



## **TOWN OF KENTVILLE BY-LAW CHAPTER 83 STREETS**

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### **1. Authority**

The purpose of this by-law is to define the protection and safe use of streets and highways. Part XII Section 309 (1), Section 310 (1) (2) (3), Section 311 (2) (3) (8), Section 314 (1) (2), Section 317 (1) (2) (3), Section 318 (1) (2) (5) (6), Section 320 and Section 321 of the Municipal Government Act provide municipalities with the power to make bylaws respecting the protection and safe use of streets and highways.

### **2. Interpretation**

In this bylaw:

“Town” means the town of Kentville.

“Town Engineer” means the engineer of the town of Kentville.

“Street” has the meaning given to it in Part XII of the Municipal Government Act.

### **3. General Safety Precautions**

No owner, occupant or manager of any land or building situated adjacent to any street shall,

- i. cause or permit water to flow over the street, except as directed by the Town Engineer.
- ii. allow water to pour, drip or fall onto the street from the roof, eaves or any projection of this building.
- iii. allow a gate or door to be constructed in such a way that it swings open across the sidewalk.
- iv. erect a fence of barbed wire or similar material, along a street.
- v. deposit or permit to accumulate or flow, any sewage, refuse, garbage or other matter onto a street, or into a drain, gutter, sluice or watercourse on a street.
- vi. after having connected with any aperture in any street.
  - i. fail to keep such aperture securely covered or guarded in such a manner, and with such material, as the Town Engineer directs.
  - ii. fail to ensure that this cover or guard is constantly kept on a level with the sidewalk and in good repair.

- iii. fail to ensure that this aperture is kept closed, except when in immediate use, which is restricted to daytime only.
- iv. fail to ensure that this aperture, when opened, is in the charge of some competent person, so as to warn passers-by.

#### **4. Water Safety Precautions**

- a. No owner, occupant or manager of any land or building situated adjacent to any street, shall permit snow, ice or icicles to accumulate on the roof or any portion of the building which overhangs or abuts a sidewalk.
- b. Every person who owns or occupies any land or building situated adjacent to any street in the Commercial C1 Zone or Commercial C2 zones of the town of Kentville, as defined and delimited in the Land Use Bylaw, shall within four hours from the cessation of every fall of snow, clear away all snow, ice, slush or dirt, from that portion of the sidewalk which is adjacent to the side of the street whereon such person's land or building is situated. If this fall of snow has not ceased before 2:00 p.m., then it shall be sufficient if such snow, ice, slush or dirt be cleared away on or before 10:00 a.m. on the following day.

#### **5. Protection of Streets**

- a. No person shall make any opening or excavation in any street or sidewalk, without first obtaining a permit from the Town Engineer. Application shall be in writing, addressed to the Town Engineer, setting forth the nature of the work done.
- b. If there appears to be any likelihood of permanent damage to the streets or other property of the Town, the Town Engineer shall require that a bond be posted in an amount of 110% of the estimated value of the work required to repair such damage.
- c. Subsections 4.4 and 4.5 do not apply to the Town, with the permission of the Town Engineer.
- d. Every person obtaining a permit to make any excavation or opening in, or near any street or sidewalk, shall at night, efficiently 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.

#### **6. Appearance of Streets**

Every owner, occupant or manager of any land or building situated adjacent to any street shall maintain any area of vegetation between the streetline (property line) and the main travelled way, including without limitation, keeping grass cut.

#### **7. Offences and Penalties**

Every person who contravenes any section of this bylaw is guilty of an offence and is liable on conviction, to a penalty or not less than \$250, and if in default of payment, to imprisonment for a term of not more than one year. Every day during

which a contravention of, or failure to comply with this bylaw continues, is a separate offence.

**8. Repeal**

Chapter 10 – Streets Bylaw of the town of Kentville bylaws and any amendments thereto, shall be hereby repealed.

**9. Effective Date**

This bylaw shall be effective upon publication.

**CLERK’S ANNOTATION FOR OFFICIAL BY-LAW BOOK**

Date of first reading:	September 26, 2011
Date of advertisement of Notice of Intent to Consider:	October 4, 2011
Date of second reading:	October 31, 2011
*Date of advertisement of Passage of By-Law:	November 8, 2011
Date of mailing to Minister a certified copy of By-Law:	

I certify that this Streets Bylaw – Chapter 83 was adopted by Council and published as indicated above.



CAO Mark Phillips

\*Effective Date of the By-Law unless otherwise specified in the By-Law