

BYLAW NO. 4-2011

**A BYLAW OF THE VILLAGE OF HOLDEN
IN THE PROVINCE OF ALBERTA
TO REQUIRE THE REMOVAL OF SNOW, ICE, DIRT AND OTHER OBSTRUCTIONS FROM
SIDEWALKS IN THE VILLAGE**

WHEREAS, under the provisions of the *Municipal Government Act*, RSA 2000, Chapter M-26, with amendments thereto, the Municipal Council of the Village of Holden may pass bylaws respecting the safety, health and welfare of people and the protection of people and property; and

WHEREAS the Municipal Council of the Village of Holden deems it expedient to pass a by-law requiring the removal of snow, ice, dirt and other obstructions from sidewalks and to provide and charge for the clearing of sidewalks which have been neglected;

NOW THEREFORE, the Council of the Village of Holden, in regular meeting, duly assembled, hereby enacts as follows:

1. Citation

This Bylaw may be cited as the "Sidewalk Clearing Bylaw".

2. Definitions

In this By-law:

- a) "Occupant" means a person who is in physical possession of a property, or a person who has responsibility for, and control over, the condition of a property, the activities conducted on that property and the persons allowed to enter that property;
- b) "Owner" means, in the case of land, any person who is registered under the Land Titles Act as the owner of land, or in the case of property other than land, any person who is in lawful possession thereof;
- c) "Peace Officer" means a Bylaw Enforcement Officer of the Village, a Peace Officer, or any person authorized by Council to enforce the provisions of this By-law;
- d) "Person" includes any individual, corporation, society, association, partnership or firm and the successor or the heir, executor, administrators or other legal representative of a person;
- e) "Property" means any land, buildings or premises in the Village of Holden;
- f) "Sidewalk" means that improved part of a roadway especially adapted to the use of or ordinarily used by pedestrians and includes that part of the roadway between the curb line (or, where there is no curb line, the edge of the roadway) and the adjacent property line, but does not include un-improved parts of a roadway;
- g) "Village" means the Village of Holden in the Province of Alberta;

3. Sidewalk Clearing

- a) The Owner or Occupant of any property adjoining a public Sidewalk shall clear away any snow, ice, dirt, debris or other materials from said sidewalk in order to maintain the Sidewalk in a condition that is, in the opinion of a Peace Officer, easily and safely traversable. The clearing of Sidewalks shall be performed within forty-eight (48) hours of the time when the snowfall ended or the ice, dirt or other obstruction was formed or deposited thereon.
- b) No Person shall remove snow or ice from any Sidewalk by causing it to be placed upon the roadway adjacent to such Sidewalk, except to the extent that removal of the snow and ice to private property is impractical. Notwithstanding the

above, no ice or snow may be deposited on a designated handicapped parking stall that is located on a public roadway.

- c) No Person shall cause any damage to any Sidewalk by striking, picking or cutting the same with any shovel, pick, crowbar or other metal instrument whatever whether such Person be engaged in removing snow, ice or dirt from such Sidewalk or not.

4. Enforcement

- a) In default of any Person complying with Section 3.a) or 3..b) or causing damage described in Section 3.c) of this bylaw the Village of Holden may provide for the clearing of the Sidewalk, clearing of snow deposited on the roadway, or repair to the public Sidewalk, and any expenses incurred by the Village of Holden in so doing shall be charged against the Owner or Occupant of the Property adjacent to the sidewalk as a debt due and owing to the Village.
- b) Fees invoiced to the Owner or Occupant in section 4.a) of this bylaw that remain unpaid after 30 days may be added to the tax roll of the Property, as outlined in Section 553 of the *Municipal Government Act*.

This bylaw takes effect as of the date of final passage and upon such final passage, Bylaw No. 6-1996 shall be repealed.

READ A FIRST TIME this 19th day of September, 2011

READ A SECOND TIME this _____ day of _____ 2011

READ A THIRD TIME and passed this _____ day of _____ 2011

Mayor

Chief Administrative Officer