

BYLAW 577/96

TOWN OF ELK POINT

A BYLAW OF THE TOWN OF ELK POINT, IN THE PROVINCE OF ALBERTA, AUTHORIZING THE TOWN COUNCIL TO REGULATE AND CONTROL THE REMOVAL OF SNOW, ICE, DIRT OR OTHER OBSTRUCTIONS FROM SIDEWALKS IN THE TOWN OF ELK POINT.

PURSUANT to the provisions of Section 7 (a) of the Municipal Government Act, Statutes Of Alberta, 1994, Chapter M-26.1 with amendments in force as of July 15th, 1996 and any amendments thereto.

NOW THEREFORE, the Council of the Town Of Elk Point in the Province of Alberta, in session duly assembled, enacts as follows:

1. SHORT TITLE:

This bylaw shall be known as the "Snow Removal Bylaw".

SECTION TWO - INTERPRETATIONS:

- 2.1 "COUNCIL" - mean the Council for the Town of Elk Point.
- 2.2 "OBSTRUCTION" - means any obstacle that stands in the way or opposes, hinders, or causes a condition which blocks the movement of pedestrian or traffic flow.
- 2.3 "OCCUPANT" - means the person actually occupying or legally responsible for any property, be that person the owner, leaseee, tenant or agent of the owner.
- 2.4 "PEACE OFFICER" - means a member of the Royal Canadian Mounted Police, and Bylaw Enforcement Officer as appointed by the Town Council.
- 2.5 "PERSON" - means individuals and/or corporations who own or occupy premises in Town.
- 2.6 "SIDEWALK" - means a cement or asphalt walk along the frontage of the property or, where it is a corner lot, that portion along the frontage and that portion along the side of the property.
- 2.7 "TOWN" - means the Town Of Elk Point in the Province of Alberta.

SECTION THREE - RESTRICTIONS AND RESPONSIBILITIES:

- 3.1 No person shall cause any injury to any sidewalks by striking, picking, or cutting the same with a shovel, pick, crow bar or any other metal instrument or utilize any type of chemical causing a deterioration to the sidewalk surface whether such person be engaged in removing snow, ice or dirt from such sidewalk.
- 3.2 No person shall remove snow, ice, dirt or other obstruction from any sidewalk by causing such material to be placed upon any other portion of public streets, ditches, alleys, or other public places adjacent to such property which may:
- a) cause an obstruction thereon,
 - b) impede drainage, or
 - c) obstruct the vision of motor vehicle operators.

SECTION FOUR - PENALTIES:

- 4.1 In the event that the owner or occupier of any lot or parcel of land fails or neglects to remove or clear away within reason, snow, ice, dirt or other obstruction from the sidewalks

within forty-eight (48) hours after the snow fall, the Town may cause the snow, ice, dirt or other obstruction to be removed from such sidewalks 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 to be recovered in a like manner as with other property taxes.
- 4.2 The Peace Officer may issue an offence ticket to any person who either neglects or fails to do something required by this bylaw or does something prohibited by this bylaw. The offence ticket shall state the alleged offence and require payment of a Fifty Dollar (\$50.00) fine.
- 14.3 The issuance of an offence ticket does not relieve any person so charged from the responsibility of removing the snow, ice, dirt or other obstruction from the said sidewalk or portion of the street.
- 4.4 The offence ticket shall be sufficiently served if:
- a) sent by double registered mail to the owner or occupier of the lot or parcel, or
 - b) served personally to the owner or occupier of the lot or parcel, or
 - c) left with any adult at the place of residence of the said owner or occupier of the lot or parcel.
- 4.5 Nothing in Sections 4.1, 4.2, 4.3, and 4.4 shall:
- a) prevent any person from defending a charge of committing a breach of this bylaw,
- 4.6 The imposition of a fine shall not relieve the person from any liability to pay the Town the expense arising from any damage caused by him to a Town street or sidewalk.

SECTION FIVE - DATE OF EFFECT:


- 5.1 This bylaw shall come into full force and effect upon the date of the third and final reading.

READ A FIRST TIME THIS 9 DAY OF December, 1996.


READ A SECOND TIME THIS 9 DAY OF December, 1996.

RESOLUTION # 96-109 APPROVED THIRD READING THIS 9 DAY OF December, 1996.

THIRD AND FINAL READING BY A MAJORITY OF THOSE PRESENT THIS 9 DAY OF December, 1996.



Mayor
Ed Buck



Town Manager
J. Curt Svendsen Sr.