

## BYLAW 444/2023

### A BYLAW TO REGULATE THE DEPOSITING OF SNOW AND ICE FROM PRIVATELY OWNED PROPERTY ONTO TOWN OWNED OR TOWN MAINTAINED SIDEWALKS AND ROAD ALLOWANCES

The Council of the Town of Balgonie, in the Province of Saskatchewan enacts as follows:

#### PART I – INTRODUCTION

##### 1) Title:

This Bylaw shall be known and may be cited as the Snow Removal Bylaw.

##### 2) Purpose:

The purpose of this Bylaw is to establish the responsibilities of the Town and Residents for snow removal, to facilitate the safe passage of pedestrians and motorists, and to prevent damage to public property.

##### 3) Definitions:

Whenever in this Bylaw, the following words or terms are used, they shall, unless the text otherwise provides, be held to have the following meanings:

- a) **“Administrator”** means the person appointed for the Town of Balgonie and includes any duly authorized representative or designate of such person.
- b) **“Designated Official”** means a person designated by the Administrator or Council to inspect and enforce Bylaws pursuant to *The Municipalities Act* or the Bylaw Enforcement Officer Bylaw, or a Peace Officer.
- c) **“Municipal Property”** means a park, municipal reserve, buffer strip, environmental reserve, utility parcel, drainage ditch, or other parcel of land maintained by the municipality.
- d) **“Occupant”** means any person inhabiting or occupying a building of any use, whether residential or commercial.
- e) **“Owner”** means a person who has any right, title, estate, or interest in a property.
- f) **“Road Allowance”** means land reserved by the government to be used for public roads.
- g) **“Street”** means a street as defined in *The Municipalities Act*.
- h) **“Sidewalk”** means the public pathways, paved or otherwise, intended for exclusive use by pedestrians, including those streets and walking paths or trails.
- i) **“Town”** means the Town of Balgonie.
- j) **“Town Superintendent”** means the person appointed as the Town Superintendent for the Town of Balgonie and includes any duly authorized representative or designate of such person.

#### PART II – REGULATIONS

##### 4) General Prohibitions:

No person shall place any snow, ice, dirt or other obstruction shoveled, swept or cleaning from private property onto any street, sidewalk or municipal property. They are permitted to place snow and ice on the municipal setback adjacent to their property.



No person shall move snow, ice, or other debris onto any neighbouring private property.

Each owner and occupant of property shall ensure that when clearing or removing snow or ice or other loose debris, they shall refrain from causing injury or unduly interfering with any person lawfully using a sidewalks, street or municipal property and shall refrain from causing damage to the sidewalks, streets, or municipal property.

Each owner and occupant of property shall ensure that snow disposal be undertaken in such a manner that it does not create a hazard or interfere with the use of streets, sidewalks or municipal property.

No person shall deposit, store or stockpile snow on private property in a manner which is deemed by a Designated Official to be unsafe for motorists or pedestrians, including stockpiling snow within a sight triangle at intersections.

#### **5) Exemptions:**

Any municipal and/or municipally contracted snow clearing and snow removal operations are exempt for this Bylaw. If any person, owner or occupant notices that snow clearing and snow removal efforts are in contravention of this Bylaw, these situations need to be reported to the Town.

Upon written request, the Council, or Council's designate may exempt or exempt with conditions any person(s) from the requirements of this Bylaw.

#### **6) Designated Snow Dump Site Area:**

The Town's snow dump site is under the control and direction of the Town Superintendent.

No person shall deposit snow at a Town snow dump site without the prior consent of the Town Superintendent. Use of the snow dump site may be denied where a person has not complied with this Bylaw.

No person shall deposit any material other than clean uncontaminated snow and ice at the snow dump site.

No person shall use the snow dump site for any reason other than depositing snow and ice.

#### **7) Other Regulations:**

Any landscaping, trees, shrubs, plants, fencing, ornaments, flower beds or any other structures or material that is above the normal grade of the lot and is placed between the curb and the front lot line of the owner's property is placed at the owner's risk. The Town will not be responsible for any damages to property within the municipal right-of way caused by the grading or pushing of snow during snow removal.

- a) Where non-permanent items or fixtures such as ramps, yard ornaments, flower pots and such have been placed between the curb and the front lot line of the owner's property, they must be removed on or before Nov. 1<sup>st</sup> each year and not be placed or replaced until on or after April 1<sup>st</sup> of each year.
- b) The Town recommends in all cases under 7 a) that property owners flag any permanent item or structure so they can be seen in the winter for snow removal purposes; provided, however, that the Town is not liable for damages to any such items or structures whether or not they have been flagged.

No person shall interfere with the Town's snow removal equipment, including by driving through an active visual worksite or where signage is in place.

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**8) Enforcement:**

Enforcement of this Bylaw may commence upon receipt of a signed written complaint or upon receipt of an issue tracking complaint, from any resident who considers him/herself to be aggrieved by any condition not in compliance with this Bylaw.

A Bylaw Enforcement Officer or designate are responsible for the enforcement and provisions of this Bylaw and are authorized to enter on any land at any reasonable time for the purposes of carrying out an inspection to determine whether or not this Bylaw is being complied with.

Where an owner fails to comply with any provision of this Bylaw, an Order may be issued to the owner requiring compliance. The Order will give reasonable particulars of the reasons why and will indicate the time for compliance. Penalties for the offences are set out in Schedule "A" of this Bylaw.

Where an Order has been issued and compliance has not been achieved within the required time period as set out in this Order, the Town may, through its employees or agents or persons acting on its behalf, carry out the Order at the owner's expense, and all expenses incurred may be added to the tax roll and collected from the owner of the property in the same manner as municipal taxes.

**9) Summons:**

Where any person has committed or is alleged to have committed a contravention of this Bylaw, the Designated Official may serve on such person a Summons which shall detail the contravention, fine amount and method of payment.

If voluntary payment of the amount specified on the Summons is made to the Town within 30 calendar days of the date of the Summons, the person alleged to have committed the offence shall not be liable to prosecution for the offence indicated.

Where the Town receives voluntary payment of the amount prescribed under Schedule "A" within the time specified, the person receiving the Summons shall not be liable to prosecution of the alleged contravention.

Voluntary payment of a Summons shall not exempt that person from compliance with the requirement of this Bylaw.

Nothing in this section shall be construed to prevent any person from exercising his or her right to defend a charge of contravention of any provision of this Bylaw.

**PART III – GENERAL****10) Validity:**

If any section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions.



**11) Effective Date:**

This Bylaw shall come into force on the date of the passing.

Read a first time this 10th day of April, 2023.

Read a second time this 10th day of April, 2023.

Read a third time and passed this 10th day of April, 2023.



*J. Naify*  
\_\_\_\_\_  
Mayor

*Karen Haige*  
\_\_\_\_\_  
Administrator

Certified a true copy of a Bylaw passed  
by resolution of Council at a meeting held  
the 10th day of April, 2023.

*Karen Haige*  
\_\_\_\_\_  
Administrator

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**Schedule "A"**

SECTION	OFFENCE	PENALTY			
		1 <sup>st</sup> Offence	Voluntary Payment for 1 <sup>st</sup> Offence	Subsequent Offences	Voluntary Payment for Subsequent Offences
4(a)	Clearing snow, ice or other debris onto municipal property, not including adjacent property. *plus costs to restore to previous condition	\$150.00	\$75.00	\$250.00	\$125.00
4(c)	Causing damage to municipal property through snow removal. *plus, costs to restore to previous condition	\$150.00	\$75.00	\$250.00	\$125.00
4(d)	Creating a hazard or interfering with the use of municipal property through snow removal. *plus, costs to remove the hazard	\$150.00	\$75.00	\$250.00	\$125.00
4(e)	Stockpiling snow in a manner deemed to be hazardous to motorists or pedestrians. *plus, costs to remove the hazard	\$150.00	\$75.00	\$250.00	\$125.00
6(c)	Leaving material other than clean snow or ice at the Town's snow dump site. *plus costs to restore to previous condition	\$150.00	\$75.00	\$250.00	\$125.00
6(d)	Using the snow dump for non-permitted uses.	\$150.00	\$75.00	\$250.00	\$125.00
7(a)(i)	Failure to remove non-permanent fixtures placed between curb and property line.	\$50.00	\$25.00	\$100.00	\$50.00
7(b)	Interfering with snow removal equipment.	\$150.00	\$75.00	\$250.00	\$125.00

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# SNOW REMOVAL POLICY PW-001



## **TOWN OF BALGONIE SNOW REMOVAL POLICY**

### **1. OBJECTIVE:**

The objectives of this Policy are to maintain the Town's roadways and sidewalks so as to:

- a) Reduce the hazards of icy conditions to motorists and pedestrians;
- b) Minimize economic losses to the community and industry resulting from unsatisfactory winter driving conditions; and
- c) Facilitate the handling of emergencies by Police, Fire and Ambulance services during the winter; and,
- d) To establish the level of service to be provided by the Town for snow removal and ice control, recognizing that weather conditions are beyond the Town's control.

### **2. DEFINITIONS:**

- a) "Clearing" this is clearing a location of snow down to the pavement level where possible including moving snow into windrows where needed; this is generally the second stage of snow removal.
- b) "Hauling" means the act of moving snow from one location (such as a road or sidewalk or windrow) to a different location; this is generally the third and final step in snow removal and often includes using the Town's snowblower to blow snow into trucks to be taken away.
- c) "Grading" means using the blades of a grader or other equipment to remove or level some of the snow in a location to create passable lanes for traffic, but not always clearing it to the pavement or creating a windrow; this is generally the first stage of snow removal.
- d) "Snow Removal" means the full task of performing all three phases to remove snow from a location (grading, clearing and hauling) to clear a location of snow as completely as possible within reason.
- e) "Windrow" means snow that is temporarily pushed by the Town's equipment to the curb or boulevard or into the center of the road to allow for the passage of vehicles, but does not obstruct traffic flow.

### 3. RESPONSIBILITIES:

- a) Town Council is responsible for establishing the annual snow removal budget of the Town and for reviewing and establishing priorities and level of service policies.
- b) The Town Superintendent is responsible for assessing the effectiveness of this Policy and providing recommendations to Council.
- c) The Town Foreman is responsible for overseeing the implementation of this Policy, for the overall snow removal operations, and for making budget recommendations to Council.
- d) The Public Works Department is responsible for the maintenance of public roads within the boundaries of the Town, for carrying out snow removal in accordance with this Policy, and for providing recommendations for Policy improvements where applicable.
- e) Town residents and businesses are responsible for ensuring private snow removal is carried out in a way that is safe, does not negatively impact any other public or private property, and does not impede the Town's Snow Removal program.

### 4. SNOW REMOVAL PROCESS:

- a) During a storm event, snow removal operations will be limited to ensuring emergency vehicles can respond to emergency calls. In the event of limited or near zero visibility, all operations will cease until conditions improve to safeguard both the public and Town employees.
- b) Extreme cold can also cause safety issues and an increase in equipment damage. During extreme cold snaps, snow removal operations may be modified or paused at the discretion of the Town Foreman.
- c) Every effort will be made to complete initial grading on primary routes within or better than the timeframes established in this Policy. However, this Policy is a guideline only and is subject to equipment and personnel availability. **Where extraordinary or back-to-back storm events occur, higher priority will be given to ensuring roads are passable rather than clear, and Public Works may return to Priority 1 areas before reaching the end of the priority list.**
- d) Snow removal will start when vehicles are having trouble moving; snowfall at 4" (four inches) and above or upon the Town Foreman's or Town Superintendent's recommendation.
- e) Between winter storm events, routes will be maintained in accordance with the priority levels outlined below. As stated in Section 4(c) above, if more snow is received before Town staff are able to grade all routes, they will return to Priority 1 and grade by priority before finishing lower priority streets. If there are multiple back-to-back storms, there may be a significant delay before the lower priority streets can be graded and cleared.

- f) Hauling of snow will be conducted as soon as possible after windrows are graded, and further grading or clearing of streets may be postponed until equipment is available in order to avoid having windrows become too hard packed to remove.
- g) Town of Balgonie staff and equipment are not responsible for snow removal on or from private property, and will only consider such a request if it must be done to allow emergency vehicle access.

## **5. SIGNAGE AND PUBLIC COMMUNICATIONS:**

- a) The Town will endeavour to communicate with residents regarding snow removal operations through this Policy, through the Town website and Town's Facebook page.
- b) Due to the timelines to clear Priority 1 and 2 streets, signage will generally not be placed out in advance of snow removal operations in these areas.
- c) The Town will endeavour to follow the published and signed snow removal route. However, unforeseen circumstances such as additional snow, equipment breakdown, or other factors, may require streets to be rescheduled on short notice.
- d) The general public will be reminded in snow removal communications of the Town's Zero Tolerance Policy for harassment of employees.

## **6. USE OF SALT AND SAND ON TOWN PROPERTY:**

- a) The Public Works Department will monitor roads, and Town sidewalks, paths and parking lots, if salt/sand is required. In the event of a substantial snowfall, roads will be graded first before applying salt and/or sand.
- b) The use of salt/sand is only effective for the melting and removal of ice and snow accumulations on the pavement when surrounding temperatures are above -7°C, depending on pavement temperatures, the radiant heat of the sun, wind conditions, traffic speed and volume. This temperature limitation will be considered in the application of salt and sand to Town property.
- c) Salt/sand application will generally follow priority routes, with a focus on intersections and safety of both vehicles and pedestrians.

## **7. OTHER POLICIES:**

- a) It is advised that residents avoid parking their vehicles on the roads during snow removal operations, and to move vehicles to a driveway wherever possible. Recreational vehicles are to be kept off of the streets from November to April annually. The Town is not responsible for clearing or hauling windrows away from vehicles that have been left on the road during snow removal operations.
- b) The Public Works Department may refuse to remove windrows from the roads or boulevards that have been created or added to with snow from private residential or commercial properties.
- c) When snow is windrowed to the middle of the road to prepare for hauling, motorists are advised to exercise additional caution and that normal traffic rules still apply.

- d) When windrows are pushed to the side of the road, the grader will make every effort to keep driveway entrances clear of snow. Small amounts or ridges of snow left behind by the grader are to be expected and are the property owner or occupant's responsibility to remove per the Snow Removal Bylaw. Residents are advised to not shovel the snow back onto the street.
- e) This Policy and its priorities may be reviewed on an annual basis prior to setting the snow removal budget, at the request of Council or the Public Works Department.

## **8. GRADING & CLEARING:**

### **Priority 1 Roads: Arterial and Emergency Services – (Shown in Yellow)**

As shown on the map in Appendix A, Priority 1 includes all roads determined as main routes for access to out of Town, to the Fire Hall and the emergency gate on Hwy #1.

Roads will be graded and have ice control applied within 36 hours of the conclusion of a major snow event. Every effort will be made to maintain Priority 1 roads as close to bare pavement as practicable, though during a major storm a compact drivable surface will be an acceptable standard. Snow will be cleared into windrows to the side or center of the street and hauled as equipment allows. Due to traffic congestion, hauling of snow, particularly in the high traffic areas will typically be performed prior to 7:00 a.m.

### **Priority 2 Roads: Schools and High Traffic Areas – (Shown in Blue)**

As shown on the map in Appendix A, Priority 2 includes roads determined as main routes for access to schools, and local businesses, including the remainder of the high traffic area and service roads.

Roads will be graded and have ice control applied within 48 hours of the conclusion of a major snow event. The Town will aim to maintain Priority 2 roads as close to bare pavement as practicable, though during a major storm a compact drivable surface will be an acceptable standard. Snow will be cleared into windrows to the side or center of the street and hauled as equipment allows.

Due to traffic congestion, snow removal in the high traffic areas will typically be performed prior to 7:00 a.m. Wherever possible, snow removal will not be performed within school drop-off zones between the hours of 8:00 a.m.-9:00 a.m. and 3:00 p.m. - 4:00 p.m.

### **Priority 3 Roads: Primary Residential and Industrial Roads – (Shown in Green)**

As shown on the map in Appendix A, Priority 3 includes all paved residential through roads not already included in Priority 1 or 2, as well as the industrial business area.

Roads will aim to be graded and have ice control applied within 3 business days of the conclusion of a major storm event. A bare pavement surface is difficult to maintain throughout an average winter due to the extent and width of residential streets. As a general standard, a drivable, packed surface will be maintained.

Wherever possible, snow removal will not be scheduled for the same day as an area's residential garbage or recycling cart collection.

**Priority 4 Roads: Back Alleys – (Shown in Pink)**

With the exception of alleys/lanes that need to be cleared at the Town's own facilities, back alley grading as shown in Appendix A is generally not performed until all priority areas are complete.

Alleys may be snow blown where conditions are deemed warranted at the direction of the Town Superintendent, but there is no guarantee for this work. Alleys are generally snow blown after snow removal on roads, or at the same time as the neighbouring roads are being graded at the direction of public works.

**PLEASE NOTE: The available equipment will be used in the most practical and efficient way that the Town Superintendent and Town Foreman deem appropriate. This may mean that different priority areas may be worked on at the same time.**

**DEPENDING ON THE CIRCUMSTANCES,  
THIS PLAN IS SUBJECT TO CHANGE WITHOUT NOTICE.**

## Appendix "A"

