

**TOWN OF WEMBLEY  
BYLAW 771  
SIDEWALK CLEARING BYLAW**

**BEING A BYLAW OF THE TOWN OF WEMBLEY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE TO CONTROL AND REGULATE PERTAINING TO THE REMOVAL OF SNOW, ICE, DIRT, DEBRIS, AND WASTE MATERIALS FROM WITHIN THE TOWN OF WEMBLEY.**

**WHEREAS** the *Municipal Government Act, RSA 2000, Chapter M-26, and amendments thereto*, under the provisions of Section 7, authorizes a municipality to pass bylaws respecting the safety, health and welfare of people and the protection of people and property; and

**WHEREAS** the Council of the Town of Wembley deems it necessary and expedient to enact a bylaw to control and regulate the removal of snow, ice, dirt, debris, and waste materials from the sidewalks, and

**WHEREAS** the Council of the Town of Wembley deems it necessary and expedient to enact a bylaw to control and regulate the removal of snow and ice from awnings, canopies, and marquees projecting over sidewalks; and

**WHEREAS** the *Municipal Government Act, RSA 2000 Chapter M-26, and amendments thereto*, a municipality to pass bylaws regarding the remedying of contraventions of bylaws; and

**WHEREAS**, pursuant to sections 203(1) and 209 of the *Municipal Government Act, RSA 2000 Chapter M-26* Council may delegate by bylaw any of its powers, duties, or functions to the Chief Administrative Officer, who may then further delegate the matter.

**NOW, THEREFORE**, the Municipal Council of the Town of Wembley in the Province of Alberta, duly assembled, enacts as follows:

**CITATION**

1. This bylaw may be cited as the “**Sidewalk Clearing Bylaw.**”

**DEFINITIONS:**

2. In this Bylaw, the following terms will have the following definitions:

**"Building"** means a development capable of being occupied by one or more Persons intended for the purposes of a residence or a place of business.

**"Boulevard"** means that part of a highway in an urban area that:

- a. is not roadway, and
- b. is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians.

**“Chief Administrative Officer”** (CAO) means a Person appointed to a position by Council to the position of Chief Administrative Officer under the *Municipal Government Act, RSA 2000, Chapter M-26* under section 205 for the Town of Wembley.

**“Council”** means the Council of the Town of Wembley.

**“Commercial”** means district designated for commercial use in the Town’s Land Use Bylaw and subsequent amendments.

**“Highway”** means the same as in the *Traffic Safety Act, Revised Statutes of Alberta 2000, Chapter T-6*, as amended or repealed and replaced from time to time.

**“Mobility aid”** means a device used to facilitate the transport, in a normal seated orientation, of a Person with a physical disability.

**“Municipal Government Act of Alberta”** means *Municipal Government Act, RSA 2000, Chapter M-26*, and amendments thereto, the Act empowers municipalities to shape their communities. It regulates how municipalities are funded and how as local governments they should govern and plan for growth.,

**“Non-Residential”** means any district not designated for residential use in the Town’s Land Use Bylaw and subsequent amendments.

**“Non-Slip Material”** means:

- a. material such as sand or winter chips applied to a sidewalk to maximize traction; and, or
- b. a non-corrosive, environmentally friendly, pet friendly and gentle on concrete ice melting product can be applied.

**“Occupant”** means: a Person who has responsibility for, and control over, the condition of premises, the activities conducted on those premises and the Persons allowed to enter those premises.

**“Owner”** means:

- a. the Person who is registered under the *Land Titles Act RSA 2000, Chapter L-4*, and subsequent amendments as the owner of the fee simple estate in the land; and
  - (i) a Person entitled to any freehold or other estate or interest in land, at law or in equity, in possession, in futurity or expectancy.
- b. in respect of any property other than land, the Person in lawful possession of it; or
- c. a Person who is recorded as the Owner of the Property on the Town’s assessment roll.

**“Parcel of Land”** means (as defined in *Municipal Government Act, RSA 2000 Chapter M-26, and subsequent amendments*):

- a. where there has been a subdivision, any lot or block shown on a plan of subdivision that has been registered in a land titles office;
- b. where a building affixed to the land that would without special mention be transferred by a transfer of land has been erected on two (2) or more lots or blocks

- shown on a plan of subdivision that has been registered in a land titles office, all those lots or blocks;
- c. a quarter section of land according to the system of surveys under the Surveys Act or any other area of land described on a certificate of title.

**"Peace Officer"** means a member of the Royal Canadian Mounted Police; a Peace Officer appointed under *Peace Officer Act Statutes of Alberta, 2006 Chapter P-3.5 and subsequent amendments*; or a Bylaw Enforcement Officer.

**"Pedestrian"** means:

- a. a Person on foot, or
  - b. a Person in or on a Mobility aid,
- and includes those Persons designated by regulation as pedestrians.

**"Person"** means a corporation, an individual, and the heirs, executors, administrators, or other legal representatives of an individual.

**"Property"** means a Parcel of Land, a Building or possessions of the Owner or Occupant located thereon.

**"Provincial Offences Procedure Act"** means the *Provincial Offences Procedures Act, RSA 2000, Chapter P-34*, and amendments thereto, this Act sets out the procedures for prosecuting contraventions of provincial acts and regulations, ministerial orders, and municipal bylaws, and provides for enforcement.

**"Residential"** means any district designated for residential use in the Town's Land Use Bylaw and subsequent amendments.

**"Sidewalk"** means that part of a highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a highway between:

- a. the curb line, or
- b. where there is no curb line, the edge of the roadway, and the adjacent property line, whether or not it is paved or improved; or
- c. whether or not the surface of such portion is covered with gravel, concrete, asphalt, or other types of 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 the property.

**"Specified Penalties"** means a penalty for a contravention of this Bylaw, as set forth in Schedule "A," Attached hereto and forming part of this Bylaw.

**"Town"** means the corporation of the Town of Wembley, or the area contained within the boundaries of the Town as the context requires.

**"Violation Ticket"** means a violation ticket under Part 2 or Part 3 of the *Provincial Offences Procedures Act (RSA 200 as amended)*.

## **GENERAL PROVISIONS**

### **3. SIDEWALK SNOW AND ICE CLEARING:**

3.1. Whenever snow or ice is deposited on a sidewalk adjacent to a parcel of land, the owner and/or occupant of the parcel shall remove the snow or ice from the sidewalk within:

3.1.1. Twenty-four (24) hours for non-residential property; or

3.1.2. Forty-eight (48) hours for residential property.

3.2. If an owner and/or occupant is unable to remove all snow and ice from a sidewalk as required by *subsection 3.1*, the owner and/or occupant shall apply a non-slip material that maximizes traction and renders the sidewalk safe for pedestrian use.

3.3. If an owner and/or occupant applies a non-slip material to a sidewalk, the owner and/or occupant must remove all snow and ice from every sidewalk along the front yard and side yard of the property within twenty-four (24) hours for commercial and forty-eight (48) hours residential property respectively, and the owner and/or occupant must add additional non-slip material as required to ensure that traction is maximized, and the sidewalk is safe for pedestrian use:

3.4. When an owner and/or occupant is absent, arrangements must be made to ensure the sidewalks are maintained in accordance with this bylaw.

3.5. The owner and/or occupant of a property who has an awning, canopy, marquee, or other encroachment extending from a portion of their property over a sidewalk shall:

3.5.1. Endeavor to keep the said awning, canopy, marquee, or other encroachment free from snow or ice so that the snow or ice will not deposit or drip upon the sidewalk below.

3.5.2. Cause to be cleaned up any water from melting snow or ice on any awning, canopy, marquee, or other encroachment of the sidewalk and take the necessary precautions to ensure that an icy or dangerous situation is not allowed to exist on sidewalk.

3.6. No person shall deposit snow or ice from their property or in any way cause to be deposited on any public street, roadway, alleyway, sidewalk, or any other town-owned and maintained property, except:

3.6.1. Snow or ice from public sidewalks adjacent to commercial properties may be deposited onto the adjacent street if done so within 24 hours of cessation of snowfall, and if the street has not yet been cleared by the Town.

### **4. SIDEWALK CLEARING:**

4.1. That no person shall cause any damage to any sidewalk by pounding, hammering, picking, chiseling, or by usage of a power-driven device; whether such person be engaged in removing snow, ice, dirt, debris, or waste materials

from any portion of the sidewalk from which the person is required to remove by provision of this Bylaw:

- 4.1.1. any person responsible for damage may be liable for costs to repair the damage; or
- 4.1.2. property owners shall be liable for costs for any damages conducted under Section 4.1. of this Bylaw:
  - 4.1.2.1. By billable invoice, all costs applied to the Property owners tax roll, pursuant to the *Municipal Government Act of Alberta*.
- 4.2. No person shall deposit snow, or ice on sidewalk:
  - 4.2.1. So as to impede or block any storm sewer grate access; or
  - 4.2.2. Other area that will obstruct public drainage infrastructure; or
  - 4.2.3. That it impedes or block traffic control device.
- 4.3. A registered owner of land shall not permit any hedge, tree, shrub, fence, wall, structure, or any other object on private property to fall within twelve (12) inches of any sidewalk.
5. SIDEWALK CLEARED CRITERIA:
  - 5.1. A sidewalk is considered to have been cleared when the sidewalk is clear for the entire length and width of its surface, as much as is reasonably possible.
6. FIRE HYDRANTS:
  - 6.1. No person shall deposit or cause to be deposited snow, ice snow, ice, dirt, debris, or waste materials in such a manner that it obstructs the access to, or operation of, or visibility of any fire hydrant within One (1) meter of any fire hydrants.
  - 6.2. Whenever snow or ice is deposited on a sidewalk adjacent to a parcel of land with a Fire Hydrant, the owner and/or occupant of the parcel of land shall remove the snow or ice within:
    - 6.2.1. One (1) meter minimum of any fire hydrants; and
    - 6.2.2. Twenty-four (24) hours after a snowfall.
  - 6.3. The owner and/or occupant of a property with a fire hydrant adjacent to such Property shall be responsible for clearing snow, cutting weeds or grass around the fire hydrant in a manner that allows the fire hydrant to be clearly visible and accessible from the point on the street closest to the fire hydrant.
  - 6.4. Any order given to a property owner and/or occupant under this Section shall contain a detailed description of the action required, a time frame in which to complete the action and notice that failing to comply with the condition may cause the Town to complete the work at property owners expense.
  - 6.5. Failing to comply with an order in this Section may result in the Town completing the order and the person responsible shall be liable for all costs, or with the offence on a provincial offence notice with the costs incurred being the specified penalty.

7. PEDESTRIAN OFFENCES:

- 7.1. No pedestrian utilizing a sidewalk, shall obstruct, impede, or interfere with the natural flow of other pedestrians.
- 7.2. No pedestrian shall place, deposit, or cause any form of waste or debris to be left on sidewalk or boulevard any property adjacent to any one of those.

8. NOTICE TO CLEAR SIDEWALKS:

8.1. If an owner and/or occupant fails to comply with the requirements of this bylaw, the Chief Administrative Officer may issue an order to clear notice directing the owner and/or occupant to comply within any period directed by the Chief Administrative Officer, but not less than 24 hours:

8.1.1. The notice must state that if the owner and/or occupant does not comply with this bylaw, the Town may take action to remove dirt, debris, or waste materials from any property subjected to this Section that fails to clear or comply with the notice to clear their sidewalk within seven (7) days of a order to clear notice from the Town without further notice to the property owner and/or occupant; may

- 8.1.1.1. Remove dirt, debris, or waste materials from the sidewalk; and
- 8.1.1.2. Shall be liable for all costs incurred by the Town.

8.2. If an owner and/or occupant fails to comply with the requirements of this bylaw, the Town may at their discretion cause snow or ice to be removed from any property subjected to this Section that fails to clear their sidewalk within seven (7) days of the cessation of the snowfall without notice to the property owner and/or occupant:

8.2.1. All registered property owners directly adjacent to the sidewalk shall be liable for costs for any snow or ice removal conducted under *Subsection 8.2 of this Bylaw* by billable invoice or all costs applied to the tax roll, pursuant to the *Municipal Government Act of Alberta*.

8.2.1.1. If an invoice conducted under *Subsection 8.2* is unpaid the invoice with be applied to the property tax roll, pursuant to the *Municipal Government Act of Alberta*.

8.3. When a notice must be provided under this bylaw, it may be served:

- 8.3.1. By delivering it personally to the owner and/or occupant; or
- 8.3.2. By leaving it with an individual at the property who appears to be at least 18 years of age; or
- 8.3.3. By mail addressed to the owner at any address for the owner on the tax roll of the Town or at the Land Titles Registry; or
- 8.3.4. In the case of a property owned by a corporation, by mail addressed to the registered office of the corporation.

8.4. The cost of any actions taken by the Town under this section are a debt owing to the Town and may be added to the property's tax roll, as outlined in the *Municipal Government Act of Alberta*.

9. **DECISIONS AND APPEALS:**

9.1. The following matters are within the Chief Administrative Officer's discretion, subject to any appeal or review provided for in this bylaw or to a court:

9.1.1. to increase the time allowed for removal of snow and/or ice, or to apply non-slip material; and

9.1.2. to approve snow-clearing programs.

9.2. Authority to Increase Days; In the event of a weather event that results in a large accumulation of snow or ice in a short period of time, the Chief Administrative Officer is authorized to increase the time allowed for removal of snow and/or ice or application of non-slip material.

10. **ENFORCEMENT, PENALTIES AND FINES:**

10.1. No Person shall aid, abet, counsel, or encourage a Person to contravene any provision of this Bylaw.

10.2. No Person shall obstruct, impede, or hinder Obstruct, hinder, or impede a Peace Officer or the CAO or any authorized representative of the Town in the exercise of their powers or duties pursuant to this bylaw.

10.3. Any Person who contravenes the provisions of this Bylaw, or direction given by a Peace Officer pursuant to this Bylaw, is guilty of an offence and may be issued a Violation Ticket.

10.4. A Person who is guilty of an offence pursuant to this Bylaw is liable upon summary conviction to a fine in an amount not less than one fifty dollars (\$50.00) and not exceeding ten thousand dollars (\$10,000.00).

10.5. Providing no offence has reoccurred against an owner and/or occupant within the previous twelve (12) months, an offence shall be considered a first offence unless it is in the public interest pursuant to Section 27 of the *Provincial Offences Procedure Act*.

10.6. The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "A."

11. **SEVERABILITY**

11.1. It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is further the intention of Council that if any provision of this Bylaw be declared invalid, that provision shall be deemed to be severed, and all other provisions of the Bylaw shall remain in force and effect.

12. **REPEAL**

12.1. Upon third reading of this Bylaw 771, Bylaw 511 and all amendments thereto are hereby repealed.

13. **EFFECTIVE DATE**

13.1. This Bylaw shall come into force and effect when it receives third reading and is duly signed.

**READ** a first time on this 13th day of January 2025.

**READ** a second time on this 13th day of January 2025.

**READ** a third time and finally passed on this 13th day of January 2025.

Signed this 13 day of January 2025.

**ORIGINAL BYLAW SIGNED**

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Kelly Peterson, Mayor

**ORIGINAL BYLAW SIGNED**

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Noreen Zhang, CAO

**ATTACHMENT:**

Sidewalk Clearing Bylaw – Schedule “A” - Specified Penalty



## Sidewalk Clearing Bylaw 771

### Schedule “A” - Specified Penalty

Section	Offence	Penalty 1	Penalty 2	Penalty 3 or more
		First Offence	Second Offence within one year	Third or more offence within one year
3.1.	Fail to remove snow/ice from sidewalk within the time period.	\$100.00	\$150.00	\$200.00
3.2.	Fail or neglect to apply a non-slip material.	\$100.00	\$150.00	\$200.00
3.3.	Fail to remove snow/ice from sidewalk within the time period after applying the non-slip material.	\$100.00	\$150.00	\$200.00
3.5.	Fail to ensure snow or ice from an awning, canopy, marquee, or other encroachment	\$100.00	\$150.00	\$200.00
3.6.	Deposit snow or ice from their property on any public street, roadway, alleyway, sidewalk, or any other town-owned and maintained property	\$100.00	\$150.00	\$200.00
4.1.	Damage to sidewalk	\$200.00	\$250.00	\$300.00
4.2.	Deposit snow, or ice on sidewalk	\$100.00	\$150.00	\$300.00
4.3.	Within twelve (12) inches of sidewalk	\$100.00	\$150.00	\$200.00
5.1	Fails the sidewalk clearing criteria	\$100.00	\$150.00	\$200.00
6.1	Deposits snow, ice snow, ice, dirt, debris, or waste materials that obstructs the access to, operation of, or visibility of any fire hydrant	\$150.00	\$200.00	\$250.00
6.2.	Fails to remove the snow or ice within: One (1) meter minimum of any fire hydrants; and Twenty-four (24) hours after a snowfall.	\$150.00	\$200.00	\$250.00
6.3	Fail to clear snow, or cutting weeds or grass around the fire hydrant to be clearly visible and accessible	\$100.00	\$150.00	\$200.00
7.1.	Obstruct, impede, or interfere with the natural flow	\$50.00	\$100.00	\$150.00
7.2.	Placed, deposit, or left waste or debris	\$100.00	\$150.00	\$200.00
	Section not specified - any other section to which a fine had not been specified	\$100.00		