

BEING A BY-LAW OF THE TOWN OF
WESTLOCK IN THE PROVINCE OF ALBERTA
TO REGULATE THE REMOVAL OF SNOW IN
THE TOWN OF WESTLOCK

WHEREAS, pursuant to the Municipal Government Act Chapter M-26 RSA 2000, as amended, a council of a municipality may pass by-laws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property.

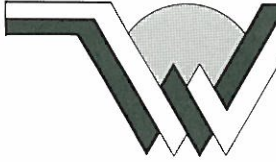
NOW THEREFORE, the Municipal Council of the Town of Westlock, in the Province of Alberta, duly assembled, ENACTS AS FOLLOWS:

SECTION 1 TITLE

1.01 This By-Law may be cited as the "Town of Westlock Snow Removal By-Law".

SECTION 2 DEFINITIONS

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| 2.01 | 'Catch Basin' | means a receptacle at the entrance to a storm sewer designed to keep out large or obstructive matter; a reservoir for collecting surface drainage or runoff |
| 2.02 | 'Council' | means the Municipal Council of The Town of Westlock |
| 2.03 | 'Culvert' | means a sewer or drain crossing under a road or embankment |
| 2.04 | 'Director of Public Works' | means the Town Director of Public Works or any person appointed by either the Council or the Town Manager to take charge of the Public Works Department |
| 2.05 | 'Downtown Commercial Area' | means all properties zoned as commercial property that are located on 107 Street, 106 Street, 105 Street and 100 Avenue within the Town of Westlock |
| 2.06 | 'Drainage Ditch' | means a ditch for carrying off excess surface drainage or runoff |
| 2.07 | 'Enforcement Officer' | means a peace officer or any person appointed by Council to enforce any provisions of this By-Law |
| 2.09 | 'Holidays' | means any "statutory holiday" as defined in The Interpretation Act Chapter I-8 RSA 2000 |
| 2.10 | 'Occupant' | means a person who occupies or has possession of or use of any land or building within the Town |
| 2.11 | 'Order' | means any written notice in a form prescribed by the Town of Westlock. |
| 2.12 | 'Owner' | means any person who has legal title to the property or who possesses property under a purchase agreement or has the control or management of property |
| 2.13 | 'Parklands' | means every recreation area owned or controlled by the Town that lies within the corporate limits of the Town whether such parkland is improved in whole or in part or remains in its natural state, and shall include neighbourhood beautification areas and publicly maintained areas administered by the Town including the green space within road right-of-ways. |
| 2.14 | 'Residential Property' | is as defined in the Town of Westlock Land Use By-Law |
| 2.15 | 'Road Right-of-Way' | means the entire area registered as a road plan, which may include sidewalks, boulevards, etc. |
| 2.16 | 'Roadway' | means that part of the street intended for use by vehicular traffic. |



(SECTION 2 DEFINITIONS cont)

- 2.17 'Sidewalk' means any hard surfaced path or route intended for use by pedestrians and situated on Town owned property
- 2.18 'Town' means the Town of Westlock in the Province of Alberta
- 2.19 'Walkway' means a sidewalk extending between two residential properties

SECTION 3 GENERAL PROVISIONS

- 3.01 Every Occupant or Owner of any property other than a residential and parkland property shall, within twenty-four (24) hours (excluding Sundays and Holidays) after the cessation of a snowfall, remove all snow and ice from any sidewalk adjacent to the said property.
- 3.02 Every Occupant or Owner of any residential and parkland property shall, within forty-eight (48) hours (excluding Sundays and Holidays) after the cessation of a snowfall, remove all snow and ice from any sidewalk adjacent to the said property.
- 3.03 The Town will not be required to remove snow from a trail system within the Town.
- 3.04 The Town will not be required to remove snow from public sidewalks adjacent to parklands or road right-of-ways or at the rear of properties if, in the opinion of the Director of Public Works, the sidewalk is:
- a) in a remote area, or
 - b) is in an area where it would not be used, or
 - c) is in an area where there would be little use and there is an alternate sidewalk available.
- 3.05 The Town will not be required to remove snow from walkways if, in the opinion of the Director of Public Works, the walkway is:
- a) in a remote area, or
 - b) is in an area where it would not be used, or
 - c) the walkway leads to an open field which is not removed of snow.
- 3.06 The Owner or Occupant of any building or premises in any Commercial District which abuts or is erected within three (3) meters of any highway, street, or public place shall remove snow or ice which accumulates on any roof, eaves, signs or awnings and which extends therefrom so as to create a possible danger for persons passing thereunder, and every person while removing the same shall take due care and proper precautions for the safety and warning of persons who may be passing thereby.
- 3.07 No person shall cause or allow to be caused damage to any sidewalk when removing snow or ice, by pounding, hammering, picking or chiseling, or depositing any chemical or other substance thereon.
- 3.08 No person shall deposit, or in any way cause to be deposited upon any public sidewalk or roadway, any snow or ice.
- 3.09 Notwithstanding section 3.08 of this By-Law, snow and ice from public sidewalks in the Downtown Commercial Area may be deposited onto the adjacent street if done so within twenty-four (24) hours of cessation of snowfall and if the street has **not** yet been removed by the Town.
- 3.10 No person shall deposit, or in any way cause to be deposited, any snow or ice upon any drainage ditch, culvert end or catch basin.
- 3.11 No person shall deposit or in any way cause to be deposited, any snow or ice on a fire hydrant or on the area adjacent to a fire hydrant which may in any way block access to, or prevent the operation of, or restrict visibility of the fire hydrant.
- 3.12 While the Town is in the process of and is actively engaged in carrying out its duties for removing snow from highways and public land the Town may contravene sections 3.10 and 3.11.
- 3.13 An Enforcement Officer may issue an Order requiring the Owner and/or Occupant of any property in the Town to remedy within twenty-four (24) hours, any condition which in the Enforcement Officer's opinion is in contravention of this By-Law. Any person who neglects, refuses or fails to comply with such order issued herein is guilty of an offence under this bylaw.



(SECTION 3 GENERAL PROVISIONS cont)

- 3.14 In the event that any person who has been issued an Order to remedy a condition that is deemed a contravention of this By-Law, neglects, refuses or fails to comply with such order, the Enforcement Officer may cause such work to be done as necessary to remedy the contravention, and
 - a) charge the cost to the Owner or Occupant as a debt due and owing to the Town, or
 - b) charge the cost against the property to be recovered in like manner as and with other taxes.
- 3.15 Where an Enforcement Officer believes that a person has contravened any section of this By-law as set out in the penalty schedule, he may serve upon such a person a voluntary payment tag in a form prescribed by the Town allowing payment of the penalty specified in the penalty schedule, attached to and forming part of this By-Law, for such offence to the Town and such payment shall be accepted by the Town in lieu of prosecution for the offence.
- 3.16 Where an Enforcement Officer believes that any person has contravened any section of this By-Law, he may serve upon such person a Violation Ticket in the form and manner as prescribed by the provisions of the Provincial Offences Procedure Act, Chapter P-34, RSA 2000, and all amendments thereto.
- 3.17 The issuance of a Violation Ticket does not relieve any person or persons so charged from the responsibility of removing the said snow or ice.

SECTION 4 PENALTIES

4.01 Penalties pursuant to this By-Law shall be set by way of resolution of Town Council.

SECTION 5 ENACTMENT

5.01 This By-Law shall come into full force and effect upon the date of the passing of the third and final reading.

READ A FIRST TIME THIS 27 DAY OF SEPTEMBER, A.D. 2004.

READ A SECOND TIME THIS 27 DAY OF SEPTEMBER, A.D. 2004.

READ A THIRD TIME THIS 27 DAY OF SEPTEMBER, A.D. 2004.



 MAYOR, SHIRLEY MORIE



 TOWN-MANAGER, DARRELL GARCEAU

PENALTY SCHEDULE

to Town of Westlock Snow Removal By-Law #2004-23

Offence Section No.	Offence	Penalty 1 st Offence	Penalty 2 nd and Subsequent Offences
3.01	Owner/occupant of non-residential property failure to remove snow/ice	100.00	200.00
3.02	Owner/occupant of residential property failure to remove snow/ice	50.00	100.00
3.06	Owner/occupant of commercial property failure to remove overhanging snow/ice	100.00	200.00
3.07	Cause/allow to be caused damage of sidewalk	100.00*	200.00*
3.08	Deposit/cause to be deposited snow/ice on public sidewalk/roadway	50.00	100.00
3.10	Deposit/cause to be deposited snow/ice on drainage ditch/culvert end/catch basin	50.00	100.00
3.11	Deposit/cause to be deposited snow/ice on / adjacent to fire hydrant	200.00	500.00
3.13	Failure to adhere to an Order	100.00	250.00

* person is also liable to pay all costs incurred for repair of said sidewalk.