

SNOW CLEARING BYLAW

Bylaw 13 - 2018

A BYLAW OF THE TOWN OF HIGH PRAIRIE FOR THE PURPOSE OF CONTROLLING THE REMOVAL OF SNOW, ICE, DIRT AND OTHER OBSTRUCTIONS FROM SIDEWALKS, DRIVEWAYS AND TO IDENTIFY SNOW ROUTES AND SNOW ROUT PARKING BANS IN THE CORPORATE LIMITS OF THE TOWN OF HIGH PRAIRIE.

WHEREAS, the Municipal Government Act, Chapter M-26, R.S.A.2000 and amendments thereto authorizes the Council of a Municipality to pass by-laws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

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

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 of High Prairie, in the province of Alberta, duly assembled enacts as follows:

1.0 SHORT TITLE:

1.1 This by-law may be called the "Snow Clearing By-law".

INTERPRETATION:

Section; 2 - in this by-law;

- (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 vehicles and the adjacent property line, whether planted or not, except that portion occupied by a sidewalk.
- (c) **COUNCIL** – means the Municipal Council of the Town of High Prairie.
- (d) **DEVELOPMENT AUTHORITY** – means the Development Officer, or Municipal Planning Commission or Council of the Town of High Prairie, as specified under the current Land Use Bylaw of the Town of High Prairie.
- (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 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.
- (iii) (f) **INTERSECTION** - means the area within the prolongation or connection of:
 - (i) the lateral curb lines or, if none
 - (ii) the exterior edges of the roadways, of two or more highways, which join one another at an angle whether or not one highway crosses the other.
- (g) **MOTOR VEHICLE**- means a motor vehicle, as defined in the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended and repealed or replaced from time to time.
- (h) **MUNICIPAL TAG** - means a tag or ticket wherein the person alleged to have committed a breach of a provision of this by-law, is given an opportunity to pay a voluntary penalty to the Town of High Prairie in lieu of prosecution for the alleged offence.
- (i) **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.
- (j) **ORDER**- means an Order issued by a Designated Officer as described in Section 545 or Section 546 of the Act, as applicable
- (k) **OWNER**- means-
 - any Person registered as the Owner of Property under the *Land Titles Act*, R.S.A. 2000, c. L-4, as amended or repealed from time to time
 - a Person who is recorded as the Owner of Property on the Assessment Roll of the Town;
 - 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;
 - a Person in control of Property under construction; OR
 - a Person who occupies the Property under a lease, license or permit
- (l) **PARK WHEN PROHIBITED** – means to allow a 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
 - (ii) when standing in obedience to a peace officer.



- (m) **PEACE OFFICER** – means a member of the Royal Canadian Mounted Police, a Community Peace Officer or a Bylaw Enforcement Officer appointed by the Town of High Prairie.
- (nl) **PEDESTRIAN** – means a person afoot, or a person using a wheelchair or mobility aid.
- (o) **PERSON** – means an individual or incorporated group having certain legal rights and responsibilities.
- (p) **PROVINCIAL OFFENCES PROCEDURE ACT**- means the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time.
- (q) **SERVICE ROAD** – means a road that runs parallel to a main road, and is separate from the main road by a boulevard or curb.
- (r) **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.
- (s) **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” down town snow removal area as signed.
- (t) **SPECIFIED PENALTY**- means a penalty specified by this by-law, for a contravention of a provision of this by-law which amount may be paid by a person to whom a summons was issued.
- (u) **TOWN** - means the Town of High Prairie in the Province of Alberta.
- (v) **VEHICLE** – means a device in, on or by which a person or thing may be transported or drawn on a highway.
- (w) **VOLUNTARY PENALTY**- means a penalty specified in this by-law for a contravention of a provision of this by-law which amount may be paid by a person to whom a violation tag has been issued.
- (x) **VIOLATION TAG**- means a tag or similar document issued by the Town pursuant to the Act for the purpose of notifying a Person that an offence has been committed for which a prosecution may follow.
- (y) **VIOLATION TICKET**- means a ticket issued pursuant to Part II of the *Provincial Offences Procedure Act*.

Section 3. General Provisions

- 3.1 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 public building abutting on a sidewalk in the Town, forming part of this by-law, 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.
- 3.1 is only in effect if the Town is unable to clear sidewalk(s).**
- 3.2 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. Prior permission of the land owner is required.
- 3.3 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 public building abutting on a sidewalk in the Town, shall keep such sidewalk free from all snow, ice, debris and waste materials that could be a public safety issue.
- 3.4 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 metal instrument whatever whether such person be engaged in removing snow, ice or dirt from such sidewalk or not.
- 3.5 In default of any person complying with Section 3.2 or Section 3.3 of this by-law, the Town may provide for the cleaning of the sidewalk and any expenses incurred by the Town in so doing shall be charged against the owner or the occupant of the property adjacent to the sidewalk as a debt due and owing to the Town.
- 3.6 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.
- 3.7 No person shall pile/place snow or any debris as to obstruct any alley, highway or sidewalk.
- 3.8 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.

- 3.9 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.
- 3.10 No person shall park a vehicle on a designated snow route or residential area when a snow route parking ban is in effect is in affect as listed in Schedule B
- 3.11 Any person who contravenes any provision of this bylaw is guilty of an offense and is liable, upon summary conviction, to a penalty as set out in Schedule "A"
- 3.12 Notwithstanding section 3.11 of this bylaw, any person who commits a second, third or subsequent offenses is guilty of a further offense. Further, a subsequent offence shall be deemed to occur for each day the contravention continues.

Section 4. Powers of Peace Officers

- 4.1 Any Peace Officer is hereby authorized to remove or cause to be removed any vehicle or trailer to a place designated by the Town Manager, 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.
 - (c) When a vehicle has been removed pursuant to Section 4.1, the 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.
- 4.2 A Peace Officer may issue a violation ticket with a specified penalty, to any person alleged to have breached any provision of this Bylaw.
- 4.3 A violation ticket shall be deemed to be sufficiently served:
- (a) If served personally on the accused, or
 - (b) If a copy is left at the accused person's usual place of abode, or
 - (c) If a copy sent to the accused person by registered mail, or
 - (d) If a copy is sent to the accused person by ordinary mail.
- 4.4 Any person who commits a breach of any of the provisions of this by-law shall be liable as follows:
- 4.5 A municipal tag in the amount of the voluntary penalty will be issued for any breach of this by-law.
- 4.6 In the event that a municipal tag remains unpaid thirty days from the date of its issuance, a summons will be issued.



- 4.7 Any person who on summary conviction is convicted of violating any provision of this by-law shall be liable to pay a fine of not less than the stipulated voluntary penalty and not more than \$2,500.00.
- 4.8 A Violation tag may be served by.
- (a) personally serving it on the alleged offender, or;
 - (b) by leaving it with an adult person at the alleged offender's residence, or;
 - (c) sending it to the accused person by registered mail, or
 - (d) sending the municipal tag by ordinary mail to the alleged offender.
- 4.9 Where a Violation Tag has been issued pursuant to Section 4.2, 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.
- 4.10 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, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act* to the Person to whom the Violation Tag was issued.

Section 5. ENFORCEMENT

- 5.1 The Owner of any Property shall be responsible for all activities on the Property and for ensuring that the Property is not or does not become a Nuisance or a Public safety issue, and for remedying any contravention of this Bylaw.
- 5.2 A Designated Officer may, for the purpose of ensuring that the provisions of this Bylaw are being complied with, enter upon any Property, in accordance with Section 542 of the Municipal Government Act, in order to carry out an inspection, enforcement or other action required or authorized by this Bylaw, the Act, or any other statute.
- 5.3 Before conducting an inspection pursuant to Section 5.2, a Designated Officer shall provide the Owner or Occupant of the Property with reasonable notice as required by the Municipal Government Act.
- 5.4 Where contravention of this Bylaw has occurred or is occurring, a Designated Officer may issue an Order to the Owner, Occupant, or Person responsible for the contravention, or any or all of them, pursuant to Section 545 of the Municipal Government Act, in the case of a Nuisance, Public safety issue, or pursuant to Section 546 of the Municipal Government Act, in the case of a danger to public safety.
- 5.5 An Order issued by a Designated Officer in case of a nuisance or safety issue of any provision of this bylaw, shall:

- a) direct the Person to whom the Order is issued to stop doing something, or change the way in which the Person is doing that thing;
 - b) direct the Person to take any action or measure necessary to remedy the contravention of this Bylaw, including but not limited to the cessation of an activity, to prevent the reoccurrence of the contravention;
 - c) state a time period within which the Person responsible must comply with directions stated in the Order;
 - d) state that if the Person does not comply with the directions provided within the Order within the time period specified, the Town may take any action or measure reasonably necessary to remedy the contravention at the expense of the Person responsible, with such expenses being recoverable against the Person responsible, in accordance with the provisions of the Municipal Government Act; AND
 - e) notify the Person responsible of the right to apply by written notice for a review of the Order by Town Council, and any fee required for such an application, as set out in the Town of High Prairie's most current Fees Bylaw.
- 5.6 Any expenses or costs of any action or measure taken by the Town pursuant to this Bylaw are an amount owing to the Town by the Owner, Occupant or any other Person responsible for the contravention, or any or all of them.
- 5.7 The expenses and costs incurred by the Town in the enforcement of this Bylaw may be collected as a civil debt or added to the tax roll for the Property pursuant to the Municipal Government Act.
- 5.8 An Order issued pursuant to this Bylaw is deemed to have been served on the Person whom it is addressed when the Order has been:
- a) in the case of an individual) delivered personally to the individual, or left for the individual at his or her residence with a Person on the Premises who appears to be at least eighteen (18) years of age; OR
 - b) upon confirmation of receipt of the Order by the Person to whom it is addressed by registered mail;
 - c) in the case of a partnership or corporation, by registered mail or personal delivery to either the registered office or business address of the partnership or corporation;
- 5.9 Nothing in this Bylaw shall be construed as to limit the ability of the Town to issue an Order pursuant to Section 546 of the Municipal Government Act where a property is deemed to be a nuisance or public safety issue.

Section 6. TRANSITION

- 6.1 All snow removal, which are under Council's or the Town Manager's authority, and are in place on the effective date of this Bylaw shall be deemed to be valid for the purposes of this Bylaw.
- 6.2 All Schedules attached to this Bylaw may be amended from time to time by Bylaw.
- 6.3 Each Section with exception to Section 2 and all Schedules of this Bylaw shall be read and construed as being separate and severable from each other Section. Furthermore, should any Section of this Bylaw be found to have been improperly enacted, for any reason, then such Section shall be regarded as being severed from the rest of the Bylaw and the remaining Bylaw shall be considered effective and enforceable.
- 6.4 This Bylaw shall come into effect upon third reading


READ a first time this 22nd day of May, 2018.

READ a second time this 8th day of January, 2019.

READ a third time and finally passed this 22nd day of January, 2018.



Mayor Brian Pihasiuk






Brian Martinson, CAO

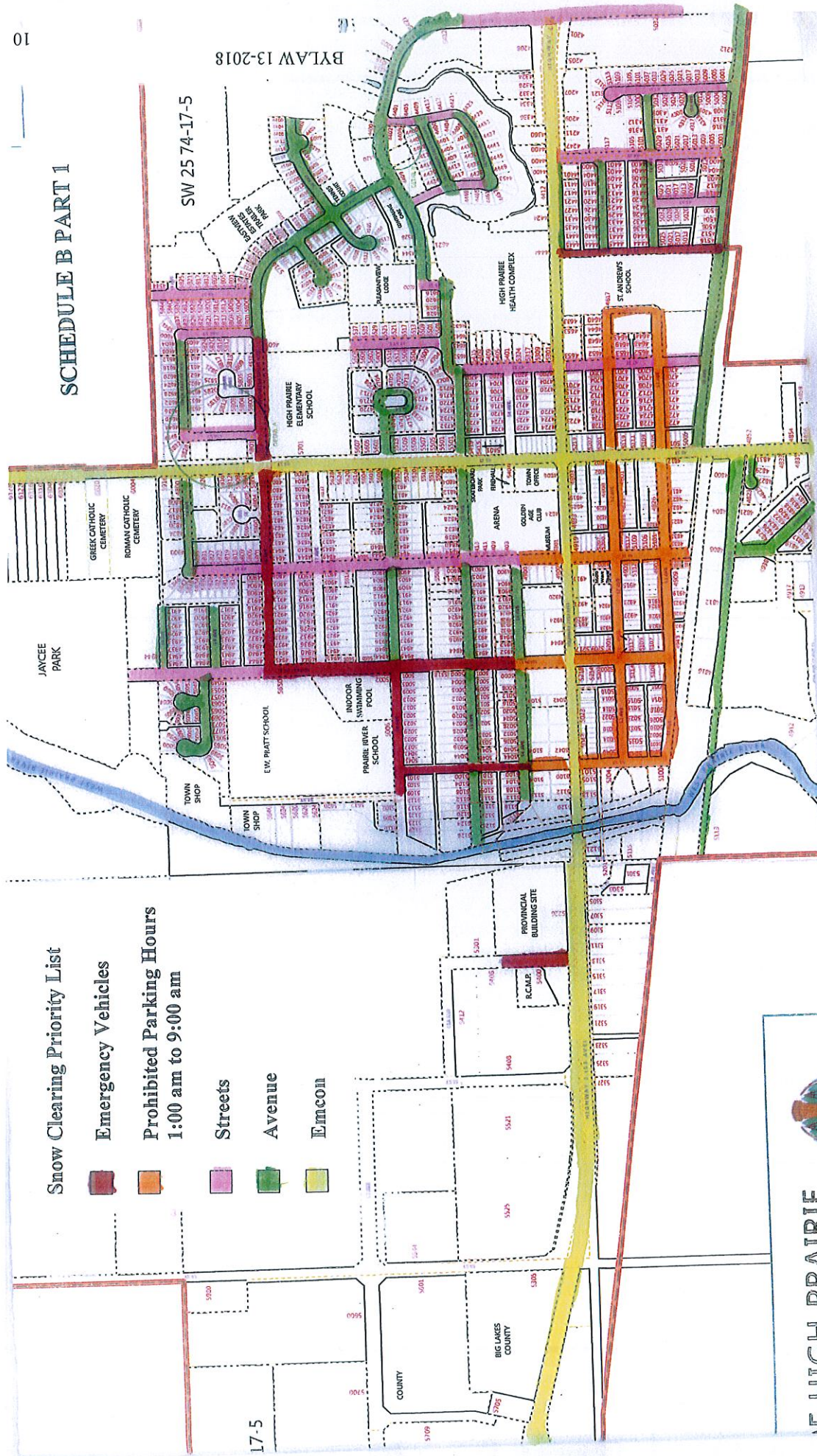
FINE SCHEDULE "A"
PENALTIES

| 3. Specified penalties | | 1st | 2nd / sub |
|-------------------------------|--|-----------------------|-----------------------------|
| 3.1 | Fail to clear sidewalk w/i 48 hrs | \$100.00 | \$200.00 |
| 3.2 | place/pile snow on roadway | \$150.00 | \$300.00 |
| 3.3 | Fail to keep sidewalk clear of all debris | \$150.00 | \$300.00 |
| 3.4 | cause damage to sidewalk, highway, boulevard | \$500.00 | \$1,000.00 |
| 3.6 | obstruct fire hydrant, emergency exit or traffic control device | \$250.00 | \$500.00 |
| 3.7 | obstruct highway/sidewalk/alley | \$250.00 | \$500.00 |
| 3.8 | pile/place snow on public or private property without owners approval | \$200.00 | \$400.00 |
| 3.9 | deposit snow/debris/ice/dirt, in/on Drainage ditch, culvert or catch basin | \$150.00 | \$300.00 |
| 3.10 | Park on designated snow route or residential area | \$150.00 | \$300.00 |
| 3.12 | neglect/fail/refuse to remedy a nuisance or public safety issue | \$100.00 per day | |

Second and subsequent offence will double if contravention is within 1 year of first offense

Snow Clearing Priority List

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



OF HIGH PRAIRIE

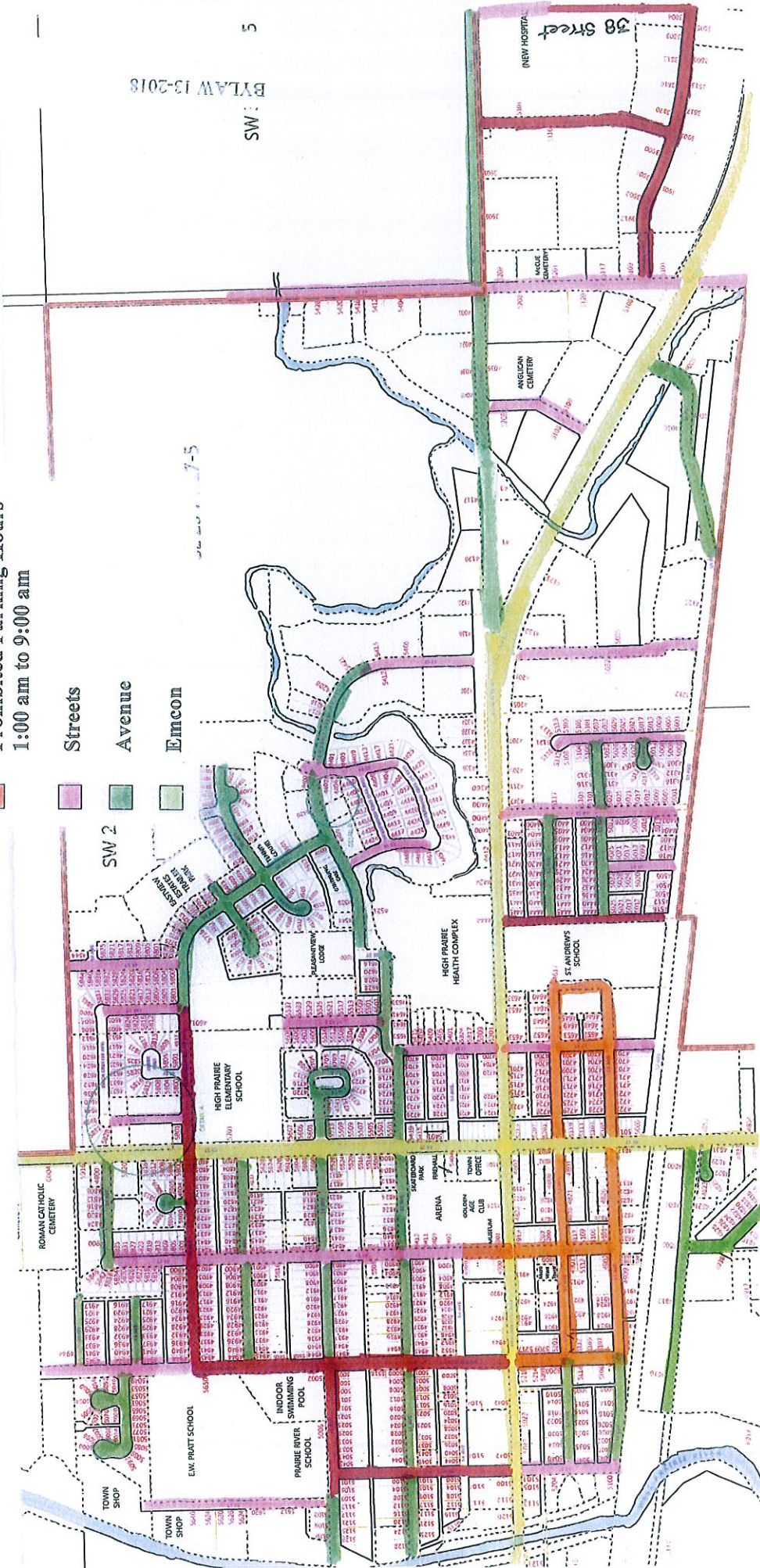
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SCHEDULE B PART 2

Snow Clearing Priority List

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

Streets
Avenue
Encon



BW

SCHEDULE B – PART 3

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 | From 48 Street to 50 Street |
| 52 Avenue | From 48 Street to 50 Street |
| 49 Street | From 51 Avenue to 53 Avenue |
| 50 Street | From 51 Avenue to 53 Avenue |

