

BY-LAW NO 5

A BY-LAW OF THE MUNICIPALITY OF KEDGWICK  
RESPECTING STREETS, SIDEWALKS AND  
PUBLIC PLACES

ADOPTED BY  
THE COUNCIL OF THE MUNICIPALITY OF KEDGWICK

THE 7th DAY OF November, 1978

A handwritten signature in cursive script, appearing to read "Joseph A. ...", is written over a horizontal line. Below the line, the word "MAYOR" is printed in capital letters.

MAYOR

A handwritten signature in cursive script, appearing to read "Eudora D. ...", is written over a horizontal line. Below the line, the word "SECRETARY" is printed in capital letters.

SECRETARY

BY-LAW NO.

A BY-LAW OF THE MUNICIPALITY OF KEDGWICK RESPECTING  
STREETS, SIDEWALKS AND PUBLIC PLACES

THE COUNCIL OF THE MUNICIPALITY OF KEDGWICK  
DULY ASSEMBLED HEREBY ENACTS AS FOLLOWS:

1. In this by-law

a) "sidewalks" means the area adjacent to a street and roughly parallel therewith designed and improved with cement, asphalt or other surfacing, for the passage of pedestrians on foot and includes any public footpath not adjacent to a street;

b) "street" means any street, lane, road, highway, alley, thoroughfare or place which is used by the public for the passage of vehicles; and

c) "public works superintendent" means the public works superintendent appointed under section 75 of the Municipalities Act.

2. No person shall acquire, open, alter, widen or extend a street, sidewalk or public place without the written permission of council.

3. Where a council determines by resolution to acquire, open, alter, widen or extend a street, sidewalk, or public place the title to the land required to do so shall be acquired by the municipality before the street, sidewalk or public place is acquired, opened, altered, widened or extended.

4. Every street which shall hereafter be opened shall have a width of not less than sixty-six feet.

5. (1) No person shall move along or across a street, sidewalk or public place, a building, structure or other object which by reason of its weight or size may damage the street, sidewalk or public place or the structures therein except in accordance with a permit issued under subsection (2).

(2) The public works superintendent may, upon written application therefor, stating the size and weight of the building, structure or object to be moved, issue a permit setting out

- a) the time the building, structure or object is to be moved,
- b) the conditions under which the building, structure or object is to be moved, and
- c) the route along or across which the building, structure or object is to be moved.

6. No person shall move or cause to be moved on a street, sidewalk or public place any heavy object in such a way that it or any part thereof drags on the surface of the street, sidewalk or public place.

7. (1) No person shall drive a vehicle over or across a bituminous, concrete or asphalt sidewalk or other sidewalk of a permanent nature where there is no permanent crossing except where

- a) the surface and sides thereof are first sufficiently protected to prevent it from being damaged or defaced, or

b) he has provided a bridge or covering of planks which protect the sidewalk, curb or boulevard from damage and prevent any obstruction of the drain or gutter, and

c) he has obtained permission to do so from the public works superintendent.

(2) No person shall allow a bridge or covering mentioned in subsection (1) to remain on the sidewalk between six o'clock in the evening and six o'clock in the morning of the following day.

8. (1) No person shall dump, unload, deposit or move any coal or heavy articles on a bitulitic, concrete or asphalt sidewalk or other sidewalk of a permanent nature unless

a) the surface and sides or edges thereof have first been protected by boards not less than one inch thick placed closely together over the surface and sides of the sidewalk, or

b) he has provided a bridge or covering of planks which protect the sidewalk, curb or boulevard from damage and prevent any obstruction of the drain or gutter, and

c) he has obtained permission to do so from the public works superintendent.

(2) No person shall allow a bridge or covering mentioned in subsection (1) to remain on the sidewalk between six o'clock in the evening and six o'clock in the morning of the following day.

9. A person who damages a curb, pavement, street, sidewalk or public place shall immediately report the damage to the public works superintendent and cause it to be repaired at his own expense and to the satisfaction of the public works superintendent

10. (1) No person shall erect, place, maintain or continue a building or structure or portion thereof, a fence, house steps, erections, projections or obstructions whatsoever in or over a street, sidewalk or public place.

(2) Where a person erects, places, maintains or continues a building or structure or portion thereof, a fence, house steps, erection, a projection or an obstruction contrary to subsection (1), the public works superintendent shall give that person written notice by registered mail at his last known address to remove the building, structure or portion thereof, a fence, housesteps, erection, a projection or an obstruction that is within or over a street, sidewalk or public place within three days of the date of the notice.

(3) Where a person fails to obey a notice given under subsection (2), the public works superintendent shall report the failure to council who may instruct him to cause the building or structure or a portion thereof, a fence, house steps, erection, a projection or an obstruction to be removed and may, after giving the owner ten days written notice by registered mail at his last known address of the date of sale, sell the building or structure, a fence, house steps, erection, a projection or an obstruction and the proceeds of the sale shall be deposited with the clerk for the general use of the municipality.

(4) A person who fails to obey a notice given under subsection (2) is guilty of an offence.

11. (1) No person shall obstruct, damage or foul any street with anything whatsoever provided however, that a street or sidewalk or a portion thereof may be occupied by a person with materials during the time he is bona fide engaged in erecting, repairing or altering any building or structure if a permit to do so has first been obtained from the public works superintendent or other person authorized to issued such permit.

(2) Where the erection, repair or alteration of a building or structure abutting on a street necessitates the use of the sidewalk or street or a portion thereof in front of the building or structure, the public works superintendent may issue a permit authorizing the use of the sidewalk or street or a portion thereof.

(3) A permit issued under subsection (1)

a) shall specify the portion of the sidewalk or street not exceeding twenty feet in width in all which may be occupied under subsection (2), and

b) where more than one-half of the width of the sidewalk is required, shall contain the condition that the person obtaining the permit shall erect and maintain to the satisfaction of the public works superintendent a well protected passageway on the sidewalk for the use of pedestrians.

(4) A person obtaining a permit under subsection (2)

a) shall at his own expense comply with all directions of the public works superintendent regarding the use of the street or sidewalk,

b) shall place and maintain a sufficient number of danger lights visible to all users of the street or sidewalk to prevent injury or damage to persons or property or both between six o'clock in the evening and six o'clock in the morning of the following day,

c) shall not perform any work on or over the street or sidewalk which is dangerous or offensive to persons using the street or sidewalk, and

d) shall at the expiration of the time specified in the permit promptly remove all material and rubbish from the street or sidewalk and leave the street in the same state of repair as it was before the permit was issued.

12. (1) Where a sidewalk has been damaged in consequence of the erection, repair or alteration of a building or structure or from any other cause, the public works superintendent may give written notice to the owner of the building or structure or the person causing the damage to repair the damage within forty-eight hours of personal service of the notice upon him.

(2) Where a person fails to obey an order given under subsection (1), the public works superintendent may cause the repairs to be made at the expense of that person.

(3) The cost of repairs made under subsection (2) may be recovered by the municipality by ordinary action in a court of competent jurisdiction.

13. No person shall obstruct a sidewalk by transferring merchandise to or from a vehicle across the sidewalk for a period in excess of five minutes or for such longer period authorized by the public work superintendent by written permit.

14. (1) The public works superintendent may by order or by erecting a fence or barricade close a street, sidewalk or public place or a portion thereof for as long as is necessary to make repairs, alterations and improvements.

(2) When the public works superintendent considers it necessary for the protection of a street, sidewalk or public place or a portion thereof or to guard against the possible loss of life and damage to property, he may by order or by erecting a fence or barricade prevent entry to any street, sidewalk or public place or a portion thereof and prohibit the use thereof.

(3) Any person who uses any street, sidewalk or public place or a portion thereof by walking thereon or by driving any vehicle or animal thereon while it is fenced or barricaded or while an order of the public works superintendent for closing it is in force is guilty of an offence.

15. (1) Subject to section 40 of the Highway Act, no person except an employee of the municipality authorized to do so shall excavate, trench, dig or remove any stone, gravel, sod, sand or earth from a street, sidewalk or public place without written permission from the public works superintendent.

(2) All work in connection with an opening or excavation under subsection (1) shall be done under the supervision and satisfactory to the public works superintendent.



(3) No person shall permit an opening or excavating made by him in a street, sidewalk or public place or on lands adjacent to a street, sidewalk or public place to remain open longer than is necessary for the purpose for which it was made and that person shall erect and maintain a suitable fence or guard rail not less than four feet in height around the excavation and maintain a sufficient number of danger lights thereon clearly visible to all users of the street, sidewalk or public place as are necessary to prevent injury or damage to persons or property or both between six o'clock in the evening and six o'clock in the morning of the following day.

(4) A person making or causing to be made an opening or excavation under subsection (1) shall do so in a workmanlike manner and forthwith after the work is completed and under the direction of the public works superintendent return the street, sidewalk or public place to the condition it was in before the work commenced.

16. (1) No person shall remove, mark or deface a placard, sign, fence or barricade erected or placed by or under the authority of the public works superintendent or a municipal official authorized to erect or place the placard, sign, fence or barricade.

(2) No person shall place, erect, affix or maintain upon a building or structure any sign, pole, luminaire, advertising device or any goods, wares or merchandise which project over a street, sidewalk or public place.

17. (1) Notwithstanding section 16, the public works superintendent may grant to a person applying in writing thereof, a permit to erect on a building or structure owned or occupied by him an electric sign which projects over a street, sidewalk or public place.

(2) Every person having a projecting sign over a street, sidewalk or public or public place shall cause it to be illuminated as directed by a resolution of the council.

(3) No person shall place, erect, affix or maintain on a building or structure an electric sign which projects over a street, sidewalk or public place at a height of less than twelve feet.

18. No person

a) shall place lumber, stone, brick, lime, building material, earth, ashes, cinders, firewood or containers or any other waste material on a street, sidewalk or public place,

b) shall place snow or ice removed from a lot or building on a street, sidewalk or public place,

c) shall distribute hand bills, posters or other advertising material by scattering them on a street, sidewalk or public place or by posting them on a pole, building, structure or fence on a street, sidewalk or public place,

d) shall wash or clean a vehicle on a street, sidewalk or public place,

e) shall permit water to fall on a street, sidewalk or public place from the roof of a building owned or occupied by him,

f) shall drive a vehicle on a curb or sidewalk without protecting the curb or sidewalk from damage,

g) shall place any waste material, bottles or water from a drain or cellar on a street, sidewalk or public place, and

h) shall place any waste material or paper where it may be carried by the wind into or along a street, sidewalk or public place.

19. No person except an employee of the municipality authorized to do so shall slake, riddle, mix with sand or otherwise prepare lime, cement, concrete or other material on the surface of any street, sidewalk or in any public place except by permission in writing from the public works superintendent.

20. (1) Except when authorized by the public works superintendent no person shall place on any street, sidewalk, public place, or open plots of ground any dirt, offal, rotten or offensive substance, broken glass, ashes, shavings, paper, bricks, stone, rubbish, iron, bark, timber, lumber, goods or other similar substances or things whatsoever.

(2) The owner of any of the things or substances mentioned in subsection (1) or the person who placed them on a street, sidewalk, in a public place or on an open plot of ground, shall remove them forthwith when directed to do so by the public works superintendent.

(3) A person who does not comply with a direction under subsection (2), is guilty of an offence and is liable for the cost of removing the things or substances.

(4) Any thing or substance referred to in subsection (1) which is not removed when directed to be moved under subsection (2) is immediately forfeited to the municipality and may be sold or disposed of by the municipality and the proceeds of the sale shall be deposited with the clerk for the general use of the municipality.

21. Section 20 does not apply to the sweeping of leaves, sand, ashes, twigs, and other debris from sidewalks, streets and public places nor to the placing of ashes or other like fill on open plots of ground for grading or improvement purposes.

22. No person shall drive, move, stop, park or place any motor vehicle, vehicle, machines, or object upon any seeded or grassed area within the boundaries of any street or any other public place except with the permission in writing of the public works superintendent.

23. No person

a) shall place goods, wares or merchandise for for sale or display;

b) shall unpack any goods, wares or merchandise on a street, sidewalk or public place except with the written permission of council.

24. (1) No person shall maintain a gate or door attached to his premises that is constructed so that it may swing over a street, sidewalk or public place.

(2) No person shall permit a hatch or door leading from a street, sidewalk or public place to a cellar to remain open while not in immediate and actual use.

25. (1) The owner of a building or structure situated within ten feet of a street, sidewalk, or public place and that has a roof sloping towards the street, sidewalk or public place shall keep that roof free from snow and ice.

(2) Every person while removing snow or ice from the roof of a building or structure mentioned in subsection (1) shall exercise due care to prevent injury or damage to persons or property on the street.

26. (1) The owner or person having possession of a vacant piece of land fronting on a street, sidewalk or public place when ordered so to do by council shall forthwith cause that part of the piece of land which fronts on the street, sidewalk or public place to be enclosed with a fence of the construction and of the height directed by council.

(2) Where the owner or person in possession of the land neglects or refuses to comply with an order under subsection (1), the public works superintendent may cause the piece of land to be properly enclosed and the owner or person in possession of the land is liable for the costs and expenses thereof.

27. (1) No person shall suspend, raise or lower a chattel above a street, sidewalk or public place by mechanical means except under the immediate supervision of a peace officer.

(2) Subsection (1) does not apply to a public utility company lawfully using a street for the purpose of the company.

28. No person shall blast rock, stone or earth with dynamite or other explosive substance in or near a street or public place without providing and at all times maintaining a proper shield, guard or covering for the rocks, stone or earth sufficient to prevent part of the rocks, stone or earth from being thrown by the force of explosion into or over the street or public place.

29. No person shall fill up or obstruct a public drain, gutter or watercourse or the natural drain on public or private property.

30. No person shall plant a shade or ornamental tree on on a street, sidewalk or public place without first obtaining the written permission of the public works superintendent.

31. No person shall remove, dig up, cut, cut down, destroy or in any manner damage a shade or ornamental tree or any other tree in a street, sidewalk or public place without first obtaining the written permission of the public works superintendent.

32. Every owner of a shade or ornamental tree growing adjacent to a street shall keep such tree pruned or trimmed so that it does not interfere with or obstruct the uses of the street.

33. No person shall construct or permit to remain a barbed wire fence along a street.

34. No person shall discharge a firearm into a street.

35. No person shall place or string across any street, sidewalk, or public place an advertising device without the permission in writing of the council and for a period longer than is specified by the permit.

36. (1) Subject to subsection (2), no person shall advertise by the blowing of a horn or by the use of a public address system in a street or on property abutting on a street so that any person may be disturbed or annoyed thereby.

(2) A person may with the written permission of council advertise by means of a mobile public address system in a street.

37. No person shall

- a) skate, ski, toboggan, or slide,
- b) play hocker, baseball, football, cricket or any other game,
- c) play,

on or across a street, sidewalk or public place except in a park or part of a park or other place set aside by council for games and sports subject to any regulations pertaining thereto.

38. (1) No person shall ride or wheel any hancart, wheelbarrow or bicycle or other vehicle over or along any sidewalk except when crossing the sidewalk to enter premises.

(2) Subsection (1) does not apply to baby carriages and children's tricycles and carts.

(3) Notwithstanding anything in this section, no baby carriage, child's tricycle or cart shall be left unattended on any street, sidewalk or public place.

39. (1) No person shall run or race on any street, sidewalk or public place in a manner which crowds or jostles any other person or creates any discomfort, disturbance or confusion.

(2) No person shall stand on use or occupy any street, sidewalk or public place in a manner which obstructs, hinders or impedes the free passage of the public thereon.

(3) Where three or more persons congregate on a sidewalk so as to obstruct it, a peace officer may order them to disburse.

(4) Where a person fails to obey an order made under subsection (3), he is guilty of an offence.

40. Any person who violages this by-law is guilty of an offence and is liable on summary convictions to a fine not exceeding One Hundred (\$100.00) dollars for each offence and in default of payment thereof to imprisonment for a term not exceeding Ten (10) days.

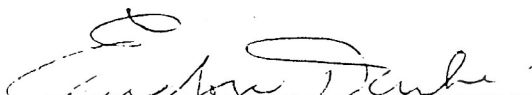
41. This by-law comes into force on the date of final passing thereof.

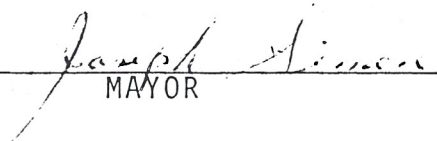
READ A FIRST TIME this 7th day of March 1978

READ A SECOND TIME this 7th day of March 1978

READ in committee of the whole Council this 19th day of October 1978

READ A THIRD TIME AND ENACTED this 7th day of November 1978.

  
CLERK

  
MAYOR