



**VILLAGE OF LINDEN
BYLAW NO. 2020-04
“Sidewalk Clearing Bylaw”**

Being a Bylaw of the Village of Linden, in the Province of Alberta for the purpose of regulating the removal of snow, ice, dirt and other obstructions from sidewalks within the Village of Linden.

WHEREAS the Municipal Government Act, R.S.A. 2000, Chapter M-26, Council may by Bylaw, require the clearing of snow, ice, dirt and other obstructions; and

AND WHEREAS pursuant to Municipal Government Act, R.S.A. 2000, Chapter M-26 Council may add unpaid expenses and costs incurred by the Municipality for removing snow, ice, dirt and other obstructions; and

AND WHEREAS the Council of the Village of Linden considers it necessary and expedient to keep the sidewalks within the Village free and clear from deposits of snow, ice, dirt and other obstructions;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE VILLAGE OF LINDEN, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1.0 TITLE

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

2.0 DEFINITIONS

2.1 In this Bylaw:

- a. Council – Council means the Council of the Village of Linden in the Province of Alberta
- b. Non-slip Material – means a non-corrosive/salt free material such as sand or winter chips applied to a sidewalk to maximize traction.
- c. Notice – means a notice issued under this Bylaw in a form approved by the Chief Administrative Officer
- d. Owner – means any person having a legal or equitable interest in any parcel and includes any resident, tenant or occupier of such parcel.
- e. Peace Officer – means a Peace Officer appointed by Kneehill County to do any act, perform any duty, and enforce any provision outlined in any Village of Linden Bylaw and includes a Bylaw Enforcement Officer.
- f. Person – includes one or more individuals, other than the Municipality or its legal representatives, and specifically includes the owner of the parcel that is found to contain foreign matter.
- g. Sidewalk – means that part of a highway especially adapted to the use of pedestrians along the frontage of a property/parcel or where it is a corner site, that portion along the frontage and that portion along the side of a parcel.
- h. Violation ticket/tag – means a ticket/tag or similar document issued by the Village of Linden designee (Peace Officer, Bylaw Officer)
- i. Windrow – snow is plowed to the sides and away from the driving and parking lanes along an identified route. This process inevitably creates windrows or piles of snow along the side of the road.. Windrows can be problematic for driveways adjacent to a snow cleared route. Windrows are the responsibility of the adjacent property owner to push to the sides of the driveway.

3.0 APPLICATION OF BYLAW

- 3.1 The owner or occupant of any premises abutting a sidewalk shall clear away any snow, ice, dirt or other obstruction from the front and side of the abutting sidewalk within forty-eight (48) hours after the time such snow, ice, dirt or other obstruction was deposited, formed on the sidewalk.
- 3.2 Where an owner/occupant is unable to remove all ice as per Section 3.1, the owner/occupant shall apply a non-slip material to the extent that walking is safe and traction is maximized.
- 3.3 The clearing of windrows in front of driveways left by snow plowing equipment is the responsibility of the adjacent property owner, much like sidewalk shoveling. Plow operators

make every attempt to keep driveways clear or keep windrows as small as possible, but any spillage that does occur is the responsibility of the property owner.

- 3.4 Any person who has an awning, canopy, marquee or other encroachment extending from a portion of their property over a sidewalk or other portion of a street shall endeavour to keep the said awning, canopy, marquee or other encroachment free from snow or ice so that it will not drip upon the sidewalk or street below and take the necessary precautions to ensure that an icy or dangerous situation is not allowed to exist on the street or sidewalk
- 3.5 Where an owner fails to comply with Section 3.1, 3.2, 3.3 or 3.4, the Village may issue a Notice directing the owner/occupant of a parcel to clear snow, ice, dirt or any other obstruction from any sidewalk or apply non-slip material to any sidewalk along the frontage and/or side of a parcel within twenty-four (24) hours.
- 3.6 Where an owner fails to comply with a Notice issued pursuant to Section 3.5, the Village may cause the snow and ice to be removed and/or non-slip material applied to such sidewalk; and afterwards, add the cost of the remedial work to the tax roll of the said parcel.
- 3.7 For the purpose of Section 3.1, snow and ice will be considered removed when the sidewalk is cleaned for the entire width of the sidewalk surface as completely as reasonably possible.

4.0 OFFENCES AND PENALTIES

- 4.1 For the purposes of this Bylaw a notice issued under Section 3.5 shall be deemed delivered;
 - a. either leaving notice with an adult person residing in the home; or
 - b. posting the notice at the front door in a prominent location.
- 4.2 A Peace Officer and/or Bylaw Officer is hereby authorized and empowered to issue a Violation tag/ticket to any person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 4.3 Where a contravention of this Bylaw is of a continuing nature, further Violation tickets/tags may be issued by a Peace Officer/Bylaw Officer, provided that no more than one Violation ticket/tag shall be issued for each day that the contravention continues.
- 4.4 A Violation ticket/tag may be issued to such person;
 - a. either personally, or
 - b. by mailing a copy to such person at his last known post office address.
- 4.5 The Violation ticket shall be in a form approved by the Village and shall state:
 - a. the name of the person;
 - b. the offense;
 - c. the appropriate penalty for the offence as set out in this Bylaw;
 - d. that the penalty shall be paid within thirty (30) days of the issuance of the Violation ticket/tag.
 - e. any other information as may be required by the Village.
- 4.6 Where a Violation ticket/tag is used pursuant to this Bylaw, the person to whom the Violation ticket/tag is issued may, in lieu of being prosecuted for the offence, pay to the Village the penalty specified on the Violation ticket/tag.
- 4.7 Nothing in this Bylaw shall prevent a Peace Officer/Bylaw Officer from immediately issuing a Violation ticket/tag for the mandatory court appearance of any person who contravenes any provision of this Bylaw.

5.0 VIOLATION TICKET/TAG

- 5.1 If the penalty specified on the Violation Ticket/Tag is not paid within the prescribed time period, a Peace Officer/Bylaw Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, Chapter P-34.
- 5.2 Notwithstanding Section 4.2 of this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket/tag pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, Chapter P-34, as amended to any person who the Peace Officer/Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

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6.0 SEVERABILITY PROVISION

- 6.1 Should any provision of this Bylaw be invalid, then such provision shall be severed and the remaining Bylaw shall be maintained.

7.0 GENERAL

- 7.1 That Bylaw # 2011-01 be repealed in its entirety.
- 7.2 That this Bylaw comes into effect upon final reading of the Bylaw.

READ A FIRST TIME THIS 9th DAY OF MARCH, 2020

READ A SECOND TIME THIS 9th DAY MARCH, 2020

READ A THIRD TIME AND FINALLY PASSED THIS 9th DAY OF MARCH, 2020.



MAYOR



CHIEF ADMINISTRATIVE OFFICER

Schedule ‘A’

SECTION	OFFENCE	PENALTY
3.1	Failure to remove snow, ice, dirt and other obstruction from a sidewalk within 48 hours	\$100.00
3.2	Failure to provide a non-slip material	\$100.00

SECTION	Notice	Fee
3.5 (3.1,3.2,3.3,and/or 3.4)	24 hours – rate for Village to clear sidewalk	\$50.00/hr (minimum 1 hour)

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