

TOWN OF THE PAS

BY-LAW NO. 4576

**BEING A BY-LAW OF THE TOWN OF THE PAS PERTAINING TO THE
REGULATION AND CLEANING OF STREETS AND SIDEWALKS AND TO
REPEAL BY-LAW NO. 4512.**

WHEREAS Section 232(1) of the Municipal Act provides:

The Council may pass by-laws for municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people and the safety and protection of property.
- (b) people, activities and things in, or near a public place, or place open to the public, including parks, municipal roads, recreation centers, restaurants, facilities, retail stores, malls and private clubs and facilities that are exempt from municipal taxation;
- (c) subject to Section 233, activities or things in or on private property.

WHEREAS Section 233(d) of the Municipal Act provides:

A by-law under clause 232(1)(c)(activities or things in or on private property) may contain provisions only in respect of:

- (a) Requirement that land and improvements be kept and maintained in a safe and clean condition;
- (d) activities or things that in the opinion of the council are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes and vibrations.
- (f) property adjacent to highways or municipal roads, whether the property is publicly or privately owned:

AND WHEREAS it is deemed expedient and in the public's interest to establish, continue, and maintain the regulations and cleaning of streets and sidewalks.

NOW THEREFORE BE IT ENACTED as a By-Law of The Town of The Pas, and
IT IS HEREBY ENACTED as follows:

PART 1

1. This by-law shall be referred to as the Regulation/Cleaning of Streets/Sidewalks.

PART 2

2. Definitions:

- (a) **"Basement Excavation"** means any excavation on private property for which a building permit has been issued by The Town of The Pas;
- (b) **"Boulevard"** means that portion of a street between the curb line or roadway and the adjoining property line exclusive of the sidewalk and any portion of a street not constructed for the movement of traffic;

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- (c) **“Town”** means The Town of The Pas;
- (d) **“Town Limits”** means territorial limits of The Town of The Pas;
- (e) **“Council”** means the Council of The Town of The Pas;
- (f) **“Granular Fill”** means granular material meeting the following requirements: passing 2” sieve 100%, passing No. 4 sieve 25-80%, passing No. 200 sieve 5-20%, crushing not required;
- (g) **“Oiled Surface”** means any roadway surface treated with and improved by a dust reducing agent;
- (h) **“Owner”** means the registered owner of the land and premises and includes the person:
 - i) for the time being managing or receiving the rent of the land or premises in connection with which the word “owner” is used, whether on his own account or as agent or trustee or any other person, or
 - ii) who would so receive the rent if such land and premises were let, or
 - iii) vendor of such land under an agreement for sale who has paid any land taxes thereon after the effective date of the agreement, or
 - iv) the person for the time being receiving installments of the purchase price of the land or premises in connection with which the word “owner” is used, sold under an agreement for sale whether on his own account or as an agent or trustee of any other person or
 - v) who would so receive the installments of the purchase price if such land or premises were sold under an agreement for sale.
- (i) **“Paved Surface”** means any roadway, approach, or sidewalk constructed of concrete or asphalt;
- (j) **“Person”** means any individual, agent, partnership, firm, company, proprietorship, association, society, corporation or group;
- (k) **“Private Approach or Approach”** means that portion of a sidewalk and boulevard lawfully improved and designed for the passage of vehicle traffic from the roadway to the property line, installed and maintained for the use of benefit of the owner of the property adjoining or connected thereto;
- (l) **“Private Walk”** means a pedestrian crossing, from the sidewalk in front of an owner’s property, or the property itself, across the boulevard to the nearest curb or roadway in a street for the use or benefit of the owner of the property adjoining or connected thereto;
- (m) **“Roadway”** means that portion of a street other than an approach which is delineated and intended for the movement or parking of those vehicles permitted thereon by the Highway Traffic Act;

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- (n) **“Sidewalk”** means that portion of a street which is delineated and intended for use by pedestrian traffic;
- (o) **“Street”** includes a highway, public lane, park, square, bridge, wharf thoroughfare, right-of-way, or any part thereof, measured from property line to property line.
- (p) **“Unpaved Surface”** means any roadway, approach or sidewalk surface not consisting of asphalt or concrete pavement;
- (q) **“Vehicle”** includes an automobile, bus, truck, tractor powered by an engine in excess of 15 H.P., trailer, motorcycle, motor scooter, go-cart, all-terrain vehicle, snowmobile, power toboggan, air cushion vehicle and any vehicle drawn, propelled or driven by any kind of power including muscular power but does not include a lawn mower, snow blower, shopping cart or wheel chair, or riding vehicle designed for the use of children.

PART 3 - VEHICLES NOT TO DEPOSIT EARTH, ETC. ON STREETS

- 3. No person hauling earth, stone or other substance in a street shall so load his vehicles or so drive the same as to permit or cause the contents thereof to fall, spill or be deposited on a street;
- 4. No person in charge of a vehicle shall bring the vehicle or permit it to be brought onto a street unless there has been removed from the wheels as completely as is reasonable practicable, all mud, clay, lime and similar material or any fertilizer or manure, which is likely, if not removed, to cause an obstruction or dangerous condition or nuisance in any street or to cause injury other surface of the street
- 5. The Town may cause to be removed any mud, clay or other material deposited on a street contrary to this section at the expense of the person causing or permitting the same and such person shall pay the cost such removal to the Town and shall also be liable to the penalties hereinafter provided.

PART 4 - MAINTENANCE OF BOULEVARDS

- 6. Each owner of property shall maintain the boulevards on the street or streets adjoining his property in a condition satisfactory to the Town;
- 7. Where any owner fails to maintain a boulevard, the Town after giving seven (7) days written notice to that owner requiring him to remedy his default may cause such work to be done as is necessary to maintain the boulevard property; and may recover the cost of the work done from such owner;

PART 5 - BOULEVARDS

- 8. Boulevards adjoining paved streets shall be grassed, sodded or seeded by the owner of the property adjoining the boulevard within one year after the installation of the pavement.

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9. No persons shall plant trees in the boulevard without first obtaining a permit from the Town.
10. Permits will only be granted for tree planting provided:
 - a) trees of a type that are approved by the Town
 - b) trees are planted and spaced as directed by the Town and;
 - c) the trees are maintained at the expense of and by the owner of the premises or property abutting the boulevard.
11. No person, other than Town employees in the cause of his duty shall drive a vehicle on any boulevard or grass plot on a street, park or public place unless otherwise permitted in writing by the Town.

PART 6 - SIDEWALKS

12. No person, other than an employee of the Town in the cause of his duty shall drive, back a vehicle on, across, or along a sidewalk or curb at any place other than an authorized crossing unless otherwise permitted in writing by the Municipal Superintendent.
13. The owner of a business premise or property which has sidewalks adjoining his premises shall thoroughly remove the snow and ice from the sidewalks adjoining his premises as quickly as is reasonable in a particular situation.
14. The owner of a business premise or property which has sidewalks adjoining his premises shall thoroughly sweep all dust and accumulated rubbish from the sidewalk adjoining his premises as quickly as is reasonable in a particular situation.

REGULATIONS PERTAINING TO 13, 14, 14 AND 16:

- a) The Town will inspect as required to determine the areas that require snow removal by the Town.
- b) The Town will have snow removed from areas not cleared by owners or occupied businesses and in front and adjacent to vacant lots as time permits.
- c) The Town will maintain a record of all snow removal carried out specifying time, address and number of hours required to complete the job to enable billing to the appropriate owner.

PART 7- MISCELLANEOUS

17. No person shall move snow, ice, grass or leaves onto Town property, sidewalks, streets, back lanes, highways or boulevard surfaces unless permission has first been given in writing by the Municipal Superintendent and then only onto a designated location. At no time shall a person move snow, ice, grass or leaves onto neighboring properties.
18. No person shall wash concrete mixers, or flush concrete transit mixers on to Town property or cause the washing from the mixers to be deposited on Town property.
19. No person shall do any work or constructing or repairing except small emergency repairs or supply and service to a vehicle or any part thereof on a street.

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PART 8 - EASEMENT EXCAVATIONS, AUGER PILE HOLES OR DIG TRENCHES FOR ANY BUILDING OR OTHER STRUCTURE

20. Where a building permit has been granted:
- a) All excavated material shall be contained within the boundaries of the lots for which the building has been granted;
 - b) The water service box and marker shall not be covered or disturbed;
 - c) Ingress to and egress from the said lot shall be made in the place designated in the building permit;
 - d) All foreign material shall be removed from the wheels or vehicles before they are brought onto the streets;
 - e) Sidewalks and boulevards shall not be disturbed.

PART 9 - PENALTIES

21. Any person violating any of the provisions of this by-law shall be liable to a fine not exceeding one thousand dollars (\$1,000.00), refer to the Town of The Pas Provincial Offences Act By-Law No. 4572.

Furthermore every person violating any of the provisions of this by-law is liable to the Town for any expenses, loss or damage incurred by the Town by reason of such violation and such cost along with the fine may be charged against the property owner and treated and collected as taxes levied against the property.

22. Where the contravention, neglect, omission or failure continues for more than one (1) day, the person is guilty of a separate offence for each day it continues
24. This by-law shall come into force upon the passing thereof.
25. By-law No. 4512 is hereby repealed.

DONE AND PASSED IN COUNCIL ASSEMBLED THIS 23 DAY OF April A.D. 2018.



Mayor



Assistant C.A.O.

CERTIFIED THAT BY-LAW NO. 4576 WAS:

READ A FIRST TIME THIS 9th DAY OF April A.D. 2018.

READ A SECOND TIME THIS 23rd DAY OF April A.D. 2018.

READ A THIRD TIME THIS 23rd DAY OF April A.D. 2018.



Assistant C.A.O.