

BYLAW NO. 1900

A BYLAW OF THE CITY OF NORTH BATTLEFORD IN THE PROVINCE OF SASKATCHEWAN TO REGULATE THE CLEARING OF SIDEWALKS.

WHEREAS Section 8 of *The Cities Act* provides, in part, as follows:

- 8(1) A city has a general power to pass any bylaw for city purposes that it considers expedient in relation to the following matters respecting the City:
- b) the safety, health and welfare of people and the protection of people and property;

NOW THEREFORE the Council of the City of North Battleford enacts as follows:

SHORT TITLE

1. This Bylaw may be cited as “The Sidewalk Clearing Bylaw”.

PURPOSE

2. The purpose of this Bylaw is to require an owner or occupant of property in the City to clear sidewalks of snow and ice or other loose debris, so as to prevent injury or inconvenience to pedestrians.

DEFINITIONS

3.
 - a) “Adjoining property” means a parcel of land next to a sidewalk;
 - b) “City” means the City of North Battleford;
 - c) “Council” means the Council of the City of North Battleford;
 - d) “Debris” includes glass, loose dirt, mud or organic material likely to interfere with pedestrian traffic;
 - e) “Occupant” means an occupant as defined in *The Cities Act*;
 - f) “Owner” means an owner as defined in *The Cities Act*;

- g) "Roadway" means that part of a street adapted to the use of or ordinarily used by vehicles;
- h) "Sidewalk" means that part of a street adapted to the use of or ordinarily used by the general public for pedestrian traffic;
- i) "Street" means a street as defined in *The Cities Act*.

RESPONSIBILITY

- 4. The owner or occupant of adjoining property shall be responsible for carrying out the provisions of this Bylaw.

DUTY TO CLEAR SIDEWALKS

- 5. (1) The owner or occupant of adjoining property, shall clear or remove or cause to be cleared or removed all snow or ice or other loose debris from any sidewalk adjoining the property within forty-eight (48) hours of the time when the snow, ice or other loose debris was formed or deposited thereon.
- (2) Notwithstanding Subsection 5(1), the owner or occupant of adjoining property, in the areas listed in the attached Schedule "A", shall clear or remove or cause to be cleared or removed all snow or ice or other loose debris from any sidewalk adjoining the property within twenty-four (24) hours of the time when the snow, ice or other loose debris was formed or deposited thereon.

IMPROPER CLEARING OR INTERFERENCE WITH PEDESTRIAN TRAFFIC

- 6. No person using a power driven device or manual device to clear or remove snow or ice or other loose debris from the sidewalk, shall cause injury to or unduly interfere with any person lawfully using the sidewalk, or cause damage to the sidewalk or curbs.

CLEARING ONTO ROADWAY RESTRICTION

- 7. An owner or occupant shall make every effort to clear or remove snow or ice or other loose debris from a sidewalk by causing it to be placed upon private property. If this is impractical, the person may place the snow or ice or other loose debris from the sidewalk in the roadway adjacent to the sidewalk but must do so in a manner that does not create a hazard or interfere with the use of the roadway.

ENFORCEMENT OF BYLAW

8. (1) The administration and enforcement of this Bylaw is hereby delegated to the Director of Public Works and Engineering for the City of North Battleford.
- (2) The Director of Public Works and Engineering for the City of North Battleford is hereby authorized to further delegate the administration and enforcement of this Bylaw to Bylaw Enforcement Officers for the City of North Battleford.

CITY REMEDYING CONTRAVENTION

9. The City may take whatever actions or measures are necessary to remedy a contravention of this Bylaw, and in the case of snow or ice, the City may, pursuant to Section 333 of *The Cities Act*, complete the work and add to the tax roll of the adjoining property the unpaid expenses and costs incurred by the City for removing the snow and ice.

NOTICE OF VIOLATION OFFENCES

10. (1) Every person commits an offence who:
 - (a) fails to remove snow, ice or other loose debris from any sidewalk adjoining their property within twenty-four (24) or forty-eight (48) hours, depending on the location, of the time when the snow or ice or other loose debris was formed or deposited thereon;
 - (b) uses a power driven device or manual device to clear or remove snow or ice or other loose debris from the sidewalk and causes injury to or unduly interferes with any person lawfully using the sidewalk, or causes damage to the sidewalk or curbs; or
 - (c) creates a hazard or interferes with the use of the roadway by removing snow or ice or other loose debris from a sidewalk and placing it other than upon private property or in the roadway adjacent to the sidewalk.
- (2) When a contravention of Subsection (1) occurs, the person responsible for the contravention is guilty of an offence and liable on summary conviction to a fine:
 - (a) for a first offence, of \$100;
 - (b) for a second offence, of \$200;

- (c) for a third or subsequent offence, of \$300.
- (3) Except as provided in Subsection (4), the following procedure shall apply to offences committed under this Section:
- (a) the Director of Public Works and Engineering for the City of North Battleford or the Bylaw Enforcement Officers may issue a notice of bylaw violation to any person committing a first or second offence under Subsection (1). The notice shall require the person to pay to the City an amount specified in Clause (2)(a) or (b);
 - (b) the fine may be paid:
 - (i) in person, during regular office hours, to the cashier located at City Hall, North Battleford, Saskatchewan;
 - (ii) by deposit, at the depository located at the northeast entrance to City Hall, North Battleford, Saskatchewan; or
 - (iii) by mail addressed to City of North Battleford, Box 460, North Battleford, Saskatchewan, S9A 2Y6;
 - (c) if payment of the fine as provided in Clause (2)(a) or (b) is made prior to the date when the person contravening the Bylaw is required to appear in court to answer a charge, the person shall not be liable to prosecution for that offence;
 - (d) the amount of the fine under Clause 2(a) or (b) shall be discounted by the sum of \$25 and \$50, respectively, if paid within 14 calendar days of the date of the notice of violation. The date of payment shall be determined as follows:
 - (i) for payment in person, the date of payment shall be the date payment is received by the City;
 - (ii) for payment by deposit, the date of payment shall be the date payment is deposited in the depository at City Hall;
 - (iii) for payment by mail, the date of payment shall be the post marked date on the remittance.

Upon payment, the person contravening the Bylaw shall not be liable to prosecution for that offence.

- (4) The provisions of Subsection (3) shall not apply in the case of a third or subsequent offence.

GENERAL PENALTY

11. (1) No person shall:
- (a) obstruct or hinder the Director of Public Works and Engineering or Bylaw Enforcement Officers or any other person acting under the authority of this Bylaw; or
 - (b) fail to comply with any other provision of this Bylaw.
- (2) Except where a penalty is specifically provided for in this Bylaw, every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction as stated in the "General Penalty" Bylaw.
- (3) In the event of non-payment of a fine imposed pursuant to Clause 2(a), the individual convicted may be imprisoned for a term as stated in the "General Penalty" Bylaw, unless the fine is sooner paid.

COMING INTO FORCE

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

INTRODUCED AND READ A FIRST TIME THIS 22nd DAY OF MARCH, A.D. 2010.

READ A SECOND TIME THIS 22nd DAY OF MARCH, A.D. 2010.

READ A THIRD TIME AND PASSED THIS 22nd DAY OF MARCH, A.D. 2010.

"Ian Hamilton"
MAYOR

"Debbie Wohlberg"
CITY CLERK

Schedule "A"
Bylaw No. 1900

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>SIDE</u>
100 th	Railway Avenue	14 th Avenue	East and West
101 st	Railway Avenue	14 th Avenue	East and West
102 nd	Railway Avenue	13 th Avenue	East and West
103 rd	Railway Avenue	13 th Avenue	East and West
Railway Avenue	100 th Street	102 nd Street	North and South
11 th Avenue	99 th Street	102 nd Street	North and South
12 th Avenue	99 th Street	102 nd Street	North and South
13 th Avenue	99 th Street	102 nd Street	North and South