

BYLAW #2019-09
VILLAGE OF ACME
IN THE
PROVINCE OF ALBERTA
STREETS AND SIDEWALKS BYLAW

A BYLAW of the Village of Acme in the Province of Alberta **TO REGULATE STREETS AND SIDEWALKS** in the Village of Acme.

WHEREAS: The provisions of Section 7 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26 permits the Council to pass Bylaws for municipal purposes of respecting safety, health, and welfare of people and the protection of people and property; and

WHEREAS: Council deems it necessary to regulating the depositing, accumulation and removal of snow, ice, dirt, and other debris of sidewalks and streets to enhance the safety, health, and welfare of people and the protection of people and property within the Village of Acme;

NOW, THEREFORE, THE MUNICIPAL COUNCIL OF THE VILLAGE OF ACME, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

SHORT TITLE

This Bylaw may be referred to as the **STREETS AND SIDEWALKS BYLAW** of the Village of Acme.

SECTION I – DEFINITIONS

1.1 In this Bylaw, unless the context otherwise requires:

- a) **“Debris”** means any gravel, lumber, leaves, branches, and other parts of trees or shrubs, and any other unauthorized materials.
- b) **“Dirt”** means any sand, clay, topsoil, or other types of earthen materials.
- c) **“Ice”** means and frozen water.
- d) **“Motorized Equipment”** means any bobcat, tractor, truck, plow, snowblower, or any other motorized vehicle that can move, clear, or scrape the streets of snow, ice, dirt, or debris.
- e) **“Municipal Tag”** means a written notice, on a form approved by the CAO, issued by a Peace Officer, to advise a person that a violation of this Bylaw has occurred and that, by payment of a specified amount for the offence within a set time period, that person will avoid prosecution for the offence.
- f) **“Notice”** means a notice issued to an Owner of a Premises pursuant to this Bylaw to remedy a condition that is not in compliance with any provision of this Bylaw;
- g) **“Obstruction”** means any object or material that impedes or prevents passage
- h) **“Owner”** means a person who is registered under the *Land Titles Act* as the owner of a parcel of land; or
 - 1) a person who is registered under the Land Titles Act as the owner of a parcel of land; or

- 2) a person is recorded as the owner of a property on the tax assessment roll of the Village of Acme; or
 - 3) a person who has purchased or otherwise acquired a parcel of land, whether he has purchased or otherwise acquired the land directly from the owner or from another purchaser, and has not yet become the registered owner thereof; or
 - 4) a person holding himself out as the person having the powers and authority of ownership of a property or premises or who for the time being exercises the powers and authority of ownership; or
 - 5) a person in possession or control of a property or premises under construction; or
 - 6) a person who is the occupant of a property or premises pursuant to a written or verbal rental or lease agreement, license or permit;
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- i) **"Peace Officer"** means any member of the RCMP, Special Constable, Community Peace Officer or Bylaw Enforcement Officer.
 - j) **"Person"** means an individual or any business entity including a firm, partnership, association, corporation, company or society;
 - k) **"Premise(s)"** means any land situated in whole or in part within the Village including the external surfaces of all buildings and land immediately adjacent to any building or buildings and includes any land or buildings owned or leased by the Village;
 - l) **"Provincial Offences Procedures Act"** means *the Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time.
 - m) **"Provincial Violation Ticket"** means a ticket issued pursuant to Part 2 of *the Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34, as amended, and any regulations thereunder.
 - n) **"Remedial Order"** means an order as described in Section 545 or Section 546 of *the Municipal Government Act*.
 - o) **"Sidewalk"** means any sidewalk located on a street or public property.
 - p) **"Snow"** means any form of frozen precipitation which might fall from the sky.
 - q) **"Street"** means Village owned roadway or lane, provincially owned roadway or lane, or Village owned pedestrian pathway or walkway.

SECTION II – CLEARING OF SNOW, ICE, DIRT, OR DEBRIS FROM SIDEWALKS AND STREETS

- 2.1 An Owner of any premises within the Village of Acme shall ensure the removal and clearing of any snow, ice, dirt, or debris from any public sidewalk(s) fronting, abutting, or adjoining such premises including private driveway crossings, all snow and ice deposited, whether from natural or unnatural means, within forty-eight (48) hours of deposit.
 - 2.1.1 Snow and ice will be considered removed when the sidewalk is cleaned for the entire width of the sidewalk to the sidewalk surface as completely as reasonably possible.
 - 2.1.2 In the case of a sidewalk being below grade resulting in repeated coverage by ice or water through drainage of melted snow or rain, the sidewalk must be cleaned as completely as

reasonably possible and a non-slip, non-corrosive and salt-free material such as sand or similar material must be scattered on the surface of the sidewalk as frequently as required to maximize traction for pedestrians.

- 2.1.3 Where an Owner reasonably anticipates being absent, the Owner must make arrangements to ensure the sidewalks are maintained in accordance with this Bylaw.
- 2.2 No owner or any other person may use any motorized equipment to clear the STREETS of ice, snow, dirt, or any other debris.

SECTION III – DEPOSITING OF SNOW, ICE, DIRT, OR DEBRIS ON A SIDEWALK OR STREET BY OWNER OR OTHER PERSON

- 3.1 No owner of any premises, nor any other person shall place, or allow to be placed, any Obstruction, including snow, ice, dirt, debris, on or across any sidewalk or street, without the written consent of the Village.
- 3.2 Any Obstruction which was placed or caused to be placed on or across any sidewalk or street by an owner or person shall be removed immediately by said owner or person upon verbal notification by the Village.

SECTION IV – DAMAGE TO SIDEWALK OR STREET

- 4.1 No owner of any premises or other person shall cause injury or damage to a sidewalk or street in the Village by:
 - 4.1.1 striking, picking, cutting with any shovel, pick, crowbar, other metal instruments, or motorized equipment, whether such person is engaged in removing snow or ice from such sidewalk or not; or
 - 4.1.2 applying salt, fertilizer, or other damaging chemicals, whether such person is engaged in removing snow or ice from such sidewalk or not; or
 - 4.1.3 allowing gasoline, diesel fuel, or other similar substances to leak or drain onto said sidewalk or street.
 - 4.1.4 Using bolts or other fasteners to affix a sign to the sidewalk. All signs must be authorized as per the provisions of the Village of Acme Land Use Bylaw.

SECTION V – ENFORCEMENT

- 5.1 A Peace Officer is hereby authorized and empowered to issue a Remedial Order, Municipal Tag and/or Provincial Violation Ticket to any Person, whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 5.2 A Peace Officer may, for the purpose of ensuring that the provisions of this Bylaw are being complied with, enter in or upon any Property, in accordance with Section 542 of the *Municipal Government Act*, to carry out an inspection, enforcement or other action required or authorized by this Bylaw, the *Municipal Government Act*, or other statute.

- 5.3 When exercising their authority to enter onto Property for inspection or enforcement under Section 5.2, a Peace Officer shall provide the Owner or Occupant of the Property with reasonable notice as required by the Municipal Government Act.
- 5.4 If a Municipal Tag is issued in respect of an offence, the Person receiving the Municipal Tag may pay the fine amount as per the amount specified on the Municipal Tag on or before the required date in order to avoid further prosecution for the offence.
- 5.5 If a Provincial Violation Ticket is issued in respect of an offence, the Person receiving the Provincial Violation ticket may pay the fine amount as per the amount specified on the Violation Ticket on or before the required date in order to avoid further prosecution for the offence.
- 5.6 No Person shall obstruct, hinder or impede any authorized representative of the Village in the exercise of their powers or duties pursuant to this Bylaw.

SECTION VI – DEEMED SERVED

- 6.1 A Municipal Tag issued by a Peace Officer pursuant to any of the provisions of this Bylaw shall be deemed to have been duly given and served on the person whom it is addressed:
 - 6.1.1 being personally delivered to the person named on the Municipal Tag; or
 - 6.1.2 upon sending the Municipal Tag by regular mail to the address as is shown on the assessment roll. A Municipal Tag will be considered served after 5 (five) business days upon mailing.
- 6.2 A Remedial Order issued by a Peace Officer pursuant to any of the provisions of this Bylaw shall be deemed to have been duly given and served on the person whom it is addressed:
 - 6.2.1 being personally delivered to the person named on the Remedial Order; or
 - 6.2.2 upon sending the Remedial Order by regular mail to the address as is shown on the assessment roll. A Remedial Order will be considered served after 5 (five) business days upon mailing; or
 - 6.2.3 upon being posted on a conspicuous place on the property that is in contravention.
- 6.3 A Provincial Violation Ticket issued by a Peace Officer pursuant to any of the provisions of this Bylaw shall be deemed to have been duly given and served:
 - 6.3.1 on the Person to whom it is addressed pursuant to the Provincial Offences Procedures Act or;
 - 6.3.2 swearing an Information and Complaint against the person; or
 - 6.3.3 by leaving a copy for such person at his/her residence with an individual at the residence who appears to be at least 18 years of age, and such service shall be adequate for the purposes of this Bylaw.
- 6.4 A Provincial Violation Ticket may be served on a Person which is a corporation, either:
 - 6.4.1 by sending it by registered mail to the registered office of the corporation. A Provincial Violation Ticket will be considered served after 5 (five) business days upon mailing; or

- 6.4.2 by delivering it personally to the manager, secretary or other executive officer of the corporation or the person apparently in charge of a branch office of the corporation at an address held out by the corporation to be its address, and such service shall be adequate for the purposes of this Bylaw.
- 6.5 This Section does not prevent a Peace Officer from issuing a Provincial Violation Ticket requiring a Court appearance by the Defendant in accordance with the Provincial Offences Procedures Act.

SECTION VII – RECOVERY OF ENFORCEMENT COSTS

- 7.1 The expenses incurred by the Village in carrying out enforcement action pursuant to this Bylaw constitutes a debt owing to the Village from the Person responsible for the Bylaw contravention and may be collected by civil action for debt in a court of competent jurisdiction, in accordance with *the Municipal Government Act*.
- 7.2 In the event of the Village carrying out enforcement action pursuant to a Remedial Order, the CAO is responsible for sending a demand for payment of enforcement expenses incurred by the Village, per Schedule A, to the Owner of the property where the infraction took place. If the Owner fails to pay the enforcement expenses incurred by the Village within the time frame set out in the demand for payment, the CAO shall place the unpaid expense amount onto the tax roll of the subject Property and that amount:
- 7.2.1 is deemed to for all purposes to be a tax imposed under Division 2 of Part 10 of the Municipal Government Act from the date it was added to the tax roll, and
- 7.2.2 form a special lien against the Land in favour of the Village from the date it was added to the tax roll for the Land, in accordance with the Municipal Government Act.

SECTION 8 – GENERAL

- 8.1 If any Section or parts of this Bylaw are found in any court of law to be illegal, or are otherwise invalid and beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Section or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.
- 8.2 This Bylaw shall come into effect after third reading and upon being signed.

READ a first time this 26th day of August 2019.



Bruce McLeod
Mayor




Catherine Murray
Chief Administrative Officer

READ a second time this 26th day of August 2019.



Bruce McLeod
Mayor



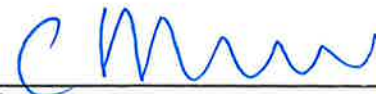
Catherine Murray
Chief Administrative Officer

MOTION TO PROCEED TO THIRD READING CARRIED UNANIMOUSLY

READ a third and final time and passed this 26th day of August 2019.



Bruce McLeod
Mayor



Catherine Murray
Chief Administrative Officer

SCHEDULE A
THE VILLAGE OF ACME'S SPECIFIED PENALTIES/FINES
ALL PENALTIES/FINES ARE IN ADDITION TO ANY COST INCURRED BY
THE VILLAGE OF ACME

Section	Penalties Description of Violation	Penalty Amount
2.2	Failure to clear snow, dirt, or debris from sidewalk within 48 hours of snowfall.	\$200
2.3	Using motorized equipment to clear snow/ice from Village streets. Fine is in addition to any cost incurred by the Village to repair any damage caused by the violation.	\$200
3.1	Depositing of snow, ice, dirt, or debris onto the sidewalk or street.	\$200
4.1	Damaging sidewalk by means of metal or motorized equipment. Fine is in addition to any cost incurred by the Village to repair any damage caused by the violation.	\$200
4.1.2	Applying salt, fertilizer, or damaging chemicals to the sidewalk or street.	\$200
4.1.3	Allowing gasoline, diesel fuel or other such substances to leak or drain onto the sidewalk. Fine is in addition to any cost incurred by the Village to repair any damage caused by the violation.	\$200
4.1.4	Affixing unauthorized signs to the sidewalk by means of bolts or other fasteners. Fine is in addition to any cost incurred by the Village to repair any damage caused by the violation.	\$200
5.6	Failing to comply with a remedial order	\$400
Administrative Fees		
Sidewalk clearing shall be invoiced at \$100/hour		
The minimum charge for the clearing of a sidewalk shall be invoiced at \$50		