

**BYLAW NO. 004-19
OF THE TOWN OF SMOKY LAKE
IN THE PROVINCE OF ALBERTA**

A BY-LAW OF THE TOWN OF SMOKY LAKE IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE REMOVAL OF ICE AND SNOW FROM SIDEWALKS IN THE TOWN OF SMOKY LAKE.

WHEREAS, The Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta, 2000, as amended, authorizes the Council of a municipality to pass by-laws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property.

AND WHEREAS, Council deems it expedient that all snow be cleared away from sidewalks situated on Town owned property by the owners or occupants of land adjoining said property

NOW THEREFORE, the Municipal Council of the Town of Smoky Lake, duly assembled, enacts as follows:

PART 1 - DEFINITIONS

1. This By-Law may be cited as "**The Snow Removal By-Law**".
2. In this By-Law, the following definitions shall apply.
 - (a) "**Town**" means the Town of Smoky Lake.
 - (b) "**Council**" means the Municipal Council of the Town of Smoky Lake.
 - (c) "**Downtown Commercial Area**" – is all of Wheatland Ave, White Earth Street from McDougal Drive to Wild Rose, West Railway Drive from McDougal Drive to Wild Rose
 - (d) "**Enforcement Officer**" means a peace officer, bylaw enforcement officer, or any person appointed by Council to enforce any provision of this By-Law.
 - (e) "**Occupant**" means a Person who occupies or has possession of, or the use of, any land or building within the Town.
 - (f) "**Owner**" means any Person who has legal title to property, or who possesses property under a purchase agreement, or who has the control or management of property.
 - (g) "**Person**" includes any association, or body corporate, or company or partnership or any individual person.
 - (h) "**Sidewalk**" means any hard-surfaced path or route intended for use by pedestrians.



- (i) **"Street"** means and includes any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley or other place owned or maintained by the Town, which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles.
3. Every Occupant or Owner of any property, shall, within seventy-two (72) hours (**excluding Sundays and holidays**) after the cessation of a snowfall, remove all snow and ice from any Sidewalk adjacent to the said property.
 4. Notwithstanding section 3, owners of vacant residential land in areas of residential subdivisions which are not substantially developed, are not required to clear snow.
 5. No Person shall cause damage to any Sidewalk by pounding, hammering, picking or chiseling, or depositing any chemical or other substance thereon.
 6. No Person shall deposit, or in any way cause to be deposited any snow or ice or dirt:
 - a) upon any Sidewalk or Street;
 - b) upon any drainage ditch, culvert or catch basin;
 - c) upon any private property that is not their own; or
 - d) in any location that restricts access to, or the visibility or operation of, a fire hydrant or traffic control device.
 7. Notwithstanding section 6 of this By-Law, snow and ice from public Sidewalks in the Downtown Commercial Area may be deposited onto the adjacent Street, but only if done in a manner that does not impede the flow of traffic on the Street, reduce driver visibility, damage or create a risk of damage to motor vehicles, or endanger persons travelling upon or in the vicinity of the Street.
 8. An Enforcement Officer may issue a written notice requiring the Owner and/or Occupant of any property in the Town to remedy, within twenty-four (24) hours, any condition which in his opinion, is in contravention of this By-Law, and every Person who fails or neglects or refuses to comply with a Notice issued herein is guilty of an offence under this By-Law.
 9. In the event that any Person who has been issued a Notice to remedy a condition that is deemed to be in contravention of this By-Law, fails or neglects or refuses to comply with such Notice, the Enforcement Officer may cause such work to be done as he considers necessary, and
 - a) the Town may charge the cost to the Owner or Occupant as a debt due and owing to the Town, and
 - b) if the costs incurred by the Town in removing snow and ice are not paid within thirty (30) days of demand by the Town, the Town shall add the amount of such costs to the tax roll for the property to be recovered in like manner as and with other taxes.
 10. Any Person who contravenes any provision of this By-Law is guilty of an offense and shall be liable on summary conviction to a fine of not less than \$50.00 for the first offense, and \$100.00 for the second and subsequent offenses.



11. Notwithstanding any other provisions for penalties in this By-Law, an Enforcement Officer may, in lieu of laying an information in respect to the alleged breach, issue a Voluntary Penalty Ticket to the accused and the accused may, within ten (10) days of the issuance of such ticket, pay to the Town a monetary penalty in the same amount as the amount of the minimum fine that may be imposed by the Court for such breach.
12. This By-Law shall come into full force and effect on the day it is finally passed by Council.

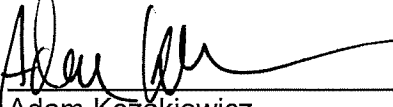
EFFECTIVE DATE

This Bylaw shall come into force and effect on the final date of passing thereof.

READ A FIRST TIME THIS 5th DAY OF FEBRUARY, 2019

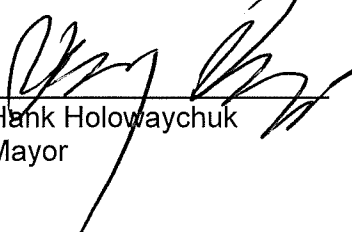


Hank Holowaychuk
Mayor

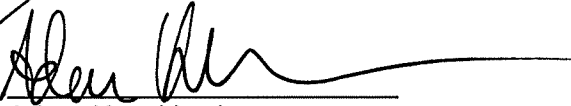


Adam Kozakiewicz
Chief Administrative Officer

READ A SECOND TIME THIS 5th DAY OF FEBRUARY, 2019



Hank Holowaychuk
Mayor

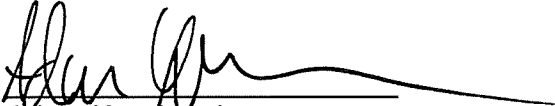


Adam Kozakiewicz
Chief Administrative Officer

READ A THIRD AND FINAL TIME WITH THE UNANIMOUS CONSENT OF ALL COUNCILLORS PRESENT THIS 5th DAY OF FEBRUARY, 2019



Hank Holowaychuk
Mayor



Adam Kozakiewicz
Chief Administrative Officer

