

BYLAW C-8125-2021

A Bylaw of Rocky View County, in the Province of Alberta, to regulate the removal of snow and ice from sidewalks within Rocky View County.

WHEREAS pursuant to the *Municipal Government Act*, Rocky View County has the direction, control, and management of all sidewalks and public places within the County, and is responsible for ensuring that all sidewalks are kept in a reasonable state of repair;

AND WHEREAS pursuant to section 7 of the *Municipal Government Act*, Council may pass bylaws for municipal purposes respecting the safety, health, and welfare of people; the protection of people and property; and the enforcement of bylaws;

AND WHEREAS pursuant to sections 203 and 209 of the *Municipal Government Act*, Council may delegate by bylaw any of its powers, duties, or functions to the Chief Administrative Officer, who may then further delegate the matter;

NOW THEREFORE the Council of Rocky View County enacts as follows:

Title

- 1 This bylaw may be cited as the *Sidewalk Clearing Bylaw*.

Definitions and Schedules

- 2 Schedule 'A', being the minimum and specified penalties for offenses under this bylaw, is attached to and forms part of this bylaw.
- 3 Words in this bylaw have the same meaning as in the *Municipal Government Act*, except for the definitions contained in Schedule 'B' of this bylaw which apply unless the context otherwise requires.

Snow and Ice Removal

- 4 Owners and occupants of property shall remove snow and ice from any sidewalk fronting or abutting their property, including private driveway crossings, within 24 hours after snow or ice has fallen, been deposited, or formed on the sidewalk.
- 5 When removing snow and ice from a sidewalk, owners and occupants must ensure that the sidewalk is cleaned for the entire width of the sidewalk and down to the surface of the sidewalk.
- 6 When an owner or occupant is absent, arrangements must be made to ensure the sidewalks are maintained in accordance with this bylaw.
- 7 An owner or occupant who has an awning, canopy, marquee or other encroachment extending from a portion of their property over a sidewalk or highway must keep the awning, canopy, marquee, or other encroachment free of snow or ice so that the snow or ice will not deposit or drip upon the sidewalk or highway below.



8 No person shall:

- (1) cause or allow to be caused damage to any sidewalk when removing snow and ice by pounding, hammering, picking, chiseling, or by usage of a power driven device;
- (2) deposit or in any way cause to be deposited snow or ice upon any public sidewalk, pathway, or highway, nor impede stormwater runoff or block access to any storm sewer grate, traffic control device, or fire hydrant;
- (3) deposit or in any way cause to be deposited any snow and ice upon any property other than their own property, unless permission is received from the owner of the receiving property; or
- (4) obstruct, hinder, or impede any authorized representative of the County in the exercise of their powers or duties pursuant to this bylaw.

Offences

- 9 When a violation of this bylaw is continuing in nature, a violation constitutes a separate offense for each 24 hour period in which it continues.

General Penalty Provisions

- 10 In accordance with the *Municipal Government Act*, any person that violates any provision of this bylaw is guilty of an offence and is liable, upon conviction, to a fine not less than \$100 and not greater than \$10,000.00, or in default of payment of the fine, to imprisonment for a period not exceeding one year, or to both fine and imprisonment in such amounts.

Minimum and Specified Penalties

- 11 The specified penalties for a violation of this bylaw are set out in Schedule 'A' of this bylaw.

Remedies

- 12 If an owner fails or neglects to remove, or fails or neglects to provide for the removal of, all snow and ice from sidewalks under their responsibility within the time period set out by this bylaw, Rocky View County may:
- (1) employ work forces to cause the snow or ice to be removed from the sidewalks; and
 - (2) invoice the owner of the property any expenses or costs for the removal of the snow or ice.
- 13 If an owner fails or neglects to pay an invoice pursuant to section 13(2) of this bylaw, the amount owing will be added to and form part of the taxes payable on the property as taxes in arrears in accordance with section 553(1)(g.1) of the *Municipal Government Act*.

Enforcement

- 14 When an Enforcement Officer has reasonable grounds to believe that a person has violated any provision of this bylaw, the Enforcement Officer may commence court proceedings against the person by:



- (1) issuing the person a violation ticket pursuant to the provisions of the *Provincial Offences Procedure Act*; or
 - (2) swearing out an information or complaint against the person.
- 15 When an Enforcement Officer issues a person a violation ticket in accordance with this bylaw, the Enforcement Officer may either:
 - (1) allow the person to pay the specified penalty for the offence as provided for in Schedule 'A' of this bylaw by including the specified penalty in the violation ticket; or
 - (2) require a court appearance of the person when the Enforcement Officer believes that such appearance is in the public interest pursuant to Part 2 of the *Provincial Procedures Act*.
- 16 No provision of this bylaw, nor any action taken pursuant to any provision of this bylaw, shall in any way restrict, limit, prevent, or preclude Rocky View County from pursuing any other remedy in relation to an offence as may be provided by the *Municipal Government Act* or any other legislation.

Strict Liability Offence

- 17 It is the intention of Council that all offences created by this Bylaw be interpreted to be strict liability offences.

Severability

- 18 Each provision of this bylaw is independent of all other provisions. If any provision of this bylaw is declared invalid for any reason by a court of competent jurisdiction, the remaining provisions of this bylaw will remain valid and enforceable.

Amendments and Effective Date

- 19 Bylaw C-5775-2003, being the *Roads and Transportation Bylaw*, is amended as follows upon this bylaw passing and coming into full force and effect:
 - (1) sections 13.20 through and including section 13.27, excluding section 13.22, are deleted from the *Roads and Transportation Bylaw*; and
 - (2) the penalties and fines for offences under sections 13.20, 13.21, 13.26 and 13.27 are deleted from Schedule 'A' of the *Roads and Transportation Bylaw*.
- 20 Bylaw C-8125-2021, being the *Sidewalk Clearing Bylaw*, is passed and comes into full force and effect when it receives third reading and is signed in accordance with the *Municipal Government Act*.



ROCKY VIEW COUNTY

READ A FIRST TIME IN COUNCIL this 9th day of march, 2020

READ A SECOND TIME IN COUNCIL this 9th day of march, 2020

UNANIMOUS PERMISSION FOR THIRD READING this 9th day of march, 2020

READ A THIRD TIME IN COUNCIL this 9th day of march, 2020

Reeve

Chief Administrative Officer or Designate

march 9 2021

Date Bylaw Signed

Bylaw C-8125-2021
Schedule 'A' –Specified Penalties

Section	Offences	Specified Penalty First Offence	Specified Penalty Second Offence	Specified Penalty Third Offence	Specified Penalty Fourth And Subsequent Offences
4	Fails or neglect to remove and clear away all snow and ice from the sidewalks within the time period set out by this bylaw	\$150	\$300	\$450	\$600
7	Fail to keep awning, canopy, marquee or other encroachment free from snow or ice	\$150	\$300	\$450	\$600
8(1)	To cause or allow to be caused damage to any sidewalk when removing snow and ice	\$250			
8(2)	Deposit or cause to be deposited upon any public sidewalk, pathway or highway, any snow and ice	\$150	\$300	\$450	\$600
8(3)	Deposit or in any way cause to be deposited any snow and ice upon any property other than their own	\$150	\$300	\$450	\$600
8(4)	Obstruct, hinder or impede any authorized in the exercise of their powers or duties	\$500			

Bylaw C-8125-2021**Schedule 'B' – Definitions**

- 1 **“Chief Administrative Officer”** means that individual appointed by Council into the position of Chief Administrative Officer for the County pursuant to the *Municipal Government Act*.
- 2 **“Council”** means the duly elected Council of Rocky View County.
- 3 **“County”** means Rocky View County.
- 4 **“Court”** means a court of competent jurisdiction in the Province of Alberta.
- 5 **“Enforcement Officer”** means a member of the Royal Canadian Mounted Police (RCMP), a Community Peace Officer appointed by the Solicitor General of Alberta in accordance with the *Peace Officers Act*, or a Bylaw Enforcement Officer employed by Rocky View County in accordance with the *Municipal Government Act*.
- 6 **“Highway”** has the same meaning as in the *Traffic Safety Act*.
- 7 **“Land Titles Act”** means the *Land Titles Act*, RSA 2000, c L-4, as amended or replaced from time to time.
- 8 **“Municipal Government Act”** means the *Municipal Government Act*, RSA 2000, c M-26, as amended or replaced from time to time.
- 9 **“Occupant”** means any person who occupies, has possession of, use of, or control of any land or building.
- 10 **“Owner”** means any person registered as the owner of a property pursuant to the provision of the *Land Titles Act* and includes a person who is purchasing a property under an agreement for sale.
- 11 **“Peace Officer Act”** means the *Peace Officer Act*, SA 2006, c P-3.5, as amended or replaced from time to time.
- 12 **“Person”** means any individual or business entity including a firm, joint venture, proprietorship, association, corporation, organization, partnership, company, society, or any other legal entity.
- 13 **“Provincial Offences Procedure Act”** means the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended or replaced from time to time.
- 14 **“Rocky View County”** means Rocky View County as a municipal corporation and the geographical area within its jurisdictional boundaries, as the context requires.
- 15 **“Sidewalk”** means the part of a highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a highway between:
 - (1) the curb line, or where there is no curb line, the edge of the roadway; and
 - (2) the adjacent property line, whether or not it is paved or improved.



- 16 **“Traffic Safety Act”** means the *Traffic Safety Act*, RSA 2000, c T-6, as amended or replaced from time to time.
- 17 **“Work Forces”** includes employees of Rocky View County and persons under contract to the County.
- 18 **“Violation Ticket”** means a ticket issued pursuant to Part II or Part III of the *Provincial Offences Procedure Act*.