

TOWN OF ANNAPOLIS ROYAL
STREETS AND SIDEWALKS BY-LAW

1. This Bylaw is entitled the "Town Streets and Sidewalks By-law". This By-law applies only to streets, sidewalks, and other property owned by the Town and to activities or conditions affecting such Town streets, sidewalks, and property. It is intended to be applied together with the Town's Land Use By-law.
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3. **Definitions**

In this By-law:

 1. "abutter" means the owner, lessee or occupier of any premises or lot in the Town which abuts a Town street, and where the premises or lot has been registered as a condominium under the *Condominium Property Act*, includes the condominium corporation which manages the premises or lot;
 2. "crosswalk" means that portion of a Town roadway ordinarily included within the prolongation or connection of curb lines or the edge of a roadway and property lines at intersections or any portion of a roadway clearly indicated for pedestrian crossings by lines or other markings on the road surface;
 3. "Regional Director of Public Works" (RDPW) means the individual appointed as the Regional Head of Public Works for the Town of Annapolis Royal and includes a person acting under the supervision, and direction of the RDPW;
 4. "roadway" means that portion of a Town street between the curb lines or the traveled portion of a street designed for vehicular traffic and, except where the context indicates otherwise, includes a crosswalk;
 5. "sidewalk" means that portion of a Town street between the curb line and adjacent property line or any part of the street especially set aside for pedestrian travel and separated from the roadway;
 6. "street" means a Town street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith and, without restricting the generality of the foregoing, includes the full right-of-way width;

7. "Town" means the Town of Annapolis Royal;
8. "Town infrastructure" includes infrastructure that supports the provision of Town services as well as water services, and without restricting the generality of the foregoing includes public trees, street lighting, traffic lights, traffic signs and other Town signs;
9. "Town sewer or water system" means a sewer or water system owned and operated by the Town or by a water utility owned by the Town;
10. "utility" includes any person or corporation that provides water, electric power, telecommunications service, natural gas or other gas intended for use as fuel to the public, except a water utility owned by the Town;
11. "utility facilities" includes any pole, pole lines (including braces and anchors), aerial cables, manholes, conduits, underground cables, pipes for the carriage of gas or liquids, and associated apparatus for the provision of utility services, including amplifiers, connection panels, transformers, valves and other fittings or equipment.

4. **CUTS AND EXCAVATIONS**

1. No person shall install a culvert in any street right of way or cut into or excavate any part of a sidewalk, curb or street within the Town without first applying to the RDPW for-permission to do so and hereafter obtaining-permission by way of a Street Excavation Permit;
2. The RDPW shall be responsible for supplying application forms for Street Excavation Permits and for signing Street Execution Permits, on behalf of the Town Council.
3. The fee for a Street Excavation Permit shall be defined in the "Fees and Fines Policy".

5. SECURITY

1. Every applicant for a Street Excavation Permit shall, as part of the application, sign an Undertaking acknowledging responsibility for costs associated with the respective project. This includes costs related to completion of the project by the Town of Annapolis Royal should this become necessary due to delay or substandard work.
2. Every applicant carrying out work pursuant to a Street Excavation Permit shall be responsible for maintaining his or her own insurance liability coverage and shall be responsible for fulfilling all safety requirements so as to give notice to the traveling public of such excavation, including, but not limited to barricades, signage, lighting, road signalers etc.

5. TEMPORARY CLOSING OF STREETS

1. Notwithstanding Town Council's right to close any street or part thereof, the Regional Director of Public Works, may temporarily close any street or part thereof while work related to the Public Works function is being done thereon.
2. No person shall travel on any portion of a street which has been temporarily closed.

6. MOVING BUILDING ON STREETS

1. No person shall move a building over or along a public street in the Town without first applying to the Town Council for permission to do so and thereafter obtaining permission by way of a Street Transport Permit;
2. The applicant shall submit in writing all information required by the RDPW to safely move a building over or along a public Street. The RDPW shall be responsible for the relevant Street Transport Permits and for signing Street Transport Permits, on behalf of the Town Council, once permission to issue such a Permit has been given by a positive motion from Town Council;
3. The fee for a Street Transport Permit shall be defined in the "Fees and Fines Policy"

8. REMOVAL OF SNOW

1. Occupiers, owners, or persons in charge of houses, stores, lots, and pieces of land situate on that portion of St. George Street in the Town extending northerly from and including the property at 324 St George Street on the one side and from the Town Hall Building at 285 St George Street on the other side to the Town Wharf, shall, after every snowfall, clear away the snow from the sidewalks adjoining their respective properties as follows:
2. When the snow ceases falling during the day within four (4) hours after it has ceased falling; and
3. When the snow ceases falling during the night, within four hours after daylight on the following day.

9. PARTICULAR ENCROACHMENTS

1. When any part of a street or other Town property has been built upon, the encroachment may be authorized to continue upon obtaining an Encroachment Permit.
2. Application for an Encroachment Lease shall be made to the RDPW and the RDPW may issue such permit upon determination by the RDPW that the encroachment was made in error;
 1. payment of a permit fee as defined in the "Fees and Fines Policy";
 2. submission of an application in writing, on such form as may be specified by the RDPW from time to time, and signed by the person applying therefore;
 3. determination by the RDPW that the encroachment does not significantly impede pedestrian or wheelchair traffic on a sidewalk or vehicular traffic on a roadway;
 4. determination by the Traffic Authority that the encroachment does not pose a traffic hazard having regard to sight lines or otherwise;
 5. provision of an acknowledgement that the permission of the town to encroach may be withdrawn without payment of any compensation.
3. Notwithstanding the issuance of an Encroachment Permit, no person shall permit or cause a further or renewed encroachment once the original encroaching structure is demolished, destroyed or removed to the extent of 75% or more.
4. Notwithstanding sections 9.1 to 9.3, Council may by Agreement, authorize an encroachment or the continuation of an encroachment upon, under or over a street for such period of time and upon at least one of the following conditions:

1. To provide for wheelchair access in accordance with the National Building Code of Canada
 2. To alleviate an existing or future problem relating to access to Town infrastructure
 3. To provide access to Town infrastructure
 4. To improve pedestrian or vehicular flow
 5. To replace an existing structure
5. Sections 9.1 to 9.4 do not apply to utility facilities.

10. SIDEWALK CAFES AND RESTAURANTS

1. The Town may enter into leases, containing such terms and conditions as it deems appropriate, for the seasonal or temporary use of a sidewalk or other suitable Town property as a sidewalk cafe or restaurant. Nothing in this section limits any other authority of Council or the Chief Administrative Officer to make leases of other Town property.

11. VEGETATION IN STREET RIGHT-OF-WAY

1. Except in areas designated by Council resolution as exempt from this requirement, abutters shall maintain any grass between the curb and a sidewalk abutting their property, except in areas designated by Council's resolution as exempt from this requirement including:
 1. clipping, cutting, or mowing the grass to a height of not greater than 8 cm;
 2. raking and renewing grass as necessary in order to maintain a neat and tidy appearance; and
 3. collecting and removing litter or waste.

12. ENCROACHING VEGETATION

1. Abutters shall trim the branches of trees, hedges, bushes, or other shrubbery which encroaches from the abutting property over a street so as to prevent such tree, hedge, bush, or other shrubbery:
 1. from interfering with pedestrian traffic on a sidewalk;
 2. from interfering with, or affecting the-sight lines of-any person on a bicycle or in a motor vehicle travelling on the roadway, from the ground up to a minimum height of 2.25 meters; or
 3. from interfering with any structure on or in a street.

13. PENALTIES

1. Any person who contravenes any provision of this By-law is punishable on summary conviction by a fine as defined in the Town's "Fee and Fines Policy".
2. Any person who contravenes any provision of this By-law and who is given notice of the contravention may pay to the Town, at the place specified in the notice, 50% of the minimum fine specified, pursuant to the Town's Payment in Lieu of Prosecution Policy within 14 days of the date of the notice and shall thereby avoid prosecution for that contravention.

14. REPEAL

1. A bylaw titled Streets and Sidewalks, signed November 01, 2004 is hereby repealed.

EFFECTIVE DATE

1. This Bylaw shall be effective date of publishing.

This is to certify that the foregoing is a true copy of a bylaw passed at a duly convened meeting of the Council of the Town of Annapolis Royal, held the 15th day of February, 2023.

Given under the hand of the Mayor and Chief Administrative Officer and the seal of the Town of Annapolis Royal this 14th day of March 2023.


Amery Boyer, Mayor
Sandi Millett-Campbell, CAO

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