

BYLAW NO. 4865

A BYLAW OF THE CITY OF LETHBRIDGE TO
REGULATE SNOW REMOVAL AND ICE WITHIN THE
CITY OF LETHBRIDGE

WHEREAS the City of Lethbridge considers it desirable to have clean and safe sidewalks and public places;

AND WHEREAS the Municipal Government Act, R.S.A. (1994), Chapter M-26.1 and amendments thereto provides for municipalities to pass bylaws respecting the safety, health and welfare of people and the protection of people and property within the boundaries of the municipality;

NOW THEREFORE, THE COUNCIL OF THE CITY OF LETHBRIDGE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1. *This bylaw may be cited as the "City of Lethbridge Snow Removal Bylaw".*
2. *In this Bylaw:*
 - (a) *"BYLAW ENFORCEMENT OFFICER" means a member of the Lethbridge Police Services or a Bylaw Enforcement Officer of the City of Lethbridge.*
 - (b) *"CITY" means the Corporation of the City of Lethbridge, in the Province of Alberta or the area contained within the corporate boundaries of the City.*
 - (c) *"CURB" means the actual curb, if there be one, and if there be no curb in existence shall mean the division of a highway between that part thereof intended for the use of vehicles and that part thereof intended for the use of pedestrians.*
 - (d) *"HIGHWAY" means every thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles within the City of Lethbridge.*

- (e) *“ROADWAY” shall include that portion of the street intended for vehicular traffic within the City.*
 - (f) *“SIDEWALK” means that part of a highway primarily intended for the use of pedestrians and includes the part lying between the curb line or edge of the roadway and the adjacent property line.*
 - (g) *“STREET” shall include every road, roadway, avenue, lane, boulevard, sidewalk, thoroughfare, bridge and highway within the City.*
 - (h) *“TAG” means any ticket or tag which is authorized by the Municipal Government Act, R.S.A. (1994), Chapter M-26 or under the Provincial Offences Procedures Act, R.S.A. (1988), Chapter P-21.5, issued for any bylaw offence in which a penalty may be paid out of court in lieu of appearing to answer a summons.*
3. *The owner or occupant of any premises abutting a sidewalk shall clear away any snow, ice, dirt or other obstruction from the front and flank of the abutting sidewalk within TWENTY-FOUR (24) HOURS after the time such snow, ice, dirt or other obstruction was deposited or formed on the sidewalk.*
4. *The owner or occupant of every building abutting on or erected within THREE (3) meters of any highway or public place shall, whenever snow or ice shall accumulate on the roof, eaves or awning extending from a portion of such building to an extent that a danger is created to persons passing, cause the same to be removed at once, and every person while removing the same shall take due and proper care and precaution for the warning and safety of persons passing.*
5. (a) *Where a Bylaw Enforcement Officer has reason to believe a person has contravened any provision of this bylaw, the Bylaw Enforcement Officer may serve upon such person a tag allowing payment of a penalty in lieu of prosecution.*
- (b) *A tag shall be deemed to have been sufficiently served:*
- (i) *if it is served personally on the accused;*
 - (ii) *if served by double registered mail, or*
 - (iii) *if posted in a conspicuous place on the property in question.*

- (c) *Upon production of any such tag within TWENTY-ONE (21) DAYS from the date of service of such tag, together with payment of the such specified in Schedule "A", to a person authorized by the City of Lethbridge to receive such payment, and subject to the provisions of this section, such payment shall be accepted in lieu of prosecution.*
 - (d) *If a person upon whom any such notice is served, fails to pay the said sum within the time allotted, the provisions of this section shall no longer apply.*
 - (e) *Where any person has made a payment pursuant to the provisions of this section and is prosecuted for the offence in respect of which such payment has been made, such payment shall be refunded.*
 - (f) *Nothing in this section shall prevent any person from defending a charge of committing a breach of this bylaw.*
6. *Any person who contravenes or fails to comply with any provision of this bylaw is guilty of an offence punishable on summary conviction, and is liable to a fine and penalty not exceeding TWO HUNDRED AND FIFTY (\$250.00) DOLLARS or imprisonment for a period not exceeding THIRTY (30) DAYS.*
7. *Any person who commits an offence under this bylaw of a continuing nature is liable to a fine not exceeding FIFTY (\$50.00) DOLLARS for each day such offence is continued.*
8. *It is the intention of Council that each separate provision of this bylaw shall be deemed independent of all other provisions and if any provision of this bylaw be declared invalid, that all other provisions shall remain valid and enforceable.*
9. *Section 26 and Section 26 of Schedule "A" of Bylaw No. 3446 are hereby repealed.*
10. *This Bylaw shall come into full force and effect on the 1st day of December, A.D. 1997.*

READ A FIRST TIME this _____ day of _____, A.D. 1997

MAYOR

CITY CLERK

READ A SECOND TIME this _____ day of _____, A.D. 1997

MAYOR

CITY CLERK

READ A THIRD TIME this _____ day of _____, A.D. 1997

MAYOR

CITY CLERK

SCHEDULE "A"

<u>SECTION</u>	<u>VIOLATION</u>	<u>PENALTY FOR FIRST, SECOND, THIRD OR MORE OFFENCES PER CALENDAR YEAR</u>		
3	<i>Failure to clear sidewalk</i>	\$50.00	\$100.00	\$150.00
4	<i>Failure to clear roof, eaves or awning</i>	\$50.00	\$100.00	\$150.00