

BY-LAW 319

A BY-LAW RELATING TO HIGHWAYS, SIDEWALKS, PARKS PUBLIC PARKING LOTS AND PUBLIC SPACES IN THE TOWN OF OROMOCTO

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

DEFINITIONS

1. In this By-Law:
 - a. "Automobile" is a motorized car or motorized truck
 - b. "Chief of Police" means the officer in charge of the Town of Oromocto Detachment of the Royal Canadian Mounted Police.
 - c. "Highway" means the entire width between the Right-of-Way boundary lines of every street, road, lane, alley, park, trail, parking lot or school yard and includes bridges, or overpasses thereon.
 - d. "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.
 - e. "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.
 - f. "Public Works Superintendent" means the person in charge of the Town's Public Works Department or his delegate.
 - g. "Sidewalk" means the area adjacent to a street or highway, and roughly parallel therewith, designed and improved by concrete, asphalt or other surfacing, and includes any public footpath or trail not adjacent to a highway for the passage of persons.
 - h. "Town" means the Town of Oromocto.

GENERAL

2.
 - a. No person shall drive, move, stop, park or place any motor vehicle, motorized recreational vehicle, machines or object upon any seeded or grassed area within the boundaries of the right-of-way of any highway, 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.
 - b. No person shall remove, mark or deface any placard, fence, sign or barricade erected or placed by authority of the Public Works Superintendent, the Town Council, or by another official of the Town.
 - c. 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 Public Works Superintendent for closing the same is in force, is guilty of an offence under this By-Law.

BY-LAW 319

**A BY-LAW RELATING TO HIGHWAYS, SIDEWALKS, PARKS
PUBLIC PARKING LOTS AND PUBLIC SPACES
IN THE TOWN OF OROMOCTO**

-2-

RECREATION

3. A motorized recreational vehicle is not permitted to be driven upon Town highways, streets, trails, sidewalks, parking lots and public spaces; excepting:
 - a. That cycles licensed for public highway access may also utilize Town parking lots,
 - b. Members of the RCMP and employees of the Town, in the performance of their duties. (This waiver is extended to automobiles as well), and
 - c. On private property, with the permission of the owner, tenant or occupant.
 - d. On designated and signed transient corridors.
4. No person, group or organization, shall conduct a motorized event, rally or race within the Town limits without the written consent of the Town. Before giving such consent Council shall be satisfied that:
 - a. proper measures have been taken to ensure the safety of the public.
 - b. there will be no damage to any property.
 - c. proper safeguards have been taken to ensure safety of any participants and spectators.
 - d. no undue disturbance will be caused.
5. No person shall engage in skating, skate boarding, skiing, tobogganing or sliding on any street.

CONSTRUCTION AND EXCAVATION

6. 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 Public Works Superintendent.
7. 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, unless his building permit has been so annotated by the Town=s Building Inspector.
8. No person shall excavate, trench, dig or make any opening in any street or sidewalk without first having obtained permission from the Public Works Superintendent; all work in connection with such opening or excavation shall be done to the satisfaction of the Public Works Superintendent. 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.

BY-LAW 319

**A BY-LAW RELATING TO HIGHWAYS, SIDEWALKS, PARKS
PUBLIC PARKING LOTS AND PUBLIC SPACES
IN THE TOWN OF OROMOCTO**

-3-

9. 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 Public Works Superintendent 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 Public Works Superintendent 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.
10. 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.

HEAVY TRANSPORT/TRAFFIC

11. 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.
12. 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 Public Works Superintendent.
 - 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.
13. 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 Public Works Superintendent.
14. No person, except when authorized by the Public Works Superintendent 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

15. 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
16. No person shall place upon any street for sale or display goods, wares or merchandise.

BY-LAW 319

**A BY-LAW RELATING TO HIGHWAYS, SIDEWALKS, PARKS
PUBLIC PARKING LOTS AND PUBLIC SPACES
IN THE TOWN OF OROMOCTO**

-4-

17. 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

18. 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.
19. No person or persons 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, and may be dispersed by an order of any Police Officer.
20. Notwithstanding anything in this section, no baby carriage, child=s tricycle or cart shall be left unattended on any street or sidewalk.

DEBRIS DISPOSAL

21. No person shall litter a highway. (Section 203(2) MVA)
22. 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 dirt, offal or any rotten or offensive substance, or any broken glass, stone, brick, rubbish, iron, bark, timber, lumber, goods or articles whatever.
23. No person shall deposit, throw or sweep into or upon any street, or open plot of ground within the Town, any ashes, twigs and other debris, nor shall any person dump, push or place snow or ice upon a path, a sidewalk or the traveled portion of a street.
24. 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 Public Works Superintendent 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.
25. No person shall wash or clean any vehicle on any street.
26. No person, while operating a motor vehicle in the Town of Oromocto, shall throw or deposit, or cause or allow to be thrown or deposited from the motor vehicle, litter upon any street.

CLOSING OF STREETS

25. The Public Works Superintendent 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.

BY-LAW 319

**A BY-LAW RELATING TO HIGHWAYS, SIDEWALKS, PARKS
PUBLIC PARKING LOTS AND PUBLIC SPACES
IN THE TOWN OF OROMOCTO**

-5-

PENALTY

26. 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 of twenty-five dollars (\$25.00) for a first offence; a fine of fifty dollars (\$50.00) for a second offence; and a fine of seventy-five dollar (\$75.00), or greater, to a maximum of two hundred dollars (\$200.00) for a third and subsequent offence; and in default of payment is subject to imprisonment in accordance with the Provincial Offenses Procedure Act .
27. Upon voluntary payment by the person committing the violation of the above prescribed fine; that person is not liable to be prosecuted therefor.
28. By-Law #241 and By-Law #207 are hereby repealed.

READ FIRST TIME: 20 April 2000

READ SECOND TIME: 18 May 2000

**READ THIRD TIME AND
ENACTED: 20 June 2000**

ADMINISTRATOR/CLERK

MAYOR