or refuse to remedy the condition as directed by the Officer or a designated officer, the Town may cause the work to be performed to remedy the condition and charge the costs of such work as follows:
- a) to recover such costs from such Owner or Occupant as a debt due to the Town; or
 - b) to charge such costs against the property concerned as taxes due and owing in respect of that property and recover such costs as such.
- 7.5 Notwithstanding whether a Remedy Order has been issued under this Bylaw, with respect to an offence under this Bylaw, an Officer may issue a Violation Tag or a Violation Ticket specifying the amount of the fine established in accordance with Appendix A of this Bylaw.
- 7.6 An Officer is hereby authorized and empowered to issue a Violation Tag to any Person who the Officer has reasonable grounds to believe the person has contravened any provision of this Bylaw.
- 7.7 Where an Officer has reasonable grounds to believe that a Person has contravened any provision of this Bylaw, the Officer may issue a Violation Tag to that person by serving it:
- a) personally; or
 - b) by mailing a copy to such person at his or her last known residential or post office address.

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- 7.8 A Violation Tag issued pursuant to Section 7.7 shall be in a form approved by the CAO and shall state:
- a) the name of the person to whom it is issued;
 - b) the offense;
 - c) the appropriate penalty for the offense as specified at Schedule A of this Bylaw; and
 - d) the penalty shall be paid within 30 days of the issuance of the Violation Tag to avoid prosecution; and any other information as may be required by the CAO.
- 7.9 Where a Violation Tag has been issued the Person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town Office the penalty specified on the Violation Tag.
- 7.10 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, an Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to part 2 or part 3 of the Provincial Officers Procedure Act.
- 7.11 Notwithstanding Section 7.10 of this Bylaw, an Officer is hereby authorized to immediately issue a Violation Ticket to any Person, Owner or Occupant who an Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 7.12 Where a Violation Ticket has been issued to a Person under this Bylaw, that person may enter a plea of guilt by making a voluntary payment in the amount shown on the ticket to a Provincial Court Office. The recording of the payment by the Clerk of the Court is an acceptance of the guilty plea and constitutes a conviction.
- 7.13 A Violation Ticket issued prior to the time of expiry of this Bylaw, remains valid and the Person to whom the Violation Ticket was issued remains as fully liable to pay the specified penalty or to other legal process as the case may be, as though this Bylaw had not expired.
- 7.14 Regardless of whether a warning has been issued pursuant to this Bylaw, 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 Appendix A of this Bylaw.
- 7.15 Nothing in this Bylaw shall preclude an Officer from laying charges under any alternate governing legislation.

8. REPEALING

8.1 This Bylaw shall replace Bylaw 13-2018 and Bylaw 13-2018 is hereby repealed.

9. COMING INTO FORCE

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

First Reading given on this 12th day of April, 2022.

Second Reading given on this 12th day of April, 2022.

GIVEN Unanimous Consent to proceed to third and final Reading of the Snow Clearing Bylaw 05-2022 this 12th day of April, 2022.

Third and Final Reading given on this 12th day of April, 2022.



Mayor Brian Panasiuk



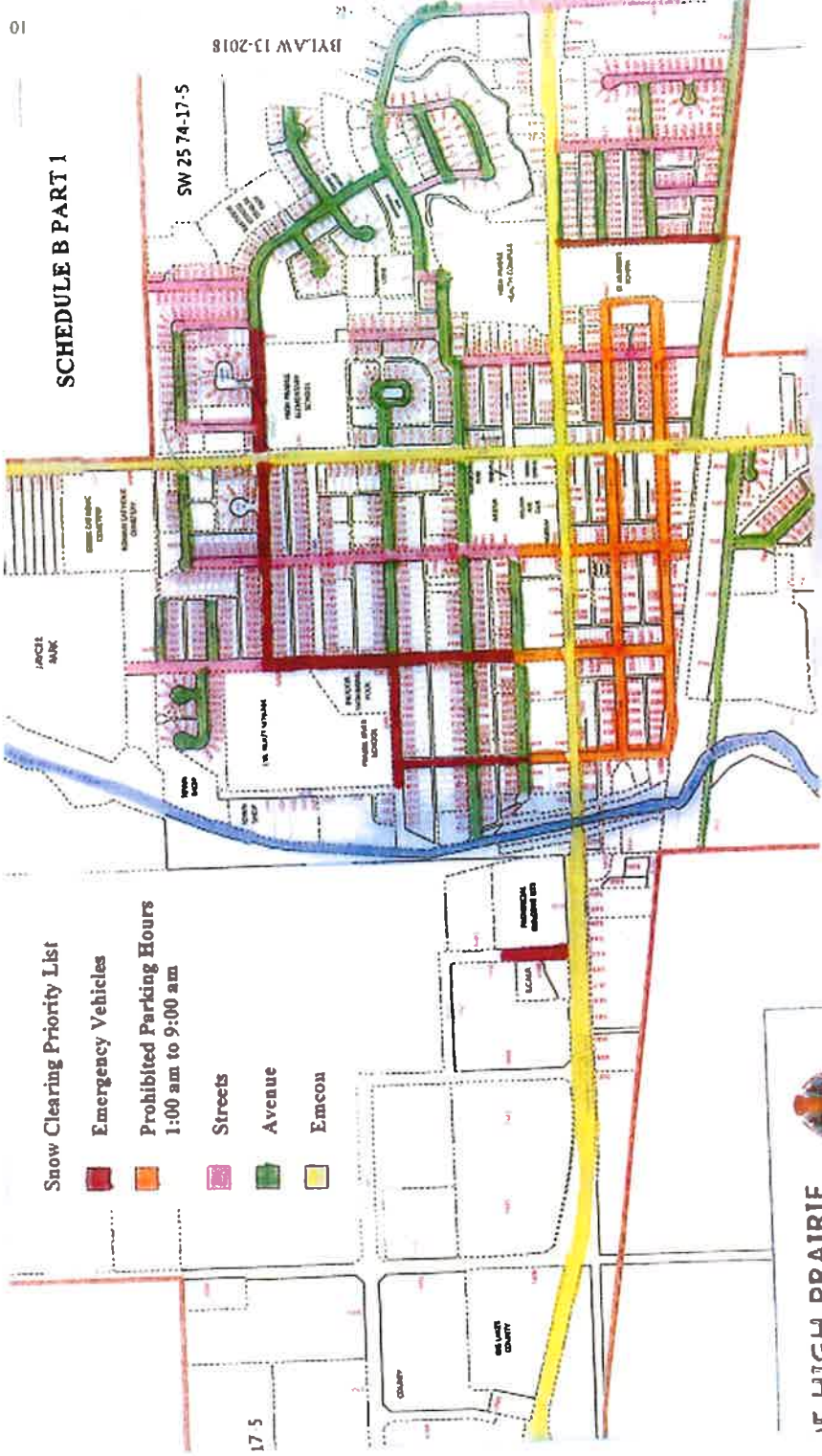
CAO Rod Risling

Schedule A

Section:	Penalty Offence:	Penalty Fee, 1st Offence	Penalty Fee, 2nd, and Subsequent Offences
4.1	Fail to clear sidewalk within 48 hrs	\$100	\$200
4.3	Place/pile snow on roadway	\$150	\$300
4.4	Cause damage to sidewalk, highway, boulevard	\$500	\$1,000
4.5	Obstruct fire hydrant, emergency exit or traffic control device	\$250	\$500
4.6	Obstruct highway/sidewalk/alley	\$250	\$500
4.7	Pile/place snow on public or private property without owners approval	\$250	\$500
4.8	Deposit snow/debris/ice/dirt, in/on drainage ditch, culvert or catch basin	\$200	\$400
5.1	Park on designated snow route or residential area	\$150	\$300

*Second and subsequent offence if contravention is within 1 year of first offense.

Schedule B








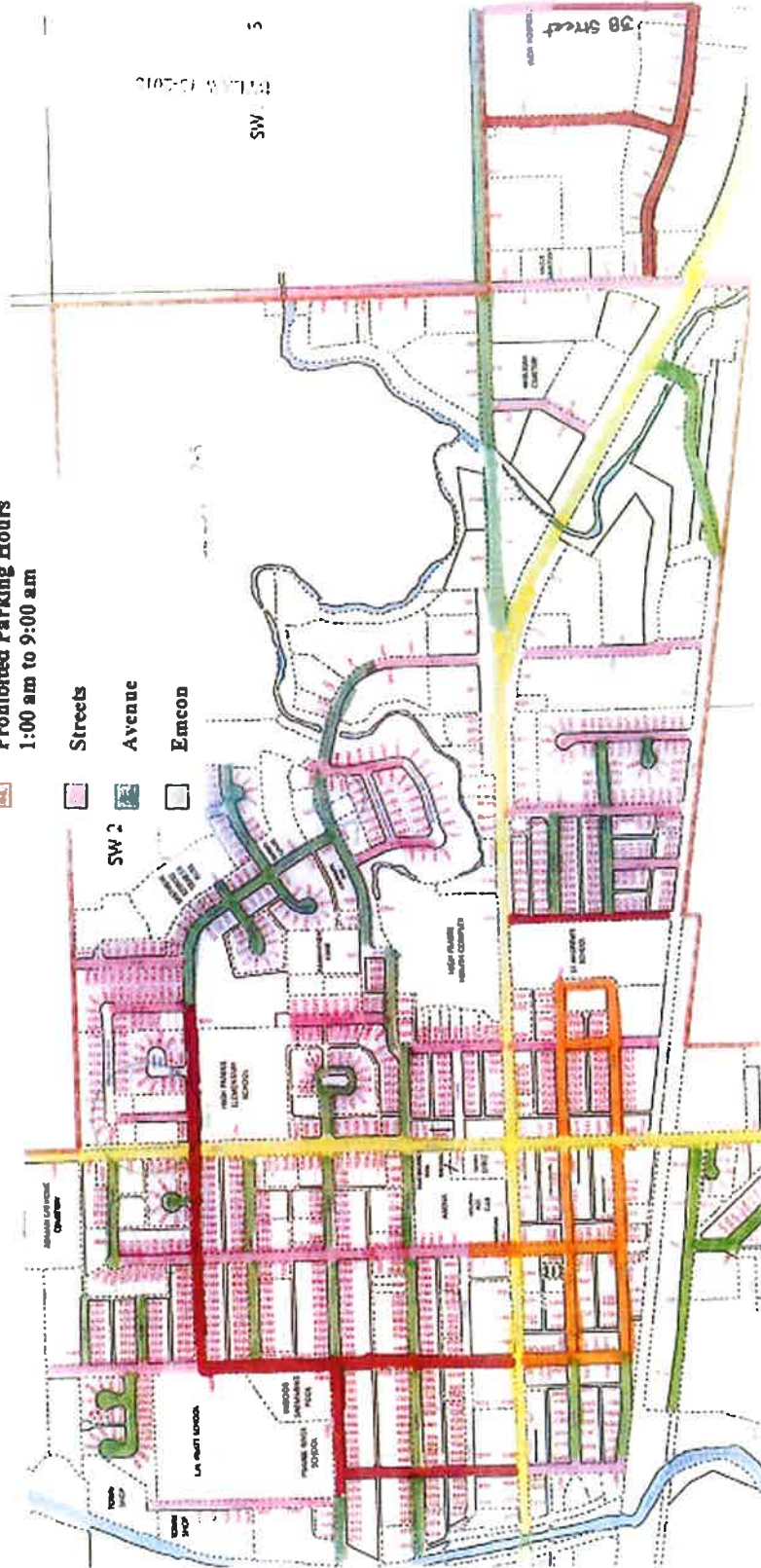
- Snow Clearing Priority List**
- Emergency Vehicles
 - Prohibited Parking Hours
1:00 am to 9:00 am
 - Streets
 - Avenue
 - Emsoa

BP

SCHEDULE B PART 2

Snow Clearing Priority List

-  Emergency Vehicles
-  Prohibited Parking Hours
1:00 am to 9:00 am
-  Streets
-  Avenue
-  Emcon



B.P.



Schedule C

Downtown

Prohibited Parking Hours

Parking is prohibited on both sides of the street from 1:00 a.m. to 9:00 a.m., Monday and Thursday in the following areas:

- 51 Avenue (48 Street to 50 Street)
- 52 Avenue (48 Street to 50 Street)
- 49 Street (51 Avenue to 53 Avenue)
- 50 Street (51 Avenue to 53 Avenue)

A handwritten signature in blue ink, appearing to be "BP" with a flourish below it.