

**VILLAGE OF BOYLE
BYLAW 01-11**

BY- LAW 01-11, BEING A BY-LAW OF THE VILLAGE OF BOYLE IN THE PROVINCE OF ALBERTA TO REGULATE GENERAL PROVISIONS OF CONDUCT AND MAINTENANCE WITHIN AND UPON PUBLIC LANDS

WHEREAS the Village of Boyle has previously passed By-Law #26; and

WHEREAS it is deemed expedient to rescind this by-law; and

WHEREAS under the provisions of the Municipal Government Act, being R.S.A. 1994, Chapter M 26 and amendments

THERETO the Council of the Village of Boyle has the authority to pass by-laws for the peace, order and good government of the municipality.

NOW THEREFORE, the Council of the Village of Boyle, duly assembled, enacts as follows:

1) **THAT** By-Law # 26 is hereby repealed.

2) **DEFINITIONS**

"Boulevard" shall include that portion of the street that is not developed as roadway or sidewalk lying between property line and the curb.

"Council" shall mean the Municipal Council for the Village of Boyle.

"Village" shall mean the Village of Boyle.

"Lane" shall include alley, and any Village utility lot to which the public is permitted access.

"Pedestrian" shall mean a person standing or walking, or a foot passenger, or a person operating a wheelchair.

"Person" shall include a corporation, partnership or firm.

"Public Building" shall include every church, chapel, college, school, convent, hospital, hotel, library, concert hall, or any building used for public resort or entertainment.

"Public Place" shall include any publicly owned park, parkway or square to which the public is permitted access.

"Roadway" shall include that portion of the street intended for vehicular traffic.

"Sidewalk" shall include that portion of the street which is developed and intended for pedestrian traffic.

"Street Intersection" shall mean the whole area situated between the prolongation of the boundary lines of two or more highways which join one another at an angle and whether said highways cross each other or not.

"Vehicle" shall include all motor vehicles and all other carriages or means of conveyance whether propelled by muscular or other motive power, but shall not include children's or invalid's conveyances, private or public maintenance equipment, or cars of electric, steam or diesel railways running only upon rails.

3) **SIDEWALKS AND BOULEVARDS**

No person shall place or leave on or across any part of a Village roadway or sidewalk a cord or cable that is capable of transmitting electrical energy from private property to any part of a Village street where a vehicle may park unless the cord or cable is secured in a manner that has been approved by the Village personnel.

Every owner of any house, building or lot within the Village who shall require to drive any vehicle across any sidewalk or boulevard for the purpose of entering his house, building or lot, shall have cause to be constructed in place of the sidewalk and/or boulevard to be crossed, and of full width thereof, a crossing of concrete, so designed and maintained as to be suitable for pedestrians using the sidewalk and vehicles using the driveway. No construction of such a driveway shall commence unless a permit for the work has first been obtained from the Development Officer of the Village.

Every owner of any house, building, or lot shall maintain the boulevard(s) lying adjacent to their property to a "good public standard" consistent with their neighbouring properties.

No person shall in any way injure any tree, shrub, flower, or grass on any grass plot, street or public place in the Village. Any person guilty of causing injury to any of the above noted may be charged with all costs of repair and/or replacement.

No person shall place, abandon, throw, or cause to be deposited any soil, dirt, mud, gravel, nails, tacks, glass, crockery, barbed or other wire, scrap metal, glass, fecal matter or any substance or thing, on any street, lane or public place in the Village whereby such objects may cause danger, damage, or inconvenience to pedestrians or vehicles using said streets, lanes, or public places, or may cause an unsightly condition.

No person shall place, abandon, throw, or deposit any nails, tacks, glass, crockery, barbed or other wire, scrap metal, glass or crockery, grass clippings, garden refuse, fecal matter, bottle or other container, substance or thing, in any public park, playground, sports ground, arena, or other place of public assembly to which the public may be admitted where such objects may cause danger, damage, or inconvenience to those persons using such places or premises, provided such containers, substances or things may lawfully be left at such places or premises when in waste receptacles or when placed under the control of those in charge of the said places or premises.

If vehicles and equipment normally engaged in excavating and earth moving leave mud, gravel or other materials from the excavation site, or elsewhere, on any Village street in such quantity that removal of the litter by Village crews becomes necessary, then the cost of removal shall be charged to the contractor or person who is in charge of the excavation and earth moving,

No person shall cast, project or throw any stones, or balls of snow, or ice, or other missiles dangerous to the public, in any of the streets, lanes, or public places of the Village.

No person shall paint, chalk, stencil, or mark any advertisement, legend, or sign of any kind whatsoever on any street, lane or pavement in the Village unless so authorized by Council, provided always that duly authorized Village officials may in the discharge of their official duties paint, chalk, stencil or mark any of the said streets, lanes or pavements.

The owner of any land adjoining any street, lane or public place in the Village shall cause all trees, shrubs and bushes which overhang the sidewalk of the street, lane or public place to be properly trimmed and cut back, so as to prevent obstruction on the sidewalk, street, lane or public place to pedestrians or vehicles.

Any person placing or causing any obstruction to be placed in or upon any street, lane or public place contrary to the provisions of this by-law shall remove or cause the removal of such obstruction within twenty-four (24) hours after being notified so to do by the Village.

After the expiration of the said twenty-four (24) hours, the Village personnel shall remove or cause the removal of such obstructions, and such removal shall be at the expense of the said person causing or placing such obstruction on any street, lane or public place and the expense may be recovered in the same manner as any fine imposed for any breach of this By-law.

No person shall sell or offer for sale any article, substance or thing from a vehicle or stand parked on a roadway or in any location not permitted by the By-laws of the Village.

4) ENCROACHMENTS

No owner of any house, building, shed, fence, or structure of any kind shall allow the same or any part to encroach on or remain upon or over any of the streets, lanes, or other public property vested in or belonging to the Village or over which the Village has control unless authority has been granted pursuant to an encroachment agreement with the Village.

No owner of any premises shall allow any gate of such premises to swing or project over any street, lane or public place in the Village.

5) EXCAVATIONS

No person, except the duly authorized officers or employees of the Village shall break, tear or remove any planking, pavement, sidewalk, curbing, concrete, cement or other road surface, nor make any excavation in or under any street, lane or public place in the Village, except as by the by-laws of the Village provided, without first having obtained authorization to do so from the Council or such other officials of the Village having authority to grant such approval; and such authorization being granted, the work shall be done under the direction of the Superintendent of Public Works, Recreation & Utilities, and shall under the same direction be replaced, relayed and made good by the parties interested in such work, and such removal shall not be allowed to continue any longer than is absolutely necessary, or beyond the time limit of the authorization.

Where a person or persons is or are engaged in any of the aforesaid works on, in or under any street, lane or public place, he or they shall be held responsible for any and all accidents or damages that may occur to any person or property by reason thereof, and shall keep and maintain such lights or watchmen, and shall take such further care and precaution as may be necessary for the protection and safety of the public, which shall at least include a light at each separate opening, and a light for each twenty feet or part of twenty feet in length of any and every excavation on or opening in the street, lane or public place.

Every person who makes any excavations or opening in any place to which the public has access shall place protective fences or barricades around such openings or excavation, sufficiently light the same and take such precautions as may be necessary in the opinion of the Superintendent of Public Works, Recreation & Utilities, or his representative, to ensure the protection and safety of the public.

No person shall plow, dig up, take, carry away or in any way interfere with any earth, gravel, sand, turf, soil or grass on any street, lane or public place in the Village, or from any vacant lot belonging to the Village, without first having obtained permission in writing from the Council or other official of the Village having authority to grant such permission.

6) SNOW, ICE AND DUST

Within a period of approximately seventy-two (72) hours after the end of a rainfall or snowfall that has left the streets covered with snow or ice, the owner of every business premise or owner of vacant business premises lying within areas zoned as C-1, C-2 or C3

Commercial or I Institutional, with any portion of the premises abutting a Village sidewalk shall, by removing the snow and/or ice, make the portion of the public sidewalk on the front and flank of his property safe for pedestrians. The foregoing shall not be construed to relieve pedestrians from the duty of due care.

Within a period of approximately seventy-two (72) hours after the end of a rainfall or snowfall that has left the streets covered with snow or ice, the owner of every premise or owner of vacant business premises lying within areas not zoned as C-1, C-2, or C3 Commercial or I Institutional, with any portion of the premises abutting a Village sidewalk shall, by removing the snow and/or ice, make the portion of the public sidewalk on the front and flank of his property safe for pedestrians. The foregoing shall not be construed to relieve pedestrians from the duty of due care.

When the By-Law Enforcement Officer or Superintendent of Public Works, Utilities & Recreation considers that an owner or occupant of business premises has failed to meet the requirements of this Section, then the owner or occupant shall be advised that failing immediate improvement of the sidewalk condition, the Village shall have the authority to see that the necessary work is undertaken and will charge the cost thereof to the owner or occupant of the abutting property; or will charge the cost thereof to the abutting property as a special assessment to be recovered in like manner as and with other taxes.

Every occupant, and in case there is no occupant, the owner of every house, shop, building, church or chapel shall, whenever snow or ice shall accumulate on the roof or eaves of such building, to an extent that shall be dangerous 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.

No person shall place or permit to be placed, any dirt, debris, or any other material removed from the highway or other public places within the Village, onto another highway or other public places within the Village, or onto private property other than their own.

In the course of clearing snow or ice from the public sidewalks only the snow or ice from the public sidewalk may be placed within the road right of way, and no person shall place or cause to be placed any snow or ice which has fallen on private property on to the developed portion of any roadway or sidewalk.

No person shall cause any injury to any sidewalk in the Village by striking, picking or cutting the same with any shovel, pick, snow bar or other metal instrument or by placing any chemical which may adversely affect the sidewalk, whether such person is engaged in removing snow or ice from such sidewalk or not.

The owners or occupants of any premises fronting or adjoining on any sidewalk shall sweep or clean the same or cause them to be swept or cleaned, subject to the following regulations:

Person so sweeping or cleaning sidewalks shall cease operations whenever any pedestrian is passing, and shall not sweep any dust, dirt or other material upon or directly in front of any pedestrian.

7) **MISCELLANEOUS**

No person shall leave any food or merchandise cart within any street right-of-way.

No owner or possessor of any animal which has died shall allow the same to lie on any street, lane or public place in the Village, and in case of such animal shall have died on any street, lane or public place, such owner or possessor, as the case may be, shall at once cause the carcass to be removed and suitably disposed of

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No person shall climb, cut, break, tear down or interfere with any telephone, signal service, fire alarm, or electric wire or pole within the Village or break, tear down or interfere with any of the lamps, lamp posts, towers or poles connected with any electric light works, gas works, or any other work connected with the lighting, telephone, transit, signal service or fire protection systems of the Village, in or upon any of the streets, lanes or public places thereof; provided always that duly authorized officials may in the discharge of their official duties take down and re-erect any of the said telephone, transit, signal service, fire alarm or electric wires, poles, posts or towers or any of them.

8) PENALTIES FOR CONTRAVENTION

Penalties for contravention of this by-law as per Fee Policy 00-20

READ FOR A FIRST TIME THIS 16TH DAY OF FEBRUARY, A.D. 2011.

DON RADMANOVICH – MAYOR

ELLY ZEGGELAAR – ACTING CAO

READ FOR A SECOND TIME THIS 16TH DAY OF FEBRUARY, A.D. 2011.

DON RADMANOVICH – MAYOR

ELLY ZEGGELAAR – ACTING CAO

READ FOR A THIRD AND FINAL TIME BY UNANIMOUS CONSENT THIS 16TH DAY OF FEBRUARY, A.D. 2011.

DON RADMANOVICH – MAYOR

ELLY ZEGGELAAR – ACTING CAO

This bylaw shall have effect on the day it receives the final reading by council.