

## TOWN OF COCHRANE

### BYLAW NO. 01/2009

#### SNOW REMOVAL BYLAW

Being a Bylaw of the Town of Cochrane, in the Province of Alberta, to control the removal of snow and ice from the sidewalks, awnings, canopies, marquees and other encroachments extending over any sidewalk.

**WHEREAS:** The *Municipal Government Act*, Revised Statutes of Alberta, RSA 2000, C.M. 26 and amendments thereto, section 7(a) provides that a Municipal Council may pass a Bylaw for purposes respecting the safety, health and welfare of people and the protection of people and property.

**AND WHEREAS** The Municipal Council deems it necessary and expedient to pass a Bylaw to control the removal of snow and ice from sidewalks and awnings, canopies, marquees and other encroachments extending over any sidewalk.

**NOW, THEREFORE, THE MUNICIPAL COUNCIL OF THE TOWN OF COCHRANE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:**

#### 1. TITLE

- 1.1 This Bylaw may be cited as the "Snow Removal Bylaw".
- 1.2 Where another Town Bylaw is referenced anywhere within the Snow Removal Bylaw, it shall be deemed to refer to that Bylaw currently in effect and will include any and all amendments to such Bylaw or any other Bylaw passed in substitution thereof.

#### 2. DEFINITIONS

- 2.1 In this Bylaw, unless the context otherwise requires:
  - a) **"agent"** means every person who, by mutual consent, acts for the benefit of another, including sales representatives, hawkers or employees.
  - b) **"awning"** means a folding or collapsible cover capable of being extended from or retracted to the building or structure to which it is attached;
  - c) **"boulevard"** means the strip of land between the curb and the sidewalk and between the sidewalk and the property line, or where there is no sidewalk, the strip of land between the curb and the property line. Where there is no curb, the meaning shall be extended to include the strip of land between the near edge of the roadway and the property line;
  - d) **"canopy"** means a non-retractable, solid projection which extends from the face of a building and includes, among other things, a structure commonly known as the theatre marquee but does not include architectural features such as lintels, sills, moldings, architraves, and pediments;
  - e) **"Community Peace Officer"** means a person so designated, and includes any inspector designated by Council or the Chief Administrative Officer, to

perform the duties of Community Peace Officer with respect to the enforcement of this Bylaw;

- f) **“Council”** means the Council of the Town of Cochrane;
- g) **“highway”** in accordance with the *Traffic Safety Act* means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles.
- h) **“landowner”** includes an occupier, tenant, a person in control of property, and the person shown as the owner of the property on the land title for that property;
- i) **“pathway”** means a multi-purpose thoroughfare controlled by the Town and set aside for the use of pedestrians, cyclists and persons using wheeled conveyances, which is improved by asphalt, concrete or brick, whether or not it is located in a park, and includes any bridge or structure with which it is contiguous;
- j) **“person”** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- k) **“property”** means a parcel of land including any buildings;
- l) **“sidewalk”** means that portion of a street set aside for the use of and ordinarily used by pedestrians, whether or not the surface of such portion is covered with gravel, concrete, asphalt, or other type of paving;
- m) **“Town”** means the Town of Cochrane or the area contained within the Town boundaries as the context requires;
- n) **“walkway”** means a right-of-way set aside for the use of and ordinarily used for pedestrian travel of the general public, whether publicly or privately owned and includes a sidewalk (and boulevard portion thereof) but does not include a pathway.

### **3. REMOVAL OF SNOW, ICE AND SLUSH**

- 3.1 Whenever snow or ice is deposited on the sidewalk or sidewalks fronting or abutting occupied property, the landowner or agent of the premises shall remove the snow or ice from such portion of the sidewalks within forty-eight (48) hours after the same has fallen, formed or been deposited thereon.
- 3.2 Where the property is not occupied, the landowner shall provide for the clearing away of snow or ice from the sidewalks fronting or abutting such premises within forty-eight (48) hours after the same has fallen, formed or been deposited thereon.
- 3.3 Whenever snow or ice is deposited on the sidewalk or sidewalks fronting or abutting property which are occupied by other than one family residence, the landowner of such property shall remove or cause to be removed all snow or ice from such portion of the sidewalk or sidewalks within forty-eight (48) hours after the same has fallen, formed or been deposited thereon.
- 3.4 A landowner who has an awning, canopy, marquee or other encroachment extending from a portion of his property over a sidewalk or other portion of a

highway shall endeavor to keep the said awning, canopy, marquee or other encroachment free from snow or ice so that the snow or ice will not deposit or drip upon the sidewalk or highway below.

- 3.5 The landowner shall cause to be cleaned up any water from melting snow or ice on any awning, canopy, marquee or other encroachment of the sidewalk and take the necessary precautions to ensure that an icy or dangerous situation is not allowed to exist on the highway or sidewalk.
- 3.6 A person may, in such a way as not to injure or unduly interfere with any other person lawfully using the sidewalk, use a power driven device that is sufficiently light and of such construction that it will not damage the surface of the sidewalk to remove snow or ice from any portion of the sidewalk from which the person is required to remove by provision of this Bylaw.
- 3.7 A person who removes snow or ice from public or private sidewalks and/or public or private driveways shall not deposit said snow or ice upon any highway, boulevard, pathway or walkway, and shall not impede storm sewer run off or block access to any storm sewer grate, traffic control device or fire hydrant.
- 3.8 In the event of a large accumulation of snow, the Town may cause a highway to be cleared of vehicles for the purpose of snow removal. After the Town posting or signing notice of snow removal on said highways, vehicles blocking snow removal equipment may be towed and impounded at the registered vehicle owner's expense.
- 3.9 In the event that the landowner as required, fails or neglects to remove and clear away all snow or ice from the sidewalks within the said number of hours, the Town may cause the snow or ice to be removed from such sidewalk and may charge the cost of the work plus ten percent (10%) administration fee against the property as a special assessment to be recovered in a like manner as with other taxes as against the goods and chattels of the occupant, in the same manner as if such expenses were taxes levied pursuant to the *Municipal Government Act*.

#### **4. PENALTIES**

- 4.1 Any person who contravenes any provision or requirement of this Bylaw is guilty of an offence and upon summary conviction is liable to have a fine unpaid of not more than ten thousand dollars (\$10,000.00) and in default of payment, to imprisonment for a term not exceeding six (6) months.
- 4.2 Whenever a Community Peace Officer has reason to believe a person has contravened any provisions of this Bylaw as listed in Schedule "A", the Community Peace Officer may issue a Town of Cochrane Bylaw Ticket, Provincial Violation Ticket or summary conviction. A Court of competent jurisdiction shall not relieve the person so fined from any liability to pay to the Town any expenses arising from the Town having to remove the snow, ice or slush.

4.3 A person who has committed an offence under this Bylaw is liable, upon summary conviction to a fine, as specified in Schedule "A", which schedule may, from time to time, be amended by resolution of Council.

**5. GENERAL**

5.1 That whenever the singular, masculine gender is used in this Bylaw, the same shall include the plural, feminine and neuter gender whenever the context so requires.

5.2 That Bylaw No. 6/97 be rescinded in its entirety.

5.3 That this Bylaw comes into force and effect upon the date of the Third and Final Reading.

Read a first time January 12, 2009  
Read a second time January 12, 2009  
Read a third time January 12, 2009



\_\_\_\_\_  
Mayor  
\_\_\_\_\_  
Municipal Clerk

### Schedule A ~ Specified Penalty

| Section  | Penalty   |
|--|---|
| 3.1 Fail to remove snow or ice from sidewalks fronting or abutting occupied premises within forty-eight (48) hours after snow has fallen.                                    | \$150.00 1 <sup>st</sup> offence<br>\$200.00 2 <sup>nd</sup> offence<br>\$250.00 3 <sup>rd</sup> offence<br>* within a twelve (12) month period |
| 3.2 Fail to remove snow or ice from sidewalks fronting or abutting unoccupied premises within forty-eight (48) hours after snow has fallen.                                  | \$150.00 1 <sup>st</sup> offence<br>\$200.00 2 <sup>nd</sup> offence<br>\$250.00 3 <sup>rd</sup> offence<br>* within a twelve (12) month period |
| 3.3 Fail to remove snow or ice from sidewalks fronting or abutting sidewalks occupied by more than one family residence within forty-eight (48) hours after snow has fallen. | \$150.00 1 <sup>st</sup> offence<br>\$200.00 2 <sup>nd</sup> offence<br>\$250.00 3 <sup>rd</sup> offence<br>* within a twelve (12) month period |
| 3.4 Fail to ensure snow or ice from an awning, canopy, marquee or other overhang does not drip upon the sidewalk.  | \$150.00 1 <sup>st</sup> offence<br>\$200.00 2 <sup>nd</sup> offence<br>\$250.00 3 <sup>rd</sup> offence<br>* within a twelve (12) month period |
| 3.5 Fail to ensure that melting snow or ice from an awning, canopy, marquee or other overhang does not cause an icy or dangerous situation on the sidewalks.                 | \$150.00 1 <sup>st</sup> offence<br>\$200.00 2 <sup>nd</sup> offence<br>\$250.00 3 <sup>rd</sup> offence<br>* within a twelve (12) month period |
| 3.6 Fail to ensure sidewalk surface is not damaged due to snow clearing from any power device.   | \$250.00  |
| 3.7 Deposit snow or ice upon any highway, boulevard, pathway or walkway as to block access to any storm sewer grate, traffic control device or fire hydrant.                 | \$250.00  |