

TOWN OF LUNENBURG

BY-LAW NO. 18

A BY-LAW RESPECTING THE CARE

OF STREETS

- Short title 1.1 This by-law shall be known as and may be cited as the "Streets By-law".
- Committee 2.1 The Transportation/Utilities Committee, hereinafter known as "the Committee", shall be the committee for streets for the Town.
- Streets in charge of Committee 3.1 The public streets, lanes, highways and thoroughfares of the Town, subject to the ultimate control of the Council, shall be under the care, supervision and control of the Committee.
- Trees 4.1 All trees within the limit of any of the streets within the Town shall be under the care and the custody of the Committee, and if any person shall break, bark, remove, root up or otherwise destroy or damage the whole or any part of any tree, sapling or shrub planted for ornament or growing on any street or highway of the Town without permission of the said Committee, he is guilty of an offence and shall be liable to the penalties prescribed in this by-law. Any person found committing a breach of this Section is liable to arrest on view by any peace officer.
- Permission for planting trees 5.1 Any person proposing to set out any shade or ornamental trees on any street, road, lane, sidewalk or other public place of the Town, shall apply to the Committee for the location of the same.

Barbed wire prohibited

6.1 Every fence erected or constructed along the line of streets or sidewalks of the Town is to be constructed of such material and in such manner as to be safe and not offensive to the public provided that the use of barbed wire for such fences is prohibited.

6.2 Owners or occupiers of premises who violate Section 6.1 shall be liable to the penalties prescribed in this by-law. Ten (10) days shall be allowed after each conviction to comply with this by-law.

Posting of bills

7.1 No person or persons shall post, stick, paint, stamp or otherwise affix or cause to be posted, stuck, stamped, painted or otherwise affixed any bill, poster, notice or advertisement on any property of the Town or on any telegraph, telephone, electric light or other post or pole, fence or Town building standing on or near any street in the Town without written permission of the Town Clerk or Chief of Police, nor on any tree within the limits of the streets of the Town.

Projections

8.1 No person shall erect any verandah, bay window, porch, sign, awning, fence or other projection over any sidewalk or street in the Town without making application in writing to the Town Engineer and obtaining written permission therefore, subject to such conditions as the Town Engineer may impose.

To be removed after notice

8.2 Every such projection now or hereafter erected over any sidewalk or street shall be removed by the owner or lessee of the premises out from which the same is built or projects within forty-eight (48) hours after notice from the Town Engineer so to do, and in default of such order being complied with the Town Engineer may remove the same at the expense of such owner or Lessee who shall be liable therefor as a private debt to the Town and such owner or lessee shall also be liable on conviction to a penalty for each offence against this Section not exceeding Twenty Dollars (\$20.00) and in default of payment thereof, to imprisonment for a period not exceeding ten (10) days.

- No littering of streets 9.1 No person shall throw, cast or put into or cause to be put into or dropped in or on any street, land or public place in the Town any stone, nails, tacks, glass, iron, garbage or any other material whatsoever except by leave of the Town Engineer or the Committee.
- Washing windows 10.1 No person shall wash any windows adjacent to any sidewalk in the Town or sprinkle any sidewalk with water after nine o'clock in the morning, and no occupier of any house or building shall permit the same to be done in such manner as to spray pedestrians or vehicles with water or cleaning materials.
- Snow on roofs 11.1 Every owner or occupier of any house, barn, stable, shop, store, office or other building whatever, built close to the line of any street, lane or thoroughfare of the Town shall, if required by the Town Engineer or Chief of Police during the winter season, keep the roofs, eaves and other projections thereof clear from snow and ice.
- Icicles 11.2 No person shall permit icicles to accumulate on the eaves or gutters of any building owned or occupied by him so as to become dangerous to persons passing the street.
- Penalty 11.3 Any person violating the provisions of Sections 11.1 or 11.2 shall, for each offence, forfeit and pay a sum not exceeding Five Dollars (\$5.00).

Opening
sidewalk

12.1 Whenever any sidewalk has been broken or otherwise injured in consequence of the erection of any building or any repairs to a building the Town Engineer may serve notice in writing upon the owner of the building requiring him to repair such injury within thirty days (30) days from service of the notice, and if the owner fails to make such repairs within such time, the Town Engineer may cause the same to be done at the expense of the owner and the cost thereof may be recovered by the Town by action.

Protection
on
sidewalks

13.1 No person shall dump, unload, deposit or move any material or heavy article upon any concrete or asphalt sidewalk unless such sidewalk has been first protected by boards not less than one inch thick and placed close together over the surface where such material or heavy article is to be deposited.

Sidewalks
to be
cleaned

14.1 Every occupier of any premises shall keep the sidewalk and gutter in front of the same free from dirt and nuisance of every description.

Materials
transported

14.2 No person shall cart or transport in any way on any street, any sand, earth, dirt, manure, hay, straw or rubbish or any loose fluid or semifluid in such a manner that any portion of the same may be spilled or scattered on the street.

Handbills

15.1 No person shall distribute any handbills or other papers by scattering the same on any street.

Timber and
big loads

16.1 No person shall draw on any street any timber or other article in such a way that the same or any part thereof drags on the street unless permission in writing is previously granted by the Town Engineer.

- Tractors 17.1 No crawler tractor shall operate over any Town street without permission in writing having first been given by the Town Engineer.
- Water 18.1 No person in any building shall permit water to be discharged or to escape or percolate therefrom otherwise than by a properly constructed drain or conduit discharging into a public sewer or into the gutter of the street.
- Building materials 19.1 No person shall throw any shingles, boards, slates, sand, gravel, tar or other material whatsoever from any roof or scaffolding upon any street, but the same shall be lowered in chutes or by tackles in such a manner as not to affect the safety and convenience of the public.
- Culverts 20.1 No person shall construct across any drain, gutter, or water course on any street, a bridge of any description or culvert without having first obtained a permit in writing from the Town Engineer specifying the nature of the bridge and terms and conditions on which the same may be constructed.
- Permits refused 20.2 A permit to construct any such bridge or culvert may be refused in any case in which a curb and gutter have been placed in front of the premises intended to be reached by the bridge and any bridge or culvert at any time constructed may be directed by the Town Engineer to be removed when a curb and gutter have been so placed.
- Catchpits, manholes 21.1 No person shall injure or remove any portion of any catchpit, receiving basin, covering flag, manhole, vent shaft, grating or any other part of any sewer or drain, or obstruct the flow of water in any sewer or drain or deposit anything in any catch basin or manhole.

Guarantee deposit 22.1 Every person to whom any permit is granted to make any opening or excavation in any street shall first deposit with the Town Clerk an amount estimated by the Town Engineer to be sufficient to restore the street to its original condition following such excavation.

Retention of deposit 22.2 Such deposit shall be retained as a guarantee that the applicant will properly perform and complete the work for which the permit is granted and keep the surface of the street, when such work is done, in good condition to the satisfaction of the Town Engineer for six (6) months from the date of the permit.

Default 22.3 If the Town Engineer of the opinion that the work is not being properly performed or the surface of the street is not kept in good condition, he may without notice to the applicant perform such work in respect to the streets as he considers necessary and the cost of any work so done by the Town Engineer shall be deducted by him from the amount deposited and the balance, if any, returned to the owner at the end of six (6) months.

Recovery of excess 22.4 If the cost of such work exceeds the amount deposited, the balance may be recovered from the applicant by the Town by action.

Emergency permit 23.1 The Town Engineer may issue for a cause of emergency an emergency permit which shall permit excavation to be made on such conditions as the Town Engineer specifies in the permit.

Closure of openings 24.1 Every excavation under a sidewalk made by the owner or occupant of the adjoining property shall, after one week's notice to that effect given by the Town Engineer, be closed and filled up by the owner or occupier of the premises abutting on such sidewalk, and if not so closed and filled up within ten (10) days after such notice, may be closed and filled up by the Town Engineer at the expense of the owner or occupier.

Lighting
of openings

25.1 Every person obtaining a permit to make any excavation or opening in or near any street shall at night sufficiently and continuously light the same, and shall in addition enclose or secure the same by a fence or barrier at least three feet in height, and sufficient to protect the public from injury.

Limitation
on openings

26.1 No person shall make any permanent opening under the surface of any street, the movable covering of which extends further into the street than to a line three feet from the street line, and then only by permission in writing from the Town Engineer, and on such conditions as are specified in the permit, provided however, that transparent coverings used for the purpose of lighting only secured permanently may extend five feet from the street line.

Movable trap
or door

27.1 No person shall build or place any movable trap or door in any street for the purpose of entrance to a cellar or other premises, without first obtaining the permission of the Town Engineer.

Opening for
entrance

27.2 No person shall make any opening in any sidewalk for entrance to any building or other purpose whatsoever without a permit from the Town Engineer, upon the terms set out and such permit shall be exhibited on request of any policeman or to any other person authorized by the Town Engineer in writing to demand inspection of the permit.

Construction
of opening

28.1 The Town Engineer may, upon the application of any person, construct any hole, grating or other aperture in any sidewalk in such manner and of such material as he deems suitable and the cost thereof shall be paid by the applicant.

Permission
for grating

28.2 No person shall place or maintain a grating in any sidewalk unless the location, plan and material have been approved by the Town Engineer.

- Steps 29.1 No person shall maintain any entrance in any property by steps descending immediately from or near to a street unless the same is securely guarded.
- Apertures to be secured 30.1 Every owner or occupier of any building having connected therewith any aperture in any street shall keep such aperture securely covered or guarded in such a manner and with such material as the Town Engineer directs and every such cover or guard shall be constantly kept on a level with the sidewalk and in good repair and every such aperture shall be kept closed except in the daytime, and such aperture when open shall be in charge of some competent person to warn passers-by.
- Action by Director 30.2 If any such owner or occupier fails to keep any such aperture securely guarded and in good repair and level with the sidewalk the Town Engineer may close the said aperture or may put the same in good condition and repair, and the cost of so doing may be recovered from the owner by the Town by action, and in addition thereto the owner shall be liable to a penalty as hereinafter provided.
- Free access 31.1 Except as provided by the Towns Act or by this by-law no person shall place or cause to be placed any encumbrance upon any street whereby the public are prevented from the free and uninterrupted use of the same.
- Temporary closing 32.1 The Town Engineer may temporarily close any street or part thereof while any work is being done thereon or when it is advisable for other reasons to close the same, and may for that purpose erect bars or other impediments to traffic.
- Closed street 32.2 Whenever the Town Engineer puts up any bars or fences to close any street for any purpose, no person shall interfere with the same or travel or attempt to travel or drive any vehicle along the

the street so closed without permission of the Town Engineer, and every person who so travels or attempts to travel or drives any vehicle shall be liable to a penalty as hereinafter provided.

- Materials 33.1 Any person may, by permission of the Town Engineer, place on any street material for buildings and erect an enclosure to protect the same and may continue such enclosure for such period as the Town Engineer directs.
- Lack of permission 33.2 Every person placing such material or erecting such enclosure without such permission or otherwise, than as herein directed or continuing the same for a longer period than herein prescribed, or after being directed to remove the same, shall be liable to a penalty as hereinafter provided.
- Scaffolding 34.1 Any person may by permission of the Director of Town Engineer erect a scaffolding for repairing and building or other purpose connected with any building.
- In writing 34.2 Such permission shall be in writing and shall specify the terms and conditions on which it may be continued.
- Penalty 34.3 Any person who erects any scaffolding without having first obtained such permission or otherwise than as is therein directed or continue the same for a longer period than is therein prescribed, or after being directed to remove the same, shall be liable to a penalty as hereinafter provided.
- No goods for sale 35.1 No person shall place upon any street for sale or show any goods, wares or merchandise without permission from the Council.

Sign or awning 36.1 No person shall install a sign or awning overhanging any street or sidewalk without written permission from the Town Engineer. Such sign shall clear the street or sidewalk by ten (10) feet and such awning shall clear the street or sidewalk by seven (7) feet.

Installation of a sign or awning 36.2 Any person installing a sign or awning overhanging any street or sidewalk without written permission from the Town Engineer may be required to remove the same by the Town Engineer and failure to comply with such request within ten (10) days shall constitute an offence under this by-law.

Time limit 37.1 No person shall place on any street any articles or permit the same to remain thereon so as to obstruct the free passage of such street for a longer period than is necessary to remove the same to or from any building or premises fronting on such street.

Penalty 38.1 Every person who contravenes or fails to comply with any of the provisions of this by-law, for which a penalty is not specifically prescribed, shall be liable to a penalty not exceeding Two Hundred and Fifty Dollars (\$250.00) and in default of payment to imprisonment not exceeding one month.

Repeal 39.1 All former Streets By-laws of the Town are hereby repealed and this by-law substituted therefor.

Approved by Town Council: July 27, 1978
Approved by D.M.A. (approved with amendments to Sections 12.1, 8.2 and 6.1) : January 16, 1979

No. 2 Amendment - Sections 2.1, 8.1, 8.2, 9.1, 11.1, 12.1, 16.1, 17.1, 20.1, 20.2, 22.1, 22.2, 22.3, 23.1, 24.1, 26.1, 27.1, 27.2, 28.1, 30.1, 30.2, 32.1, 32.2, 33.1, 34.1, 36.1 and 36.2

Approved by Town Council: January 31, 1991
Approved by D.M.A. : February 25, 1991