

Care of the Streets

1. In this bylaw or Chapter, the expression "Committee means the Committee on Streets.
2. The public street, lanes, highways and thoroughfares of the Town, subject to the ultimate control of the Council, shall be under the care, supervision and direction of the Committee on Streets.
3. All trees within the limits of any of the streets within the Town of Wolfville shall be under the care and custody of the Street Committee, and if any person shall break, bark, remove, root up or otherwise destroy or damage the whole or part of any tree, sapling or shrub planted for ornament, or growing on any street or highway of the Town without permission of the said Committee, he shall forfeit for every such tree, sapling or shrub planted, so by him broken, barked, rooted up or otherwise destroyed or damaged in whole or in part, a sum not exceeding Ten Dollars, and in default of payment thereof he shall be liable to imprisonment for a period not exceeding one month for each such penalty. Any person found committing a breach of this Section is liable to arrest on view by any Peace Officer.
4. Any person proposing to set out any shade or ornamental trees on any street, road, land, sidewalk or other public place of the Town, shall apply to the Committee on Street for the location of the same.
5. Owners or occupiers of buildings, along the line of sidewalks or foot paths on the street of the Town shall not allow water to pour, drip or fall from the roof or eaves of said buildings or from any projection thereof, upon said sidewalks or foot paths, but shall so conduct the said water that it shall not fall thereon, under a penalty not exceeding Ten Dollars for each such offence, and in default of payment thereof, to be imprisoned for a period of not exceeding twenty days.
6. All gates or doors opening upon the sidewalks or other foot paths of the Town must be so constructed as not to swing outwardly across such sidewalks, or foot paths, or any part thereof. The occupants of premises on which violation of this bylaw is permitted shall be liable, on summary conviction, to a penalty not exceeding Four Dollars and in default of payment thereof, to imprisonment for a period not exceeding ten days. Ten days will be allowed offenders after each conviction to comply with the bylaw and every ten days neglect thereafter so to comply shall be considered as a new offence.
7. The use of barbed wire for fences along the line of the streets or sidewalks of the Town is prohibited. Owners or occupiers of premises whereon a violation of this bylaw is permitted shall be liable to the same penalty and in default of payment, to the same imprisonment as is attached to the violation of the next preceding section of this Chapter. Ten days shall be allowed after each conviction to comply with this bylaw, and every ten days neglect thereafter so to comply, shall be considered a new offence.
8. It shall not be lawful for any person or persons to post, stick, paint, stamp or otherwise affix or cause to be posted, stuck, stamped, painted or otherwise affixed any bill, poster, notice or advertisement on any property of the Town, or on any telegraph, telephone, electric light or other post or pole, fence or Town building standing on or near any public street in the Town, without permission of the Street Committee, nor on any tree within the limits of any of the streets of the Town, under a penalty not exceeding Ten Dollars for each offence and in default of payment, to imprisonment for a period not exceeding thirty days.

9. No telegraph, telephone or electric light pole shall be erected within the Town limits without the consent of the Committee on Streets, which Committee shall locate the same, having due regard to public convenience and safety. The Committee on Streets may impose such terms as to the class of pole, the painting of same and otherwise as such Committee may deem advisable. Any person violating the provisions of this Section shall be liable to a penalty not exceeding Ten Dollars for each forty-eight hours the said post or pole shall be allowed to remain unchanged with regard to its position, unremoved or not straightened after such notice to remove, straighten or replace and in default of payment, to imprisonment for a period not exceeding twenty days.
10.
 - (1) No person shall erect any projection over any sidewalks or street in the Town except as hereinafter provided;
 - (2) Awnings may be erected provided that the same are securely fastened to a building and do not project out over the sidewalk more than 6 feet and further provided that no part thereof shall be less than 7 feet above the sidewalk or street;
 - (3) Permanent projections which are part of the structure of a building and project horizontally are permitted, providing such do not project over any street or sidewalk more than 5 ½ feet and no part thereof shall be less than 8 feet above the sidewalk or street;
 - (4) No person shall erect any sign or signboard over any street or sidewalk in the Town unless such sign is securely fastened to a building or projection as described in Paragraph 3, and the outer surface of such sign does not project over the sidewalk or street more than 7 feet and no part thereof shall be less than 8 feet above the sidewalk or street, and further that any markings on such sign shall face the street and be as nearly parallel thereto as possible;
 - (a) Notwithstanding the foregoing, the Town Council may erect signs on or over the streets for the purpose of indicating the location of public institutions, parks or playgrounds.
 - (5) Where any sign or signboard is not erected which does not comply with Paragraph (4) hereof, it shall be removed by the owner or lessee of the building;
 - (6) Any person who violates any provision of this bylaw shall be guilty of an offence, and every day such offence continues, shall be a new offence, and such person shall upon conviction, be subject to a fine of \$10.00 for each conviction and in default thereof, to imprisonment for three days;
11. No person shall throw, cast, or put into or cause to be put into or dropped in, or in any street, land or public place in the Town, any stone, nails, tacks, glass, iron or any other metal whatsoever, except by leave of the Superintendent of or Committee on Streets, and any person violating the provisions of this Section shall forfeit and pay a sum not less than Two Dollars and not more than Ten Dollars for each offence and in default of immediate payment shall be liable to imprisonment for a period not exceeding one month.

12. It shall be the duty of every owner, tenant or other person in actual occupation of any dwelling or premises situate on any public street in the Town of Wolfville to keep neatly cut the grass, weeds, and thistles growing on that portion of the public street or side path, which immediately adjoins or is contiguous to the dwelling or premises so occupied by such owner, tenant or other occupant aforesaid. If such person shall neglect to comply with any order of the Chairman of the Street Committee requiring such person to comply with this Bylaw within twenty-four hours after such notice shall have been served upon such person personally or left upon the said premises or in the dwelling thereon with some person of years of apparent discretion, he shall forfeit and pay a sum not exceeding five dollars as a penalty and in default of payment, shall be liable to imprisonment for a period not exceeding ten days.
13. No person shall wash any windows adjacent to any sidewalk in the Town or sprinkle any sidewalk with water after nine o'clock in the morning, and no occupier of any house or building shall permit the same to be done.
14. Every person who violates the provision of the preceding section of the Chapter shall, for each offence, forfeit and pay as a penalty a sum not exceeding Two Dollars and in default of payment shall be liable to imprisonment in the jail of the County of Kings for a period not exceeding twenty days.
15. Any person desirous of moving a building upon or over any of the public streets of the Town, shall make application for such privilege in form "A" in the appendix of these bylaws addressed to the Mayor and Street Committee, which form shall be provided by the Town Clerk, and therein shall be stated the place from which and the place to which it is proposed to move such building and the estimated number of days that the same will be upon such streets and such application shall be accompanied by a deposit of a sum equal to the fees chargeable on granting the privilege of such removal based on the said estimated number of days mentioned in such application which fees for each day or portion of a day on which such building shall be upon any public street or streets shall be as follows: Not less than five dollars nor more than ten dollars in the discretion of the Council.
16. Upon receiving such application and deposit and upon the applicant entering into a bond to the Town in the Form "B" in the appendix to these Bylaws with one or more sureties to be approved by the Chairman of the Street Committee in the sum of \$500.00, the Town Clerk shall issue to such applicant a permit to move said building over the street or streets in such application mentioned during the period estimated therein.
17. Such permit may be extended by the Mayor or Street Committee for such number of days as the applicant may find necessary beyond those mentioned therein by endorsing such extended time on such original permit and signing the same; provided however, that such applicant shall first deposit a further sum with the Town Clerk equal to the fees payable in respect of the number of additional days for which he requires such extension based upon the tariff chargeable therefor under Section 15 of this Chapter as though the extended number of days had been added to and included in the original application.
18. If any building for the removal of which a permit has been granted as heretofore mentioned shall be or remain upon any public street of the Town for any day or portion of a day beyond the period mentioned in such permit or extension thereof the applicant shall be considered as having moved the same without the permission of the Mayor or Street Committee and shall be liable to the penalty and punishment mentioned in Section 182 of Chapter 84, Revised Statutes of Nova Scotia, 1923, for moving buildings without permission.

Form A

To the Mayor and Council of the Town of Wolfville.

Gentlemen:

Application is hereby made by the undersigned for permission to move that certain building occupied by _____ as a _____ from its present site on _____ Street upon, across and over the following public streets of the Town, that is say _____ to a new site on _____ Street where it is proposed to place the same.

Size of Building

Number of Storeys

Estimated number of days on Streets

Herewith is deposited \$ _____ to cover fees payable for estimated number of days required by Town Bylaws.

Dated this _____ day of _____ 20 _____.

Applicant.

Form B

Know all men by These Presents that _____ are held and firmly bound unto the Town of Wolfville in the penal sum of Five Hundred Dollars to be paid to the said Town for which payment to be well and truly made we bind ourselves and each of us by himself, our and every of our heirs, executors and administrators firmly by These Presents sealed with our seals and dated this _____ day of _____ in the year of Our Lord Two Thousand and _____.

WHEREAS the above bounden _____ hath obtained permission of the Town Council of the said Town to move a certain building recently occupied as a _____ upon, over and across _____ streets to _____ in said Town, he paying to the Town Treasurer the sum of \$ _____ for such permission and having entered into the following agreement embodied in These Presents, that is to say, that he, the said _____ will continuously from day to day with due dispatch and without unnecessary delay in the moving of the said building, that for each and every day or portion of a day beyond five that the said building shall be actually upon the said streets or any part thereof after the work of moving has begun he will pay to the said Town the sum of \$ _____ that he will, at his own expense, but under the direction of the Streets Committee, restore, mend, renew, repair and replace all telegraph, telephone, electric light and fire alarm wires, poles or other apparatus connected therewith which it has been found necessary to remove or in any interfere with in order to facilitate the progress of the said building along to or over said street or which by accident or design he or his workmen have removed, deface, displace or injured, that and other apparatus immediately after the said building shall have passed thereunder. That he will obtain the consent of the telephone and electric light company or either of them in case it is necessary to cut their wires, or any of them before doing so and do so under their direction. That he will further at his own expense, repair all holes or other injury that may be occasioned to the said street in the operation of moving the said buildings to the satisfaction of the Streets Committee, that he will clear up and remove all debris that may drop from said building to be occasioned on same street by the moving of the same, that in default of his forthwith complying with the direction of the said Street Committee regarding any of the foregoing conditions and agreements he will pay the Town all costs and charges to which the Town may be put by making, through its servants, said repairs or replacing said wires, poles and other apparatus, repairing said holes or removing said debris. That he will indemnify and save harmless the said Town from all damages, and the costs and charges incidental thereto which the Town may incur or for which it may be or be held liable to any person or property by the moving of the said building or by any action or thing done or taken for the purpose of facilitating the moving of the said building or otherwise, whether the said injury be owing to the negligence of the said his servants, agents, or contractors or otherwise, this provision to include injuries to horses, carriages, or carts or teams lawfully upon the said street, but not to be limited to such injuries, and from the costs of all suits which may be entered against the Town by any person or persons complaining that the moving of the said building upon and over the said street has occasioned him or them some injury to which agreement and every and each part and term thereof the said _____ has, by the execution of These Presents, declared assent.

Now the condition of this obligation is such that if the said _____ shall well and truly keep and perform all and singular the terms of the said agreement above recited, and These Presents shall be void, otherwise to remain in full force, effect and virtue.

SIGNED, SEALED AND DELIVERED
In the presence of

Snow Limits

19. Every person who owns or occupies a house, shop, store, office, hall, stable, or other building or parcel of land situate on, adjacent to or adjoining that part of the Town of Wolfville on which there is laid a permanent concrete sidewalk, shall, within four hours from the cessation of every fall of snow, clear away all snow, ice, slush or dirt from off that portion of the sidewalk, or foot path which passes immediately in front of or is contiguous to the side of the street whereon such person's building, land or premises is situated or to which the same is adjacent as aforesaid, provided always that should such fall of snow not have ceased before two o'clock p.m. then it shall be sufficient if such snow, ice, slush or dirt be cleared away on or before ten o'clock in the forenoon of the following day.
20. Any person who shall neglect to comply with the provisions of the next preceding section shall be liable to a penalty of not less than one or more than Five Dollars for each offence and in default of payment, may be imprisoned for a period not exceeding thirty days and if such neglect shall continue for twenty-four hours after the snow shall have ceased falling, the Street Committee or the Superintendent of Streets shall cause sidewalk or foot path to be cleared at the expense of such owner, occupier or person in charge or control, and such expense shall become and be a charge upon the premises in respect to which it was incurred, and shall become and be a special rate upon such premises, and may be recovered and collected in like manner as other Town rates are recovered and collected.
21. Every owner or occupier of any house, barn, stable, shop, store, office or other building whatever built close to the line of any public street, lane or thoroughfare of the Town, shall at all times during the winter season keep the roofs, eaves and other projections thereof, clear from snow and ice.
22. No person shall permit icicles to accumulate on the eaves or gutters of any building owned or occupied by him so as to become dangerous to persons passing on the streets.
23. Any person violating the provisions of the next two preceding sections shall for each offence forfeit and pay a sum not less than Two Dollars and not more than Two Dollars, and in default of immediate payment shall be imprisoned for a period not exceeding thirty days. Every twenty-four hours the snow or ice accumulated on the roof, eaves or other projections of any such building, is allowed to remain after notice by the Superintendent or of Committee on Streets to the owner or occupier thereof requiring its removal, shall constitute a distinct and separate offence against this bylaw.
24. Whenever any sidewalk has been broken or otherwise injured in consequence of the erection of any building, or any repairs to the building, the Superintendent of Streets may serve notice in writing upon the owner of the building requiring him to repair such injury within forty-eight hours from service of the notice, and if the owner fails to make such repairs within such time, the Superintendent may cause the same to be done at the expense of the owner and the cost thereof may be recovered by the Town by action.
25. No person shall dump, unload, deposit or move any coal or heavy article upon the concrete or asphalt sidewalk unless such sidewalk has been first protected by boards not less than one inch thick and placed close together over the surface where such coal or heavy article is to be deposited.
26. Every occupier of any premises shall keep the sidewalk and gutter in front of the same free from dirt and nuisance of every description.
27. No person shall distribute any handbills or other papers by scattering the same on any street.

28. No person shall cart or transport in any way on any street, any sand, earth, dirt, manure, hay, straw or rubbish or any loose fluid in such a manner that any portion of the same may be spilled or scattered on the street.
29. No person shall draw on any street any timber or other article in such a way that the same, or any part thereof drags on the street.
30. No person in any building or premises shall permit water to be discharged or to escape or percolate therefrom otherwise than by a property constructed drain or conduit discharging into a public sewer or into the gutter of the street.
31. No person shall, on any street, raise or hoist any goods into any door or window of any upper story, or lower or throw down any good from such door or window.
32. No person shall shake, riddle, mix with sand, or otherwise prepare lime on any street except by permission in writing from the Superintendent of Streets.
33. No person shall throw any shingles, board, slates, sand, gravel, tar, or other material whatsoever from any roof or scaffolding upon any street, but the same shall be lowered in chutes, or by tackles, in such manner as not to affect the safety and convenience of the public.
34. No person shall construct across any drain, gutter or water course on any street a bridge of any description without having first obtained a permit in writing from the Superintendent of Streets, specifying the nature of the bridge and terms and conditions on which the same be constructed, A permit to construct any such bridge may be refused in any case in which a curb and gutter have been placed in front of the premises intended to be reached by the bridge, and any bridge at any time constructed may be directed by the Superintendent to be removed when a curb and gutter have been so placed.
35. Every person who contravenes or fails to comply with any of the next eleven preceding sections 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34 shall be liable to a penalty not exceeding Twenty Dollars, and in default of payment to imprisonment for a period not exceeding one month.
36. No person shall:
 - (a) injure or remove any portion of any catchpit, receiving basin, covering flag, manhole, vent shaft, grating or any other part of any sewer or drain, or,
 - (b) obstruct the flow of water in any sewer or drain by any substance which forms a deposit therein or has a tendency to obstruct the same, or discharge any steam into any sewer.
37. Every person who contravenes or fails to comply with the Section shall be liable to a penalty not exceeding Twenty Dollars, and in default of payment, to imprisonment for a period not exceeding one month.

38. Every person to whom any permit is granted to make any opening or excavation in any street shall first deposit with the Clerk the sum of Ten Dollars, the receipt for which shall be delivered to the Chairman of the Committee before the permit is issued. Such deposit shall be retained as a guarantee that the applicant will properly perform and complete the work for which the permit is granted and keep the surface of the street when such work is done, in good condition to the satisfaction of the Superintendent of Streets, for six months from the date of the permit. If the Superintendent of Streets is of the opinion that the work is not being properly performed, or the surface of the street not kept in good condition, he may, without notice to the applicant, perform such work in respect to the streets as he considers necessary and the cost of any work so done by the Superintendent of Streets shall be deducted by him from the amount deposited and the balance (if any) returned to the owner at the end of six months. If the cost of such work exceeds the amount deposited, the balance may be recovered from the applicant by the Town by action.
39. The Chairman of the Committee may issue for a case of emergency an emergency permit, which shall permit excavation to be made on such conditions as the Chairman of the Committee specifies in the permit.
40. Every excavating under a sidewalk shall, after one week's notice to that effect given by the Superintendent of Streets, be closed and filled up by the owner or occupier of the premises abutting on such sidewalk, and if not so closed and filled up within ten days after such notice, may be closed and filled up by the Superintendent at the expense of the owner or occupier.
41. Every person obtaining a permit to make any excavation or opening in or near any street shall at night sufficiently and continuously light the same, and shall in addition enclose or secure the same by a fence or barrier at least three feet in height and sufficient to protect the public from injury.
42. No person shall make any permanent excavation under the surface of any street, the movable covering of which extends further into the street than to a line three feet from the street line, and then only by permission in writing from the Committee, and on such conditions as are specified in the permit; provided, however, that coal hole tops may be located near the curb and transparent coverings used for the purpose of lighting only, permanently secured, may extend over five feet from the street line.
43. No person shall build or place any movable trap or door in any street for the purpose of entrance to a cellar, or other premises, without first obtaining the permission of the Committee on Streets.
44. No person shall make any opening in any street for the purpose of a coal hole or other receptacle or for light or air, or for entrance to any building or other purpose, whatsoever, without a permit from the Committee, upon the terms set out, and such permit shall be exhibited on request of any police officer or to any other person authorized by the Superintendent of Streets in writing, to demand inspection of the permit.
45. The Committee may, upon the application of any person, construct any coal hole, grating or other aperture in any sidewalk in such manner and of such material as it deems suitable, and the cost thereof shall be paid by the applicant.
46. No person shall place or maintain a grating in any street unless the location, plan and material thereof have been approved by the Committee.
47. No person shall maintain any entrance to any property by steps descending immediately from or near to a street unless the same is securely guarded.

48. Every owner or occupier of any building having connected therewith any aperture in any street shall keep such aperture securely covered or guarded in such manner and with such material as the Superintendent of Streets directs, and every such cover or guard shall be constantly kept on a level with the sidewalk and in good repair, and every such aperture shall be kept closed except when in immediate use, and such use shall only be in the daytime, and such aperture when open shall be in charge of some competent person to warn passersby.
49. If any such owner or occupier fails to keep any such aperture securely guarded and in good repair, and level with the sidewalk, the Committee may, as its option, close the said aperture, or may put the same in good condition and repair, and the cost of so doing may be recovered from him by the Town by action, and in addition thereto he shall be liable to a penalty as hereinafter provided.
50. Every person who contravenes or fails to comply with any of the foregoing Sections in respect to openings in streets, numbered 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48 and 49 shall be liable to a penalty not exceeding Twenty Dollars, and in default of payment, to imprisonment for a period not exceeding thirty days.

Obstructions on Streets

51. Except as by the *Towns' Incorporation Act* or by this bylaw, otherwise provided, no person shall place or cause to be placed, any encumbrance upon any street whereby the public are prevented from the free and uninterrupted use of the same.
52. The Committee may temporarily close any street, or part thereof, while any work is being done thereon, or when it is advisable for other reasons to close the same, and may for that purpose, erect bars or other impediments to traffic.
53. Whenever the Committee puts up any bars or fences to close any street for any purpose, no person shall interfere with the same, or travel or attempt to travel, or drive any vehicle along the street so closed, without permission of the Superintendent of Streets, and every person who so travels or attempts to travel or drives any vehicle, shall be liable to a penalty as hereinafter provided.
54. Any person may, be permission of the Committee, place on any street, materials for buildings and erect any enclosure to protect the same and may continue such enclosure for such period as the Committee directs. Every person placing such material or erecting such enclosure without such permission or otherwise, than as herein directed or continuing the same for a longer period than herein prescribed, or after being directed to remove the same, shall be liable to a penalty as hereinafter provided.
55. Every person receiving a permit to occupy a part of a street for building purposes, or for repairing any building or making any excavation, or for any other purpose, shall provide a safe and convenient passage around, under or over the obstruction so placed and shall be responsible for any injury sustained by any person in consequence of his neglect so to do and shall at any time, when requested by the Superintendent of Streets, exhibit his permit to make such obstruction or excavation.
56. Any person may by permission of the Committee erect a scaffolding for repairing and building or other purpose connected with any building. Such permission shall be in writing and shall specify the terms and conditions on which it may be continued. Any person who erects any scaffolding without having first obtained such permission or otherwise than as is therein directed, or continues the same for a longer period than is therein prescribed, or after being directed to remove the same, shall be liable to a penalty as hereinafter provided.

57. No person shall place upon any street for sale or show any goods, wares, or merchandise, or any signboard or advertising board.
58. No person shall place or suspend or expose from any building any goods, wares or merchandise so that the same extends from the wall of such building more than six inches toward or into any street.
59. No person shall place on any street any article, or permit the same to remain thereon so as to obstruct the free passage of such street for a longer period than is necessary to remove the same to or from any building or premises fronting on such street.
60. Every person who contravenes or fails to comply with any of the foregoing Sections 51, 52, 53, 54, 55, 56, 57, 58 and 59, in respect to obstructions on streets shall be liable to a penalty not exceeding Twenty Dollars, and in default of payment, to imprisonment not exceeding thirty days.

Marketing Area

61. For purposes of sections 61,62, 63, 64 and 65, marketing area means, in locations where the Town sidewalk is eight feet (8') or greater in width, an area of the Town Street property, a maximum of four feet in width, extending from the face of a building adjacent to the Town owned sidewalk toward the curb, or where there is no building adjacent to the sidewalk, from the back of the Town owned sidewalk toward the curb.
62. Notwithstanding any other provisions of this by-law, use of the sidewalk for purposes of marketing by merchants shall be permitted in accordance with the following:
 - (a) Provisions for marketing as outlined in this section are limited to the Downtown Commercial C-I zone as defined in the Town of Wolfville Land Use By-Law.
 - (b) Use of Town Street property for the purposes of marketing activities by merchants is limited to the marketing area.
 - (c) Marketing uses that are permitted in the marketing area are limited to; placement of tables and chairs, sandwich boards or other similar temporary signage, non-permanent landscape fixtures, non-permanent street furniture.
 - (d) Use of the marketing area that is adjacent to a property shall be restricted to the owner or tenant who operates a business on that adjacent property.
 - (e) A business operator is permitted to place a sandwich board sign or other similar sign within the marketing area adjacent to their business which advertises another business within 200 feet from their business. No fee shall be charged to the off site business operator for the placement of such a sign.
 - (f) During the winter season, use of the marketing area is restricted to allow for snow and ice removal from the sidewalks.
63. Sandwich board signs or other similar signs placed in the marketing area shall be:
 - (a) placed at the edge of the marketing area adjacent to the building or at the back of the sidewalk,
 - (b) of a maximum height of 3.3 feet,
 - (c) of a maximum width of 2.0 feet,

- (d) of stable design to remain upright during typical wind gusts,
 - (e) limited in the message on the sign to the name of the business and the product or service offered. Notwithstanding this requirement a theatre, art gallery or similar use may advertise an event and a restaurant may post a menu.
 - (f) constructed such that all surfaces have a permanent finish and all finishes are well maintained.
64. Any business operator who uses the marketing zone for marketing activities as permitted under this by-law shall carry public liability insurance in a minimum amount of \$ 1,000,000 and name the Town as an additional insured under this insurance and hold the Town harmless from any liabilities that may result from the marketing activities permitted under this by-law.
65. Any business operator wishing to conduct marketing activities as permitted under this by-law shall apply to the Town for a permit on the prescribed form and shall supply the Town with a certificate of insurance to confirm compliance with the requirements of section 64. The business operator shall notify the Town 30 days prior to the cancellation of the insurance required under this by-law.