

BYLAW NO. PI 1/11

**A BYLAW OF THE TOWN OF GIBBONS IN THE PROVINCE OF ALBERTA
PURSUANT TO THE MUNICIPAL GOVERNMENT ACT, R.S.A., 2000 AND
AMENDMENTS THERETO TO REGULATE AND CONTROL THE REMOVAL OF
SNOW, ICE, DIRT OR OTHER FOREIGN MATTER FROM THE SIDEWALKS IN
THE TOWN OF GIBBONS**

WHEREAS, the Municipal Government Act R.S.A. 2000 provides the Council of the Town of Gibbons the authority to regulate and control the removal of snow, ice, dirt and other foreign matters from the sidewalks.

Definitions:

- a) **“Council”** means the Council of the Town of Gibbons
- b) **“Highway”** means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes:
 - i) a sidewalk (including a boulevard portion of the sidewalk;
 - ii) if a ditch lies adjacent to and parallel with a roadway, the ditch, and
 - iii) 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;
 - iv) but does not include a place declared by regulation not to be a highway.
- c) **“Municipality”** means the Town of Gibbons.
- d) **“Pathway”** means a path or route that is not hard surfaced and is not intended for pedestrian use, but which is often used by pedestrians.
- e) **“Peace Officer”** means a member of the Royal Canadian Mounted Police, a Bylaw Officer, a Peace Officer or any person authorized by Council to enforce the provisions of the Bylaw.
- f) **“Sidewalk”** means any hard surfaced path or route intended for use by Pedestrians and is situated on Town owned property.
- g) **“Street”** means a public thoroughfare of the Town, including sidewalks, which afford a means of access to land abutting it and includes a lane.
- h) **“Utility Corridor”** means a parcel of land that has a primary function of containing underground utilities, but which may also be used as parkland or is often used by pedestrians.
- i) **“Violation Tag”** means a tag or similar document issued by the Municipality pursuant to the Municipal Government Act. A sample will form Appendix “A” of this Bylaw.
- j) **“Violation Ticket”** means a ticket issued pursuant to the Provincial Offences Procedure Act, as amended and Regulations thereunder.

- k) **“Obstructions”** means any obstacle that stands in the way or opposes, hinders or causes a condition which blocks the movement of pedestrians or traffic flow;

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

1. The bylaw may be sited as the **“Sidewalk Cleaning Bylaw”**
2. All persons within the Town owning, controlling or occupying property that adjoins any sidewalks, shall remove or cause to be removed and cleared away all snow, ice, dirt or debris, obstructions or other materials from that part of any sidewalk adopted for the use of pedestrians. Such removal shall be completed within ninety six (96) hours of the time when the snow, ice, dirt or debris, obstruction or other material was formed or deposited thereon.

When a utility corridor is adjacent to or contains a sidewalk, those persons owning, controlling or occupying property adjacent to the corridor shall remove or cause to be removed and cleared away all snow, ice, dirt or debris, obstructions or other materials from that part of any sidewalk adopted for the use of pedestrians. When a utility corridor is between two properties, this responsibility will be equally shared. Such removal shall be completed within ninety six (96) hours of the time when the snow, ice, dirt or debris, obstructions or other material was formed or deposited thereon.
3. In default of any person complying with subsection (2) above, and in addition to any other remedy available to the Town for non-compliance with this bylaw, the Town may arrange to have the sidewalk cleared and may:
 - a) charge the expense of such removal to the tax account of the owner of the premises, or
 - b) charge the expense of such removal against the property as a special assessment to be recovered in like manner as with other taxes
4. No person shall remove snow, ice, dirt, debris, obstructions or other materials from any sidewalks by causing such material to be placed upon any other portion of the highway, other public place adjacent to such property, or onto private property other than their own.


No person shall place or permit to be placed, any snow, ice, dirt, debris, obstructions or other material removed from the highway or other public places within the Town, or onto private property other than their own.
5. Every occupant, and in the case where there is no occupant, the owner of every house, shop, building, church or chapel abutting on or erected within three (3) meters of any highway or public place shall ensure that any accumulation of snow or ice on the roof or eaves of such building that accumulates to an extent where there is a danger to people passing, is removed or cause the same to be removed at once. Every person while removing the same shall take due and proper care and precaution for the warning and safety of persons passing.
6. A person who has an awning extending from a portion of his premises over a street or portion thereof shall keep the awning free from snow or ice.

7. If water drips from an awning upon a street, the owner or occupier of the premises shall clean the sidewalk or street portion thereof to prevent ice from forming thereon.
8. No person shall damage any sidewalk or pavement in the Town by striking, picking, cutting, or using corrosive materials on the same whether such person is engaged in removing snow, ice, dirt, obstructions or other foreign material from the said sidewalk or pavement or not.
9. The imposition of a fine shall not relieve the person so sentenced from any liability to pay the Town the expense arising from any damage incurred by him to a town street or sidewalk.
10. The Town of Gibbons will clear snow from the following locations according to priorities based on financial, personnel restrictions, availability of equipment and in conjunction with written established policies and procedures as approved and changed by Council from time to time:
 - a) walkway / trail systems within park and/or reserve areas,
 - b) sections of sidewalk adjacent to Town owned properties,
 - c) pathways, and
 - d) roadways and/or back lanes that serve as a connection between sections of sidewalk.
11. Penalties:
 - a) Any person who contravenes any section of this Bylaw is guilty of an offense.
 - b) Any person who contravenes any provision of this Bylaw is guilty of an offense and is liable upon conviction to a fine as set out in Schedule "A", which is attached and forms part of this Bylaw.
 - c) Under no circumstances shall any person contravening any provisions of this Bylaw be subject to the penalty of imprisonment.
 - d) Nothing in this Bylaw shall be construed as curtailing or abridging the right of the Municipality to obtain compensation or to maintain an action for loss of or damage to property from or against the person or persons responsible.
 - e) A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who, the Peace Officer has reasonable and probable grounds to believe, either neglects or fails to do something required by this Bylaw or does something prohibited by this Bylaw.
 - f) A Violation Tag shall be sufficiently served if:
 - i) served personally to the owner or occupier of the lot or parcel, or
 - ii) sent by mail to such person at his or her last known post office address, or
 - iii) left with any adult at the place of residence of the said owner or occupier of the lot or parcel, or
 - iv) hung on the entry door of a residence or on a conspicuous location on the lot or parcel.
 - g) The Violation Tag shall be in a form approved by the Municipality and shall state:

- i) the name of the person;
 - ii) the offence;
 - iii) the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
 - iv) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag; and
 - v) that the Town of Gibbons may rectify the problem caused by the violation at a time beginning 48 hours after the Violation Tag has been served. If the serving was done by mail, at a time beginning five (5) business days after the Violation Tag has been served; and
 - vi) any other information as may be required by the Municipality.
- h) Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by a Peace Officer, provided that no more than one Violation Tag shall be issued for each week that the contravention continues.
- i) Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offense, pay to, the Municipality, the penalty specified in the Violation Tag.
- j) Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket for the mandatory court appearance of any person who contravenes any provision of this Bylaw.
- k) If the penalty specified in a Violation Tag is not paid within the prescribed time period, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the Provincial Offences Procedure Act.

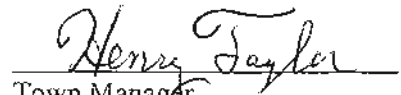
Read a first time this 9th day of ~~January~~^{February}, 2011


Mayor


Town Manager


Read a second time this 13th day of April, 2011


Mayor


Town Manager

Read a third and final time this 13th day of April, 2011


Mayor


Town Manager

Appendix "A"

THE TOWN OF
Gibbons



VIOLATION TAG

4807 - 50 AVENUE
GIBBONS, ALBERTA T0A 1N0

THIS TAG ISSUED
FOR BREACH OF SECTION _____
TOWN BYLAW NO. _____

PENALTY

\$	\$	\$	\$	\$
LIC. YEAR	MO.	LICENSE NO.	PROVINCE	
DATE TAGGED YR. MO. DAY		TIME HOURS	COLOR	MAKE

OFFENCE _____

LOCATION _____

NAME/OWNER: _____

ADDRESS: _____

TO AVOID PROSECUTION PAY FINE BEFORE

ISSUER: _____

DATE ISSUED: _____

SEE REVERSE SIDE FOR METHOD OF PAYMENT

0226

SCHEDULE "A"
FINES FOR INFRACTIONS

<u>SECTION</u>	<u>INFRACTION</u>	<u>FINE</u>
2	Not cleaning sidewalks within the prescribed 96 hour time limit.	\$50.00
4	Placing ice, snow, etc. from private property onto a highway or other private or public property other than their own property.	\$100.00
5	Not clearing a dangerous accumulation of snow.	\$100.00
6	Not keeping awning free of snow and ice.	\$100.00
7	Not keeping sidewalk/street from ice forming from dripping.	\$100.00
8	Damaging sidewalk or pavement.	\$500.00
11 (g) (v.)	Town of Gibbons may rectify the problem caused by the violation	Cost Recovery