

TOWN OF ROSETOWN

BYLAW NO. 783-18

A BYLAW OF THE TOWN OF ROSETOWN TO REGULATE THE CLEARING OF SNOW, ICE, AND ANY OTHER DEBRIS FROM PUBLIC SIDEWALKS AND ROADWAYS

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The Council of the Town of Rosetown in the Province of Saskatchewan enacts as follows:

PART:

1. CITATION

This Bylaw may be cited as the "Snow Clearing Bylaw".

2. DEFINITIONS

- 1) "ADJACENT" shall mean the front of, alongside but not necessarily in direct contact with the property line;
- 2) "CHIEF ADMINISTRATIVE OFFICER" shall mean the Chief Administrative Officer (CAO) of the Town of Rosetown or his/her designate;
- 3) "COUNCIL" shall mean the Council of the Town of Rosetown;
- 4) "DEBRIS" shall mean any loose dirt, mud or organic material likely to interfere with pedestrian traffic;
- 5) "MUNICIPAL ENFORCEMENT OFFICER" shall mean the Municipal or Bylaw Enforcement Officer appointed or designated by Council for the Municipality;
- 6) "OCCUPANT" shall mean any person inhabiting a building of any use including commercial or residential;
- 7) "OWNER" shall mean a person who has any right, title, estate or interest in a property;
- 8) "ROADWAY" shall mean any municipal road, parkway, driveway, square, or place designated and intended for use by the general public for the passage of vehicles, and does not include any area that is primarily intended to be used for the parking of vehicles nor the passageways on that area;
- 9) "SIDEWALK" shall mean the public pathways, paved or otherwise, intended for exclusive use by pedestrians, including those along roadways and walking trails;
- 10) "TOWN" shall mean the municipality of the Town of Rosetown in the province of Saskatchewan.

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3. APPLICATION

This bylaw regulates removal of snow, ice, and any other debris on public sidewalks and roadways.

4. REGULATION OF SIDEWALK CLEARING

- 1) The Owner of property in a commercial district shall ensure that public sidewalks adjacent to their property are safe and clear for pedestrian use within twenty-four (24) hours from the time when the snow, ice, or other debris has begun to accumulate, whereas:
 - a) any hazardous conditions created by snow or ice shall be cleared and removed;
 - b) sand or similar material may be applied in moderation to icy sidewalks when slippery conditions persist after snow removal;
 - c) the sidewalk surface shall be clear and free of dirt, debris or other obstructions, unless icy conditions persist as in b) above.
 - d) if removal of snow to private property is not possible, the owner or occupant of adjacent property may dispose of it on the public roadway in such a manner that it does not create a hazard or interfere with the use of the roadway.**

5. IMPROPER CLEARING AND INTERFERENCE WITH PEDESTRIAN TRAFFIC

The clearing or removal of snow, ice, or debris, whether by power-driven or manual equipment, shall not cause injury to, or unnecessarily interfere with, any pedestrian using the sidewalk, or cause damage to the sidewalk, curbs, or adjacent Town property.

6. REGULATIONS FOR CLEARING

- 1) **Notwithstanding Subsection 4(1)(d)**, no person shall move snow onto any public roadway, pathway, or property.
- 2) No person shall move snow, ice, or other debris onto any neighboring private property.
- 3) No person shall leave snow, ice, or other debris in such any place that it obstructs or creates an unsafe condition for pedestrian or vehicular traffic.
- 4) **When clearing snow, ice, or debris, into piles during the removal process:**
 - a) in commercial and industrial areas: no piles shall exceed two (2) meters in length or height for a period longer than forty-eight (48) hours.**
- 5) The Town will provide a minimum of one (1) public snow disposal site for **users** to move snow, ice, and debris to, in order to regulate drainage, and:
 - a) **Users** shall be responsible to use and maintain the public snow disposal site in a clean and orderly fashion, and;
 - b) the public snow disposal site shall not be accessed between the hours of 11:00 pm to 7:00 am, in accordance with Town Noise Bylaw.

7. SNOW CLEARING FOR PUBLIC ROADWAYS

- 1) The Town shall monitor conditions on a regular basis and take all reasonable efforts to ensure that roadways are passable.
- 2) Streets will not be sanded during fresh snowfall.

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- 3) In the event of a major snowfall, the Town shall take all reasonable efforts to ensure that high traffic roadways and emergency routes remain passable, including clearing blocked areas and sanding.
- 4) In the event of a major snowstorm, the wind direction, rate of snowfall and other conditions may require extraneous action not set out in this bylaw.
- 5) No cleanup will occur in unsafe conditions.

8. REMEDY FOR CONTRAVENTION

- 1) The Town may take any necessary measures required to remedy a contravention of this Bylaw and all expenses incurred shall be charged back to the property Owner;
- 2) Where the Town has remedied a contravention, the Town shall apply all incurred expenses to the tax roll of the adjacent parcel of land in accordance with Section 369 of *The Municipalities Act*;

9. ENFORCEMENT AND PENALTIES

Any Police Officer responsible for policing the Municipality, the Municipal Enforcement Officer or any other person specifically appointed by the Municipality are hereby designated to enforce all Sections of this Bylaw.

1) Penalties and Notices of Violation

- a) Any person who contravenes any of the provisions of this Bylaw or fails to comply therewith or with any notice given thereunder is guilty of an offence and is liable to the penalties as hereinafter provided. Said offence and penalties shall be listed on Schedule "A".
- b) Any person who contravenes the provisions of this Bylaw as NOT specifically set out in Schedule "A" or fails to comply therewith, or with any notice given thereunder, is guilty of an offence and is liable on summary conviction to a fine in an amount not exceeding that provided for by the Town of Rosetown General Penalty Bylaw.

2) Payment of Notices of Violation

- a) Where any person has committed or is alleged to have committed a breach of any of the provisions of this Bylaw, a ticket, summons, or notice may be served on such person by a Police Officer, Municipal Enforcement Officer, or any person duly authorized by Council. Such person served with a ticket or notice may voluntarily pay same at the Rosetown Municipality Administration Office between the hours of 9:00 a.m. and 5:00 p.m., excepting Saturdays, Sundays, and public holidays, provided that payment is made within a period of ten (10) days from the service of the said ticket or notice. If payment is made within such time and accepted, then that person shall not be liable to prosecution for the offense.
- b) Service of a ticket or notice pursuant to this Bylaw may be made by:
 - (i) by mailing such ticket, summons, or notice to the last known address of the Owner of said Adjacent property; or
 - (ii) by personally delivering the ticket, summons, or notice to the person committing the breach of the provision of this Bylaw.

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- c) A person to whom a Notice of Violation is being issued pursuant to this Section shall, upon request, provide their name and address. Any person who fails to provide this information is guilty of an offence and liable on summary conviction to be assessed a fine as outlined in the most current Town of Rosetown General Penalties bylaw.
- d) Any violation that is prosecuted and subsequently convicted shall be paid within fifteen (15) days of the conviction. If any person fails to resolve outstanding payment fifteen (15) days after conviction is rendered by a court of competent jurisdiction, an additional penalty of fifty dollars (\$50) shall be added to the total outstanding amount.

10. REPEAL AND COMING INTO FORCE

- 1) Bylaw No. 741-16 and Bylaw No. 557-08 and all amendments are hereby repealed.
- 2) This Bylaw shall come into force and be in effect on the final passing thereof.

(SEAL)

Mayor

Chief Administrative Officer

Read a third time and adopted this day of , 2018

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SCHEDULE "A" - PENALTIES

Offence	Penalty Sum(Fine)		
	1 st Offence	2 nd Offence	3 rd Offence
Failure to remove snow, ice, other debris within designated time frame.	\$50	\$100	\$250
Improper Clearing	\$50	\$100	\$250
Causing damage to Town sidewalk or curb *Fine plus applicable costs to restore to previous state.	\$100	\$250	\$500
Failure to adhere to pile height requirement	\$50	\$150	\$500
Clearing snow onto any land other than Private Adjacent Property	\$50	\$150	\$500
Causing an obstruction or unsafe situation	\$50	\$150	\$500
Inappropriate disposal at Public Snow Disposal Site *Fine plus applicable costs to restore to previous state.	\$50	\$150	\$500