

SNOW REMOVAL BYLAW

Effective December 13, 1989

AMENDED DECEMBER 11, 1995
AMENDED MAY 12, 2003

BEING A BYLAW OF THE CITY OF CHARLOTTETOWN TO COMPEL THE REMOVAL OF SNOW AND ICE FROM OFF THE SIDEWALKS PURSUANT TO THE PROVISIONS OF **THE CHARLOTTETOWN AREA MUNICIPALITIES ACT, R.S.P.E.I., 1988, CAP. C-4.1, SECTION 64.**

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTETOWN AS FOLLOWS:

PART I - DEFINITIONS

1. In this Bylaw:

1.1 **"Abutter"** includes a person who is the owner, lessee, or occupier of any **commercial** premises or lot in this City in which such premises or lot abuts a street;

1.2 **"City"** means the Corporation of the City of Charlottetown and includes the area contained within the boundaries of the City where the context requires;

1.3 **"Clerk"** means the Administrator of the City of Charlottetown;

1.4 **"Council"** means the City Council of the City of Charlottetown;

1.5 **"Crosswalk"** means that portion of a street ordinarily included within the prolongation or connection of curb lines and of property lines at intersections or any other portion of a street clearly indicated for pedestrian crossing by times, or other markings on the surface, signs, or other devices;

1.6 **"Enforcement Officer"** means a **Police Officer, Constable, or Peace Officer appointed pursuant to a Bylaw to establish a Police Force in the City of Charlottetown;**

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1.7 **"Owner"** includes:

(a) A person managing the subject property for the registered owner;

(b) A tenant, lessee, or other person in possession or occupancy of the subject property;

(c) An executor, administrator, trustee, agent or other person managing the

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subject property for the registered owner;

- (d) **when used in reference to real property, includes a person assessed for the property pursuant to the Real Property Assessment Act, R.S.P.E.I., 1988, CAP. R-4.**

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- 1.8 **"Sidewalk"** means that portion of a street or roadway set apart for the use of pedestrians and between the curb lines or the lateral lines of a street and the adjacent property lines.
- 1.9 **"Street"** means any street within the boundaries of the City of Charlottetown and includes a lane or bridge.

PART II - REMOVAL OF SNOW AND ICE

- 2. 2.1 Subject to Subsection 2 (b) an abutter who does not maintain
 - (a) any sidewalk which abuts any side of his **commercial** property; or
 - (b) any pathway leading from a sidewalk abutting his **commercial** property to the roadway;free from all snow and ice is guilty of an offence.

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- 2.2 It shall be sufficient to have the snow and ice removed as required by Subsection 2.1 (a) four hours after the ceasing of any snow storm, if such ceases in the daytime, or if such ceases in the nighttime, then before 10:00 a.m. of the following day.

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- 2.3 Subject to the provisions of Subsection 2.2 it shall be sufficient for the requirements of Subsection 2.1 (a) that ice be removed or otherwise covered with sand, ashes or other materials sufficient to give safe footing for pedestrians using any portion of the sidewalk.

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PART III - GENERAL PROVISIONS

- 3. 3.1 Any **owner** who permits icicles to accumulate on the eaves or gutters of any buildings owned or occupied by him, so as to become dangerous to persons passing on the street or sidewalk **which abuts such buildings** is guilty of an offence.

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- 3.2 Any **owner** who:
- (a) deposits snow or ice from any source upon any street or sidewalk, **lot, yard, playground, or any other type of property or premise owned by the City;** or
 - (b) removes snow from any yard, **street, sidewalk, lot, playground, or any other type of property or premise** in any manner which obstructs traffic or creates a safety hazard;
- is guilty of an offence.

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PART IV - ENFORCEMENT

4. 4.1 Where an abutter fails to remove snow or ice from sidewalks or structures as required by this Bylaw, an Enforcement Officer may give to the abutter an order to remove the snow and ice within 24 hours.

- 4.2 Where, upon the expiry of the 24 hour period, the snow and ice has still not been removed, **as provided in Section 4.1 herein**, an Enforcement Officer may **cause** the necessary removal of such snow and ice **to be carried out and recover the cost of such work from the abutter or owner.**

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- 4.3 Every person who commits an offence under this Bylaw is guilty of an offence punishable on summary conviction and liable to:

- (a) a fine not exceeding \$500.00;
- (b) imprisonment for a term not exceeding 90 days; or

- (c) to both;
- and in default of payment of any fine imposed, to imprisonment for a further term, not exceeding 90 days.

- 4.4 **Where an offence under this bylaw is committed or continued for more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed or continued.**

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PART V – MISCELLANEOUS

5. 5.1 For the purposes of this Bylaw, any summons to any person charged hereunder shall

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be sufficiently served if left with any adult person in the premises whereof the offence is alleged, or if posted in any prominent place on such premises.

- (a) A copy of any writing, paper or document filed in the Court or any statement containing any information from the records of the Department of the Minister appointed pursuant to the provisions of the Real Property Assessment Act, R.S.P.E.I. **1988, Cap. R-4** shall be received in evidence in court without proof of signature and is prima facie evidence of the facts contained therein as to the name of the owner of the real property and the corresponding civic address;
- (b) An engraved, lithographed, printed or otherwise mechanically reproduced facsimile signature of the Minister or his representative is sufficient authentication of any such copy or statement.

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- 5.2 For the purposes of this Bylaw, words importing the singular include the plural and words of the masculine gender include the female gender, and vice versa.

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Amendment Summary	Previous Wording	Amendment Detail	1 st Reading	2 nd Reading	3 rd Reading
<p>Amend to permit enforcement to City on commercial properties only as City now supplies removal/plowing in residential areas. Changes accommodate enforcement on commercial properties only. Creates better enforcement.</p>	<p>1(f) "Enforcement Officer" means a Charlottetown Police Officer of Bylaw Enforcement Officer appointed pursuant to a Bylaw to Establish a Police Force in the City of Charlottetown;</p>	<p>Part I: add section 1.6 as follows: 1.6 "Enforcement Officer" means a Police Officer, Constable, or Peace Officer appointed pursuant to a Bylaw to establish a Police Force in the City of Charlottetown</p>	14-Nov-95	14-Nov-95	11-Dec-95
	<p>1.(g) "Owner" when used in reference to real property includes a person assessed for the property pursuant to the <u>Real Property Assessment Act</u>, R.S.P.E.I., Cap. R-5</p>	<p>Part I: add section 1.7 (a), (b), (c) & (d) as follows: 1.7 "Owner" includes: (a) A person managing the subject property for the registered owner; (b) A tenant, lessee, or other person in possession or occupancy of the subject property; (c) An executor, administrator, trustee, agent or other person managing the subject property for the registered owner; (d) when used in reference to real property, includes a person assessed for the property pursuant to the <u>Real Property Assessment Act</u>, R.S.P.E.I., 1988, CAP. R-4.</p>			
	<p>2.(a)(i) any sidewalk which abuts any side of his property; (ii) any pathway leading from a sidewalk abutting his property to the roadway; or</p>	<p>Part II: amend section 2.1(a) & (b) as follows: 2.1 (a) any sidewalk which abuts any side of his commercial property; or (b) any pathway leading from a sidewalk abutting his commercial property to the roadway;</p>			
	<p>2.(b) It shall be sufficient to have the snow and ice removed as required by Subsection 2(a) four hours after the ceasing of any snow storm, if such ceases in the daytime, or if such ceases in the nighttime, then before 10:00 a.m. of the following day.</p>	<p>Part II: amend section 2.2 as follows: It shall be sufficient to have the snow and ice removed as required by Subsection 2.1 (a) four hours after the ceasing of any snow storm, if such ceases in the daytime, or if such ceases in the nighttime, then before 10:00 a.m. of the following day.</p>			
<p>2.(c) Subject to the provisions of Subsection 2(b) it shall be sufficient for the requirements of Subsection 2(a) that ice be removed or otherwise covered with sand, ashes or other materials sufficient to give safe footing for pedestrians using any portion of the sidewalk.</p>	<p>Part II: amend section 2.3 as follows: Subject to the provisions of Subsection 2.2 it shall be sufficient for the requirements of Subsection 2.1(a) that ice be removed or otherwise covered with sand, ashes or other materials sufficient to give safe footing for pedestrians using any portion of the sidewalk.</p>				

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Amendment Summary	Previous Wording	Amendment Detail	1 st Reading	2 nd Reading	3 rd Reading
	3.1 Any person who permits icicles to accumulate on the eaves or gutters of any buildings owned or occupied by him, so as to become dangerous to persons passing on the street or sidewalk is guilty of an offence.	Part III: amend section 3.1 as follows: 3.1 Any owner who permits icicles to accumulate on the eaves or gutters of any buildings owned or occupied by him, so as to become dangerous to persons passing on the street or sidewalk which abuts such buildings is guilty of an offence.			
	3.2 Any person who:	Part III: amend section 3.2 as follows: 3.2 Any owner who:			
	4.2 Where, upon the expiry of the 24 hour period, the snow and ice has still not been removed, an Enforcement Officer may order the necessary removal of such snow and ice and may recover the cost of such work from the abutter.	Part IV: amend section 4.2 as follows: Where, upon the expiry of the 24 hour period, the snow and ice has still not been removed, as provided in section 4.1 herein , an Enforcement Officer may cause the necessary removal of such snow and ice to be carried out and recover the cost of such work from the abutter or owner.			
	<i>nothing</i>	Part IV: add section 4.4 as follows: 4.4 Where an offence under this bylaw is committed or continued for more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed or continued.			
To amend Section 3.2 of the Bylaw to prevent dumping of snow on City-owned properties	3.2 Any owner who: (a) deposits snow or ice from any source upon any street or sidewalk; or (b) removes snow from any yard or other premises in any manner which obstructs traffic or creates a safety hazard; is guilty of an offence.	3.2 Any Owner who: (a) deposits snow or ice from any source upon any street, sidewalk, lot, yard, playground, or any other type of property or premise owned by the City; or (b) removes snow from any yard, street, sidewalk, lot, playground, or any other type of property or premise in any manner which obstructs traffic or creates a safety hazard; is guilty of an offence.	14-Apr-03	14-Apr-03	12-May-03