

# THE MUNICIPALITY OF THE DISTRICT OF GUYSBOROUGH

## SIDEWALK BY-LAW

### TITLE

1. This by-law is entitled the “Municipality of the District of Guysborough Sidewalks By-Law”.
2. This By-Law applies only to sidewalks and abutting property and to activities or conditions affecting such sidewalks and property.

### DEFINITIONS

3. In this By-Law:
  - a. MUNICIPALITY shall mean the Municipality of the District of Guysborough;
  - b. ABUTTER means the owner, lessee or occupier of any premises or lot in the Municipality which abuts a street where sidewalks are to be or have been installed within the Municipality of the District of Guysborough;
  - c. CROSSWALK means that portion of a roadway within an area serviced by sidewalks where any portion of a roadway is clearly identified for pedestrian crossings by lines or other markings on the road surface;
  - d. DPW means the Director of Public Works and includes a person acting under the supervision and direction of the DPW;
  - e. STREET means any and all roadways, highways, roads, lanes, sidewalks, thoroughfare, bridge, curbs, gutters, culverts and retaining walls in connection therewith and includes the full right-of-way width within the Municipality that are owned and maintained by either the Department of Transportation or the Municipality;

### REMOVAL OF ICE AND SNOW FROM SIDEWALKS

4. Abutters shall remove all snow and ice:
  - a. from any sidewalk which abuts any side of their property;
  - b. from any pathway leading from a sidewalk abutting their property to the roadway; and
  - c. between any sidewalk abutting their property and a crosswalk.
5. The removal of snow and ice required by the immediately preceding section of this By-Law shall be such as to leave an area entirely cleared of snow and ice of not lesser width than either:

- a. 1 meter; or
  - b. the full width of the sidewalk.
6. The removal of snow required in accordance with Sections 4 & 5 shall be completed as follows:
  - a. when a snowfall ceases during daylight hours snow and ice must be removed within four (4) hours after the snow stops falling;
  - b. when a snowfall occurs after daylight hours snow and ice must be removed within four (4) hours after sunrise.
7. When a sidewalk is slippery in the winter due to the presence of compressed snow or ice, the abutter shall apply sufficient sand, salt or gravel to provide good traction for pedestrian traffic:
  - a. on any sidewalk which abuts any side of their property;
  - b. on any pathway leading from the sidewalk abutting their property to the roadway; and
  - c. between any sidewalk abutting their property and a crosswalk.
8. Abutters shall ensure that snow, ice and icicles, etc. on a roof, trees or any other structure within their property are removed so that they cannot fall onto a sidewalk at an uncontrolled time or in an uncontrolled manner.
9. When an abutter fails to remove snow, ice or icicles from sidewalks or structures as required by this By-Law, the DPW may give to the abutter an order to remove the snow and ice within twenty-four (24) hours or forthwith (to correct dangerous circumstance) upon service of such notice.
10. If the remedial work ordered pursuant to Section 9 is not made within the time provided for by the order, the DPW may make or cause to be made such snow, ice or icicle removals.
11. The Municipality may recover the expense incurred in making snow, ice or icicle removals pursuant to Section 10, together with costs and pre-judgement interest by action in any court of competent jurisdiction, or may charge and collect same as a first lien on the property.
12. Nothing in this By-Law creates a duty upon the Municipality to inspect or become aware of hazardous conditions created by snow or ice on or near or overhanging sidewalks. Council hereby declares, having regard to the resources and fiscal priorities of the Municipality, that it is the express policy of the Municipality:
  - a. only to carry out inspections upon receiving a complaint about such conditions in respect of a specific location; and
  - b. such complaints shall be deemed to be remedied upon the removal or remediation of the hazardous condition that existed at the time of the making of the complaint.

### **VEGETATION IN STREET RIGHT-OF-WAY**

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

### **ENCROACHING VEGETATION**

14. 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:
- a. from interfering with pedestrian traffic on a sidewalk;
  - b. from interfering with or affecting the sight lines of any person on a bicycle or in a motor vehicle travelling on the roadway up to a minimum height of 2.25 meters; or
  - c. from interfering with any structure on or in a street.

### **NUISANCE**

15. No abutter shall place, permit to be placed, or permit to escape from the abutter's property or driveway, dirt, dust or other nuisance onto the street.

### **DAMAGE**

16. No person shall move or drag any heavy load over or deposit any heavy load on any sidewalk unless the sidewalk has first been protected by a covering of boards of adequate thickness to prevent any visible damage or disturbance to the surface of the sidewalk except as authorized by the DPW.

### **SIDEWALK SIGNAGE**

17. Signs shall not be placed or left on the sidewalk so as to obstruct the traffic of pedestrians, or wheelchairs, and without limiting the generality of the foregoing, shall only be placed in a manner that leaves a minimum width of one (1) meter of sidewalk unobstructed between the curb and the signage or between the signage and the nearest building or other obstruction to the interior of the sidewalk and shall contain a maximum signage face area of one (1) square meter.

**PENALTY**

18. Any person who contravenes any provision of this By-Law is punishable on summary conviction by a fine of not less than \$50.00 and not more than \$500.00 plus any and all costs incurred by the Municipality to correct the contravention.