

Public Places By-law

Adopted by Council: May 10, 2001

Last amended: April 9, 2024

Town of Lunenburg

PUBLIC PLACES BY-LAW

1. CITATION

1.1 This By-Law is cited as the “Public Places By-Law.”

1.2 Nothing in this By-Law shall be construed as authorizing non-compliance with any other laws, regulations, by-laws, lawful orders or directives pursuant to any statute, regulation or statutory or regulatory authority respecting the use of particular public places or particular types of public places.

2. DEFINITIONS

“Crosswalk” means that portion of a roadway ordinarily included within the prolongation or connection of curb lines (or edges of a roadway) and property lines at intersections or any other portion of a roadway clearly indicated for pedestrian crossings by lines or other markings on the road surface.

“Public places” means streets, public parks and trails, property owned by the Town of Lunenburg, recreation facilities funded or partially funded by the Town of Lunenburg, and places designated by Council resolution as a public place for purposes of this By-Law provided that such place is posted as a designated public place in accordance with this By-Law.

“Roadway” means that portion of a street between the curb lines or the travelled portion of a street designed for vehicular traffic and, except where the context indicates otherwise, includes a crosswalk.

“Rural areas” are as defined in the Town of Lunenburg’s Land Use By-law.

“sidewalk” means that portion of a street between the curb line and the adjacent property line or any part of a street especially set aside for pedestrian travel and separated from the roadway.

“street” means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith and, without restricting the generality of the foregoing, includes the full right-of-way width and includes streets not owned by the Town of Lunenburg.

“Town” means the Town of Lunenburg.

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3. DESIGNATION OF PUBLIC PLACES

- 3.1. Upon application made by the owner of any property in the Town, Council may designate a property or portion of a property as a Public Place for purposes of this By-Law if the property or portion of a property is in, on or near a place that is open to the public.
- 3.2. The owner of a property or portion of a property designated by Council as a Public Place under section 3.1 shall keep posted at a prominent location thereon a sign bearing the words "This property has been designated a Public Place by the Town of Lunenburg for purposes of the Public Places By-Law" in letters at least 2.5 cm. in height in a contrasting colour to the background of the sign, and containing such other information concerning this By-Law as the Chief Administrative Officer may authorize.
- 3.3. At the request of the owner, Council shall revoke the designation of a property or portion of a property designated as a public place pursuant to section 3.1.
- 3.4. Council may, on its own initiative and in its own discretion, revoke a designation made pursuant to section 3.1.

4. INTERFERING WITH USE AND ENJOYMENT

- 4.1 Save as specifically authorized by law (including, the provisions of this By-law) no person shall interfere with the lawful use and enjoyment of a public place by other persons.
- 4.2 Without limiting the generality of section 4.1:
 - a) No person shall light or have a fire in a public place.
 - b) No person shall camp or tent in a public place.
 - c) No person shall sleep in a public place after dark.
- 4.3 No person shall skateboard, rollerblade, scooter or roller-skate in a public place except such places as may be posted or authorized by or on behalf of the Town or the owner as an authorized place in which to carry out such activity.
- 4.4 No person will bicycle in a public place except on a roadway in accordance with other applicable laws or in areas or upon trails posted by or on behalf of the Town or the owner as an authorized place in which to bicycle.
- 4.5 No person shall bring into or possess in a public place any animal except:

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- a) Dogs kept under control by means of a harness or leash or otherwise complying with provisions in the Town's Dog By-Law.
- b) Cats or other domestic pets kept under control by means of a harness or leash or carried in a cage.
- c) Horses on trails or in parks posted by or on behalf of the Town or the owner as an authorized place in which to ride horses, provided however, that the horse is under the continuous physical restraint and control of a rider or handler.
- d) Horses being used for law enforcement purposes by or under the direction of a peace officer.
- e) Horses in rural areas on a street, provided however, that the horse is under the continuous physical restraint and control of a rider or handler.
- f) Animals being transported in a vehicle.

4.6 No person shall litter or deposit or leave waste in a public place except in a designated waste receptacle.

4.7 No person shall use motorized vehicles or apparatuses in a public place except

- a) wheelchairs or scooters for disabled persons; or
- b) motorized vehicles or apparatuses otherwise lawfully in use on a roadway, driveway or parking lot.

4.8 Except in accordance with a Special Events Permit, no person shall obstruct the use by others of public places, including, but not limited to, causing or permitting an impediment to the traffic of pedestrians, strollers, and wheelchairs on sidewalks, crosswalks, or paths and causing an impediment to vehicular traffic in roadways.

4.9 No person shall conduct public entertainment events, exhibitions, parades, or circuses except as expressly authorized by or pursuant to a Special Events Permit.

4.10 No person shall deface, damage, or destroy municipal property in a public place. In addition to any penalty upon a prosecution for contravention of this provision, the Town may recover the expense incurred in remediating the damage, together with costs and pre-judgment interest, by action in any court of competent jurisdiction.

5. SIGNS AND POSTERS

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5.1 Subject to the other provisions in this By-Law, persons may carry with them signs, posters and banners in a public place.

5.2 Except at a recreational facility to the extent expressly authorized by the manager of a recreational facility, or except as authorized in this By-Law, no person will post, nail, place or attach any sign, poster, notice or advertisement to any tree, telephone, hydroelectric, cable telecommunication or other utility pole in a public place.

6. PENALTIES

6.1 Any person who contravenes any provision of this By-Law is punishable on summary conviction by a fine of not less than \$100 and not more than \$10,000 and, in default of payment to imprisonment for a term of not more than two months.

Version Log

Amendment Description	Council Approval Date
Amended to remove references to Special Events and vending.	April 9, 2024

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TOWN OF LUNENBURG

Clerk's Annotation for Official Bylaw Book

Bylaw: Public Places By-law

Date of first reading: March 29, 2001

Date of final reading: May 10, 2001

Date of first reading (amendment): March 12, 2024

Advertisement of notice of intent: March 20, 2024

Date of second reading: April 9, 2024

Advertisement of the bylaw approval: April 17, 2024

A certified copy of the bylaw sent to DMAH: April 17, 2024

This bylaw comes into effect on the day the bylaw approval was advertised unless otherwise stated in the bylaw.

I certify that this bylaw was adopted by Council and advertised as indicated above.

Municipal Clerk

Date: April 17, 2024