

**TOWN OF FLORENCEVILLE-BRISTOL
A BY-LAW TO REGULATE
THE CLEARANCE AND REMOVAL OF SNOW AND ICE FROM THE PUBLIC
STREETS AND SIDEWALKS IN THE TOWN OF FLORENCEVILLE-BRISTOL
BY-LAW NO. 18**

A BY-LAW OF THE MUNICIPALITY OF FLORENCEVILLE-BRISTOL RESPECTING THE ESTABLISHMENT OF A CLEARANCE AND REMOVAL OF SNOW AND ICE FROM THE PUBLIC STREETS AND SIDEWALKS.

The Council of the Municipality of Florenceville-Bristol under authority vested in it by the First Schedule Services of the *Municipalities Act*, R.S.N.B. 1973, c. M-22 and amendments thereto and under authority vested in it by the *Motor Vehicle Act*, c. M-17, R.S.N.B. 1973, and amendments thereto, hereby enacts the following:

1. TITLE

1.1. This by-law may be cited as the “Snow Removal By-law.”

2. DEFINITIONS

In this by-law:

- 2.1. “Clerk” means a clerk appointed pursuant to Section 74 of the *Municipalities Act*.
- 2.2. “Contractor” means any person or persons whose services are engaged by the Town by means of a written contract to carry snow removal on behalf of the Town;
- 2.3. “Council” means the Council of the Town of Florenceville-Bristol;
- 2.4. “Motor vehicle” means every vehicle that is self-propelled;
- 2.5. “Park,” when prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading;
- 2.6. “Pedestrian” means a person on foot or in a wheelchair;
- 2.7. “Owner” means the person or persons to whom a property is legally registered as evidenced by the documents on title available through Service New Brunswick’s Real Property Information AND/OR the legal owner of a motor vehicle unless the motor vehicle is the subject of a contract under the terms of which another person has possession and may acquire the legal title thereto, in which event while that person has possession against the legal owner, “owner” means that other person;

- 2.8. "Sidewalk" means that portion of a highway or street between the curb lines or the lateral lines of a roadway, and the adjacent property lines set apart for the use of pedestrians, and includes any part of a highway set apart or marked as being for the exclusive use of pedestrians;

3. SNOW & ICE REMOVAL

- 3.1. Whenever any roof, eave or portion of a roof or eave, or any window-sill is laden with ice either in the form of icicles or otherwise, or snow, in such a manner as to endanger pedestrians passing on any street or sidewalk beneath such ice, it shall be the duty of the owner or the agent of the owner, or any person having the care of such building or lot, to remove such ice, icicles or snow from time to time, under a penalty to be established by Council from time to time, for every neglect to remove such ice, icicles or snow.
- 3.2. No person shall throw, put, or lay upon any street, sidewalk, square, road, ditch of drainage or waterway, any snow or ice brought from any privately owned yard, enclosure, place or parking lot, into any street, sidewalk, square, road, ditch of drainage or waterway without having first obtained written permission of Council for such purposes, under a penalty to be established by Council from time to time, for every such act. Any snow or ice put upon any street, sidewalk, square, road, ditch of drainage or waterway, under such permission shall be spread and placed as may be directed by Council under a penalty to be established by Council from time to time, for every neglect to obey the direction of the Council as to the spreading and placing of any such snow or ice.

4. OVERNIGHT WINTER PARKING RESTRICTIONS

- 4.1. Between the 1st day of November in any year and until the 30th day of April in every succeeding year, both dates inclusive, no person shall park a motor vehicle unattended on any street or sidewalk between the hours of 12 a.m. and 7:00 a.m. This measure is necessary in order to allow for efficient and safe snow removal and ice control operations.
- 4.2. If any motor vehicle is so parked and is interfering, or is considered by the Town's snow removal contractor and/or designate Council member in charge of snow removal or the Town clerk to be likely to interfere with snow plowing or snow removal, any such designate may cause such motor vehicle to be removed to a place of safety and there stored, and the cost of such removal and storage shall be paid by the owner or person in charge of such motor vehicle.

This by-law shall be in effect from 12 a.m. to 7:00 a.m. from November 1st to April 30th of the succeeding year.

5. REPEAL PROVISIONS

- 5.1. By-law No. 11, A By-law To Regulate The Clearance And Removal Of Snow And Ice From The Public Streets And Sidewalks, of the former Village of Florenceville and amendments thereto, given third reading on May 11, 1999, is hereby repealed.

- 5.2. The repeal of By-law No. 11, To Regulate The Clearance And Removal Of Snow And Ice From The Public Streets And Sidewalks, of the Village of Florenceville, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

READ FIRST TIME: _____ December 20, 2016 _____

READ SECOND TIME: _____ December 20, 2016 _____

READ THIRD TIME AND ENACTED THIS _____ 10th _____ DAY OF _____ January 2017 _____.

MAYOR

CLERK