

BY-LAW 501
A BY-LAW RELATING TO STREETS, SIDEWALKS,
AND PUBLIC SPACES
IN THE TOWN OF OROMOCTO

The Council of the Town of Oromocto, under the authority vested in it by *Section 91 and Section 186 of the Municipalities Act and Section 113 and 203 of the Motor Vehicle Act*, enacts as follows:

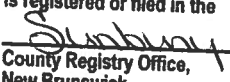
PURPOSE AND INTENT

1. To provide for and control the construction, maintenance, care and activities occurring on all streets, sidewalks and public spaces within the Town of Oromocto.


DEFINITIONS

2. In this By-Law:

- (1) Words which are defined in *Section 1 of the Motor Vehicle Act, R.S.N.B 1973. C. M-17* and amendments thereto, have the meaning as so defined.
- (2) "Chief of Police" means the officer in charge of the Town of Oromocto Detachment of the Royal Canadian Mounted Police.
- (3) "Debris" means any dirt, offal or any rotten or offensive substance, or any broken glass, stone, brick, rubbish, iron, bark, timber, lumber, ashes, twigs, goods or articles.
- (4) "Loitering" means being dilatory, to stand idly around, to linger, to lie or wander about, to remain, abide, or tarry in a public place with no apparent reason.
- (5) "Motorized Recreational Vehicle" means any self-propelled wheeled and/or tracked vehicle; inclusive of but not limited to a snowmobile or an all-terrain vehicle (ATV) or a motorized cycle.
- (6) "Parking lot" includes any public parking place or other public places or areas set aside, designated or intended for the parking and standing of vehicles.
- (7) "Public Space" means land, other than streets owned by the Town, for recreational or other use or enjoyment of the general public, such as conservation areas, parks or playgrounds, greenbelts, wooded areas and buffers as well as areas reserved for public utilities.
- (8) "Personal Mobility Device" means a device that can be driven by muscular power or other types of power and are designed for and used by people whose mobility is limited by one or more conditions or functional impairments.
- (9) "Town Engineer" means the person in charge of the Town's Engineering and Public Works Department or his delegate.
- (10) "Sidewalk" means the area adjacent to a street and roughly parallel therewith, designed and improved by concrete, asphalt or other surfacing for the passage of pedestrians, and includes any public footpath or pedestrian trail not adjacent to a street.
- (11) "Street" means the entire width between the right-of-way boundary lines of every highway, road, lane, alley, park, trail, parking lot or school yard and includes bridges, or overpasses thereon.
- (12) "Town" means the Town of Oromocto.

I certify that this Instrument
is registered or filed in the

County Registry Office,
New Brunswick

J'atteste que cet instrument est
enregistré ou déposé au bureau
de l'enregistrement du comté de
Nouveau-Brunswick

March 26, 2014 14:45 33799231
date/date time/heure number/numéro

Registrar-Conservateur

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- (13) "Truck" means every commercial vehicle of 4500 kg or greater vehicle weight designed, used or maintained primarily for the transportation of property.

GENERAL

3. (1) No person shall drive, move, stop, park or place any motor vehicle, motorized recreational vehicle, machine, structure or object upon any seeded or grassed area within the boundaries of the right-of-way of any street, or upon any seeded or grassed area within any public park or any other public open space in the Town, except by the permission in writing of the Town or as detailed elsewhere in this By-Law.
- (2) No person shall drive or park a vehicle upon a footpath or sidewalk except for the purpose of directly crossing such footpath or sidewalk at an approved entrance, except the following:
- (a) Emergency vehicles;
 - (b) Town maintenance vehicles; or
 - (c) persons requiring the use of a personal mobility device.

CLOSING OF STREETS

4. (1) The Town Engineer may by order, or by erecting a fence or barricade, close any street, public ground or public place, or any pavement, sidewalk or crossing for such time as may be necessary for the protection of same, or to guard against the possible loss of life, or damage to property or to make repairs, alterations and improvements.
- (2) No person shall remove, mark or deface any placard, fence, sign or barricade erected or placed by authority of the Town Engineer, the Town Council, or by another official of the Town.
- (3) Any person who uses any street, lane, public ground or public place, or any pavement, sidewalk, trail or crossing by walking thereon, or driving any vehicle thereon while the same is fenced or barricaded, or while an order of the Town Engineer for closing the same is in force, is guilty of an offence under this By-Law.

CONSTRUCTION AND EXCAVATION

5. (1) No person shall dig or make any excavation or remove any stone, gravel, sods, sand or earth from any street, road, highway or other Town property without the permission of the Town Engineer.
- (2) No person shall obstruct, encumber, injure or foul any street with anything whatsoever; excepting however, that a portion of the width of the street may be occupied by any person with materials during the time he may be bona fide engaged in the erection or maintenance of any building, and his building permit has been so annotated by the Town's Building Inspector.
- (3) No person shall excavate, trench, dig or make any opening in any street or sidewalk without first having obtained permission from the Town Engineer; all work in connection with such opening or excavation shall be done to the satisfaction of the Town Engineer. All such openings or excavating shall be visibly marked to all the users of the street or sidewalk and restored to as good a condition as the same was in before such work was commenced.

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- (4) When any sidewalk has been broken or otherwise damaged in consequence of the erection of any building, or any repairs to a building, or from any other cause, the Town Engineer may serve notice in writing upon the owner of the building, or the person causing such injury, requiring him to repair such injury within forty-eight hours from service of such notice; and if the owner or such person fails to make repairs within such time, the Town Engineer may cause the same to be done at the expense of the owner or such person; and the cost thereof may be recovered by the Town by ordinary action, in any court of competent jurisdiction.
- (5) No person other than a Town employee or agent shall remove or attempt to remove, dig up, cut down, destroy or in any manner damage or injure any trees in or upon any public streets or grounds.

ACCESS TO STREETS

6. (1) Access to street shall be subject to the approval of the Town Engineer.
- (2) No person shall permit any change to the driveway opening at the curb without the approval of the Town Engineer.
- (3) The minimum and maximum widths of a driveway opening at the curb shall be prescribed by the Town Engineer.

DEBRIS DISPOSAL

7. (1) No person shall litter a highway. (*Section 203(2) Motor Vehicle Act*)
- (2) Except when authorized by the Town, no person shall put or place, or cause to be put or placed upon any of the streets, open plots of ground, or upon any part of the bank of a watercourse, any debris.
- (3) No person shall deposit, throw or sweep into or upon any street, or open plot of ground within the Town, any debris, nor shall any person dump, push or place snow or ice upon a path, a sidewalk or the traveled portion of a street.
- (4) The owner of any such articles or offensive substances, or the person who placed the same as aforesaid shall remove the same forthwith when directed so to do by the Town Engineer or Chief of Police, and any person who refuses so to do is guilty of an offense, and is liable to the Town for the cost of removing same.
- (5) No person shall wash or clean any vehicle on any street.

HEAVY TRANSPORT/TRAFFIC

8. (1) Vehicles operating on Town streets are restricted to the current maximum load weights established by the Province of New Brunswick for either Highway 102 or Highway 660 whichever is the lesser.
- (2) No person shall move or drag any building or other object, which, by reason, of its weight or size may cause damage to the streets or to the structures therein and thereon, along or across any street in the Town, except in accordance with a special permit as follows:
 - (a) The special permit shall be in writing, and shall be issued by the Chief of Police when concurred with by the Town Engineer.

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- (b) The special permit shall designate the hours within which any such building or object may be moved, and the route along which it may be moved.
- (3) No person shall use any heavy tracked or wheeled equipment on any paved or concrete street, which is liable to cause damage to such street, unless permission has first been secured from the Town Engineer.
- (4) No person, except when authorized by the Town Engineer, shall dump, deposit or move any heavy articles upon any concrete or asphalt sidewalk, or other sidewalk of a permanent nature unless the surface and sides or edges of such sidewalks have first been suitably protected.

COMMERCE

- 9. (1) No person shall distribute any handbills, posters, picketed signs or other papers by scattering or erecting the same on any streets, or by posting the same on any pole, building, fence, structure or grassed area on any street.
- (2) No person shall place upon any street for sale or display goods, wares or merchandise.
- (3) No person shall, without the approval of Council, temporarily or otherwise, sell, offer for sale, display, place for display or sale, solicit or receive orders for goods, wares, merchandise, food, foodstuffs, beverages, or confectionary of any kind or description on, over or upon any public street or public parking lot by way of or from a vehicle, trailer, structure or any other device, facility or by any other means whatsoever.

PEDESTRIAN OBSTRUCTION AND LOITERING

- 10. (1) No pedestrian shall walk, roller blade, skateboard, bicycle, ski, run or race on any sidewalk in such a manner so as to crowd or jostle any other person, or so as to create any discomfort, disturbance or confusion.
- (2) No person shall stand or play in or upon, use or occupy any public street, sidewalk, trail, square, way or passage so as to obstruct, hinder or impede the free passage of the public thereon. Such an action is deemed to be loitering and such person(s) may be dispersed by an order of the Police Officer or charged under the authority of *Section 91.1(1) of the Municipalities Act*.
- (3) Notwithstanding anything in this section, no baby carriage, child's tricycle or cart shall be left unattended on any street or sidewalk.

PENALTIES

- 11. Any person who fails to comply with any provision of this By-Law, unless otherwise provided in the By-Law, is guilty of an offence and is voluntarily liable to, or upon summary conviction is liable to, a fine as specified either in the *Motor Vehicle Act*, where that Act is contravened, or as specified below.
 - (1) Every person charged with an offence may on or before the date a charge pertaining to the offence has been laid in Provincial Court, make a voluntary payment of eighty dollars (\$80) to the Town of Oromocto:
 - (a) in person at the Service Centre Counter, Oromocto Municipal Building, 4 Doyle Drive, Oromocto, NB; or

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- (b) by mail to: Town of Oromocto, 4 Doyle Drive, Oromocto, NB, E2V 2V3, "Attention Service Centre Counter", by cheque or money order only, payable to the Town of Oromocto;

at which time the ticket or ticket number shall be surrendered to the Town of Oromocto and such payment shall be deemed payment in full; or

- (2) if the voluntary payment set out in subsection (1) has not been received on or before the date a charge pertaining to the offence has been laid in Provincial Court, the person charged with the offence may make a voluntary payment of \$100.00 (one hundred dollars):

- (a) in person at the Burton Court House, 23 Route 102 Highway, Burton, NB, by cash or certified cheque or money order payable to the Minister of Finance; or

- (b) by mail to: Burton Court House, PO Box 94, Oromocto, NB, E2V 2G4, "Attention Provincial Court", by certified cheque or money order only, payable to the Minister of Finance;

at which time the ticket or ticket number shall be surrendered to the Provincial Court and such payment shall be deemed payment in full; or


- (3) if the voluntary payments set out in subsections (1) and (2) above have not been received on or before the hearing scheduled for entering of a plea before the Provincial Court, the person is liable on summary conviction to a fine punishable under Part II of the *Provincial Offences Procedure Act* as a Category "B" offence.


12. By-Law # 319 is hereby repealed.

READ FIRST TIME BY TITLE ONLY: 17 APRIL 2014

READ SECOND TIME IN ITS ENTIRETY: 22 MAY 2014

READ THIRD TIME BY TITLE ONLY FOR ENACTMENT: 22 MAY 2014


Richard E. Isabelle
Chief Administrative Officer/Clerk


Robert E. Powell
Mayor

