

**TOWN OF VIKING
PROVINCE OF ALBERTA
BYLAW NO. 2009-617**

**A BY-LAW OF THE TOWN OF VIKING TO REQUIRE THE REMOVAL OF SNOW,
ICE, DIRT AND OTHER OBSTRUCTIONS FROM SIDEWALKS IN THE TOWN**

WHEREAS, Section 7 of the Municipal Government Act being Chapter M-26.1 Statutes of Alberta 1994 and amendments thereto authorizes a Council to pass bylaws respecting the safety, health and welfare of people and the protection of people and property;

WHEREAS the Municipal Council of the Town of Viking deems it expedient to pass a by-law requiring the removal of snow, ice, dirt and other obstructions from sidewalks and to provide and charge for the clearing of sidewalks which have been neglected to be cleared for forty-eight (48) hours;

NOW THEREFORE the Council of the Town of Viking in the Province of Alberta duly assembled hereby enacts as follows:

1. This By-law may be cited as the “Sidewalk Clearing By-Law”.
2. In this By-law:
 - a) “municipal tag” means a tag or ticket wherein the person alleged to have committed a breach of a provision of this by-law is given an opportunity to pay a voluntary penalty to the Town of Viking in lieu of prosecution for the alleged offence;
 - b) “occupant” means a person who is in physical possession of a property, or a person who has responsibility for, and control over, the condition of a property, the activities conducted on that property and the persons allowed to enter that property;
 - c) “owner” means, in the case of land, any person who is registered under the Land Titles Act as the owner of land, or in the case of property other than land, any person who is in lawful possession thereof;
 - d) “Peace Officer” means a Bylaw Enforcement Officer of the Town, a Peace Officer, or any person authorized by Council to enforce the provisions of this By-law;
 - e) “person” includes any individual, corporation, society, association, partnership or firm and the successor or the heir, executor, administrators or other legal representative of a person;
 - f) “property” means any land, buildings or premises in the Town of Viking;
 - g) “sidewalk” means that improved part of a highway especially adapted to the use of or ordinarily used by pedestrians and includes that part of the highway between the curb line (or, where there is no curb line, the edge of the roadway) and the adjacent property line, but does not include un-improved parts of a highway;
 - h) “voluntary penalty” means a penalty specified in this by-law for a contravention of a provision of this by-law which amount may be paid by a person to whom a municipal tag has been issued;
 - I) “Town” means the Town of Viking in the Province of Alberta;

PART II – SIDEWALK CLEARING

3. The Owner or Occupant of any property adjoining a public sidewalk shall clear away any snow, ice, dirt, debris or other materials from said sidewalk in order to maintain the sidewalk in a condition that is, in the opinion of a peace officer, easily and safely traversable. The clearing of sidewalks shall be performed within forty-eight (48) hours of the time when the snowfall ended or the ice, dirt or other obstruction was formed or deposited thereon.
4. No person shall remove snow or ice from sidewalk by causing it to be placed upon the roadway adjacent to such sidewalk except to the extent that removal of the snow and ice to private property is impractical. Notwithstanding the above, no ice or snow may be deposited on a designated handicapped parking stall that is located on a public roadway.
5. No person shall cause any damage to any sidewalk by striking, picking or cutting the same with any shovel, pick, crowbar or other metal instrument whatever whether such person be engaged in removing snow, ice or dirt from such sidewalk or not.

6. In default of any person complying with Section 3 of this by-law, the Town of Viking may provide for the clearing of the sidewalk and any expenses incurred by the Town of Viking in so doing shall be charged against the owner or occupant of the property adjacent to the sidewalk as a debt due and owing to the Town.

PART III – ENFORCEMENT & PENALTIES

7. The Town of Viking is not required to enforce this By-law. In deciding whether to enforce this By-law, the Town may take into account any practical concerns, including available municipal budget and personnel resources.
8. Any person who commits a breach of any of the provisions of this by-law shall be liable for a voluntary penalty of \$50.00 for each offence.
9. A Peace Officer may issue a municipal tag in the amount of the voluntary penalty for any breach of this by-law.
10. In the event that a municipal tag remains unpaid seven days from the date of its issuance, a summons will be issued by a Peace Officer.
11. Any person who on summary conviction is convicted of violating any provision of this by-law shall be liable to pay a fine of not less than the stipulated voluntary penalty and not more than \$2,500.00 and in default of payment, judgement.
12. A municipal tag may be served by:
 - a) Personally serving it on the alleged offender; or
 - b) By leaving it with an adult person at the alleged offender's residence; or
 - c) By sending the municipal tag by double-registered mail to the alleged offender.
13. Nothing in this section shall preclude any person charged with having offended any provision of this By-law from exercising his right to make full answer and defense to such charge.

PART IV – REPEAL

14. By-law N0. 92-466 is hereby repealed.

PART V – EFFECTIVE DATE

15. This by-law shall come into full force and effect upon receiving third and final reading.

READ a first time this 26th day of October, 2009.

READ a second time this 26th day of October, 2009.

READ a third time and finally passed this 26th day of October, 2009.

Mayor

CAO