

BYLAW NO. 406

The Corporation of the Town of Hay River, N.W.T.

WHEREAS Section 149 (2) (c) of the Municipal Ordinance R.O. 1956 c73 reads as follows:-

- "(2) Subject to this Ordinance, the Council of every district may pass Bylaws:
- (c) Requiring persons to remove and clear away all snow, ice, dirt and other obstructions from the sidewalks adjoining premises owned or occupied by them, and providing for the clearing of sidewalks adjoining vacant premises and the premises of persons who for twenty-four hours neglect to clear the same, and in the event of nonpayment of the expenses thereof by the owner or occupier of such premises, charging the same against the land as a special tax to be recovered in like manner as other taxes;"

NOWHEREFORE, the Council of the Town of Hay River, in the Northwest Territories, duly assembled, hereby enacts a Bylaw as follows:-

1. This Bylaw may be cited as "The Street Clearing Bylaw."
2.
 - (a) "Pedestrian" shall mean a person standing or walking or a foot passenger.
 - (b) "Person" shall include a corporation, partnership or firm.
 - (c) "Sidewalk" shall mean that part of a highway primarily intended for the use of pedestrians.
 - (d) "Street" shall include every road, roadway avenue, boulevard, sidewalk, thoroughfare, bridge and highway within the Town.
 - (e) "Town" shall mean the Town of Hay River.
3.
 - (a) Within a period of twenty-four (24) hours after the end of a rainfall or snowfall that has left the streets covered with snow or ice, the owner or occupier of every business premises with any portion of the premises abutting a Town sidewalk, shall remove the snow or ice and take reasonable measures to make the portion of the public sidewalk on the front and flank of his property safe for pedestrians. The foregoing shall not be construed to relieve pedestrians from the duty of due care.
 - (b) When the Town Foreman considers that an owner or occupier of business premises has failed to meet the requirements of this Section, then the owner or occupier shall be advised that failing immediate improvement of the sidewalk condition, the Town will undertake the necessary work and will charge the cost thereof to the owner or occupier of the abutting property, and in the event of nonpayment, will charge the cost thereof to the abutting property as a special assessment to be recovered in like manner as and with other taxes.
4. No person shall cause any injury to any sidewalk in the Town by striking, picking or cutting the same with any shovel, pick, crowbar or other metal instrument, whether such person is engaged in removing snow or ice from such sidewalk or not.
5. On or before the first day of May in each year the owner or the occupier of every premises in the Town, whether business or otherwise and which adjoins a sidewalk remove the dirt, sand and gravel that has accumulated during the winter as a result of sidewalk sanding operations and shall leave the sidewalk at the front thereof in a clean condition and also the flank sidewalk at such premises if there is such a flank sidewalk.
6. That in order to give property owners and occupiers of property adequate notice of the above requirement of the Bylaw the Secretary-Treasurer shall cause the following to be done each spring after the general snow has left the streets and sidewalks of the Town, namely:
 - (a) Cause a notice to be inserted in a local newspaper advising the owners of premises and the occupiers of premises that on or before the 15th day of April in that year such persons

- shall remove the dirt, sand and gravel from the sidewalks that front or flank their property.
- (b) i) Cause an inspection to be made as soon as possible after May first, to see which sidewalks have not been cleared and to leave at each premises where the sidewalks have not been cleaned a notice affixed on or near the door of such premises or delivered to a mature person therein giving seven (7) clear days final notice of the obligation of such owner or occupier of residential property to remove the sidewalk dirt, sand and gravel adjoining the said premises failing which the work will be done by Town employees with a charge of Ten (\$10.00) Dollars to be added to the taxes of the said property for the then current year.
 - ii) Provisions of subsection (i) shall apply to owners or occupiers of business premises as well, except that the actual cost of the dirt removal plus the sum of Ten (\$10.00) Dollars shall be added to the taxes of such properties.
 - (c) When a property having abutting sidewalks is found on inspection to require cleaning but there is no habitation upon the property then the final notice to clean such sidewalk shall be sent by registered mail to the assessed owner of the property at the address appearing on the assessment roll of the Town and seven (7) clear days then elapse without attention to the sidewalk, the work may be done by the Town and the provisions of subsection (b) hereof shall then apply.
 - (d) When the Town employees have cleaned a street after due notice a record shall be made of such action in the Secretary-Treasurer's Department and a notification shall be sent to the Town Assessor with an information copy to the owner or occupier of the property affected.
7. (a) No owners or occupants of business premises or their employees shall place any snow or ice removed from their premises on the streets, sidewalks, or any other public places.
- (b) Those contravening subsection (a) shall be served with notice that the owner or occupier of the abutting business premises shall remove the snow or ice placed on streets, sidewalks or other public places of the Town of Hay River within twenty-four (24) hours of notice so given.
- (c) When the Town Foreman considers that an owner or occupier of abutting business premises has failed to meet the requirements of subsection (b) of this Section, then the Town will remove the snow or ice so placed and charge the cost thereof to the owner or occupier of the abutting business property or will charge the cost thereof to the abutting business property as a special assessment to be recovered in like manner as with other taxes.
8. Any person who contravenes this Bylaw may pay to the Secretary-Treasurer the sum of Five (\$5.00) Dollars in lieu of prosecution under the Municipal District Ordinance for the break of any of the provisions of the Bylaw.


READ a first time this 8th day of March 1971

READ a second time this 8th day of March 1971

READ a third time this 8th day of March 1971 and passed with the unanimous consent of Council.



Mayor



Secretary-Treasurer