
**A BYLAW OF THE SUMMER VILLAGE OF SILVER SANDS, IN THE PROVINCE OF
ALBERTA, FOR MATTERS RELATED TO
"SNOW CLEARING, STORAGE AND REMOVAL"**

WHEREAS under the Authority of the *Municipal Government Act* RSA 2000 Chapter M-26, section 7 (a)(b) and (i), and 8 (a) authorizes the Council of a municipality to pass bylaws for municipal purposes respecting the safety, health and welfare of people, the protection of people and property and other matters;

AND WHEREAS under the Authority of the *Traffic Safety Act* RSA 200 Chapter T-6 the Council of a municipality is authorized to pass bylaws which are not inconsistent with the provisions of the *Traffic Safety Act*;

AND WHEREAS the Council of the Summer Village of Silver Sands has passed a "Use of Public Lands" bylaw which, in part, defines public lands and, further, regulates and restricts how these lands may be used who may access these lands for the purpose of any given use;

AND WHEREAS that Council of the Summer Village of Silver Sands, having authorized several infrastructure improvements pertaining to drainage and overland flood mitigation, deems it advisable to take actions that will protect and promote the general good operation of these core infrastructure and planning improvements;

AND WHEREAS the Council for the Summer Village of Silver Sands does consider it reasonable to consider, where appropriate, providing a mechanism for enforcement, including fees, penalties and other remedies, against unauthorized access or use of not only the general protection of Public Lands, as defined in the Use of Public Lands Bylaws, but also for the specific protection of those public lands and land improvements related to drainage and flood mitigation within the municipality;

AND WHEREAS the Council for the Summer Village of Silver Sands considers the most significant hazard to regular and reliable municipal drainage and flood mitigation efforts to be found during the spring thaw whereby the distribution and accumulation of snow and ice impacts the reliability and effectiveness of this process;

AND WHERAS the Council of the Summer Village of Silver Sands acknowledges that the municipal drainage and flood mitigation strategies of the municipality have been designed to address likely and possible accumulation of snow and ice, and historical and likely distribution of snow and ice throughout the community;

NOW, THEREFORE, the Council of the Summer Village of Silver Sands in the Province of Alberta duly assembled, enacts as follows:

1. SHORT-TITLE

1.1 This bylaw may be cited as "Community Snow Removal and Storage Bylaw".

2. DEFINITIONS

In this Bylaw:

- (a) "Act" or "said Act" shall mean the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, and amendments thereto;
- (b) Any word, expression or term used in this Bylaw shall have the same meaning as in the said Act;
- (c) "Chief Administrative Officer (CAO)" means a person appointed by Council under a bylaw by the Summer Village of Silver Sands in the Province of Alberta, or that person's designate acting lawfully as CAO in any absence;
- (d) "Council" means the Council of the Summer Village of Silver Sands;
- (e) "Easement" means a right-of-way intended for services access usually with a surface of grass and not hard topped or graveled, and not intended for the passage of vehicles;
- (f) "Municipality" means all lands within the Corporate Boundary limits of the Summer Village of Silver Sands in the Province of Alberta;
- (g) "Municipal Tag" means a ticket for any violation of this bylaw in the form of a numbered "Notice of Violation" and contains provisions for either a "warning", or a "voluntary payment" payable to the Summer Village of Silver Sands with or without discount provisions;
- (h) "Peace Officer" means a member of the Royal Canadian Mounted Police, a Peace Officer appointed pursuant to the Alberta Peace Officer Act, or a Municipal Bylaw Enforcement Officer appointed by the Summer Village of Silver Sands;
- (i) "Person" includes any person, individual, owner, public body, corporate body, society, firm or partnership;
- (j) "Public Land" means:
 - (a) Public Utility Lots and Storm Water Management Facilities;
 - (b) Municipal Reserves and School Reserves;
 - (c) Environmental Reserves and Natural Areas; and
 - (d) Any land subject to the direction, management or control including but not limited to:
 - i. Land titled to the Summer Village of Silver Sands;
 - ii. Developed or undeveloped Road Right-of-Ways and Statutory Road Allowances;
 - iii. All easements in favors of the Summer Village of Silver Sands;
 - iv. All utility Right-of-Ways.

- (k) "Snow Debris" means any mixture of snow, ice or slush, and any other organic material (i.e. surface aggregate or dirt), which may normally be expected to be displaced during routine residential snow clearing;
- (l) "Unauthorized Use" means a person accessing on or over Public Lands or constructing, storing, erecting or placing anything on/under or over Public Lands for any purpose without written consent from the Summer Village of Silver Sands;
- (m) "Vehicle" means a device in, on or by which a person or thing may be transported or drawn on a highway and includes a combination of vehicles but does not include a mobility aid;
- (n) "Violation Ticket" means a provincial ticket as described in the Alberta Provincial Offences Procedures Act (POPA) Chapter P-34, RSA 2000 and the Procedures Regulation and may be issued in the form either a part 2 Summons or a part 3 Offence Notice. Service and procedures of such violation tickets shall be as per POPA above and pursuant to Section 160(1) of the Traffic Safety Act where applicable.

3. Unauthorized Clearing, Removal or Storage of Snow Debris

- 3.1 All Snow Debris cleared on a residential lot shall remain on the subject parcel, unless being hauled outside of municipal boundaries or to designated snow storage facilities within the community as may be designated by Council from time to time.
- 3.2 No Owner or Occupant of any private property within the Summer Village of Silver Sands shall remove Snow Debris from a private property and allow it to be stored or transferred:
 - (a) On to or push across any Highway, Roadway, Laneway or other municipal or provincial vehicular or pedestrian traffic route;
 - (b) On to any Public Lands, and particularly any road right-of-way, ditch, drainage swale, culvert channel, sidewalk or drainage egress within the municipality;
 - (c) On to any other private property within the municipality, whether owned by the same property owner as the originating lot or otherwise, without the expressed approval of Council and whereby such approval may be conditional on any protections or provisions deemed reasonable by the Chief Administrative Officer.

For the purposes of this section, where it is apparent the material originated from the land, the person owning or occupying the land shall be responsible.

4. The CAO may, by a direction:

- 4.1 Require the person responsible for an unauthorized removal or storage of snow to cease such unauthorized removal or storage.
- 4.2 A direction given by the CAO or designate must:
- (a) Identify the unauthorized removal or storage,
 - (b) Direct the person to take any action or measures necessary to remedy the unauthorized removal or storage including, but not limited to, the restoration of the subject land to its state immediately before commencement of the unauthorized removal or storage, and
 - (c) State a time within which the person must comply with the direction.
- 4.3 A direction may be served:
- (a) Personally, if directed to an individual or by delivery to a person apparently over the age of sixteen (16) years residing or employed at the address where the individual resides, carries on business or is employed.
 - (b) In accordance with the Business Corporations Act (Alberta) if directed to a business corporation.
 - (c) Sending by prepaid registered mail to its registered office or its place of business in the case of any other corporation.
 - (d) In the case of firm or partnership, by personal service on any person over the age of eighteen (18) years who is a member of the firm or partnership or apparently in the employ of the firm or partnership at an office of the firm or partnership, or
 - (e) In accordance with an Order of the Alberta Court of Queen's Bench.
- 4.4 No person shall fail to comply with a direction:
- (a) If the Summer Village is unable to ascertain the name of the person responsible for any unauthorized removal or storage, the Summer Village will post a sign on the public land which is the subject of the unauthorized use stating that, if the unauthorized removal or storage is not stopped and all work done necessary to restore the public land to its condition immediately before commencement of the unauthorized removal or storage, by a date at least seven (7) days after the sign is posted, the Summer Village will do such work.
 - (b) If the Summer Village does work pursuant to the preceding paragraph 4.4(a), the cost of so doing will be a debt due to the Summer Village from the person responsible for the unauthorized use.
 - (c) The work referred to in paragraph 4.4(a) includes, but is not limited to, the removal of materials and chattels of all kinds, excavating and removing improvements and carrying out landscaping.
 - (d) In the case of an emergency of any kind or a perceived threat to public safety, the period of seven (7) days prescribed by paragraph 4.4(a) may

be shortened to whatever period the CAO or Designate considers appropriate.

- (e) The Summer Village may sell any materials or chattels referred to in paragraph 4.4(b) and apply the proceeds towards payment of the debt due to the Summer Village from the person responsible for the unauthorized use.

5. ENFORCEMENT

- (a) A person who contravenes Section 3 or any other provision of this bylaw is guilty of an offence.
- (b) A person who is found guilty of an offence under this bylaw is liable to a maximum fine of \$10,000.00.
- (c) The minimum and specified penalty for a violation of any provision of this Bylaw is a fine in the amount of \$500.00
- (d) If a person violates the same provision of this bylaw twice, the minimum and specified penalty for the second and subsequent violation shall be a fine in the amount of \$1,000.00
- (e) If a fine imposed pursuant to Section 5 is not paid, the Summer Village will proceed to collect it in the same manner as a civil judgement in favor of the Summer Village.
- (f) In addition to imposing a fine pursuant to Section 5, the Court may:
 - i. Order the responsible person to cease the unauthorized use and take whatever steps are necessary to restore the subject land which has been subject of the use to the condition it was in prior to commencement of the use; and
 - ii. Direct that, if the responsible person fails to comply with an order pursuant to the preceding paragraph 5(f)(i) within a specified time, the Summer Village will be at liberty to do the work required and recover the costs of so doing from the responsible person. Such costs may be determined either concurrently with imposition of a fine or upon subsequent application to the court.

6. VIOLATION TAGS

- (a) A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Bylaw Enforcement officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (b) A Violation Tag may be issued to such person either personally, or by mailing a copy to such Person at his or her last know post office address.

- (c) The Violation tag shall be in a form approved by the CAO and shall state:
 - i. the name of the person;
 - ii. the offence;
 - iii. the appropriate penalty for the offence being the minimum penalty prescribed by this Bylaw;
 - iv. that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
 - v. any other information as may be required by the CAO.
- (d) Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Bylaw Enforcement Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.
- (e) 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 Summer Village the penalty specified in the Violation Tag.
- (f) Nothing in this Bylaw shall prevent a Bylaw Enforcement officer from immediately issuing a Violation Ticket.
- (g) A violation ticket is deemed sufficiently served if the processes under the Provincial Offences Procedures Act and Regulation have been followed.

7. SEVERABILITY PROVISION

Should any provision of this bylaw become invalid, void, illegal, or otherwise not enforceable, it shall be considered separate and severable from the bylaw and the remainder shall remain in force and be binding as though such provisions had not been invalid.

8. EXERCISE OF DISCRETION

The Summer Village has the discretion to enforce this bylaw and is not liable of any outcomes should a Peace Officer decide not to enforce this bylaw if acting in good faith.

9. COMING INTO FORCE

This Bylaw shall come into effect upon the third and final reading and signing of this Bylaw

BYLAW NO. 309-2020
SUMMER VILLAGE OF SILVER SANDS
Municipal Government Act RSA 2000 Chapter M-26
Part 2 Section 7 (a)(b) & (i), & 8(a)

READ a first time this _27th_ day of ___November___, 2020.

READ a second time this _27th_ day of ___November___, 2020.

UNANIMOUS CONSENT to proceed to third reading this _27th_ day of ___November___, 2020.

READ a third and final time this _27th_ day of ___November___, 2020.

SIGNED this _27th_ day of ___November___, 2020.

Mayor, Bernie Poulin

Chief Administrative Officer, Wendy Wildman