

CITY OF NORTH BATTLEFORD
SASKATCHEWAN

BYLAW NO. 1739

**A BYLAW OF THE CITY OF NORTH BATTLEFORD IN
THE PROVINCE OF SASKATCHEWAN TO
REGULATE THE USE OF STREETS, LANES,
SIDEWALKS AND OTHER CITY PROPERTY.**

WHEREAS Section 8 of *The Cities Act* provides, in part, as follows:

- “8(1) A city has a general power to pass any bylaws for city purposes that it considers expedient in relation to the following matters respecting the City:
- b) the safety, health and welfare of people and the protection of people and property;
 - g) streets, including temporary and permanent openings and closings.”

NOW THEREFORE the Council of the City of North Battleford enacts as follows:

SHORT TITLE

1. This bylaw may be cited as “The Use of Streets Bylaw”.

DEFINITIONS

2.
 - a) “Council” shall mean the Council of the City of North Battleford.
 - b) “Occupant” includes the resident occupier of land or, if there is no resident occupier, the person in possession thereof, a leaseholder and a person having or utilizing for any purpose the land other than as owner.
 - c) “Owner” means a person who has any right, title, estate or interest in land other than that of occupant, tenant, mortgagee or vendor under an agreement for sale.
 - d) “Person” shall mean an individual, an individual who has directed another individual, or a corporation.
 - e) “Sidewalk” shall mean an area designated and intended for the use of the general public for pedestrian traffic.

- f) "Street" shall mean a public road, highway, roadway, street, avenue, sidewalk, lane, alley, park, walking trail and a public place intended for use by the passage of vehicles or pedestrians.

GENERAL PROHIBITIONS

3. No person shall walk upon newly constructed concrete or pavement before it has been opened for public traffic by the Director of Public Works & Engineering.
4. No person shall place any article or thing on any building where such building abuts upon any street unless securely fastened or fixed so as to prevent it falling upon pedestrians or vehicles.
5. No vegetation situated on private property shall be allowed to grow so as to encroach upon a sidewalk and tree branches shall have a minimum clearance of seven feet above a sidewalk.
6. No person shall, except for the purposes of carrying out authorized repairs or lawful work, climb on any telephone or light standard or tree upon any street or on or over the railings or fences of public property along any street.

OBSTRUCTION OF STREET FOR NORMAL USE

7. No person shall place, keep and/or leave any structure or object on any street or any property belonging to the City of North Battleford or otherwise obstruct any street or City property in any manner whatsoever.
8. No person shall cause or allow any thing to encroach upon a street because of the construction, repair or demolition of a building, structure or other object without first obtaining a temporary street use permit, attached as Schedule 'B'.
9. The Director of Public Works & Engineering shall have the authority to issue a temporary street use permit, for temporary street use of a street for up to three weeks during the construction, repair or demolition of building, structure or other object, or, for up to twelve hours for a private block party, upon:
 - a) receipt of an application in writing for a temporary street use permit not less than seventy-two hours in advance and providing full particulars of the proposed temporary street use;
 - b) the issuance of any required building or demolition permits from the City to the applicant;
 - c) the issuance of any permits required by SaskPower, SaskEnergy, SaskTel or local cablevision provider;
 - d) execution of an agreement by the applicant to bear all costs of signing, barricading and restoration of property;

- e) receipt of a fee as established by resolution of Council; and
 - f) satisfying the Director that the temporary street use will not unduly interfere with traffic or endanger public safety.
10. The Director of Public Works & Engineering may suspend or revoke a temporary street use permit where the applicant fails to abide by any conditions as set out in this bylaw or where the temporary street use unduly interferes with traffic or endangers public safety.
11. No person shall place or leave any cord or cable across or upon any public sidewalk.
12. a) No person shall sell upon any street any merchandise, goods or services.
- b) Notwithstanding Clause a), the sale of merchandise on a sidewalk is permitted within the area as outlined in Schedule 'A'. Outdoor merchandising sales may take place from May 15th to September 30th. Merchandise shall be placed adjacent to the storefront, projecting not more than four feet out onto the sidewalk.
13. The solicitation of donations by a not-for-profit agency, occurring on any street, is permitted providing permission has been obtained by a resolution of council.
14. No person shall drive, propel or move any vehicle, tractor or other similar machine having contact with the road surface by motorized metal tracks, including a crawling crane, upon, along or across any paved street without written permission from the Director of Public Works and Engineering.
15. Any person causing damage to a street within the City of North Battleford shall be liable to pay the City for the damage caused.

USE OF PUBLIC AND PRIVATE PROPERTY FOR ADVERTISING

16. No person shall deposit or post any handbills, circulars, cards or other advertising matter whatsoever upon any light or telephone pole, building or other erection located on any street or upon any public property, or private property, including under the windshield wipers of parked vehicles, without prior consent of the owner or occupant of the property.
- a) Notwithstanding Section 17, advertising is permitted where the provisions of any provincial Act or bylaw of the City of North Battleford apply.
17. No person shall throw, cast or distribute in or upon any street or private ground any handbill, circular, card or other advertising matter whatsoever.

18. Notwithstanding Section 17, in a municipal election year, or in the event of a by-election, advertising upon public property by candidates for the office of a member of council or a school division, or their agents, is permitted. Advertising may begin no sooner than the day a candidate's nomination paper is filed and shall be removed from public property immediately following the conclusion of the election. Advertising near a polling area is subject to distance requirements as stated in *The Local Government Election Act*.
19. No person shall deface, damage or destroy any sign or printed notice legally put up on public property within the City.
20. A business shall be permitted one advertising sign on the public sidewalk adjacent to their place of business, during those times they are open for business, and upon completion of an application identified as Schedule 'C'. Advertisements on signs shall be limited to the product or service offered for sale on the premises.
 - a) Signs may consist of two face panels to a maximum of 30 inches (76cm) wide by 36 inches (91cm) tall and shall be constructed as follows:
 - i) All necessary supporting parts will be located inside the dimension of the sign face panels.
 - ii) Signs shall be constructed of good quality material so that they are stable in inclement weather and be painted or otherwise suitably finished to present a clean, professional image.
 - iii) Exterior edges and corners shall be sufficiently smooth so as not to present a hazard to pedestrians.
 - b) Signs shall be placed to create the least possible obstruction to the use of the sidewalk by pedestrians. At the option of the business owner, signs may be placed flush against the building containing the advertised business premises or opposite the business premises adjacent to the nearest curb. Where curb locations are chosen, signs shall be located not less than 18 inches (46 cm) nor more than 20 inches (51 cm) from the face of the curb. No signs shall be located within 25 feet (7.6 m) of a street corner, measured from the intersecting property lines, unless prior approval is obtained from the Director of Public Works and Engineering.
 - c) The Director of Public Works & Engineering may cause the removal of an advertising sign where the applicant fails to abide by the conditions as set out in this bylaw.

REMOVAL AND CLEARING OF SNOW AND ICE ACCUMULATIONS

21. Every occupant or owner of a building abutting on or erected within three metres of a street shall, whenever snow or ice shall accumulate on the roof, eaves or other structures of such building to an extent that a danger is created to persons passing, cause the same to be removed at once and every person while removing the same shall take due and proper care and precaution for the warning and safety of persons passing.
22. A person who has an awning or sign extending from a portion of their premises over a street shall keep the awning or sign free from snow or ice. If water drips from an awning or sign upon a street, the owner or occupant of the premises shall clean the street to prevent ice from forming.
23. No person being the owner or occupant of any premises shall place or allow any water to escape from the premises onto the sidewalk adjacent or adjoining. In the event of water escaping and remaining on the sidewalk in the form of ice, the owner or occupant shall cause the ice to be removed, providing, that in the event of it being impossible to remove the ice without injury to the sidewalk, then the owner or occupant shall be excused from removing the ice and shall cover the ice with sand, ashes or other non-slip material and keep the sidewalk in a fit and proper condition for pedestrians until such time as the ice can be removed.

PENALTIES

24. Any person who contravenes this bylaw shall be guilty of an offence and shall be liable on summary conviction to a fine as cited in the General Penalty Bylaw or to imprisonment for a term of not more than 90 days.
25. Bylaw No. 954 and all amendments thereto are hereby repealed.
26. This bylaw shall take force and come into effect on the day of the final passing thereof.

INTRODUCED AND READ A FIRST TIME THIS 12th DAY OF JULY , A.D. 2004.

READ A SECOND TIME THIS 12th DAY OF JULY, A.D. 2004.

READ A THIRD TIME AND ADOPTED THIS 12th DAY OF JULY, A.D. 2004.

“Julian Sadlowski”
MAYOR

“Elaine J. Kostiuk”
CITY CLERK

Schedule A
Bylaw No. 1739

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>SIDE</u>
100 th	Railway Avenue	14 th Avenue	East and West
101 st	Railway Avenue	14 th Avenue	East and West
102 nd	Railway Avenue	13 th Avenue	East and West
Railway Avenue	100 th Street	102 nd Street	North and South
11 th Avenue	99 th Street	102 nd Street	North and South
12 th Avenue	99 th Street	102 nd Street	North and South
13 th Avenue	100 th Street	102 nd Street	North and South

Schedule B
Bylaw No. 1739

TEMPORARY STREET USE PERMIT

Date: _____

Permit No. _____

Permit Fee: \$20.00

Applicant: _____

Address: _____

Phone: _____

TYPE: _____ Building Encroachment

_____ Street or Alley Closure

_____ Overdimensional Vehicle

_____ Partial Street Closure

_____ Block Party

LOCATION:

Sketch:

Permit valid from : _____ to _____ inclusive.

d/m/y

d/m/y

Hours: _____ to _____

Applicant is to notify the police, fire and ambulance services of the temporary street closure, in writing, and including a photocopy of the permit.

In consideration of the granting of this permit, the applicant agrees to save harmless and keep indemnified the City of North Battleford from all actions, causes of actions, claims and demands whatsoever, which may be made against the City in consequence of the granting of this permit or of anything done thereunder by the applicant, his/her employees or agents, and to pay the city for all damages done to any pavement, sidewalk, curb and gutter or any damage to any property belonging to, or under the control of, the City of North Battleford, while used by the applicant.

Signature of Applicant

Director of Public Works & Engineering

**APPLICATION FOR ADVERTISING SIGN
UPON A PUBLIC SIDEWALK**

The applicant agrees that the placement of an advertising sign on the public sidewalk is entirely at the applicant's own risk and expense. The applicant further agrees to indemnify and save harmless the City of North Battleford, its employees or agents from any and all liability, including any legal or adjusting expense, which may arise directly or indirectly from the placement of an advertising sign on the public sidewalk.

I, _____ on behalf of _____
(officer of business) (company name)

and trading as _____
(business name)

have read and understand the terms, conditions and guidelines set out above and agree, without condition or reservation, to observe the same.

Signature