

TOWN OF CALMAR
BYLAW NUMBER 2009-02

**A BY-LAW OF THE TOWN OF CALMAR IN THE PROVINCE OF ALBERTA TO
REGULATE AND CONTROL THE REMOVAL OF SNOW, ICE, DIRT OR OTHER
FOREIGN MATTER FROM THE SIDEWALKS IN THE TOWN OF CALMAR.**

WHEREAS it is the intention of the Municipal Council of the Town of Calmar to ensure that municipal sidewalks are passable and safe for pedestrians;

AND WHEREAS Section 7 of the Municipal Government Act being Chapter M-26.1 Statutes of Alberta 2000 and amendments thereto, gives Council the authority to pass such a by-law;

NOW THEREFORE, THE Council of the Town of Calmar, duly assembled, hereby enacts as follows:

1. This bylaw shall be cited as "The Sidewalk Clearing Bylaw".
2. Definitions:
 - a. **Council** - means the Council of the Town of Calmar;
 - b. **Authorized Person** - means the Peace Officer or in his absence, the Director of Community Services;
 - c. **Occupant** - means the person occupying or any person who is registered under the Land Titles Act as the owner of the land, or in the case of property other than land, any person who is in lawful possession thereof;
 - d. **Person** - includes corporation, firm, partnership, individual person, his or her heirs, executors, administrators or other legal representatives;
 - e. **Sidewalk** - shall mean cement or asphalt walk along the frontage of the property or, where it is a corner site, that portion along the frontage and that portion of walk along the side of the property.
3. Every occupant, and in case there is no occupant, then the owner of every house, shop, building, lot or parcel of land and every person having charge or care of any public building shall, within the first forty-eight (48) hours after every fall of snow or hail, cause the same to be removed off the sidewalks from or abutting on each house, shop, building, lot or parcel of land respectively and shall also keep the said sidewalk free of all ice which may be deposited thereon.
4. Remove or sand any ice, to the extent that walking is safe, that has formed or is deposited on sidewalks situated on land adjacent to that property as soon as practical after the ice is formed or deposited on the sidewalk
5. That no person shall place snow, ice or dirt from private property, such as driveways, parking lots, and service station lots, etc. on any street.
6. That no person shall cause any injury to any sidewalks by striking, picking, or cutting the same with any shovel, pick, crow bar or any other metal instrument or utilize any type of chemical causing a deterioration to the sidewalk surface whether such person be engaged in removing snow, ice or dirt from such sidewalk.
7. In default of any person complying with sections 3, 4, 5 of this by-law, the Town of Calmar may provide for the clearing of the sidewalk and any expenses incurred by the Town in doing so shall be charged

- against the owner or occupant of the property adjacent to the sidewalk as debt due and owing to the Town.
8. The Town of Calmar is not required to enforce this bylaw. In deciding whether to enforce this bylaw, the Town may take into account any practical concerns, including available municipal budget and personnel resources.
 9. That the said clearing of sidewalks shall be performed within forty eight (48) hours of the time when the snowfall ended or the ice or other obstruction was formed or deposited thereon.
 10. That failure to comply with any section of this bylaw by an owner shall constitute a breach of this bylaw and a Peace Officer may issue a provincial ticket, pursuant to Part 2, of the Provincial Offenses Procedure Act, Revised Statutes of Alberta 2000, Chapter P-34.
 11. That in the event of a failure by an owner to pay the actual costs of removal, as applied in Section 7. above, the costs will be charged as an expense against the property owner of the property adjacent to the sidewalk as a debt owing to the Town of Calmar pursuant to Section (553.1) of the Municipal Government Act.
 12. Bylaw # 97-20, and all amendments, thereto, are hereby repealed.
 13. That this bylaw shall come into full force and effect upon final reading thereof.

READ A FIRST TIME THIS ___ DAY OF _____, 2009

READ A SECOND TIME THIS ___ DAY OF _____ 2009

READ A THIRD TIME, by unanimous consent AND FINALLY PASSED THIS ___ DAY OF _____, 2009

MAYOR

TOWN MANAGER