

**TOWN OF DRUMHELLER
BY-LAW 02.07**

**BEING A BY-LAW FOR THE REGULATION, PROTECTION AND PRESERVATION OF
SIDEWALKS AND FOR REGULATING AND GOVERNING ENCROACHMENTS ON
HIGHWAYS WITHIN THE CORPORATE BOUNDARY OF THE TOWN OF DRUMHELLER
IN THE PROVINCE OF ALBERTA.**

WHEREAS as all public highways, roads, streets, lanes, and alleys are directed, controlled and managed by the Town of Drumheller, pursuant to Section 18(1) of the Municipal Government Act, Statutes of Alberta 2000, Chapter M-26, as amended.

WHEREAS Council of the Town of Drumheller may pass a bylaw pursuant to Section 7(a) of the Municipal Government Act for peace, order and good government of the municipality and for promoting the health, safety, morality, and welfare of its residents.

WHEREAS Council of the Town of Drumheller deems its necessary and expedient to pass a bylaw compelling all persons 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.

NOWHEREFORE the Council of the Town of Drumheller, duly assembled, enacts as follows:

1. In this By-law, the following definitions shall apply:

- a) "Boulevard" means the strip of land between the curb and the sidewalk and between the sidewalk and the property line, or where there is no sidewalk, the strip of land between the curb and the property line. Where there is no curb the meaning shall be extended to include the strip of land between the near edge of the roadway and the property line.;
- b) "Chief Administrative Officer" means the Chief Administrative Officer of the Town of Drumheller and may be referred to as the Town Engineer;
- c) "Council" means the Municipal Council of the Town of Drumheller;
- d) "Highway" means any thoroughfare, street, road, avenue, driveway, parkway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, and the public is ordinarily or permitted to use for the passage of vehicles and
 - (i) includes:
 - (a) a sidewalk, including a boulevard adjacent to the sidewalk,
 - (b) if a ditch lies adjacent to and parallel with a roadway, the ditch, and
 - (c) if a highway right of way is contained between fences or between a fence and

one side of a roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be, but does include a place declared by regulation not to be a highway.

- e) "Intersection" means the area embraced within the prolongation or connection of:
- i) the lateral curb lines or, if none;
 - ii) the exterior edges of the roadway, of 2 or more highways which join one another at an angle whether or not one highway crosses the other;
- f) "Mobility aid" means a device used to facilitate the transport, in a normal seated orientation, of a person with a physical disability;
- g) "Roadway" means that part of a highway intended for use by vehicular traffic;
- h) "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
- i) the curb line, or
 - ii) where there is no curb line, the edge of the roadway, and the adjacent property line, whether or not paved or improved;
- i) "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.
2. Every owner or occupier of any house, building or lot within the Town who shall require to drive any vehicle across any sidewalk or boulevard for the purpose of entering his house, building or lot, shall before so doing construct across the sidewalk or boulevard opposite the place where he shall desire to enter his premises, a good and sufficient driveway satisfactory to the Chief Administrative Officer, sufficient to prevent the sidewalk or boulevard from being damaged or injured in crossing same.
- 3 No person shall drive any vehicle across, over or along any sidewalk or boulevard in any highway or other public place within the Town; provided always that it shall be lawful for any person to cross the sidewalk or boulevard to go into any yard or lot adjoining the same where a proper and sufficient driveway has been constructed as prescribed in the last preceding section, or where a permanent crossing has been provided. Snow clearing equipment is exempt.
- 4 No person shall run, drive, draw, push, take or leave any vehicle, upon any sidewalk of the Town, except children's conveyances or mobility aids.

5. No person shall place, throw or pile any material whatsoever, upon any sidewalk of the Town.
6. a) No person, except the duly authorized officers or employees of the Town, shall break, tear or remove any pavement, sidewalk, curbing, or other road surface, nor make any excavation in or under any highway or sidewalk in the Town, without having first obtained a permit from the CAO; and
b) In every case where a person or persons is or are engaged in any of the aforesaid works on, in or under any sidewalk, he or they shall be held responsible for any and all accidents or damages that may occur to any person or property by reason thereof, and shall keep and maintain such lights or watchmen, and shall take such further care and precaution as may be necessary for the protection and safety of the public.
7. a) Every person desiring to remove or take up any sidewalk in the Town or who obstructs sidewalks and streets for the purpose of constructing a driveway access to his property shall at the time securing the permit referred to in Paragraph 6a of the bylaw deposit with the Director of Corporate Services of the Town the sum of Five Hundred (\$500.00) Dollars as security and a guarantee that the said sidewalks or obstructions will be replaced or removed as the case may be, in a satisfactory condition to the Town and the said sum of Five Hundred (\$500.00) Dollars shall be returned only in the event of the said sidewalk being replaced and all accumulations of dirt, gravel or other debris are removed to the satisfaction of the Town. The Town shall have the absolute right to deduct any costs or damages that may result to it in respect of the removal of any sidewalk or accumulations of dirt, gravel or other debris from such deposit.
b) Should the work be more extensive than described in Section 7a, then the owner or occupier would be required to enter into a Development / Servicing Agreement with the Town of Drumheller.
8. Every owner or occupier of any property, whether improved or unimproved, fronting or abutting on any highway where sidewalks are constructed, shall keep the said sidewalks free and clear of all snow, ice, dirt and other obstructions.
9. Any person who has an awning, canopy, marquee or other encroachment extending from a portion of their property over a sidewalk or other portion of a street shall endeavour to keep the said awning, canopy, marquee or other encroachment free from snow or ice so that it will not drip upon the sidewalk or street below and take the necessary precautions to ensure that an icy or dangerous situation is not allowed to exist on the street or sidewalk.
10. If any person referred to in Section 8 neglects or fails to clear the snow, ice, dirt and

other obstructions from sidewalks within 24 hours of the occurrence or accumulation as aforesaid, the Town is hereby empowered to remove the said snow, ice, dirt and other obstructions.

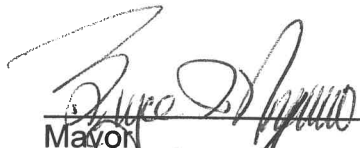
11. No person shall cause any damage or injury to any sidewalk in the Town by striking, picking or cutting the same with any shovel, pick or crowbar or other metal instrument whatever, whether such person be engaged in removing snow, ice, dirt and other obstructions from such sidewalk or not.
12. a) Any person who removes snow or ice from public sidewalks and / or other public lands shall not deposit said snow or ice upon any highway except on the boulevard and shall not impede storm sewer run off or block access to any storm sewer grate or fire hydrant; and
b) Where no boulevard exists, snow or ice may be deposited on the highway.
13. No person shall place, deposit and / or dump or cause to be placed, deposited or dumped any snow and / or ice taken from private property onto any property of the Town of Drumheller including but not so as to restrict the generality of the foregoing on the highway including any sidewalk, boulevard, curb and gutter, street and lane of the Town without prior permission in writing of the Town's Chief Administrative Officer.
14. In the event of a large accumulation of snow, the Town may cause a street or land to be cleared of vehicles for the purposes of snow removal. If, after posting or signing said streets or lanes, vehicles blocking snow removal equipment may be towed and impounded at the registered owner's expense.
15. Where the Town takes any remedial actions arising out of any provisions of this Bylaw and incurs costs in so doing, the costs thereof shall be charged against the owner of the property. Such costs shall, and are hereby declared to be a lien on the property fronting or abutting thereon, and may be collected in the same manner as any other Municipal Tax, and in addition to any fine or penalty imposed by this, or any other Bylaw of the Town.
16. Bylaw 23.89 and Bylaw 11.57 of the City of Drumheller are hereby repealed.

This By-law takes effect on the date of the third and final reading.


READ A FIRST TIME this 20th day of February, 2007.

READ A SECOND TIME this 20th day of February, 2007.

READ A THIRD AND FINAL TIME this 20th day of February, 2007.



Mayor



Chief Administrative Officer