

THE DISTRICT OF STEWART
BYLAW NO. 959, 2019

A Bylaw to require the removal of snow and ice from sidewalks and footpaths bordering highways and regulate dumping.

WHEREAS it is deemed necessary to implement the snow removal and property maintenance provisions of the Community Charter SBC 2003, Chapter 26, Section 39(e).

NOW THEREFORE, the Municipal Council of the District of Stewart, in open meeting enacts as follows:

1. This Bylaw may be cited as the “**Snow and Ice Removal Bylaw 959, 2019**”.

2. **INTERPRETATION**

In this Bylaw:

“**Boulevard**” means the area other than a sidewalk or footpath between the curblines or the lateral lines of a roadway and the adjacent property lines;

“**Business District**” means the territory contiguous to any portion of a highway having length of 600 feet or more, occupied by buildings in use for business, industrial or public purposes and extending at least 300 feet long the frontage on both sides collectively of that portion;

“**District**” means the Corporation of the District of Stewart;

“**Council**” means the Council for the Corporation of the District of Stewart;

“**Footpath**” means an area of highway parallel to the roadway used, but not improved, for pedestrian traffic;

“**Highway**” includes every highway within the meaning of the Highway Act, R.S.B.C. 1996, C. 188, and every road, street, lane or right-of-way designed or intended for or used by the general public for passage of vehicles, and every private place of passage-way to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited;

“**Sidewalk**” means an area of a highway parallel to the roadway improved for pedestrian traffic;

“**Traffic**” includes ridden, led, herded animals, pedestrians, vehicles, bicycles, and other conveyances, either singly or together, while using a highway for purpose of travel; and,

“**Traffic Control Device**” means a sign, signal line, meter, marking, space, barrier, or device intended to control the movement and parking of traffic.

3. **APPLICATION**

3.1 No person shall direct, dump or allow snow to be placed so as to obstruct a traffic control device.

Visibility

3.2 No person shall direct, dump or allow snow to be placed within 30 feet of any corner or an intersection so as to obstruct the visibility of any driver of a vehicle approaching that intersection.

Snow and Ice

- 3.3 Subject to Section 3.5 (d) and 3.9, no person shall plow, place or pile snow or ice onto any highway, footpath, sidewalk or boulevard and no person shall direct another person to plow, place or pile snow or ice onto highway, footpath, sidewalk or boulevard.

Hazardous Ice or Snow

- 3.4 Any person owning or occupying any business premises adjacent to a highway shall remove from any roof, awning, marquee, projection or cornice of the premises all ice, icicles or snow which may fall and cause personal injury or property damage.

Sidewalks

3.5 The District Public Works Department will initially clear the sidewalks, upon the accumulation of 10 cm of snow, each morning. Therein after:

- (a) Every owner of apartment premises and every owner or occupant of business premises shall clean any snow or ice from the sidewalks and footpaths adjacent to such premises, upon the accumulation of no more than 10cm of snow, throughout the remainder of each day between the hours of 8:00 am and 8:00 pm or closing.
- (b) Every owner of a vacant lot in a business district shall clean any snow and ice from adjacent sidewalks, upon the accumulation of no more than 10cm of snow, throughout the remainder of each day between the hours of 8:00 am and 8:00 pm.
- (c) Every person owning or occupying a parcel of land which is not occupied by a single family residence and which is located in a C-1, C-2, C-2A, C-3 or C-4 zone under the District zoning regulations shall remove all snow and ice from sidewalks and footpaths adjacent to such property, upon the accumulation of no more than 10cm of snow, throughout the remainder of each day between the hours of 8:00 am and 8:00 pm or closing.
- (d) Any snow or ice removed pursuant to this section may be placed at the curb line on the boulevard of the highway adjacent to the sidewalk or footpath.

City Plowing

- 3.6 Nothing herein shall prohibit the District from plowing, removing or depositing snow in a manner specified by the Manager of Public Works as facilitating the efficient removal of snow.

Sanding and Salting

- 3.7 Nothing herein shall be construed as prohibiting the application of sand, salt or any other chemical substance of any street or sidewalk for the purpose of increasing traffic safety, provided that any chemical substances so used shall not be of a type detrimental to any cement-concrete, asphaltic, bituminous-treated or other stabilized or wooden surface on any highway or sidewalk.

Lanes

- 3.8 (a) The District shall not plow lanes within the District except in the downtown Commercial Core, or where a lane provides a primary access to a commercial business.
- (b) Where access to off-street parking is provided by means of a lane, the owner of the property on which the off-street parking is located shall remove snow from the lane providing access to the off-street parking area by 11:00 A.M. each day.

Snow Deposit

- 3.9 Snow plowed from access lanes or off-street parking areas shall be placed in a manner not in violation of subsections 3.1, 3.2 or 3.3 and, on written request to the Manager of Public Works, may be removed and deposited at a location specified by the Manager of Public Works.

Snow Plowing of Private Parking Areas for Short-Term Rentals

3.10 Every licensee of an approved Short-Term Rental pursuant to the Business Licencing and Regulation Bylaw shall clear any snow or ice from all private parking spaces required pursuant to their licence within 48 hours of a snowfall commencing.

4. **PENALTY**

- 4.1 Every person who violates any of the provisions of this Bylaw or who suffers or permits any act of thing to be done in contravention of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, or fails to comply with an order, notice, or direction given under this Bylaw is guilty of an offence against this Bylaw and is liable to the penalties hereby imposed. Each day a violation is permitted to exist, shall constitute a separate offence.
- 4.2 Every person who commits an offence against this Bylaw is liable to a fine and penalty of an offence punishable on summary conviction and shall be liable to a fine of not more than \$2,000.00 or to imprisonment for not more than two months, or to both, the penalties being enforced and the fines and costs being recoverable upon summary conviction in the manner provided by the *Offence Act*, R.S.B.C. 1996, c. 338 as amended.
- 4.3 Upon failure of an owner or occupier to comply with sections 3.1, 3.2, 3.2 3.4 or 3.5 of this Bylaw within twenty-four (24) hours of written notice to do so, the District may undertake to alleviate the violation in regards to public safety at the expense of the owner or occupier in default.

5. **SEVERABILITY**

- 5.1 If any portion of this Bylaw is found to be invalid by a Court of competent jurisdiction the invalid portion shall be severed without any effect on the remainder of this Bylaw.

READ A FIRST TIME this 28th day of October, 2019.

READ A SECOND TIME this 28th day of October, 2019

READ A THIRD TIME this 28th day of October, 2019.

ADOPTED this 12th day of November, 2019


MAYOR


CORPORATE OFFICER

