

City of Fort St. John

Sidewalk Regulation Bylaw No. 2528, 2020

A bylaw to establish and enforce regulations for the removal of snow and other obstructions from sidewalks in the City of Fort St. John

The Council of the City of Fort St. John, in open meeting assembled, enacts as follows:

TITLE

1. This Bylaw may be cited as “Sidewalk Regulations Bylaw No. 2528, 2020”.

REPEAL

2. The City of Fort St. John Sidewalk Clearing Bylaw 1962, 2008 is hereby repealed.

PART ONE – DEFINITIONS

3. In this bylaw:

“AUTHORIZED PERSON” means a bylaw enforcement officer, employee or agent of the City who has responsibility for inspection and enforcement related to bylaw compliance.

“CITY” means the City of Fort St. John.

“COUNCIL” means the Council of Fort St. John.

“PARCEL” means any lot, block of land or other area that is recorded in the records of the Land Title Office.

“PEDESTRIAN” means a person traveling on foot, or in a wheelchair whether motorized or not, roller skates, stilts, crutches, skateboards or similar devices, any Persons travelling with the aid of these types of devices can still be considered to be travelling on foot, and not in or operating a vehicle.

“PERSON” includes an individual, owner, occupier, corporation and the heirs, executors, administrators or other legal representatives of a parcel.

“REFUSE” includes, but not limited to, any liquid, solid and discarded materials, litter, garden and landscaping waste, household goods and furniture, electronic devices, electrical appliances and their parts, dismantled boats, trailers and aircrafts, chattels stored in garbage bags and under tarpaulins, flammable, gasoline and diesel liquids, and anything normally accumulated by a household in the course of ordinary day-day living.

PART ONE – DEFINITIONS (continued)

1. In this bylaw:

“SIDEWALK” means that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines, 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, for pedestrian use.

“VEHICLE” means any device by which a person or thing may be transported or drawn on a highway, irrespective of the motive power but does not include railway cars running upon rails.

PART TWO – INSPECTORS

2. The City’s Bylaw Enforcement Officers are appointed as Inspectors under this bylaw.
3. Council may, from time to time, appoint additional Inspectors by bylaw and/or resolution.
4. A Person must not obstruct or interfere with an Inspector in the performance of the Inspector’s duties.

PART THREE – RIGHT OF ENTRY

5. Pursuant to section 16 of the Community Charter, an Inspector may enter into or upon any parcel within the City at any reasonable time, including for the following purposes:
- a) to inspect and determine whether all regulations, prohibitions and requirements imposed under or pursuant to this bylaw are being met;
 - b) to take action on default of an order under this bylaw; or
 - c) to request anything to be produced to assist with an inspection, enforcement or action on default performed for the purpose of this bylaw.

PART FOUR – GENERAL REGULATIONS

6. All persons shall at their own expense:
- a) remove any accumulation of snow or ice or refuse from the sidewalks bordering the parcel within forty-eight hours after the accumulation of such refuse and/or the cessation of any snowfall that caused any accumulation of snow or ice on any sidewalk;

PART FOUR – GENERAL REGULATIONS (continued)

6. All persons shall at their own expense: (continued)
- b) remove snow, ice or refuse from the roof or other part of any such structure thereon adjacent to or abutting on any portion of any sidewalk immediately, if such snow, ice or refuse constitutes a danger to persons using the sidewalk by being so located as to impose the threat of falling upon the sidewalk; and
 - c) trim, and cut back any tree, shrub or landscape screen from a parcel bordering a sidewalk, if such tree, shrub or landscape screen encroaches upon the sidewalk or impedes the use of the sidewalk by pedestrians.

PART FIVE – PROHIBITIONS

7. Snow Removal
- a) No person shall deposit or in any way cause to be deposited:
 - i. snow or ice from their parcel and place it on the roadway.
 - ii. snow or ice from their parcel and place it on any City property.
 - iii. any snow or ice from a sidewalk or parcel on any fire hydrant or the area adjacent to a fire hydrant which in any way blocks or prevents access or, restricts visibility of the hydrant.
8. Water on Sidewalk
- a) No person shall permit water to flow from a parcel, over a sidewalk causing debris or ice to build up on the sidewalk.
9. Damage of Sidewalk
- a) No person shall willfully damage any sidewalk by:
 - i. drawing or writing upon, affix any notice to or otherwise causing disfigurement;
 - ii. striking, picking, cutting, pounding, hammering, chiseling, shoveling, or using other instruments;
 - iii. cut, saw, break, split, place or pile firewood, lumber, blocks, rocks, stones or other material, or mix mortar thereon;
 - iv. throw, drop, deposit, leave or allow to fall from a vehicle, property or their person, any substance, refuse or material; or

PART FIVE – PROHIBITIONS (continued)

9. Damage of Sidewalk (continued)
 - a) No person shall willfully damage any sidewalk by:
 - v. throw, deposit, cause to be deposited any noxious, offensive or filthy water or chemical substance causing a health and safety hazard.
10. Obstruction of Sidewalk
 - a) No person shall permit a vehicle to encroach upon or obstruct a sidewalk unless specific permissions have been obtained in accordance with City bylaws.
 - b) No person shall permit an object, structure or landscaping to encroach upon or obstruct a sidewalk unless specific permissions have been obtained in accordance with the City bylaws.

PART SIX – NON-COMPLIANCE

11. If an Inspector determines that the regulations, prohibitions and requirements of this bylaw are not being met, the Inspector may, by oral or written notice, advise the property owner, occupier or persons of the parcel bordering a sidewalk of the contravention and request that compliance with this bylaw be achieved within the time period stated in the notice.
12. Any written notices or correspondence sent to property owners, occupiers and persons of a parcel bordering a sidewalk can be delivered by hand or regular mail.
13. If after receiving a notice from an Inspector under Section 14 of this bylaw, a property owner, occupier or person fails to remedy a contravention occurring on the sidewalk bordering a parcel, the Inspector may issue a penalty in the form of a violation ticket, as set out in Schedule “A”.
14. If a person fails to comply with a notice, the City may, by authorized persons, take action in accordance with Section 17 of the Community Charter and fulfill the requirements of the notice and furthermore may recover the cost of such action on default, including administrative costs equal to 15% of the value of all contractor and agent invoices, from the person subject to the order and if such costs remain unpaid, the City may collect the amount as a debt.

PART SEVEN – ENFORCEMENT

15. Any person designated as a Bylaw Enforcement Officer pursuant to the City of Fort St. John's Bylaw Enforcement Notice Bylaw is hereby authorized and empowered to enforce the provisions of this Bylaw to the Bylaw Notice Enforcement Bylaw No. 2428, 2018, as amended from time to time.
16. A violation ticket is deemed sufficiently served if the processes under the Offence Act and Local Government Act have been followed.

PART EIGHT – OFFENCES AND PENALTIES

17. Any Person who contravenes, violates, or fails to comply with any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this Bylaw, or who fails to do anything required by this Bylaw, commits an offence and shall be liable, upon conviction, to prosecution and the penalties imposed, together with the cost of the prosecution and any other penalty or order imposed pursuant to the Community Charter or the Offence Act as amended from time to time.
18. If an offence continues for more than one day, each day that the offence continues constitutes a separate and distinct offence.
19. Nothing in this Bylaw limits the City from utilizing any other remedy that is otherwise available to the City at law.
20. The section number set forth in Column 1 of Schedule "A" of this Bylaw designates the section number of the bylaw opposite the offence which has been committed appearing in Column 2 of Schedule "A" of this Bylaw for the purposes of issuing tickets under the bylaw notices under the Local Government Bylaw Notice Enforcement Act.
21. The amounts appearing in Column 3 of Schedule "A" of this Bylaw are the penalties set pursuant to the Local Government Act of the corresponding offences designated in Column 2 for the purposes of issuing tickets under the Community Charter and the Community Charter Bylaw Enforcement Ticket Regulation and bylaw notices under the Local Government Bylaw Notice Enforcement Act.
22. The penalty for a contravention dealt with by bylaw notice in accordance with the Bylaw Notice Enforcement Bylaw No. 2428, 2018 is as follows:
 - a) The Penalty amount set out in Column 3 of Schedule "A" is payable for the corresponding contravention;
 - b) The Early Payment Penalty set out in Column 4 of Schedule "A" applies if the payment is received by the City within 14 days of the person receiving or being presumed to have received the bylaw notice; and

PART EIGHT – OFFENCES AND PENALTIES (continued)

22. The penalty for a contravention dealt with by bylaw notice in accordance with the Bylaw Notice Enforcement Bylaw No. 2428, 2018 is as follows: (continued)
- c) The Late Payment Penalty set out in Column 5 of Schedule “A” applies if payment is received more than 31 days after the person received or is presumed to have received the bylaw notice.
 - d) The Penalty and corresponding contravention may be available for a Compliance Agreement and 50% Penalty reduction with the Municipality as set out in Column 6 of Schedule “A”.

PART NINE – INTERPRETATION

23. The Municipality has the discretion to enforce this Bylaw, and is not liable of any outcomes should the Municipality or an Authorized Person not decide to enforce this Bylaw if acting in good faith.
24. If any portion of this bylaw is held to be invalid by a decision of a Court of competent jurisdiction, such invalidity will not affect the validity of the remaining portions of this bylaw.

READ FOR THE FIRST THREE TIMES THIS 9th DAY OF November, 2020

ADOPTED THIS 23rd DAY OF November, 2020

LORI ACKERMAN
MAYOR

JANET PRESTLEY
DIRECTOR OF LEGISLATIVE
AND ADMINISTRATIVE SERVICES

SCHEDULE A - BYLAW NOTICE ENFORCEMENT OFFENCES

Column 1 Section	Column 2 Offence	Column 3 Penalty (\$) (15 – 30 Days)	Column 4 Early Payment (\$) (1 – 14 Days)	Column 5 Late Payment (\$) (31 – 60 Days) (Collections 60+)	Column 6 Compliance Agreement Available (50% of Penalty)
6	Obstruct Inspector	\$300.00	\$250.00	\$350.00	No
8(a)	Fail to clear snow or ice	\$200.00	\$150.00	\$250.00	Yes
8(b)	Fail to clear roof or structure	\$200.00	\$150.00	\$250.00	Yes
8(a)	Fail to clear refuse	\$200.00	\$150.00	\$250.00	Yes
8(c)	Landscaping obstructing sidewalk	\$200.00	\$150.00	\$250.00	Yes
9 (a)(i)	Deposit snow on roadway	\$200.00	\$150.00	\$250.00	Yes
9 (a)(ii)	Deposit snow on City property	\$200.00	\$150.00	\$250.00	Yes
9 (a)(iii)	Deposit snow on fire hydrant	\$300.00	\$250.00	\$350.00	Yes
10 (a)	Permit water on sidewalk	\$200.00	\$150.00	\$250.00	Yes
11 (a)(i)	Damage or disfigure sidewalk	\$300.00	\$250.00	\$350.00	No
11 (a)(ii)	Damage sidewalk by instrument	\$300.00	\$250.00	\$350.00	No
11 (a)(iii)	Damage sidewalk by landscaping material	\$300.00	\$250.00	\$350.00	No
11 (a)(iv)	Deposit materials on sidewalk	\$200.00	\$150.00	\$250.00	No
11 (a)(v)	Deposit hazardous substance on sidewalk	\$300.00	\$250.00	\$350.00	No