

**CITY OF MOOSE JAW
SASKATCHEWAN**

BYLAW NO 5514

THE CLEAN SIDEWALKS BYLAW

WHEREAS Section 8 of *The Cities Act, SS 2002, Chap C-11-1*, provides, in part, as follows:

8(1) A city has a general power to pass any bylaw for city purposes that it considers expedient in relation to the following matters respecting the City:

- b) the safety, health and welfare of people and the protection of people and property;

NOW THEREFORE the Council of the City of Moose Jaw enacts as follows:

SHORT TITLE

1. This Bylaw may be cited as "The Clean Sidewalks Bylaw".

PURPOSE

2. The purpose of this Bylaw is to require an owner or occupant of property in the City to clear sidewalks of snow and ice or other loose debris, so as to prevent injury or inconvenience to pedestrians.

DEFINITIONS

3. In this Bylaw the following definitions apply:
 - a) "**adjoining property**" means a parcel of land next to a sidewalk;
 - b) "**City**" means the City of Moose Jaw;
 - c) "**Council**" means the Council of the City of Moose Jaw;
 - d) "**debris**" includes glass, loose dirt, mud or organic material (grass overgrowth, leaves, weeds, etc) likely to interfere with pedestrian traffic;
 - e) "**Director**" means the Director of Planning and Development Services as appointed by the City;
 - f) "**occupant**" means:

- (i) a person residing on land or in a building;
- (ii) a person entitled to the possession of land or a building if there is no person residing on the land or in the building; or
- (iii) a leaseholder;
- g) “owner” means a person who has any right, title, estate or interest in land or buildings other than that of a mere occupant, tenant or mortgagee;;
- h) “roadway” means that part of a street adapted to the use of or ordinarily used by vehicles;
- i) “sidewalk” means that part of a street adapted to the use of or ordinarily used by the general public for pedestrian traffic;
- j) “single-detached dwelling unit” means a single detached building containing sleeping, cooking and toilet facilities used as a single dwelling; and
- k) “street” means a street as defined in *The Cities Act, SS 2002, Chap C-11-1*.

DUTY TO CLEAR SIDEWALKS

4. Every occupant or owner of any premises that:
 - (a) lies within the boundaries of those areas of the City outlined in red on the maps annexed to this bylaw and designated Schedules “A” and “B” and any other property zoned Commercial or Industrial shall clearly remove and clear away all snow, ice, dirt, debris and other obstructions from the sidewalks of the adjoining property owned or occupied by them;
 - (b) the occupants or owners of the adjoining property described in subsection (a) of this section shall sweep the sidewalks before nine o’clock in the morning (9:00 AM) in the winter and before eight-thirty o’clock in the morning (8:30 AM) at all other times, except when removal of a heavy fall of snow is required; and
 - (c) the occupants or owners of the adjoining property described in subsection (a) of this section shall remove a heavy fall of snow within forty-eight (48) hours after the fall thereof has ceased.
5. Nothing in Section 4 applies to the occupants or owners of single-detached dwelling units.

IMPROPER CLEARING OR INTERFERENCE WITH PEDESTRIAN TRAFFIC

6. No person using a power driven device or manual device to clear or remove snow or ice or other loose debris from the sidewalk, shall cause injury to or unduly interfere with any person lawfully using the sidewalk, or cause damage to a parked or passing vehicle or to the sidewalk or curbs.

CLEARING RESTRICTIONS

- 7.(1) An owner or occupant of any property or their designate, including single-unit dwellings, that is clearing or removing snow or ice or other loose debris from a sidewalk shall strive to place it upon private property. If this is impractical, the person may place the snow or ice or other loose debris from the sidewalk in the roadway immediately adjacent to the sidewalk but must do so in a manner that does not create a hazard or interfere with the use of the roadway.
 - (2) No owner or occupant or their designate shall remove any ice, snow, or debris from within private property and place such material on to any City street or lane.
 - (3) No owner or occupant or their designate shall remove any ice, snow or debris from within private property and place such material on any other private property without the permission of that property owner.
- 8.(1) Snow accumulations shall not be piled around parking meters, lamp posts, bus stop benches, sign posts, etc on the sidewalks within those areas highlighted in Schedules "A" and "B".
 - (2) Snow removed from parking lots must be retained on the property but not piled in such a manner as to obstruct corner sight lines, or cover any sidewalk, so as to create a hazard for pedestrians and vehicles. This snow may also be removed from the property to an authorised City snow dump as designated by the Director of Engineering Services.

ENFORCEMENT

- 9.(1) The administration and enforcement of this Bylaw is hereby delegated to the Director of Planning and Development Services for the City of Moose Jaw.

- (2) The Director is hereby authorized to further delegate the administration and enforcement of this Bylaw to Bylaw Enforcement Officers appointed by the City of Moose Jaw pursuant to Section 4(1) of Bylaw #5221 – General Penalty and Enforcement Bylaw and Section 324 of *The Cities Act, SS 2002, Chap C-11-1*.
- (3) Upon determining that a contravention has occurred, Bylaw Enforcement Officers may issue a Clean Sidewalk Notice to the owner or occupant of the property concerned to clear the sidewalk within 48 hours. This notice will include:
 - (a) a statement as to the nature of work to be performed (remove snow and ice, clear debris, lawn overgrowth, weeds, garbage, etc); and
 - (b) a statement that failing to comply will result in the City having the work performed.
- (4) Bylaw Enforcement Officers may also issue a Notice of Violation pursuant to Section 11 below.

CITY REMEDYING CONTRAVENTION

- 10.(1) The City may take whatever actions or measures are necessary to remedy a contravention of this Bylaw, and the City may, pursuant to Section 330 of *The Cities Act, SS 2002, Chap C-11-1*, complete the work and the expenses of such work shall be charged to the owner or occupant of the adjoining property.
- (2) Where the owner fails to pay the expenses of the removal of snow, ice, dirt or other obstructions as provided for in subsection (1) of this section, the expenses of such removal shall, pursuant to Section 333 of *The Cities Act, SS 2002, Chap C-11-1*, be added to and thereby form part of, the taxes on the land with respect to which the work is done by the City.

NOTICE OF VIOLATION OFFENCES

11. (1) Every person commits an offence who:
 - (a) fails to remove snow, ice or other loose debris from any sidewalk adjoining their property within forty-eight (48) hours of the time when the snow or ice or other loose debris was formed or deposited thereon;
 - (b) uses a power driven device or manual device to clear or remove snow or ice or other loose debris from the sidewalk and causes injury to or unduly interferes with any person lawfully using the sidewalk or causes damage lawfully parked or passing vehicles or to the sidewalk or curbs; or

- (c) creates a hazard or interferes with the use of the roadway by removing snow or ice or other loose debris from a sidewalk and placing it other than upon private property or in the roadway adjacent to the sidewalk.
- (2) When a contravention of Subsection (1) occurs, the person responsible for the contravention is guilty of an offence and liable on summary conviction to a fine:
 - (a) for a first offence, of \$100;
 - (b) for a second offence, of \$200;
 - (c) for a third or subsequent offence, of \$300.
- (3) Except as provided in Subsection (4), the following procedure shall apply to offences committed under this Section:
 - (a) the Director or the Bylaw Enforcement Officers may issue a notice of bylaw violation to any person committing a first or second offence under Subsection (1). The notice shall require the person to pay to the City an amount specified in Subsection (2)(a) or (b);
 - (b) the fine may be paid:
 - (i) in person, during regular office hours, to the cashier located at City Hall, Moose Jaw, Saskatchewan;
 - (ii) by deposit, at the depository located at the East entrance to City Hall, Moose Jaw, Saskatchewan; or
 - (iii) by mail addressed to City of Moose Jaw, 228 Main St N, Moose Jaw, Saskatchewan, S6H 3J8;
 - (c) if payment of the fine as provided in Subsection (2)(a) or (b) is made prior to the date when the person contravening the Bylaw is required to appear in court to answer a charge, the person shall not be liable to prosecution for that offence;
 - (d) the amount of the fine under Subsection 2(a) or (b) shall be discounted by the sum of \$25 and \$50, respectively, if paid within 14 calendar days of the date of the notice of violation. The date of payment shall be determined as follows:
 - (i) for payment in person, the date of payment shall be the date payment is received by the City;

- (ii) for payment by deposit, the date of payment shall be the date payment is deposited in the depository at City Hall;
 - (iii) for payment by mail, the date of payment shall be the post-marked date on the remittance. Upon payment, the person contravening the Bylaw shall not be liable to prosecution for that offence.
- (4) The provisions of Subsection (3) shall not apply in the case of a third or subsequent offence.

GENERAL PENALTY

- 12.(1) No person shall:
- (a) obstruct or hinder Bylaw Enforcement Officers or any other person acting under the authority of this Bylaw; or
 - (b) fail to comply with any other provision of this Bylaw.
- (2) Except where a penalty is specifically provided for in this Bylaw, every person who contravenes any provision of this Bylaw is guilty of an offence and on summary conviction is liable to fines as stated in the General Penalty and Enforcement Bylaw #5221.
- (3) In the event of non-payment of a fine imposed pursuant to Section 11(2), the individual convicted may be imprisoned for a term as stated in the General Penalty and Enforcement Bylaw #5221, unless the fine is sooner paid.

REPEALED

13. Bylaw #4331 is repealed upon the coming into force of this Bylaw.

COMING INTO FORCE

14. This Bylaw shall come into force and take effect on the date of the final passing thereof.

PASSED AND ENACTED ON THE 18th DAY OF APRIL, 2016.

CERTIFIED A TRUE COPY



Myron Gulka-Tiechko, MA, LL.B.

City Clerk

Date: August 15, 2016

“Deb Higgins”

MAYOR

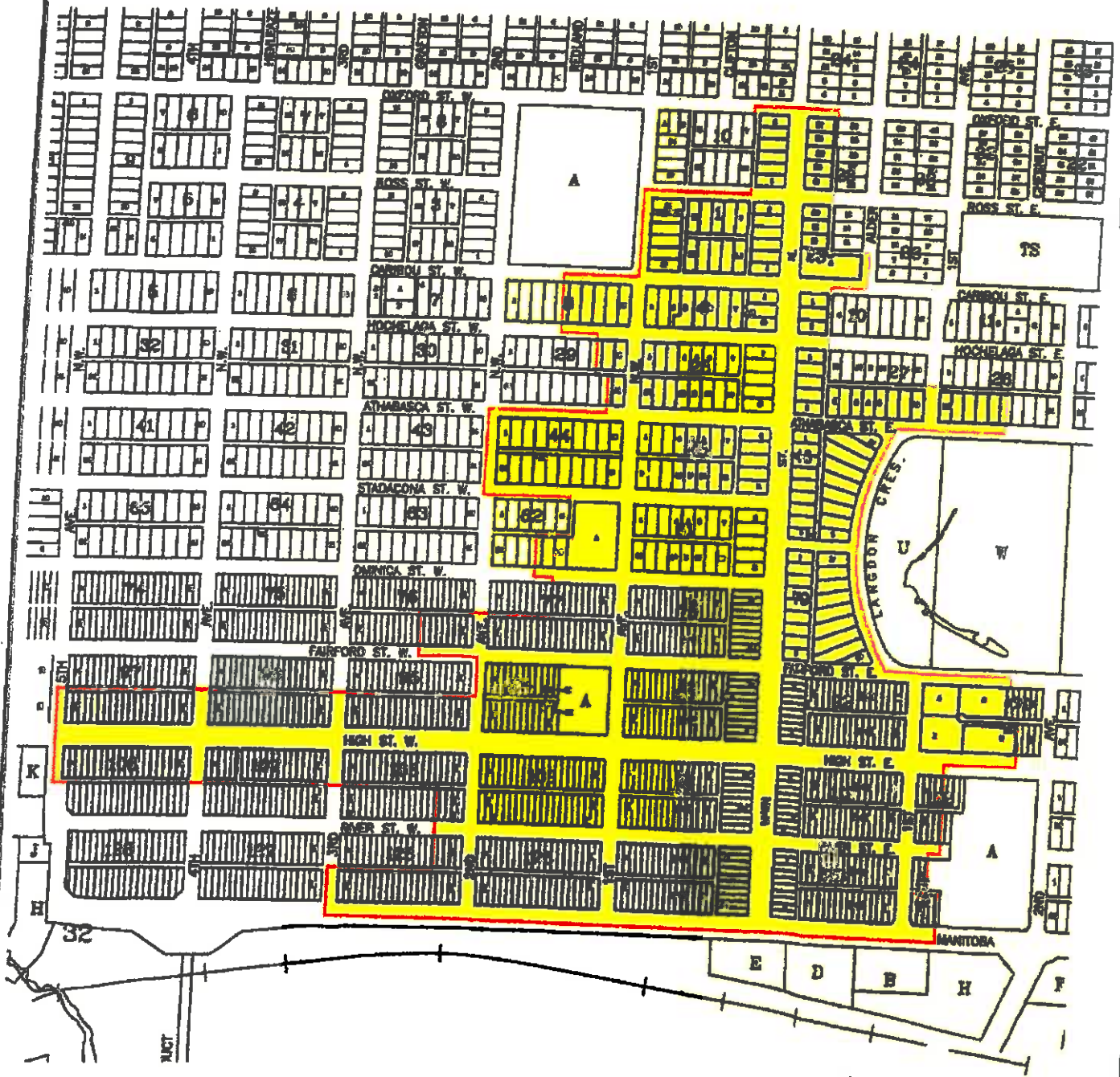
“Myron Gulka-Tiechko”

CITY CLERK

READ a first time the 4th day of APRIL, 2016

READ a second time the 4th day of APRIL, 2016

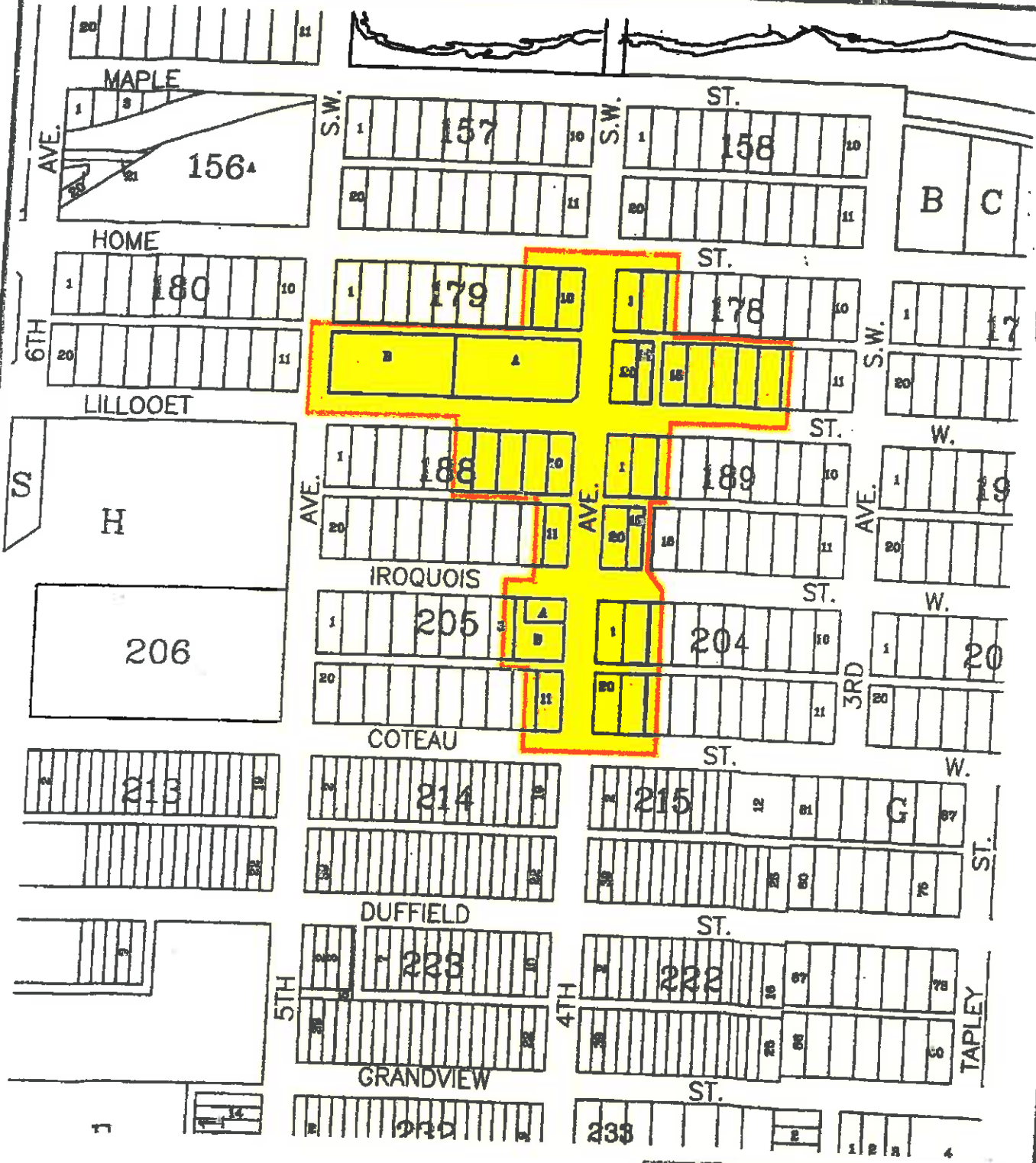
READ a third time the 18th day of APRIL, 2016



CITY OF MOOSE JAW
ENGINEERS DEPARTMENT

SNOW BYLAW MAP
DOWNTOWN

DRAWN KEIT NESS	DATE DECEMBER 18, 2008
R. JOHNSON CITY ENGINEER	SCALE N.T.S.



CITY OF MOOSE JAW
ENGINEERS DEPARTMENT

SNOW BYLAW MAP
SOUTH HILL

DRAWN KENT NESS	DATE DECEMBER 18, 2008
R. JOHNSON CITY ENGINEER	SCALE N.T.S.