

BYLAW NO. T-1

A BYLAW RESPECTING STREETS AND SIDEWALKS

BE IT ENACTED by the Council of the Village of Bath as follows:

1. SCOPE

In this bylaw:

“Manager of Public Works” includes the Manager of Public Works and any person designated to act by him or her;

“right of way drainage system” includes storm sewers, curbs, gutters and ditches;

“street” means any street, lane, road, highway, alley, thoroughfare or place which is used by the public for the passage of vehicles.

2. CONSTRUCTION

- 2.01 The Village Council of the Village of Bath may by resolution, order and direct that any streets or sidewalks or portions thereof within the Village be paved with suitable material and in such manner as shall, so far as possible, ensure the permanency of such pavement. Upon the adoption of such resolution the work so ordered shall be undertaken at once under the supervision of the Village council, a committee thereof, or some person appointed by the Council for that purpose, or the Council may enter into a contract with any person for construction of such work.
- 2.02 The total cost of sidewalk installation and pavement on existing streets in the Village shall be borne by the Village of Bath.
- 2.03 The Council may appoint officers and employees, including Manager of Public Works, as are deemed necessary for the general supervision of the construction, maintenance, control, administration and efficient, continuous operation of the streets, sidewalks and right of way drainage systems.
- 2.04 The Manager of Public Works shall cause to be made appropriate plans of the street, sidewalk and right of way drainage systems.

- 2.05 The total cost of culvert installation, curb cuts and sidewalk modification for driveway access to existing streets shall be borne by the affected property owner.
- 2.06 The cost of constructing ditches in the public right of way shall be borne by the Village.

3. STREET OPENING, WIDTH, AND EXCAVATION

- 3.01 No person shall acquire, open, lay out, widen, alter or extend a street without the permission of the council, subject to the following conditions:
- (1) Whenever the Council determines by resolution to acquire, open, lay out, widen, alter or extend a street, the title to the lands required for such purpose shall be acquired by the Village.
 - (2) Funds of the village shall not be used for the purpose of subsection 3.01(1) until such time as the title has been vested in the Village.
- 3.02 Every street hereafter opened shall have a width of not less than 18 metres.
- 3.03
- (1) No person, other than a duly authorized employee of the Village, shall dig or make an excavation in a street without having first obtained permission in writing from the Manager of Public Works.
 - (2) No person shall permit any excavation made by him or her in a street or on lands adjacent to a street to remain open longer than is necessary for the purpose for which it was made. Such person shall erect and maintain a suitable fence or guardrail not less than 1.2 metres in height around such excavation and maintain danger lights thereon between sunset and sunrise, as may be reasonably necessary to prevent injury or damage to persons or property.
 - (3) When a person makes an excavation in a street, it shall be done to the satisfaction of the Manager of Public Work.
 - (4) An excavation done in a street shall be backfilled by the excavator to the level of the street and to the satisfaction of the Manager of Public Works.

4. ACCESS TO STREETS

- 4.01
- (1) Access to a street shall be subject to the approval of the Manager of Public Works.
 - (2) No person shall permit any change to the driveway opening at the curb without the approval of the Manager of Public Works.
 - (3) The maximum width of driveways openings at the curb for single detached, semi-detached and duplex dwellings shall not exceed the following:

- (a) for lot frontages of 20.99 metres and less, the maximum width of driveway opening at the curb shall be 6 metres;
- (b) for lot frontages of 21 metres to 23.00 metres, the maximum width of driveway opening at the curb shall be 7 metres;
- (c) for lot frontages of 24 metres and more, the maximum width of driveway opening at the curb shall be 8 metres.

5. BUILDINGS AND STRUCTURES

The Manager of Public Works shall give to any person who erects or maintains a building or structure contrary to his section three days notice in writing to remove the same or such portion thereof as may be within or over a street. If such person fails to obey the notice, the Manager of Public Works shall report the facts and circumstances to the Village Clerk.

6. SIGNS

- 6.01 Except where permitted by bylaw, no person shall place or erect, or cause to be placed or erected, any signs advertising any goods or services.
- (1) upon or within the limits of any street or sidewalk right of way.
 - (2) upon or attached to any utility pole located within any street or sidewalk right of way.
 - (3) Upon or attached to any tree
- 6.02 The Manager of Public Works or any Peace Officer may remove, or cause to be removed, any sign placed in the areas mentioned in Sections 6.01 (1) and (2).
- 6.03 The Manage of Parks and Trees, or his or her designate, may remove, or cause to be removed, any sign placed in the areas mentioned in Section 6.01(3).
- 6.04 Unless claimed by the owner, all signs removed as contemplated by sections 6.02 and 6.03 may be destroyed seven days after their removal.
- 6.05 Nothing herein contained shall be construed to prevent any governmental authority from erecting any traffic control devices, informational signs or directional signs.
- 6.06 No person shall place, erect, affix or maintain or cause to be placed, erected, affixed or maintained upon a building within the Village any sign, pole, luminaire, advertising device or any goods, wares, or merchandise which projects over a street.

7. SIDEWALK PERMITS

- 7.01 (1) No construction, repair or alteration of a building abutting a street which necessitates the occupancy of a sidewalk or roadway in front of such building, shall be commenced unless or until a permit therefore has been obtained from the Manager of Public Works.
- (2) A permit shall specify the portion of the sidewalk or street which may be occupied for the purposes mentioned in 7.01 (1). This portion is not to exceed 6 metres in width.
- (3) When more than one-half of the width of a sidewalk is required, the permit shall contain the condition that the person obtaining the permit shall erect and maintain, to the satisfaction of the Manager of Public Works, a well protected passageway on such sidewalk for the use of pedestrians.
- (4) A person obtaining a permit shall:
- (a) bear the cost and expense to comply with all directions of the Manager of Public Works with respect to the use of the street;
 - (b) kept and maintain a sufficient number of danger lights displayed during the night time;
 - (c) not perform any work on or over a street which is dangerous or offensive to persons using such street; and;
 - (d) at the expiration of the time specified in the permit properly remove all material and rubbish from the street and leave it in a s good a state of repair as it was prior to the commencement of the work.
- (5) The Manager of Public Works reserves the right to refuse a grant or permit as contemplated in subsections (1) to (4) of this section.

8. MOVING BUILDINGS ON STREETS

- 8.01 (1) The Manager of Public Works may remove any building or other material found upon a street after giving notice to the owner to remove it after confirming that the request has not been complied to his or her satisfaction.
- (2) The Manager of Public Works may cause any building or other material removed from a street, pursuant to subsection (1), to be sold after giving notice of the time, and place of sale to the owner, if known.
- (4) The proceeds of such sale set out in subsection (2) shall be deposited with the Village clerk for the use of the Village.

9. LOGS ON STREETS

On a street no person shall move, haul or cause to be moved or hauled, any logs, lumber or other material so that it comes in contact with the street.

10. ICE, SNOW AND WATER

- 10.01 The owner of a building situated within 3 metres of a street and having a roof sloping towards such street shall keep such roof free from snow and ice.
- 10.02 Every person while engaged in removing snow or ice from the roof of a building shall exercise due precautions to prevent injury or damage to persons or property on the street.
- 10.03 (1) No person shall deposit snow or ice upon a street except when said person is acting in compliance with 10.01
- (2) If a person deposits snow or ice upon a street as contemplated in subsection (1), he or she shall cause said snow or ice to be removed forthwith.
- (3) No person, in removing snow from any property, shall push or deposit snow across the travelled portion of any street.
- (4) No person, in removing snow from any property, shall create or leave any obstructions on the public sidewalk.
- 10.04 No person shall permit water to fall upon a sidewalk from the roof of a building owned or occupied by that person.

11. TREES

- 11.01 No person shall plant a shade tree, ornamental tree or shrub on a street without the consent of the Manager of Parks and Trees, or his or her designate.
- 11.02 No person shall, without permission of the Manager of Parks and Trees, or his or her designate, remove, damage or cut any shade tree, ornamental tree or shrub growing in a street.
- 11.03 Every owner of a shade tree, ornamental tree or shrub growing adjacent to a street shall keep the tree or shrub pruned or trimmed so that it does not interfere with, or obstruct, the users of the street.

12. GENERAL

- 12.01 Subject to the permission of Council, no person shall place, or cause to be placed, on a street,

(1) any lumber, stone, brick, lime, building material, earth, ashes, cinders, firewood, containers, other material;

or

(2) any goods, wares or merchandise for sale or display;

(3) sidewalk cafes;

(4) directional signs for residential developments;

(5) enhanced attraction signage

12.02 No person shall drive a vehicle on a curb or sidewalk without protecting such curb or sidewalk from damage.

12.03 Every person who damages a curb, pavement or sidewalk shall immediately cause it to be repaired at their own expense to the satisfaction of the Manager of Public Works.

12.04 No person shall fill up or obstruct any public drain, gutter, watercourse or the natural drain on any public or private property within the Village.

12.05 (1) No person shall maintain a gate or door attached to their premises which is constructed so that it may swing over a sidewalk or street.

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

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

(2) The provisions of this section shall not apply to any public utility company lawfully using a street for the purposes of such company.

12.07 (1) All telegraph, telephone and electric light poles shall be placed between the sidewalk and the curb unless otherwise directed by the Manager of Public Works.

(2) No telegraph, telephone or electric light pole shall be placed or maintained opposite a window or door of a building.

12.08 No person shall place or permit to remain any electrical conductor in a street at a distance less than 5.4 metres above the surface thereof.

- 12.09 (1) Every person owns property adjacent to, contiguous to, or fronting on, a street shall maintain the boulevard which is contiguous to his or her property.
- (2) Maintenance includes, but is not restricted to, keeping the boulevard free of weeds, tall grass or garbage.
- 12.10 No person shall construct or permit to remain a barbed wire fence along any street or sidewalk.
- 12.11 (1) No person shall distribute or scatter handbills or other advertising material on a street.
- (2) No person shall deposit or place on a street any waste material, bottles, or water from a drain or cellar.
- (3) No person shall place any waste material or paper where it may be carried by the wind into, or along a street.
- 12.12 No person shall blast rock, stone, or earth with dynamite or other explosive substance in or near any street without providing and maintaining a proper shield, guard or covering for such rock, stone or earth sufficient to prevent all or any part thereof from being thrown into, or over, the street.
- 12.13 No person shall discharge a firearm into or on any street.
- 12.14 No person shall place or string across any street an advertising device without the permission in writing of the Mayor. The device shall no remain in place for a period longer than is permitted by the Mayor.

13. IMPOUNDING OF VEHICLES

A peace officer may remove and impound any vehicle which is found to be parked on any street in contravention of any bylaw and no person shall take possession of a vehicle so removed or impounded until all costs and charges for removal, care, and storage of such vehicle have been paid.

14. HORSES

No person shall:

- 14.01 drive a horse or horse drawn vehicle upon a sidewalk except for the purpose of directly crossing such sidewalk;
- 14.02 have a horse unattended on any highway unless the horse or the vehicle to which it is harnessed is firmly fastened to a post or weight.

15. BICYCLES AND MOTORCYCLES

No person shall ride or drive a bicycle or motorcycle upon any sidewalk except for the purpose of crossing such footpath or sidewalk.

16. PENALTIES

Every person who violates any provision of this bylaw is guilty of an offence and is liable on summary conviction to a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00).

17. REPEAL OF BYLAW

Bylaw # 5, The Village of Bath Bylaw Respecting Streets, Sidewalks and Public Places passed on December 8, 1997 is hereby repealed.

READ FIRST TIME _____ **July 13, 2009** _____

READ SECOND TIME _____ **July 13, 2009** _____

READ THIRD TIME AND ENACTED _____ **August 10, 2009** _____

SIGNED: _____
Mayor

Clerk