

**VILLAGE OF EMPRESS
BY-LAW NO. 1-2019**

**A BYLAW OF THE VILLAGE OF EMPRESS IN THE PROVINCE OF ALBERTA
TO REGULATE THE MAINTENANCE OF SIDEWALKS AND BOULEVARDS IN
THE VILLAGE OF EMPRESS.**

WHEREAS the *Municipal Government Act* (Alberta) section 7 authorizes municipalities to pass Bylaws respecting safety, health and welfare of people and the protection of people and property;

AND WHEREAS the *Municipal Government Act* (Alberta) section 18 indicates that the Municipality has the direction, control and management of the public highways, roads, streets, lanes, alleys, etc. within the Village, including the air space above and the ground below;

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

SECTION 1 - SHORT TITLE

1. This Bylaw shall be known and cited as the "Sidewalk and Boulevard Maintenance Bylaw" of the Village of Empress.
2. **DEFINITIONS**

In this Bylaw, unless the context otherwise requires:

BOULEVARD means the area between the edge of the pavement or curb of the roadway, or where there is no pavement or curb from the edge of the travelled portion of the highway to the adjacent property line which may be grassed, gravelled or paved, but shall exclude that portion of the commercial district on third Avenue from 1st Street West to 1st Street East, and 1st Street East from 3rd Avenue to the north side of the motel, and Center Street from 3rd Avenue to 2nd Avenue;

COUNCIL means the municipal council of the Village of Empress;

HIGHWAY means any public street, road way, bridge, trestle, lane or right of way designed or intended for or used by the general public for the passage of vehicles;

OCCUPIER means a person who occupies land but does not include the occupier of a unit in an apartment, hotel or institution;

OWNER has the same meaning as defined in the *Local Government Act*;

SIDEWALKS means every structure designed primarily for pedestrian use, including, without limitation, a sidewalk, walkway, trail, stairway, ramp or curb letdown, any customarily travelled footpath, including without limitation, any footpath made of gravel, asphalt, limestone, dirt or other material and the unpaved edge adjoining any asphalt road surface where no finished sidewalk exists

CLEARING OF SIDEWALKS

3. The owner or occupant of any premises adjoining a sidewalk shall clear away any snow, ice, dirt or other obstruction from a sidewalk within twenty-four hours after the time such snow, ice, dirt or other obstruction was deposited or formed on the sidewalk.

- (1) Where snow, ice, dirt or other obstruction is formed or deposited on a sidewalk the Village may cause the sidewalk to be cleared at the expense of the owner or occupant of the premises adjoining the sidewalk.
- (2) The Village may render the account for the expense incurred by subsection 3(1) in writing to either the owner or the occupant of the premises adjoining the sidewalk and the person to whom the account was rendered shall pay the same upon receipt thereof.
- (3) If the Village does not receive the payment of the expense incurred in cleaning a sidewalk as provided in this section within ten days of the date on which the account was mailed or delivered to the occupant or to the owner, the Village may charge the same against the property adjoining or adjoining the portion of the sidewalk which was cleared by the Village as a special assessment to be recovered in like manner as taxes assessable against the property per Section 553(1)g1 of the Municipal Government Act Revised Statutes of Alberta 2000 Chapter M26 .

MAINTENANCE OF BOULEVARDS

4. Where a Boulevard or any portion thereof is sown to grass or where there is grass naturally growing thereon, the occupant of land which the Boulevard is adjacent to shall cut such grass at such regular intervals as are necessary to keep the Boulevard in a tidy and attractive condition.
 - (1) Where the occupant of land who is required by Subsection 4 to cut grass on a boulevard neglects or refuses to cut such grass, the Village may give notice to him to cut the grass or have the grass cut within a reasonable time and in any case within one week of the mailing of the notice and such notice shall advise the person to whom it is addressed that the Village may have the grass cut at his expense.
 - (2) If the occupant of the property is not the registered owner thereof or the purchaser under an Agreement of Sale, the Village shall also cause a copy of the notice to be sent to the owner thereof at his address as it appears in the Property Tax Roll of the Village.
 - (3) If the grass is not cut satisfactorily within the time limit in the notice given pursuant to Subsection 4 (1), the Village may have the grass cut and may charge the cost of the work done against the adjacent property as taxes due and owing and collect it as such.
5. Where a Boulevard adjacent to a property is covered in gravel with no grass, the gravel shall be maintained as necessary to keep the boulevard in a tidy and attractive weed free condition.
 - (1) Where the occupant of land who is required by Subsection 5 to maintain gravel boulevards in a weed free state neglects or refuses to maintain gravel boulevards in a weed free state, the Village may give notice to the occupant to maintain gravel boulevards in a weed free state within a reasonable time and in any case within one week of the mailing of the notice and such notice shall advise the person to whom it is addressed that the Village may have the boulevards maintained at his expense.
 - (2) If the occupant of the property is not the registered owner thereof or the purchaser under an Agreement of Sale, the Village shall also cause a copy of the notice to be sent to the owner thereof at their address as it appears in the Property Tax Roll of the Village.

- (3) If the boulevard is not maintained satisfactorily within the time limit in the notice given pursuant to Subsection 5 (1), the Village may have the boulevard maintained and may charge the cost of the work done against the adjacent property as taxes due and owing and collect it as such.
6. No owner or occupant of private property adjacent to a Street shall plant any trees, plants, or shrubbery of any nature on the Boulevard without first obtaining a permit from the CAO.
7. No owner or occupant shall cut down a tree on a boulevard without first obtaining permission from the CAO.
8. The owner or occupant of any private property adjacent to a street or sidewalk, shall not allow any hedge, shrub or tree which may overhang from such property to interfere with pedestrian or vehicular traffic lawfully using such street or walkway.
 - (1) Where the owner, occupant, or both have been duly served with a notice by an Enforcement Officer to remove any such overhanging material as mentioned in section 8 and fails to comply with that notice, then the Village may remove such overhanging materials and the cost of the work performed will be charged against the property concerned as taxes due and owing in respect of that property.
9. Bylaw 3-2017 is hereby repealed upon final reading of this bylaw.
10. This Bylaw shall come into effect upon final reading.

Read a first time this 19th day of March, 2019.

Read a second time this 19th day of March, 2019.

Read a third and final time this 19th day of March 2019.

VILLAGE OF EMPRESS



Sandra Crooker, Mayor



Debbie Ross, CAO