

WESTSIDE

WINTERTASK

Sidewalk snow clearing bylaw useless if not enforced

I may have milked the sidewalk safety cow quite enough with my third column on the subject last week.

But I asked that you not hesitate to send me more questions on the subject, noting that perhaps we could stretch it to a fourth column.

So wouldn't you know, the emails kept coming. The topic seems to be one that really pushes your buttons.

This one topic has generated more email responses than I would expect to have in an entire year.

I've written so far about the responsibility of homeowners and occupiers to keep sidewalks around their property safe, the problem of snow plows leaving debris on sidewalks, and the responsibility of pedestrians to keep themselves safe.

This week, my column topic was inspired by a reader named Peter, who asked the question: "I wonder how a city such as Kelowna can purport itself to be green when they do not enforce the appropriate bylaws which only encourages people to drive as it is much safer than walking in some areas."



ACHIEVING JUSTICE

Paul Hergott

It is an excellent question, and one that makes a connection between sidewalk safety and road traffic safety in general.

Peter framed his question in terms of being "green."

In fact, the green goal of getting people out of their vehicles and getting around using their own power or public transit is directly aligned with the identical road traffic safety goal.

Simply, the fewer cars there are on the road, the fewer crashes there will be.

Our municipal government, and really all levels of government, should be looking for ways to minimize vehicle traffic.

One glaringly obvious way to do that is to ensure our municipal sidewalks are safe for pedestrian traffic.

In fact, failure to do so in this case gives citizens no alternative but to use

their personal vehicles.

I wonder how many people drive to community mail boxes during the winter months, instead of walking, because the level of sidewalk clearing is so poor that walking is too treacherous.

I wonder how many people opt generally to take their personal vehicles instead of walking or taking public transit during times when our sidewalks are in their most dangerous condi-

tion.

I wonder how many additional motor vehicle collisions arise simply because there are more vehicles on the road as a consequence of dangerous and poorly cleared sidewalks.

Keeping sidewalks clear of snow and ice is not just a public safety issue to prevent pedestrian injuries.

It is a public safety issue because failing to do so increases vehicle traf-

fic and therefore increases vehicle collisions and injuries.

What grade do our municipalities get for achieving the public safety goal of keeping sidewalks clear of snow and ice? From my perspective, it's a failing grade.

They have "passed the buck" for responsibility of sidewalk clearing to homeowners and occupiers by bylaw, and failed to enforce that responsibility by enforcing

the bylaw.

Without enforcement, the bylaw is meaningless.

Here is my very public request that our municipal leaders give this issue very serious consideration.

I am not going to pretend that there is an easy solution of getting bylaw enforcement officers to write a few tickets.

I don't know what the right answer is. I do know that the issue falls squarely within your ju-

risdiction, though, and we are all relying on you to "make it happen."

This column is intended to provide general information about injury claims. It is not a substitute for retaining a lawyer to provide legal advice specifically pertaining to your case. Paul Hergott is a lawyer at Hergott Law in West Kelowna.

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SECOND - Do you expect to stay in your new home for some time? Moving can be expensive and you will want to build some equity before having to relocate. Your job and home life should be stable.