

BYLAW NO. 1556

CONSOLIDATION OF A BYLAW OF THE CITY OF MEDICINE HAT to control the use of streets in the City.

WHEREAS it is expedient to recast the street bylaw of the City.

NOW THEREFORE the COUNCIL OF THE CITY OF MEDICINE HAT ENACTS AS FOLLOWS:

1. This bylaw shall be cited as the "Street Bylaw".
2. In this bylaw the definitions described in section 2 of the Highway Traffic Act of the Province of Alberta shall apply to this bylaw and in addition following definitions shall apply:

Amended by:
Bylaw 3642
Sept. 20, 2005

"Bylaw Enforcement Officer" means any person employed by the City as a Police Officer, Bylaw Enforcement Officer or Special Constable.

"Chief of Police" means the constable in charge of the City Police Force;

"City" means the corporation of The City of Medicine Hat, or the area contained within the City boundaries as the context requires;

Amended by:
Bylaw 3642
Sept. 20, 2005

"City Engineer" means the person or persons appointed as City Engineer from time to time for the purposes of this Bylaw by the City's Chief Administrative Officer.

"Council" means the Council of the City;

"Herd" means two or more animals if not yoked together or otherwise forming a team;

"Residential street" means a street or a designated portion thereof abutted by sides four-fifths of which are occupied by residential buildings only and none of which are occupied by industrial buildings;

"Street" means a highway in the City.

3. Except as otherwise provided any person may use a street for any purpose for which a public thoroughfare normally may be used.

4. Where a sidewalk is provided no person shall walk
 - (a) on a boulevard that is sown with grass or where decorative plants are sown or cultivated
 - (b) on or along the roadway except to cross the street, unless he cannot use the sidewalk with safety.

5. Subject to the provisions of section 3 no person shall
 - (a) place or leave any wares, merchandise or chattels in order to display them for sale;
 - (b) sell or solicit purchasers for any wares, merchandise, or chattels;
 - (c) conduct an auction sale, whether or not the property being sold is on display
 - (d) solicit for or carry on his business, trade or occupation unless licensed to do so pursuant to the License Bylaw on any portion of a street.

DANGEROUS PRACTICES AND OBSTRUCTIONS

6. No person shall place or throw any material over or upon a street.

7. No person shall allow any material or object other than a vehicle or animal belonging to him to remain on a street unless otherwise provided in this bylaw.

- 7A. No one shall place or permit to remain any electrical wire on or above a sidewalk at a height of less than 8 feet above the sidewalk.

8. No person shall drive on or along a street a motor truck or other vehicle with or without a trailer with either the box of the motor truck or the trailer filled with waste material unless the waste material is completely covered by a tarpaulin or other covering secured in such manner that no portion of the waste can escape unless dumped.

9. No person shall pour any liquid containing any solid object on a street so that the object is carried into a sewer.

10. No one shall flush a truck body so that the effluence flows into a sewer.

11. (1) The owner or occupier of premises abutting a street shall not construct or maintain a gate or door which will obstruct the free use of any portion of a street.
- (2) The owner or occupier of premises abutting a street shall not allow any object other than:
 - (a) an awning or a marquee which complies with the Building Bylaw, or
 - (b) a building encroaching on a street in circumstances allowed by the Building Bylaw,to project over any portion of a street.
12. (1) Subject to the provisions of subsection (2) the owner or occupier of premises abutting a street shall not direct a flow of water from such premises onto or across a street.
- (2) A person may wash the sidewalk in front of his premises in such a way as not to wet or interfere with anyone on the sidewalk.
- (3) A person who has an awning extending from a portion of his premises over a sidewalk or other portion of a street shall endeavour to keep the awning free from snow or ice so that it will not drip upon the sidewalk below.
- (4) If water, snow or ice from an awning falls on a sidewalk the owner of the awning shall remove such water, snow or ice forthwith.
13. (1) The owner or occupier of premises abutting a street shall not permit earth, rock, trees or other substances from such premises to be deposited either by nature or artificial means upon any portion of the street, or if such material is so deposited shall not allow it to remain there.
- (2) The owner of a lot which slopes downward toward a street which it abuts at such an angle that earth, rocks, trees or other substances from the lot are likely to be deposited on the street shall build a retaining wall to prevent such substance from being deposited on the street.

Amended By:13.(A) No owner or occupier of premises abutting a street shall place concrete or any other form of material or substance in the gutter or attached to the curb for the purpose of providing a ramp entrance to a driveway or for any other purpose.
Bylaw 1725
Mar. 3, 1975

14. (1) If anyone fails to remove any object or material from a street contrary to a provision of this Bylaw the City Engineer may cause such person to be served with a notice to remove obstructions.
 - (2) If the person to whom the notice is directed fails to comply therewith within twenty-four hours following service on him of the notice the removal thereof, the actual cost of removing the object or material shall be a debt payable to the City by such person.
 - (3) Notwithstanding the removal of the object or material from the street by the City at the expense of the person who is required to remove it or the payment to the City of the cost of such removal, the person who should have removed it is guilty of an offence.
15. (1) No person shall
 - (a) make or light any fire or bonfire on a street unless he first obtains permission therefor from the Chief of the City Fire Department, or
 - (b) light, discharge or otherwise set off fireworks of any description on or across a street.
 - (2) No person shall discharge any firearms, air gun or air pistol either on a street or elsewhere within the City unless authorized by the Chief of Police.

ADVERTISING MATTER:

16. (1) No person shall scatter upon a street
 - (a) a printed bill, a pamphlet, a leaflet or other printed matter, or
 - (b) an article of merchandise or a sample thereof.
 - (2) No person to whom a hand bill, pamphlet, leaflet or other printed matter has been handed shall discard it on a street or place it, or leave it so that it will blow about or remain on the street.
- 16A. (1) No person shall attach a bill or notice of any nature to
 - (a) a building or erection which is the property of the City, or
 - (b) a building, fence, railing, sign, receptacle monument, post or poles situated on or abutting a street
 - (2) No one shall deface, damage, or write upon any structure which is on or contiguous to a street.
 - (3) No one shall create an indecent display visible from a street.

17. (1) No parade or procession shall be conducted unless
 - (a) the parade or procession is under the control or direction of a parade marshal.
 - (b) the parade marshal has obtained permission in writing signed by the City Clerk to conduct the parade and
 - (c) the parade marshal is at the scene of the parade with the permission referred to in paragraph (b) on his person.
- (2) No person shall assist or participate in any parade or procession held contrary to section 22 subsection (1).

18. (1) Any person desiring to hold a parade or procession shall at least 48 hours prior to the date intended by him for the parade make application in writing to the City Clerk and such application shall state in writing the following:
 - (a) the name and address of the applicant, and if such applicant is an organization the names, addresses and occupations of the officers thereof.
 - (b) the nature and object of such a parade or procession
 - (c) the day, date and hours during which the parade will be held
 - (d) the intended route thereof;
 - (e) the approximate number of persons who will take part therein, the approximate size, number and nature of flags, banners or placards or such similar thing as to be carried therein and particulars of signs, descriptions and wording to be exhibited thereon and such written application shall bear the signatures and addresses of the parade marshal and such other persons who will be in charge and control of the parade or procession and that such persons undertake responsibility for the good order and conduct thereof.
- (2) Upon provision of subsection (1) being complied with the City Clerk may in his discretion issue a written permit for such parade or procession, the City Clerk may for any reason which appears to him just grant or refuse to issue a permit. The decision of the City Clerk may be appealed by any interested person to the Council.

19. The Chief of Police or officer acting on his behalf shall fix the hour and route of the parade or processions and give such directions to the parade marshal as in his opinion will prevent any unnecessary or unreasonable obstruction to the highway and tend to prevent a breach of the peace, and shall make contingent arrangements for the policing of the route.

20. During such parade or procession all pedestrians along the parade route not taking part therein shall be restricted to the use of the sidewalk.

Amended by: 21. No parade or procession shall move at a slower speed than five kilometres per hour (5 km/h) or obstruct any highway for a period longer than is reasonably necessary.
Bylaw 1842
Aug. 15, 1977

SIDEWALKS

22. No one other than a pedestrian shall use a sidewalk excepting however,
(a) an invalid using a wheel-chair or similar device or
(b) a child using a child's tricycle, cart or wagon.
23. (1) No person shall cross a sidewalk with a vehicle or hooped animal except where:
(a) the sidewalk is crossed by a lane, or
(b) there is a prepared permanent or temporary crossing constructed or approved in writing by the City, or
(c) the curb, gutter and sidewalk, are constructed so that the type of vehicle crossing them will not weaken or damage the curb, gutter or sidewalk at that place or
(d) the crossing is permitted in writing by the City Engineer.
- (2) When permission is obtained from the City Engineer pursuant to the provisions of subsection (1) to cross a sidewalk at a place where there is not a permanent or temporary crossing, the person who has permission to cross the sidewalk at that place shall protect the surfaces of the sidewalk, the curb and gutter, if any, in a manner satisfactory to the City Engineer.
24. Unless the same is constructed pursuant to the written approval of the Traffic Superintendent and the City Engineer and of a material and dimensions and in a manner satisfactory to the City Engineer, no person shall construct a driveway between the roadway and his property.

CLEARING OF SIDEWALKS

25. The owner or occupant of any premises adjoining a sidewalk shall clear away any snow, ice, dirt or other obstruction from a sidewalk within twenty-four hours after the time such snow, ice, dirt or other obstruction was deposited or formed on the sidewalk.

26. (1) Where snow, ice, dirt or other obstruction is formed or deposited on a sidewalk the City may cause the sidewalk to be cleared at the expense of the owner or occupant of the premises adjoining the sidewalk.
- (2) The City may render the account for the expense incurred by subsection (1) in writing to either the owner or the occupant of the premises adjoining the sidewalk and the person to whom the account was rendered shall pay the same upon receipt thereof.
- (3) If the City does not receive the payment of the expense incurred in cleaning a sidewalk as provided in this section within ten days of the date on which the account was mailed or delivered to the occupant or to the owner, the City may charge the same against the property adjoining or adjoining the portion of the sidewalk which was cleared by the City as a special assessment to be recovered in like manner as taxes assessable against the property.
27. A person shall not place snow or ice taken elsewhere than from a sidewalk adjoining premises owned or occupied by him on the roadway.
28. No person shall drive or lead a herd of animals on any portion of a street.

PROTECTION OF STREET SURFACES

29. (1) The City Engineer may in his discretion, either by means of barriers, signs or by other suitable notice
- (a) restrict, either permanently or for a limited time, the weight of vehicles, or the weight or distribution of loads on vehicles using all or any of the streets;
 - (b) restrict the length of vehicles using all or any of the streets;
 - (c) designate the routes through the City that shall be taken by certain vehicles or certain classes of vehicles;
 - (d) classify motor and other vehicles and pedestrians for any purpose involving the use of the streets
 - (e) prohibit wholly or partially or for a certain period or periods any class or classes of motor vehicles from being used on any street, or any portion of a street;
 - (f) provide that vehicular or pedestrian traffic shall travel upon any street or part of a street only in one direction.
 - (g) close or restrict the use of any street, either as to the full width thereof or as to part of the width thereof, either with respect to any class or classes of vehicles or with respect to any class or classes

or pedestrians, and to provide for the proper enforcement of any such closing or restriction.

- (2) A person who feels himself aggrieved by any action of the City Engineer under the powers conferred on them by this bylaw may appeal to the Council which may affirm, vary or reverse such action.
 - (3) A person who:
 - (a) makes use of any street, lane or other public place in contravention of any order or direction of the City Engineer, made pursuant to powers conferred on him by this bylaw, or
 - (b) fails to follow a route designated by the City Engineer is guilty of an offence under this bylaw.
30. (1) Unless he has obtained a written permit from the City Engineer no person shall cause to enter or move any vehicle or sled which is oversized or carries an oversized load.
- (2) The City Engineer may at his discretion and free of charge issue a permit for the purposes of subsection (1).
- (3) A person shall not move on a street any vehicle likely to injure the surface of the street.

EXCAVATING AND BREAKING UP STREET SURFACES

31. (1) Without prior written permission from the City Engineer no person shall make an excavation in a street or damage the street surface.
- (2) Any person applying for permission of the City Engineer to excavate a street shall if requested by the City Engineer furnish to the City
- (a) a performance bond guaranteeing the repair of the street satisfactory to the City Engineer, and
 - (b) an indemnity bond indemnifying the City against loss, damage or claim arising from anything done in connection with the exercise of the permission applied for, each of which bonds shall be satisfactory to the City Solicitor as to form and of an amount required by the City Engineer.
- (3) When a person exercises permission obtained pursuant to the provisions of this section he shall
- (a) erect an adequate fence or barrier to prevent vehicles or pedestrians from being injured by the presence of a broken-up

- portion of, or a hole or excavation in, the street, or by any machinery or equipment used in or in connection therewith.
- (b) provide warning signs for the daylight and warning lights at night on or in front of the barricade or fence
 - (c) provide for a hole or excavation shoring or support to prevent collapse of the sides, and
 - (d) restrict the hole or excavation to the least dimensions practical all to the satisfaction of the City Engineer.
32. Unless authorized by the City Engineer no person shall make use of any land under a public street.
33. (1) When the covering for the excavation or opening under the street is exposed and not covered with the surfacing material of the street the owner of the premises shall to the satisfaction of the City Engineer
- (a) maintain the covering in good and safe serviceable condition at all times, and
 - (b) keep any movable opening or covering closed at all times except when actually being used.
- (2) If a person responsible for making the covering for the excavation, or for maintaining it fails to do so in a manner satisfactory to the City Engineer the City may cover the excavation and may charge the expense for such work to the person who is responsible for it under the provisions of this section.

ERECTION OF POLES

34. No person shall erect a pole or a guy wire on a street without the prior written permission of the City Engineer, or the Utilities Director.

STREET NOISES

35. (1) Except as otherwise provided in section 36 no one shall operate a record player, radio, public address system, or other noisemaking instrument on a street.
- (2) Where a person occupies premises abutting a street he shall not operate or allow to be operated a device or instrument mentioned in subsection (1) of this section at such a pitch or volume that its sound creates an annoyance on the street.

36. (1) Subject to the provisions of subsection (2) a person shall not advertise a sale, auction, exhibition, entertainment, religious or political assembly or any other event by shouting, crying aloud, blowing a horn or other instrument, ringing a bell, playing a musical instrument or by the creation of a disturbance or noise on or in audible distance from a street.
- (2) The provisions of section 35 and subsection (1) of this section shall not be construed to prevent
- (a) the ringing of bells in churches, religious establishments and schools
 - (b) the moderate use of musical instruments to call attention to an opportunity to contribute to a collection made for a charitable undertaking first approved by Council during the Christmas season or some other time approved by Council;
 - (c) the sounding of a general or a particular alarm or warning to announce a fire or other emergency or disaster;
 - (d) the sounding of factory whistles and similar devices at normal appropriate times;
 - (e) the playing of a band in connection with a parade allowed pursuant to the provisions of this bylaw
 - (f) the playing of a musical instrument appropriate to a street service allowed pursuant to this bylaw in a moderate manner.
 - (g) the sounding of police whistles, police, fire or ambulance sirens
 - (h) the sounding of horns or klaxons on vehicles allowed on the streets for the purpose of and to the extent necessary to give signals or warnings to persons and vehicles using the streets, or
 - (i) the operation of a musical device approved by the Chief of Police and installed on a vehicle equipped for the sale of ice cream or confection while the vehicle is used for such sales.
37. (1) Subject to the provisions of subsection (2) unless permission for such operation from the City Engineer is obtained first a person shall not operate or allow to be operated
- (a) a riveting machine
 - (b) a concrete mixer
 - (c) a gravel crusher
 - (d) a steam shovel
 - (e) a trenching machine
 - (f) a drag line
 - (g) an air or steam compressor, jack-hammer or pneumatic drill
 - (h) a tractor or bull-dozer, or
 - (i) any other tool, device or machine of a noisy nature so as to create a noise, confusion or disturbance which may be heard on a street

between the hours of ten o'clock in the evening and seven o'clock in the morning

- (2) Subsection (1) does not apply to work of an exigent nature carried on by the City.

PENALTIES:

Amended by: 38. (1) Where a Bylaw Enforcement Officer believes on reasonable and probable grounds that a person has contravened any provision of this Bylaw he may commence proceedings by issuing a summons by means of a violation ticket in accordance with Part 2 of the *Provincial Offences Procedure Act* R.S.A. 2000 Chapter P-34.
Bylaw 3642
Sept. 20, 2005

(2) The specified penalty payable in respect of a contravention of this Bylaw is one hundred (\$100.00) dollars.

(3) Pursuant to Section 27(2)(d) of the *Provincial Offences Procedure Act*, if the summons issued by a Bylaw Enforcement Officer under subsection (1) so provides, the person named in a summons may make a voluntary payment in the specified amount set out in subsection (2), and upon making the voluntary payment, that person is not required to appear before a justice to answer the summons.

Amended by: 39. (1) A person who contravenes any provision of this Bylaw is guilty of an offence and liable upon conviction to pay a fine of not less than one hundred (\$100.00) dollars and not more than ten thousand (\$10,000.00) dollars or in default of payment to imprisonment for a period of not more than one year.
Bylaw 3642
Sept. 20, 2005

(2) Payment of any fine or imprisonment for any period of time, pursuant to the provisions of this Bylaw, shall not relieve any person from the obligation to pay any fees, charges or costs for which that person is liable under the provisions of this Bylaw.

(3) Payment of any fine or imprisonment for any period as provided for in this Bylaw shall not relieve any person from any civil liability whatsoever which may arise by reason of that person's contravention of any provision of this Bylaw.

40. Bylaw 335 together with any bylaw amending or replacing it is hereby repealed.

41. THIS BYLAW SHALL take effect upon the date of the final reading thereof.

READ A FIRST TIME this 4th day of May, 1970.

READ A SECOND TIME this 1st day of June, 1970.

READ A THIRD TIME AND FINALLY PASSED in Open Council this 15th day of June, 1970.

I HEREBY CERTIFY THAT this is a true and correct copy of Bylaw No. 1556 consolidated pursuant to Section 69 of the *Municipal Government Act* RSA 2000 c. M-26 to incorporate all subsequent amendments thereto, printed under the authority vested in me by the said Section 69 and by City of Medicine Hat Bylaw No. 1957.

CERTIFIED THIS _____ DAY OF _____, 20____.

LARRY P. GODIN, MMC
MUNICIPAL SECRETARY AND CITY CLERK
CITY OF MEDICINE HAT

NOTE: Schedule "A" to Bylaw No. 1556 was repealed by Bylaw No. 3642 on September 20, 2005