



Streets and Sidewalks Bylaw

Title

1. This bylaw is entitled the “Streets and Sidewalks Bylaw.”

Definitions

2. For the purposes of this bylaw, the following definitions shall apply:
 - a. “Abutter” means the owner, lessee, or occupier of any premises or lot in the Town that has a common boundary with a Town street, or has been registered as a condominium under the *Condominium Property Act*, including the property management corporation.
 - b. “Crosswalk” means a portion of a roadway clearly indicated for pedestrian crossing by lines, signage, or other markings on the surface.
 - c. “Manager” means the Manager of Public Works and Transportation
 - d. “Roadway” means a portion of a street that is designed or used for vehicle travel, between the curbs or the edges of the road. It does not include sidewalks, shoulders, or boulevards.
 - e. “Sidewalk” means the part of a street or roadway set aside for pedestrians, usually paved or concrete and located between a property line and the curb. This does not include multi-use pathways intended to be shared for various forms of active transportation.
 - f. “Street” means any public road, highway, land, sidewalk, bridge, or other area the Town maintains for public travel. It includes everything within the street right-of-way, such as curbs, gutters, ditches, and retaining walls.
 - g. “Town” means the Town of Mahone Bay
 - h. “utility” means a system or service that provides services such as water, wastewater, stormwater, electricity, gas, telephone, or communications. It includes any pipes, wires, poles, or other equipment used to deliver these services.
 - i. “Traffic Authority” means the municipal official appointed as Traffic Authority per the *Municipal Government Act* and the *Motor Vehicle Act*.

Application

3. Nothing in this bylaw shall restrict the Town of Mahone Bay from performing required tasks for the installation, maintenance, or upkeep, or any other task deemed necessary of Town infrastructure.
4. No work shall begin prior to the issuance of required permits per this bylaw.

Street Excavation Permit

5. A Street Excavation Permit is required for the following:
 - a. Cutting into or excavating any part of a sidewalk, curb, or street within the Town
 - b. Installing a driveway per the *Installation of a Driveway Entrance Policy*, including culvert installation.
6. Street Excavation Permit applications must be submitted as prescribed on the Town website and submitted to the Manager of Public Works and Transportation.
7. The Manager shall, when assessing an application, consider
 - a. Points of access
 - b. Time periods for work to be completed
 - c. Security and safety of the public
 - d. Any necessary input from the Traffic Authority or Engineer
8. The Manager shall be responsible for reviewing applications and granting Street Excavation Permits on behalf of the Town.
9. The fee for a Street Excavation Permit is set in the *Fees Policy*.

Security

10. Every applicant/owner of a Street Excavation Permit shall be responsible for maintaining their own liability insurance coverage and meeting adequate safety standards for their staff and the public during the work.
11. Any repairs deemed necessary if the applicant does not complete the work properly as outlined in a permit application, will be done at the expense of the applicant. The Manager will notify the applicant and give the applicant no less than five (5) days to remedy any issues to the work before causing the work to be done at the applicants expense. The Manager must correspond with the applicant via a certified or receipted correspondence method including, but not limited to hand delivered letter, mail, or email.

Temporary Street Closures

12. The Manager or the Traffic Authority may temporarily close any street or part of a street while work is being done or as they deem advisable to do so.
13. No person shall travel on any portion of a street which has been temporarily closed by the Manager or Traffic Authority per section 11 unless authorized to do so
14. Owners of various permits may request a Temporary Street/Sidewalk Closure by completing and submitting a *Temporary Street/Sidewalk Closure Application* to the Manager.
15. The Manager or Traffic Authority shall be responsible for reviewing applications and granting temporary street/sidewalk closures on behalf of the Town.
16. On receiving approval from the Manager or Traffic Authority for a Street/Sidewalk Closure, the permit owner shall:
 - a. Provide notification of the work or event being done to all property owners abutting the route of the closure, including times and specific locations of the

closure, a minimum of 14 calendar days prior to the commencement of work or event.

- b. Provide proof to the Town that the notification to abutters has been circulated.
 - c. Work with abutting businesses and residents to minimize inconvenience.
17. Cost of signage required, at the discretion of the Manager, shall be borne by the applicant.

Moving Large Items on Streets

18. No person shall move a building, boat, or large pieces of equipment or any item wider than a single lane of traffic over or along a public street without obtaining written permission from the Manager.

Removal of Snow

19. The Town shall provide snow and ice removal from streets and sidewalks when possible depending on resources available. The areas for sidewalk plowing are identified in Schedule "A" of this bylaw.
20. No person shall place or deposit snow or ice from driveways, parking lots, or private property onto a street, sidewalk, or into an open ditch or block a culvert, catch basin or other components of a storm drainage system or cover a fire hydrant.
21. Property owners abutting sidewalks not plowed, sanded, or salted by the Town may remove snow and ice on the sidewalk abutting their property provided it is done safely and to a standard to not create a hazard.
22. No person shall place or deposit snow or ice on private property in such a manner as to obstruct the ability for vehicular traffic to safely enter a street due to impeded sightlines.
23. The requirement for ice and snow removal in section 22 shall be not less than a width of 1 meter or the full width of the sidewalk.
24. Abutting property owners whose property has snow or ice overhanging or abutting a street or sidewalk shall remove the snow or ice before they fall or cause other hazards to public safety on a street or sidewalk; this includes snow and ice on rooves.
25. The Manager may give notice to property owners abutting sidewalks to remove snow and/or ice within a 24-hour period that may fall into the sidewalk. The Manager may provide a shorter notice period if the snow and/or ice are a pose a significant threat to public safety.
26. If the work ordered in section 25 is not completed in the timeline provided, the Manager may cause the remove of the snow and/or ice at the expense of the property owner.
27. If the Town incurs costs related to the removal of snow and/or ice, and the costs are not paid by the property owner within 90 days, the Town may recover costs by either
- a. Taking legal action in a court of competent jurisdiction

- b. Placing a lien on the property for the amount owing, which will be collected as a first charge against the property.
28. Nothing in this bylaw creates a duty on the Town to inspect or become aware of hazardous conditions created by overhanging ice and/or snow near streets or sidewalks. The Town will only inspect upon receiving a complaint and such complaints will be deemed remedied upon removal/remediation of the hazardous condition if one is present as deemed by the Manager.

Obstructions

29. Properties owners are expected to keep culverts free from obstructions, maintain the rip-rap on the culvert ends, and to keep the top grade of a driveway at an elevation as to prevent water flow onto the road.

Existing Encroachments

30. In accordance with section 314 – Street encroachment- of the *Municipal Government Act*, possession, occupation, use or obstruction of a street or part of a street does not give and never has given any estate, right or title to the street.
31. The Council may, by policy, acknowledge the existence of individual and specific encroachments by buildings made before April 1, 2026 upon public streets
32. Where an existing structure encroaches upon a public street, the encroachment may not be rebuilt or repaired if destroyed or damaged by fire or otherwise to the extent of more than sixty (60) percent, removed, or demolished.

Other Encroachments

33. No person shall erect or place any structure under, on or over any street unless a permit has been issued by the Manager in accordance the bylaws of the Town and the permit number is displayed upon the structure, and the permit is in force.
34. Street Use Permit applications must be submitted as prescribed on the Town website and submitted to the Manager.
35. The Manager shall be responsible for reviewing applications and granting Street Use Permits on behalf of the Town.
36. The Manager may make minor amendment to or re-issue to a Street Use Permit at the request of the owner by making an appropriate notation provided the amendments or re-issuance adhere to the terms of this bylaw.
37. The Manager may refuse to issue, renew, or amend, or may revoke or suspend a Street Use Permit upon reasonable notice to an applicant or permit owner when:
- a. The Manager is not satisfied with steps or proposed steps to protect the Town's property
 - b. The manager is not satisfied with steps or proposed steps to minimize obstruction to pedestrian or vehicular traffic
 - c. The Manager is not satisfied with steps or proposed steps to achieve compliance with applicable policies or standards of the Town or other levels of government
 - d. The requirements of the permit are not met

- e. The issuance of the permit was based on incorrect information
 - f. The permit was issued in error
 - g. any reason in the public interest.
38. Every Street Use Permit issued under this bylaw shall automatically lapse and become null and void on March 31st following the date of issuance.
39. Notwithstanding section 37, Council may by Agreement, authorize the continuation of an encroachment upon, under, or over a street for such period of time and upon such conditions as it deems appropriate.
40. Notwithstanding requirements for a Street Use Permit, Council may enter into agreements with utility companies and service providers for the use of any public street or sidewalk for the purposes of providing services.
41. Where the Manager is satisfied that the proposed use of the street conforms with the requirements of this bylaw and will not impede the public use of the street or maintenance, the Manager may issue a Street Use Permit for:
- a. Accessibility features satisfying the requirements of applicable codes and standards
 - b. Temporary sidewalks
 - c. Construction barricades
 - d. Overhanging awnings and signs (hanging or otherwise)
 - e. Planters and benches
42. No person shall cause the obstruction of pedestrian traffic on a sidewalk unless an obstruction is permitted to do so. In cases where the obstruction of pedestrian traffic on a sidewalk is permitted, the person(s) causing the encroachment shall install a temporary sidewalk.
43. When any part of a street or sidewalk is encroached upon, all persons involved shall be required to adhere to all federal, provincial, and municipal rules and regulations related to health and safety.
44. The Manager may suspend the use of any sidewalk or street if they deem the encroachment presents a threat to public safety.
45. The fees for all permits referenced in this bylaw are set in the *Fees Policy*.

Temporary Sidewalks

46. A temporary sidewalk may be required if the parking area adjacent to work sites to preserve the free flow of pedestrian traffic.
47. The temporary sidewalk and must conform to applicable building codes and accessibility standards and to the following:
- a. A minimum width of 1600mm (5'3")
 - b. The base of the temporary sidewalk must provide a smooth, level transition between the existing sidewalk and the temporary structure
 - c. Have a stable, firm, and slip resistant surface
 - d. When using wood, elongated openings run perpendicular to the direction of travel

- e. Street traffic shall be blocked at each edge of the temporary sidewalk by jersey barriers or other appropriate barrier, as approved by the Manager, with a minimum weight of 1000kg and minimum height 60cm.
- f. A fence or barrier must be installed along the street side of the temporary sidewalk to delineate the edge of the structure and prevent pedestrians from entering the street
 - i. The fence or barrier shall be between 107cm (3ft) and 120cm (4ft) in height
 - ii. The fence/barrier may provide partial visual screen but shall not be opaque
 - iii. The fence/barrier shall not have any openings that permit the passage of a sphere over 13mm in diameter
 - iv. Minimum edge protection of 100mm

48. A temporary sidewalk shall not be built upon an accessible parking space.

Encroaching Vegetation

49. Abutters shall trim the branches of trees, hedges, bushes, or other shrubbery that encroaches from the abutting property over a street to prevent the plant from:
- a. Interfering with pedestrian or vehicular traffic
 - b. Interfering with or affecting the sight lines of any person on a bicycle or motor vehicle travelling on the roadway, from the ground up to a minimum height of 2.25m
 - c. From interfering with any structure on or in a street.

Awnings and Overhanging Signs

50. Where the Manager has issued a Street Use Permit, no awning, sign, flag, banner, plant pot, or other hanging apparatus may overhang the street at a height less than 2.43m (8ft) above the sidewalk or shoulder of the street and 4.26m (14ft) above travelled part of the street.
51. Please refer to the *Land-Use Bylaw* for further regulations on Awnings and Canopies.

Use of Human-Powered Vehicles

52. It shall be an offence for any person to use or operate a skateboard, roller blades, roller skates, scooters, or similar devices on any sidewalk in the Town of Mahone Bay.
53. Notwithstanding section 53, children under the age of 12, in close proximity of an adult, who is exercising continuous oversight and control of the child, may use human-powered vehicles .
54. For information on bicycle regulations, please see the *Motor Vehicle Act and Traffic Safety Act*.

Penalties

55. Any person who contravenes any provision of this bylaw is punishable on summary conviction by a fine of not less than \$250 and not more than \$5,000 or have an installation removed at the property owner's expense.

Repeal

56. On the effective date of this bylaw, the Town of Mahone Bay *Streets and Sidewalks Bylaw* dated June 2008 and *Skateboarding on Sidewalks Bylaw* dated April 1995 are hereby repealed.

Clerk's Annotation for Official Policy Book	
Date of notice to Council Members of Intent to Consider [minimum 7 days notice]	_____
Date of Passage of Policy	_____
_____	_____
Town Clerk	Date

CLERK'S NOTATION

First Reading:	
"Notice of Intent" Publication:	
Second Reading:	
Ministerial Approval:	
Date of Publishing:	
Forwarded to the Minister:	
Forwarded to Town Website:	