

CITY OF BROOKS

BYLAW NO. 12/03

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA FOR THE REMOVAL OF SNOW, ICE, DIRT AND OTHER DEBRIS FROM PUBLICLY OWNED SIDEWALKS.

WHEREAS, pursuant to the Municipal Government Act, RSA 2000, c M-26 and regulations as amended, Council may pass a Bylaw for the safety, health and welfare of people; the protection of people and property; things in, on, or near a public place or place that is open to the public; nuisances, including unsightly property; and the enforcement of Bylaws;

AND WHEREAS, the Council of the City of Brooks considers it desirable and necessary in order to protect and preserve the safety, health and welfare of people and public property that measures be put in place as to ensure the removal of snow, ice, dirt and other debris from publicly owned sidewalks;

NOW THEREFORE, the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

A. TITLE:

1. This Bylaw may be referred to as the "SNOW REMOVAL BYLAW".

B. DEFINITIONS:

2. In this Bylaw, unless the content otherwise requires:
 - a. "**Act**" means the Municipal Government Act, RSA 2000, c M-26 as amended or repealed and replaced from time to time;
 - b. "**Bylaw Enforcement Officer**" means the person appointed by The Chief Administrative Officer for the purpose of enforcing compliance of City Bylaws;
 - c. "**Chief Administrative Officer**" means the Chief Administrative Officer of the City of Brooks regardless of any subsequent title that may be conferred on that officer by Council or statute, or his/her designate;
 - d. "**City**" means the City of Brooks, a Municipal Corporation in the Province of Alberta, or the geographical area contained within the boundaries of the City of Brooks, as the context may require;
 - e. "**Council**" means the Municipal Council of the City of Brooks;
 - f. "**Peace Officer**" means a Community Peace Officer or a member of the Royal Canadian Mounted Police;

- g. **“Person”** means any person, firm, partnership, association, corporation, company or organization of any kind;
 - h. **“Violation Tag”** means a tag or similar document issued by the City pursuant to the Act;
 - a. **“Violation Ticket”** means a ticket issued pursuant to Part II of the Provincial Offences Procedures Act, RSA 2000, c P-34, as amended and any Regulations thereto;
3. The owner or occupant of any premises adjoining a sidewalk shall clear away any snow, ice, dirt or other obstruction from a sidewalk within twenty-four (24) hours after the time such snow, ice, dirt or other obstruction was deposited or formed on the sidewalk.
4. a) where snow, ice, dirt or other obstruction is formed or deposited on a sidewalk the City may cause the sidewalk to be cleared at the expense of the owner or occupant of the premises adjoining the sidewalk;
- b) the City may render the account for the expense incurred by subsection (a) in writing to either the owner or the occupant of the premises adjoining the sidewalk and the person to whom the account was rendered shall pay the same upon receipt thereof;
- c) if the City does not receive the payment of the expense incurred in cleaning a sidewalk as provided in this section within ten (10) days of the date on which the account was mailed or delivered to the occupant or to the owner, the City may charge the same against the property adjoining or adjoining the portion of the sidewalk which was cleared by the City as a special assessment to be recovered in like manner as taxes assessable against the property.

C. OFFENCES AND PENALTIES:

5. Any person who contravenes any provision of this Bylaw is guilty of an offence and shall pay a specified penalty as outlined in Schedule “A” attached.
6. Any person who breaches any provision of the Bylaw is guilty of an offence and liable:
- a) upon the issuance of a Violation Tag to the specified penalty as listed on Schedule “A” attached to and forming part of this Bylaw; or,
 - b) upon summary conviction to a fine of not less than the amount specified on Schedule “A” attached to and forming part of this Bylaw for each offence, exclusive of costs.

- c) a Bylaw Enforcement Officer or a Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who has contravened any provision of this Bylaw.
7. A Violation Tag shall be deemed to be sufficiently served if:
 - a) served personally on the accused; or,
 - b) mailed to the address of the registered owner of the property concerned or to the person concerned; or,
 - c) served personally upon the manager, secretary, receptionist or other officer or person apparently in charge at any premises of a business accused, or by mailing a copy to such business by registered mail.
8. A Violation Tag shall state:
 - a) the name of the Person;
 - b) the municipal or legal description of the land on or near where the offence took place;
 - c) the offence;
 - d) the penalty for the offence set out on Schedule "A" of the Bylaw;
 - e) that the penalty shall be paid within fourteen (14) days from the issuance of the Violation Tag;
 - f) any other information deemed necessary by the Chief Administrative Officer or by the provisions of the Act or the Provincial Offences Procedure Act, RSA 2000, c P-34 as amended.
9. Where a breach of this Bylaw is of a continuing nature, further Violation Tags may be issued by a Bylaw Enforcement Officer or a Peace Officer and the offender shall be subject to a penalty for each subsequent offence as outlined in Schedule "A". However, not more than one Violation Tag shall be issued for each instance that snow, ice, dirt or other obstruction was deposited or formed on the sidewalk.
10. Where a Violation Tag has been issued for breach of any provision of this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the City the penalty specified on the Violation Tag.
11. Where a Violation Tag has been issued for breach of any provision of this Bylaw the penalty shall be reduced as outlined in Schedule "A" if paid to the Treasurer within five (5) days of the date of issuance.
12. Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.

- 13. a) if a person upon whom a Violation Tag is served above fails to pay the voluntary payment within the time specified, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c P-34, as amended, or as repealed and replaced from time to time.
- b) any person who is guilty by way of summary conviction of an offense under the provisions of this Bylaw shall be liable for a fine of not less than the amount specified for that particular breach of this Bylaw, plus associated court costs pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c P-34, as amended, or as repealed from time to time.

D. SEVERABILITY:

- 14. It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

E. REPEAL OF BYLAW:

- 15. That Bylaw No. 08/07 and amendments thereto be hereby repealed.

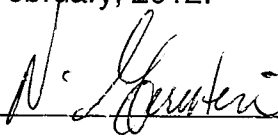
F. EFFECTIVE DATE:

- 16. This Bylaw shall come into force and take effect on the date of final passing.

Read a first time this 6th day of February, 2012.

Read a second time this 6th day of February, 2012.

Read a third time and finally passed this 6th day of February, 2012.


D| Mayor


Chief Administrative Officer

CITY OF BROOKS

BYLAW NO. 12/03

SCHEDULE "A"

PENALTIES:

Offence:
Section 3

PART I

For failure to remove snow, ice, dirt or debris from a sidewalk within twenty-four (24) hours after time of deposit or formation of such.

	Penalty:
First Offence	\$75.00
Second and Subsequent Offences	\$150.00

PART II

When payment to the Treasurer has been received within five (5) days of the date of issuance.

	Penalty:
First Offence	\$50.00
Second and Subsequent Offences	\$100.00