

TOWN OF SELKIRK

BY-LAW NO. 3756

A BY-LAW OF THE TOWN OF SELKIRK DEALING WITH THE REGULATION OF STREETS.

The Council of the Town of Selkirk, in Council assembled enacts as follows:

PART 1

- 101 This By-law may be referred to as the “Town of Selkirk Streets By-Law”.

PART 2

INTERPRETATION AND DEFINITIONS

Unless otherwise expressly provided or unless the context otherwise requires words and expressions in this By-Law have the same meaning as the same words and expressions in The Highway Traffic Act.

- 201 “Basement Excavation” means any excavation on private property for which a building permit has been issued by the Town of Selkirk;
- 202 “Boulevard” means that portion of a street between the curb line or roadway and the adjoining property line exclusive of the sidewalk;
- 203 “Town” means the Town of Selkirk;
- 204 “Council” means the Council of the Town of Selkirk;
- 205 “Deposit”, “Place”, “Sweep”, “Dig”, “Maintain”, “Create”, “Permit”, “Operate” includes respectively depositing, placing, sweeping, digging, maintaining, creating, permitting or operating, either personally or by means of a servant or agent;
- 206 “Engineer” means Supervisor of Public Works of the Town of Selkirk or any person duly appointed by the Town to act in his stead;
- 207 “Granular Fill” means granular material meeting a graduation by weight of five (5%) per cent to fifteen (15%) per cent passing the #200 sieve, a maximum of seventy-five (75%) per cent passing the #10 sieve, and a maximum particle size of three (3) inches.
- 208 “Horse” means any beast of burden;
- 209 “In” as applied to a street, whether such word be used by itself or as part of the word “therein”, includes “on”, “under” or “over”;
- 210 “Oiled Surface” means any roadway surface treated with and improved by a dust reducing agent;
- 211 “Owner” means the registered owner in possession of any premises or in receipt of the whole or any part of the rents and profits therefrom, whether on his own account or as agent or trustee for any other person, or the person in occupation of any premises either as a tenant for any term, or as a tenant at will, and the agent of any such person;
- 212 “Paved Surface” means any roadway, approach or sidewalk constructed of concrete or asphalt;
- 213 “Person” means any individual, agent, partnership, firm, company, proprietorship, association, society, corporation or group;
- 214 “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 or benefit of the owner of the property adjoining or connected thereto;

- 215 “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;
- 216 “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;
- 217 “Sidewalk” means that portion of a street which is delineated and intended for use by pedestrian traffic;
- 218 “Street” includes a highway, public lane, park, square, bridged wharf, thoroughfare, right-of-way, or any part thereof, measured from property line to property line;
- 219 “Unpaved Surface” means any roadway, approach or sidewalk surface not consisting of asphalt or concrete pavement;
- 220 “Vehicle” includes any 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

CAUSING OR PERMITTING AN OFFENCE

- 301 Any person who causes or permits an offence against this by-law is guilty of an offence;

PART 4

PARADES, DISPLAYS OF FLAGS

- 401 The applicant for a parade shall obtain permission from the Town of Selkirk R.C.M.P. as to what flags other than Canadian Flags shall be carried;
- 402 No procession save as hereinafter provided shall parade in the streets of the Town of Selkirk without having at the head of the said procession the Canadian National Flag, of not less than three feet by six feet in size, unfurled and flowing, as the proper emblem, in a position above and in precedence to all other flags;
- 403 Any procession carrying or displaying any other flag, banner, or poster of greater size than three feet by six feet shall carry the Canadian National Flag of a size equal to or greater than that of the largest of such other flag, banner or poster, or of a size of four feet six inches by nine feet and carried on a pole of not less than ten feet in length, and in any event, no foreign national flag carried or displayed shall be of larger size than the Canadian National Flag carried in the same procession;
- 404 The preceding two sections shall not apply to the Forces of Her Majesty the Queen;
- 405 Subject to the preceding regulations as to precedence and comparative sizes, the Canadian National Flag carried in any procession of Cadets, Boy Scouts, Wolf Cubs, Girl Guides or Brownies, or other juvenile organizations, may be of a size compatible with the average size of the members of such organization.

PART 5

USE OF LUGS PROHIBITED ON PAVED STREETS

- 501 No person other than an employee of the Town in the performance of his duties shall operate on a street other than one with a dirt surface, any vehicle having on the wheel or treads thereof, any metal lugs, cleats, shoes, grouser shoes or like devices.

PART 6

REMOVAL OF UNAUTHORIZED POLES

- 601 The Engineer is authorized and directed, whenever the same may be necessary to dig up, cut down or otherwise remove from a street every pole, post, pillar and every telephone, telegraph or other wire which has been or which may hereafter be erected, put up or maintained thereon contrary to any by-law of the Town of Selkirk or without the approval of the Town Council.

PART 7

DAMAGING POLES PROHIBITED

- 701 No person shall: -
- (a) Climb, cut, break, destroy, tear down, interfere with, or tie an animal to any light, power, telegraph, telephone, police or fire alarm or signal pole or tower or any electric wire or cable or any other pole, tower, wire or cable or any guy wire or any other support or accessory thereto; provided that duly authorized employees of the Town or a Public Utility Company may in the discharge of their official duties take down and re-elect any of the aforesaid poles, wires or other equipment;
 - (b) Post or affix any notice, poster or other paper or device calculated to attract the attention of the public to any lamp post, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law.

PART 8

TYING ANIMALS TO TREES PROHIBITED

- 801 No person shall tie or fasten an animal to a tree, sapling or shrub growing or planted in a street or to any fence, case or box around such tree, shrub or sapling.

PART 9

INJURING TREES, SHRUBS, FLOWERS OR GRASS ON BOULEVARDS PROHIBITED

- 901 No person shall injure a tree, shrub, flower or grass on a boulevard or grass plot on a street.

PART 10

VEHICLES NOT TO DEPOSIT EARTH, etc. ON STREETS

- 10.01 No person hauling earth, stone or other substances in a street shall so load his vehicle or so drive the same as to permit or cause the contents thereof to fall, spill or be deposited on a street;
- 10.02 No person in charge of a vehicle shall bring the vehicle or permit it to be brought upon a street unless there has been removed from the wheels thereof as completely as is reasonably 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 to the surface of the street;
- 10.03 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 forthwith pay the cost of such removal to the Town and shall also be liable to the penalties hereinafter provided.

PART 11

SALT NOT TO BE DEPOSITED ON STREETS

- 11.01 No person shall sprinkle, spread or place any salt, or any substance containing ionizable chloride or sulphate on any part of a paved street; provided that this section does not apply to the use by the Town for purposes of traffic safety of mixtures of abrasives containing salt or to the use of one hundred per cent salt on the streets.

PART 12

DAMAGE TO SIDEWALKS, CURBS AND STREET AND LANE PAVEMENTS PROHIBITED

- 12.01 No person shall cause injury to a sidewalk, curb or street or lane pavement by striking, picking or cutting the same with a shovel, pick, crowbar or other metal tool or instrument whatsoever.

PART 13

REMOVAL OF EARTH, etc. FROM STREETS

- 13.01 No person shall dig up, take or carry away earth, gravel, sand or turf from a street or from a vacant lot belonging to the Town, without first having obtained permission to do so in writing from the Town.

PART 14

EXCAVATING OR OPENING STREETS BY PRIVATE PERSONS

- 14.01 No person shall break, tear up or remove any planking, pavement, curbing, sidewalk, macadamizing or other road surface, or make any excavation in a street or sidewalk for any purpose without first having obtained a permit from the town. The work shall be carried out under the direction of the Town and the street shall thereafter be restored to its original condition and the costs thereof borne by the permittee;
- 14.02 Any person who applies to make an opening in a street shall:
- (a) Pay a permit fee in accordance with Schedule “A” of this By-law; and pay a street cut fee as provided in Schedule “B” hereto;
 - (b) Supply a bond in form satisfactory to the Town issued by a surety company authorized to carry on business in the Province of Manitoba in the sum of Ten Thousand (\$10,000.00) Dollars conditioned that he will indemnify and save harmless the Town from and against all accidents, suits for or by reason of any opening in any street thereafter made by him or his agents or employees and that he will replace and restore the street, or bear the costs thereof, as required by this by-law to the satisfaction of the Town.
- 14.03 Notwithstanding the provisions as set forth in Subsection (2) of this Section and Schedules “A” and “B” of this by-law, no bond shall be required from a Public Utility Company or the Town;
- 14.04 Notwithstanding the requirements of Subsection (2) of this Section, upon application the Town may permit utility companies to arrange for their own pavement and sidewalk cut restoration, providing that the utility company agrees to pay a street cut permit fee in accordance with Item (1) of Schedule “A” and Item (9) of Schedule “B” to this by-law, and employs a contractor satisfactory to the Town;
- Restoration of the surface shall be carried out in accordance with specifications provided by the Town;
- 14.05 A person doing any work in a street shall provide an electrically energized type flashing light at each separate opening and every twenty feet or part thereof in length of every excavation or opening in a street and shall take such further care and precautions as may be necessary for the protection of the public;

- 14.06 Every permit issued under this by-law shall be null and void unless the work authorized by the permit is commenced within thirty (30) days from the date of granting the permit;
- 14.07 No street cut shall be commenced, with the exception of emergency utility repairs, until the day following the date of issuance of the permit, unless otherwise authorized;
- 14.08 Every permit holder shall, twenty-four hours prior to commencing a street cut or excavation, with the exception of emergency utility repairs, notify the Town of the time it is intended to start work;
- 14.09 The work shall proceed expeditiously and the permittee shall not allow a street cut excavation to remain open unless the work is actively in progress;
- 14.10 In locations where traffic volumes are high, where there are dead end streets and where the street surface is less than twenty feet in width, all street surface cuts, providing work is not in progress, shall be covered from sundown to sunrise with a steel plate of sufficient size to allow traffic to pass safely over the excavated part of the street surface and the steel plate shall be anchored in such a manner that no horizontal movement occurs when traffic passes over the plate unless permission in writing is received from the Town to the contrary;
- 14.11 Every person making a street cut or excavation for emergency utility repairs shall:
- i. Notify the Town of Selkirk Police Department;
 - ii. Notify the Town of Selkirk Fire Department if a road becomes blocked or impassable;
 - iii. Obtain the necessary permit as soon as possible during the usual hours of business;
- 14.12 No material which has been excavated and which is not to be used for backfill shall be stored on a street at any time;
- 14.13 Street cut permits for concrete, asphalt and oiled surface streets shall not be granted unless deemed absolutely necessary by the Town. Wherever possible work shall be carried out by tunneling, pushing or jacking operations in order to reduce the number of pavement cuts to a minimum;
- 14.14 All openings made in concrete paved surfaces shall be precut with a concrete saw, to a depth of 1 ½ " to 2" along all edges to ensure a straight vertical edge for the upper portion of the cut. Asphalt cuts may be made with a cutting spade or jackhammer and should be made as straight and regular as possible. Pavement cuts shall be made as small as reasonably possible.

PART 15

STREETS UNDER REPAIR MAY BE CLOSED

- 15.01 The Town Engineer may close a street to public traffic when the same is being repaired, paved or work is being carried on therein or which is unsafe for traffic;
- 15.02 The Town Engineer may erect or cause to be erected barricades at any point or points of any street which is being repaired, paved or where any work is being done therein and no person shall pull down, destroy or interfere with a barricade so erected, or drive or ride over that portion of the street so barricaded except in the case of emergencies.

PART 16

OPENINGS MADE IN STREETS MUST BE PROPERLY BARRICADED

- 16.01 Every person who uncovers a manhole, area or other opening in a street shall cause the same to be protected at all times by a barricade as herein provided and in addition by adequate flashing lights at night. Flashing lights shall give not less than fifty (50) nor more than sixty (60) flashes per minute with lamp illuminated not less than forty (40) per cent of the time. The design of the optical system shall be such that the illumination will be clearly visible under all normal conditions from a distance of three hundred feet;

- 16.02 Except as hereinafter provided, every person who breaks, tears up or removes any planking, pavement, sidewalk, curbing, macadamizing or other road surface, or makes any excavation in, or places any obstruction in a street, or does any other work in or adjacent to a street which obstructs or may be likely to obstruct or in any way interfere with the use of the street, or who causes any of the said things to be done, shall cause the work to be surrounded by barricades not less than two feet, six inches and not more than three feet, six inches from the ground or pavement. The barricades shall be either:
- (a) Six inches in vertical width, striped in yellow and black, to the satisfaction of the Town Engineer or otherwise painted in such manner as may be approved by him and shall have the name of the person causing same to be erected painted thereon in legible letters;
 - (b) Equipped with notices, flags or other warnings.
- 16.03 In addition, the work shall be protected at night by flashing lights at the end of the work nearest approaching traffic, and one at each end if the work is over five feet in width. If the work extends into or across the roadway of the street, flashing lights shall be placed on the transverse barricades not more than eight feet apart and flashing lights shall be placed on the barricades parallel with the line of traffic at distances satisfactory to the Town Engineer. All such barricades and flashing lights shall be maintained until the work is completed or the openings or obstructions are filled or removed;
- 16.04 If the work is of such nature that barricades as above prescribed are, in the opinion of the Town Engineer unnecessary, such warning signs or watchmen shall be maintained as shall be approved by the Town.

PART 17

EXCAVATIONS MUST BE PROPERLY FILLED IN

- 17.01 In every case of an excavation or opening in a pavement or sidewalk, and in all cases of tunneling, whether made by or on behalf of the Town or by or on behalf of any other person, in any street necessitating any backfilling or replacement of material, there shall be used therefore only unshrinkable fill consisting of concrete mixed in the proportions of 50 pounds of Portland Cement to one cubic yard of concrete aggregate unless written permission is given by the Town to substitute for unshrinkable fill, in whole or in part, granular fill thoroughly tamped;
- 17.02 Where a concrete or asphalt pavement or sidewalk cut has been made the person making the cut shall backfill the excavation as provided in 17.01 and, except as provided in 14.04, the Town shall be responsible for replacement of the pavement or sidewalk surface;
- 17.03 All work of filling or backfilling an excavation or opening or tunneling, whether made by or on behalf of any other person, in any street, and the method of filling and backfilling such openings shall be subject to the inspection and approval and shall be done to the satisfaction of the Town Engineer;
- 17.04 All excavations made within the limits of the traveled portion of a gravel or oil surfaced roadway shall be completely backfilled with granular fill thoroughly tamped;
- 17.05 All excavations in unpaved areas, shall be backfilled and the surface restored according to the following procedures:
- (a) Mechanical Compaction:

Excavated material to be replaced using maximum lifts of one foot thickness with each lift compacted by an approved mechanical compactor. The tamped backfill is to be brought to ground level. In the case of boulevards, existing sod must be replaced or new sod installed level with the existing grade of the adjacent boulevard. Seed and top dressing is to be placed over sod and the complete repair watered thoroughly;

(b) Granular Fill:

As an alternative to mechanical compaction, the excavation may be filled with thoroughly compacted granular fill. In the case of boulevards, the compacted granular fill is to be leveled off twelve inches below grade and earth fill placed, tamped and levelled and brought to the boulevard grade. Existing sod must be replaced or new sod installed level with the existing grade of the adjacent boulevard. Seed and top dressing is to be placed over sod and the complete repair watered thoroughly;

- 17.06 The restoration of boulevard surfaces as detailed under Subsection (5) of this Section shall be completed within two weeks of backfilling except that in the case of boulevard cuts backfilled between November 1st and April 30th the restoration must be completed no later than the following June 15th;
- 17.07 The person making a cut in an unpaved area shall be responsible for maintenance of the repaired cut until December 31st of the calendar year following so that the effect of a full cycle of seasons has been experienced;
- 17.08 In the event that any person fails to properly backfill an excavation or tunnel or opening or to restore a boulevard cut as required by this by-law the Town may perform such work as it deems necessary, and the person who made such excavation, tunnel, opening or boulevard cut shall forthwith pay to the Town its cost of such work and of any extra inspection necessitated thereby.

PART 18

NUISANCES AND DANGEROUS CONDITIONS

- 18.01 No person shall create or permit any nuisance or dangerous conditions in or near a street.

PART 19

OBSTRUCTIONS AND ENCROACHMENTS

- 19.01 No person shall, except as authorized by the Council:
- (a) Deposit anything in a street or permit anything to fall or escape from private premises to a street, whether or not the same creates a nuisance or dangerous condition;
 - (b) Place or maintain in a street any building, structure, fence, chute, trap door, installation or any other thing or part thereof;
 - (c) Dig or make an excavation in a street; or
 - (d) Place or maintain election posters in a street;
- 19.02 No person shall operate on a street any stationary or mobile concrete mixing machine excepting a truck or similar vehicle for mixing concrete in transit; provided that a stationary concrete mixing machine may be operated under a permit therefor issued by the Town on such streets, during such hours and for such periods of time as the Town shall in the said permit describe:
- (a) No person shall place any obstruction in a street, or do any other work in or adjacent to a street which obstructs or may be likely to obstruct or in any way interfere with the use of a street or portion thereof, or cause any of the said things to be done, without first having obtaining from the Town;
 - (b) The Town may issue the aforesaid permit on such terms and conditions as it may deem fit, having regard to public convenience and safety;
 - (c) The Town may also require the applicant to furnish a deposit in such sum as in the opinion of the Town will be sufficient to cover the cost of any damage to a street which may result from such temporary use;

- 19.03 No person shall construct, place or permit any obstruction on property adjacent to a street which in judgment of the Town may obstruct vision endangering the safety of automobile drivers or pedestrians. When deemed necessary in the interest of public safety, the Town may cause such an obstruction to be removed at the expense of the owner.

PART 20

ABATEMENT OF NUISANCE AND REMOVAL OF OBSTRUCTIONS AND ENCROACHMENTS

- 20.01 The Town is hereby authorized to abate or remedy, or cause to be abated or remedied, any nuisance or dangerous condition in a street at the expense of the person causing or permitting the same and to remove or cause to be removed from a street any building, fence, chute, trap door, installation or thing, allowed to fall or escape from private property to a street contrary to this by-law or otherwise without lawful authority. Such removal shall be done at the expense of the owner of the thing unlawfully in the street, or in the case of a projection from an object attached to an adjoining building or land, at the expense of the owner of such building or land.

PART 21

AWNINGS

- 21.01 Where approved by the Town, awnings may be erected in any street, the lowest portion of the projecting frame of said awnings to be not less than seven feet and six inches above the sidewalk, and the lowest portion of the curtains or any part of the said awnings to be not less than seven feet above the sidewalk.

PART 22

GATES AND DOORS NOT TO SWING OVER SIDEWALKS

- 22.01 No person shall allow the gate or door of any premises he owns or occupies to swing over a sidewalk.

PART 23

TREES NOT TO IMPEDE OR ENDANGER PERSONS ON STREETS

- 23.01 No owner or occupier of any land shall allow any part of a tree, hedge, shrub or sapling growing thereon to extend over or upon any street, lane or public place so as to interfere with, impede or endanger persons using such street, lane or public place.

PART 24

TRIMMING OR REMOVING TREES OR HEDGE INTERFERING WITH USE OF STREETS

- 24.01 When deemed necessary for the convenient use of a street, the Town may trim or remove trees or hedges interfering with the use of streets or obstructing vision endangering safety of automobile drivers or pedestrians. When deemed necessary for the convenient use of a street or in the interest of public safety the Council may cause any tree, sapling or shrub growing or planted on any adjoining land to be trimmed or removed at the expense of the owner.

PART 25

INJURING SHADE TREES PROHIBITED

- 25.01 No person other than an authorized employee or agent of the Town shall climb, break, debark, peel, cut, fell, trim, remove or injure any trees, saplings or shrubs in a street without prior permission in writing of the Town.

PART 26

COAL, WOOD, etc. NOT TO BE PILED ON STREETS

- 26.01 No person shall throw, pile deposit or leave coal, coke, cordwood, firewood or articles or materials of any kind or saw or split cordwood or firewood upon a street.

PART 27

MERCHANDISE NOT TO BE PLACED ON STREETS

- 27.01 No person shall unpack goods, wares or merchandise of any kind in a street, but this Section shall not be construed to interfere with the reasonable use of a portion of a street for a reasonable time, during the taking in or delivering of goods, wares or merchandise.

PART 28

MERCHANDISE MUST BE CAREFULLY UNPACKED

- 28.01 No person shall unpack goods, wares or merchandise of any kind in a street in such a manner that paper, sawdust, or other packing material of any kind shall be deposited or remain in a street.

PART 29

THROWING RUBBISH ON STREETS PROHIBITED

- 29.01 No person shall deposit, place or sweep the sweepings of stores, dwellings, yards or buildings, tree branches, hedge cuttings or the like thereof, or paper or rubbish of any kind whatever in or upon the streets unless authorized by Council.

PART 30

AUCTIONS NOT BE HELD ON STREETS

- 30.01 No person shall sell or attempt to sell anything by auction in a street, unless authorized by Council.

PART 31

TRAINING HORSES PROHIBITED ON STREETS

- 31.01 No person shall break in or train a horse, or breed any animal in a street.

PART 32

BONFIRES PROHIBITED ON STREETS, etc.

- 32.01 No person other than an employee of the Town in the cause of his duty shall set fire to shavings, chips, straw, leaves or other combustible material in a street or within fifteen feet of a building and no person shall carry fire through a street except in some covered vessel or metal fire pan which has been approved by the Fire Chief.

PART 33

USE OF DANGEROUS MISSILES PROHIBITED

- 33.01 No person shall cast, project or throw stones, snowballs, ice or other missiles dangerous to the public, or use a bow and arrow, catapult, BB gun or sling shot in a street.

PART 34

BARBED WIRE FENCES PROHIBITED

- 34.01 No person shall erect, construct, maintain or use a barbed wire fence or fencing along or near a street except where the area is rural in nature in the judgment of the Town.

PART 35

POWER TO REMOVE BARBED WIRE FENCES

- 35.01 The Town may give notice to the owner, tenant or occupant of any premises fenced or partly fenced with barbed wire in contravention of this by-law, either by mailing through the post office or by leaving the notice at the place of abode of such person to remove the barbed wire within a named period to be not less than three days from the giving of the notice and in case it is not removed within the time mentioned in the notice, the Town shall cause the barbed wire to be cut away from the fence and removed from along or near the street, public place or school yard. In cases that seem urgent the Town may remove or cause to be removed barbed wire without giving notice or may remove the same without waiting for the expiry of the time limit in the notice.

PART 36

INJURING PROPERTY PROHIBITED

- 36.01 No person shall willfully or intentionally injure or destroy any property of the Town or any work constructed by the Town and no person shall deface or disfigure a public building, wall, fence, railing, sign, monument, post or other property of the Town or deface public or private property by any printed or other notices, signs or signboards.

PART 37

MAINTENANCE OF BOULEVARDS

- 37.01 Each owner of property shall maintain the boulevards on the street or streets adjoining his property in a condition satisfactory to the Town;
- 37.02 Where any owner fails so 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 38

SODDING BOULEVARDS ADJOINING PAVED STREETS

- 38.01 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.

PART 39

PLANTING TREES ON BOULEVARD

- 39.01 No person shall plant trees in the boulevard without first obtaining a permit from the Town;
- 39.02 Permits will only be granted for tree planting providing:
- (1) Trees of a type approved by the Town are planted;
 - (2) Trees are planted and spaced as directed by the Town;
 - (3) The trees are maintained at the expense of and by the owner of the premises or property abutting the boulevard.

PART 40

VEHICLES AND HORSES NOT PERMITTED ON BOULEVARDS

- 40.01 No person, other than a Town employee 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;
- 40.02 No person shall ride or walk a horse on any boulevard or grass plot on any street, park or public place unless otherwise permitted in writing by the Town.

PART 41

VEHICLES TO KEEP OFF SIDEWALK

- 41.01 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 Town Engineer.

PART 42

COASTING PROHIBITED

- 42.01 No person shall slide, coast or toboggan on any bridge, viaduct, subway or other portion of a street or highway.

PART 43

SLEIGHBELLS

- 43.01 From the first day of November to the first day of April following in each year no person shall drive a horse harnessed to any winter vehicle in a street, without having attached to the harness or the vehicle at least two bells of sufficient size and tone and in such manner as to be easily heard by pedestrians.

PART 44

SNOW OR ICE NOT TO BE PLACED ON MUNICIPAL PROPERTY

- 44.01 No person shall move snow or ice onto Town property, sidewalks, street and boulevard surfaces unless permission has first been given in writing by the Town and then only onto a location designated by the Town Engineer.

PART 45

WATER MUST NOT BE CARRIED ON SIDEWALKS DURING WINTER

- 45.01 No person shall allow water to be spilled on sidewalks causing a hazard or cause water from any source to be deposited on the street.

PART 46

WASHING CONCRETE MIXERS

- 46.01 No person shall wash concrete mixers, or flush concrete transit mixers on the street or cause the washing from the mixers to be deposited on the street.

PART 47

NAMES OF OWNERS TO BE MARKED ON TRUCKS, etc.

- 47.01 Every vehicle or intended to be used or capable of being used as a dray truck or other vehicle for conveying merchandise shall have the name of the owner thereof legibly painted thereon or marked thereon.

PART 48

REPAIRS TO VEHICLES ON THE STREET

- 48.01 No person shall do any work of construction or repair except small emergency repairs or supply any service to a vehicle or any part thereof in a street.

PART 49

HEIGHT OF LAWFUL FENCES

- 49.01 Three (3) feet shall be the maximum height of lawful fence for all fences bordering on streets, and four (4) feet shall be the maximum height for all side yard fences between

the street line and the front line of a dwelling. The maximum height of a side yard fence between the front line of a dwelling or building and the rear of the lot and along the rear line of the lot shall be six (6) feet.

PART 50

BASEMENT EXCAVATIONS, AUGER PILE HOLES OR DIG TRENCHES FOR ANY BUILDING OR OTHER STRUCTURE

- 50.01 Where a building permit has been granted:

- (a) All excavated material shall be contained within the boundaries of the lot or lots for which the building permit 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 of vehicles before they are brought onto the streets;
- (e) Sidewalks and boulevards shall not be disturbed.

- 50.02 Where earth, gravel or other excavated materials have been placed on a street, sidewalk, boulevard or other property of the Town, or where a street, sidewalk, boulevard or other property of the Town has been damaged, the Town may give a written notice by registered mail to any such person to whom an excavation permit was granted in connection with such materials or to the owner of the land from which such materials came requesting that the said materials be removed or the damages be repaired. If the said materials are not removed or if the said damages are not repaired in a manner satisfactory to the Town within twenty-four (24) hours of the date of said notice the Town may remove the said materials or make the said repairs and charge the costs thereof to the person to whom the permit was granted or to the owner of such land.

- 50.03 The Town may assess the costs of the removal of materials or repairs from the excavation against the owners of the property.

PART 51

PRIVATE APPROACHES AND WALKS

- 51.01 No person shall construct a private approach or private walk without first having obtained a permit from the Town;

- 51.02 Any person who wishes to construct a private approach or private walk shall make application for a permit on a form provided by the Town and if the application is approved shall:

- (a) Pay a permit fee in accordance with Schedule “A” of this By-law;
- (b) Where a curb exists pay a curb cut fee in accordance with Schedule “B” of this By-law;
- (c) Certify on a form provided by the Town the location and dimensions of the proposed private approach or private walk;
- (d) Comply with the conditions set out in this By-law;

(e) Prior to any excavation check with Greater Winnipeg Gas, Manitoba Hydro and the Town Public Works Dept. for any underground utilities. Any damage to such utilities will be at the contractor’s expense.

- 51.03 Every private approach and private walk shall be constructed and maintained at the expense of the Owner of the property served thereby;
- 51.04 Every private approach or private walk whether heretofore or hereafter constructed shall remain at the pleasure of Council. Should it be necessary at any time in the opinion of the Engineer to repair, alter, reconstruct or remove a private approach or private walk, or should the Council order the same to be removed, the Engineer may cause the work to be done and the cost thereof as certified by him shall be charged to the Owner of the property served thereby;
- 51.05 The design, construction, location and improvement of any private approach or walk, shall be as set out in this by-law or as specifically approved by the Town;
- 51.06 All approaches and walks shall be constructed or repaired by a contractor approved by Council, with materials equal to or better than the surface of the roadway or sidewalk to which they are connected and in similar manner and finish;
- 51.07 When a roadway is improved by the installation of pavement, an existing private approach connected to such roadway shall be constructed to conform with the standards set out in 6 by the owner of the property served within a period of one (1) year following the completion of the roadway improvement. Should the owner fail to so reconstruct the private approach within the period herein specified, the Town may order the removal of such approach and the cost of the removal shall be charged to the owner;
- 51.08 The minimum distance between an intersecting street and the beginning of the curve of an approach curb shall be four feet measured along the roadway curb;
- 51.09 All portions of a private approach, shall be constructed within that portion of the street lying between extensions of the property lines of the property served when at all possible;
- 51.10 No approach shall be constructed adjoining an existing approach if the combined width of the adjoining approaches is greater than twenty-six feet in perpendicular width;
- 51.11 The maximum widening to either side of a public lane entrance shall be ten (10) feet measured along the property line;
- 51.12 The standard width of an approach to a single family residential property shall be ten feet, measured along the property line;
- 51.13 The maximum perpendicular width of any approach shall be twenty-six feet;
- 51.14 For any approach constructed to provide access from a driveway adjacent to or inside a building situated less than five feet from the street line, the edge of the approach nearest the building wall or where the driveway is beside a building the door frame shall be located as follows:

Distance from Building to Street Property Line	Maximum clearance distance between edge of approach and wall or door frame measured <u>along street property line</u>
4 ft. to 5 ft.	1 ft.
3 ft. to 4 ft.	2 ft.
2 ft. to 3 ft.	3 ft.
1 ft. to 2 ft.	4 ft.
0 ft. to 1 ft.	5 ft.

- 51.15 Where a private approach or private walk is to be constructed across an existing municipal drainage ditch, or where a municipal drainage ditch is to be constructed or reconstructed on an alignment crossing an existing private approach or private walk, the Town shall cause a culvert to be installed at the expense of the Owner of the property served by said approach or walk;

- 51.16 Except as provided in this sub-paragraph, culverts across a private approach or private walk shall be a minimum of 12 inch diameter, 16 gauge, corrugated metal pipe and shall be of a length approved by the Town. Where in the opinion of the engineer it is necessary for reasons of ditch flow capacity to install a culvert across a private approach or private walk of greater diameter than 12 inches the Town shall cause a culvert of such diameter as is specified by the Engineer to be installed at the expense of the Owner of the property served by such approach or walk. The Town shall assume the additional cost to supply such oversize culvert above the cost of the standard 12 inch 16 gauge culvert as computed by the Town;
- 51.17 A culvert across a private approach or private walk will be installed by the Town but shall be maintained to the satisfaction of the Town by the Owner of the property served by said approach or walk;
- 51.18 A culvert shall not be installed across a private approach or private walk until the Engineer sets grade stakes for the culvert invert elevations. The Owner of the property served by said approach or walk shall notify the Town forty-eight (48) hours prior to the intended installation of the culvert;
- 51.19 Where concrete or masonry headwalls have been constructed at a culvert across a private approach or private walk which may impede maintenance or construction in the Street the Town may order removal of such headwalls at the expense of the Owner of the property served by said approach or walk. The replacement of such headwalls shall be subject to the approval of the Engineer and shall be the responsibility of the Owner;
- 51.20 No person shall park or store a vehicle on a private approach, private walk or sidewalk;
- 51.21 The applicant for a private approach or private walk shall be held responsible for all damage to any water box, manholes, catch basins, curb inlets, etc. situated in or adjacent to the approach or walk.

PART 52

PENALTIES

- 52.01 [Amended by By-law No. 5383]
- 52.02 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;
- 52.03 Every person violating any of the provisions of this by-law is liable to the Town for any expense, loss or damage occasioned by the Town by reason of such violation and such cost may be charged against property owned by such person and treated and collected as taxes levied against the property.

PART 53

VALIDITY

- 53.01 The invalidity of any section, clause, sentence, or provision of this By-law shall not affect the validity of any other section, clause, sentence or provision thereof.

PART 54

EFFECTIVE DATE

- 54.01 This By-law shall come into force and effect upon the date of the passing hereof by the Council of the Town of Selkirk.

PART 55

REPEAL

55.01 By-law Nos. 2839, 2772, and 3238 are hereby repealed.

DONE, PASSED AND ENACTED at a regular meeting of Council
held this 28th day of August A.D. 1972.

Original signed by F. Malis

Mayor

Original signed by H. Gordon

Secretary-Treasurer

SCHEDULE “A”

PERMIT FEES

1. Street Cut Permit

\$2.00 per individual opening up to 200 feet in length and an additional \$2.00 for any portion of each additional 200 feet of opening length.

2. Private Approach Permit

\$5.00 per individual approach. Includes setting culvert elevation where required.

No permit fee will be charged to owners requesting approaches to be paved by the contractor on their streets that are under paving construction.

AMENDED

See current Fees & Charges By-Law No. 5073

SCHEDULE “B”
STREET CUT FEES

1.	Concrete and asphalt pavement cut fee	\$18.00/sq.yd.
2.	Concrete and asphalt sidewalk cut fee	8.00/sq.yd.
3.	Mud and gravel cut fee on roadway	5.00/sq.yd.
4.	Concrete curb break fee	1.00/lin. ft.
5.	Asphalt curb break fee	.40/lin.ft
6.	Curb and gutter removal	9.00/sq.yd.
7.	Boulevard Areas	4.00/sq.yd.
8.	Test Holes	1.00 each
9.	Inspection fee for utilities will be computed at	10.00/100 ft.

Each and every individual street cut measuring less than one square yard shall for the purpose of computing fees under this by-law be assumed to measure one square yard, and any fraction shall be assumed to measure one square yard.

The above noted fees cover the cost to the Town of inspection and restoration of the surface. Any contractor who makes a street cut within 24 inches of the edge of the pavement slab or back of curb may be required to pay an excavation fee to cover the cost of pavement removal and replacement of the curb and gutter section at the above rates.

On sidewalk area, the minimum fee is \$24.00 for each individual installation. This fee shall cover the cost of restoring the sidewalk areas up to and including a maximum of 3 square yards. For each additional square yard of sidewalk there will be an additional fee of \$8.00 per square yard. On sidewalk slabs up to 6 feet in width, the computation of sidewalk excavation fees will be made on the basis of the area of the sidewalk slab cut. Individual sidewalk slabs measuring 2 square yards in area or less shall, for the purpose of computing fees under this by-law be assumed to measure 2 square yards. On monolithic walks greater than 6 feet in width, the computation will be based on a minimum width of 3 feet.

Boulevard Areas

The minimum fee is \$12.00 for each individual installation.

This fee shall cover the cost of restoring the boulevard areas up to and including a maximum of 3 square yards. For each additional square yard of boulevard there will be an additional fee of \$2.00 per square yard.

AMENDED

See current Fees & Charges By-Law No. 5073