

BYLAW 20-06
“Sidewalk Maintenance Bylaw”

**A BYLAW TO PROVIDE FOR THE PROPER MAINTENANCE OF SIDEWALKS
THROUGHOUT THE CORPORATE LIMITS OF THE VILLAGE OF BRETON**

WHEREAS, under the authority of the the current *Municipal Government Act* M-26, 2020 as amended, Council may compel all persons within a municipality, to remove and clear away all snow, ice, dirt and other obstructions from the sidewalks situated on land adjoining the property owned or occupied by them,

WHEREAS, the Municipal Council of the Village of Breton deems it expedient to ensure that the Community remains safe and clean for its citizens, by implementing this bylaw.

NOW THEREFORE, the Municipal Council of the Village of Breton, duly assembled, enacts as follows:

1. TITLE

This bylaw shall be cited as “the sidewalk maintenance” bylaw.

2. DEFINITIONS

In this Bylaw

- a) “Council” - means the Council of the Village of Breton;
- b) “Enforcement Officer” - means a Bylaw Enforcement Officer authorized by the Village under the *Municipal Government Act*, to do any act or perform any duties under this bylaw and may include a member of the Royal Canadian Mounted Police and, when authorized, a Special Constable;
- c) “Occupant” - shall mean the person actually occupying or legally responsible for any property, be that person the owner, lessee, tenant or agent of the owner;
- d) “Person” - includes an individual and/or corporation and the heirs, executors, administrators or other legal representatives of a person;
- e) “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 the curb line (or the edge of the roadway, where there is no curb line) and the adjacent property line, whether or not paved or improved;
- f) “Private Property” - means any property within the Village not owned by or occupied by the Government of Canada, Government of Alberta, or by the Village;

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- g) “Roadway” - means that part of a highway intended for use by vehicular traffic;
- h) “Violation Tag” - means a tag or similar document issued by the Municipality pursuant to the *Municipal Government Act*;
- i) “Violation Ticket” - means a ticket issued pursuant to Part II of the current *Provincial Offences Procedure Act*, as amended.
- j) words used in this bylaw have the same meaning as words used or defined in the *Municipal Government Act* and *Highway Traffic Act*.

3. SIDEWALK MAINTENANCE

- a) All Persons owning or occupying property within the Village shall remove and clear away all snow, ice, dirt or any other obstruction from the Sidewalks situated on land adjacent to the property owned or occupied by them within forty-eight (48) hours after every occurrence. The aforementioned forty-eight (48) hours shall mean all days except Sunday.
- b) No Person shall place, or permit to be placed, snow, ice or any other obstruction, onto any Roadway or Sidewalk.
- c) That no person shall cause any injury to any sidewalks by striking, picking or cutting the same with any shovel, pick, crow bar or any other metal instrument or utilize any type of substance causing a deterioration to the sidewalk surface whether such person be engaged in removing snow, ice or dirt from such sidewalk.

4. VIOLATION & PENALTIES

- a) That failure to comply with any section of this Bylaw shall constitute an offence, the penalty for which shall be a fine of \$ 100.00 payable to the Village of Breton.
- b) That in the event of any person failing to comply with Section 3, the Village may take whatever action or measure necessary to remedy the contravention of this bylaw in accordance with sections 545 and 549 of the *Municipal Government Act*.

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- c) The expenses and costs of any action or measure taken by the Village is an amount owing to the Village of Breton by the person who contravened Section 3 of this bylaw and in accordance with Sections 545 and 549 of the *Municipal Government Act*, the Village will have costs charged to the owner of the property.
- d) An Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person, who the Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- e) A Violation Tag may be issued to such a person:
 - personally;
 - by mailing a copy to such person at his last known post office address; or
 - by leaving it for the defendant at his residence with a person on the premises who appears to be at least 18 years of age;
- f) The Violation Tag shall be in a form approved by the Village Administrator and shall include the following:
 - the name of the defendant;
 - the offence;
 - the appropriate penalty for the offence as specified in this bylaw;
 - that the penalty shall be paid within 30 days of the issuance of the Violation Tag;
 - any other information as may be required by the Village Administrator.
- g) Where a contravention of this bylaw is of a continuing nature, further Violation Tags may be issued by an Enforcement Officer, provided however, that no more than one Violation Tag shall be issued for each day that the contravention continues.
- h) Where a Violation Tag is issued pursuant to this bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Village office the penalty specified on the Violation Tag.
- i) Nothing in this bylaw shall prevent an Enforcement Officer from immediately issuing a Violation Ticket.
- j) In those cases where a Violation Tag has been issued and if the penalty specified on the Violation Tag has not been paid within the prescribed time, then an Enforcement Officer is hereby authorized to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, to any person who the Enforcement Officer has reasonable grounds to believe has contravened any provision of this bylaw.

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- k) Notwithstanding any part of this bylaw, an Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, to any person who the Enforcement Officer has reasonable grounds to believe has contravened any provision of this bylaw.
- l) Any person to whom a Violation Ticket has been issued may make voluntary payment in respect of the Violation Ticket by delivering the Violation Ticket along with an amount equal to that specified for the offence as set out in this bylaw, to the Provincial Court office specified on the Violation Ticket.

5. REPEAL

Bylaw No. 97-05 is hereby repealed.


6 EFFECTIVE

This bylaw shall come into effect upon Third and Final Reading, and shall continue from year to year until the Repeal of this Bylaw.


Read a first time on this 12th day of November, 2020.

Read a second time on this 12th day of November 2020.

Read a third and final time on this 12th day of November 2020.



Ivan Bohning, Mayor



Therese Wiebe, CAO

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