



February 16, 2022

**Village of New Maryland**

**Use of Streets By-law**

**By-law No. 62-2022**

Proposed for Enactment

**TABLE OF CONTENTS**

1.0 **TITLE AND SCOPE** ..... 3

2.0 DEFINITIONS.....3

3.0 EXCAVATION OF VILLAGE STREETS.....4

4.0 EXCAVATION OF LANDS ADJACENT TO VILLAGE STREETS..... 4

5.0 BLASTING..... 5

6.0 MOVING OF BUILDINGS ALONG VILLAGE STREETS..... 5

7.0 SNOW OR ICE ON STREETS..... 5

8.0 DITCHES, DRAINS, **CURBS** AND GUTTERS ..... 5

9.0 PROTECTION OF STREETS, SIDEWALKS AND BOULEVARDS..... 6

10.0 CLOSING OF STREETS OR PUBLIC **SPACES** ..... 7

11.0 MAINTENANCE OF TREES AND BOULEVARDS..... 7

12.0 PLACEMENT OF WASTE MATERIAL..... 7

13.0 GENERAL..... 8

14.0 ENFORCEMENT AND PENALTIES..... 8

15.0 VOLUNTARY PAYMENT OF FINES..... 8

16.0 PARTIAL INVALIDITY OF THE BY-LAW..... 9

17.0 REPEAL AND TRANSITION..... 10

**SCHEDULE "A" - MUNICIPAL BY-LAW INFRACTIONS NOTICE**

Proposed for Enactment - February 16, 2022

**Village of New Maryland**  
**Use of Streets By-law**  
**By-Law No. 62-2022**

**A By-law to Regulate the Use of Streets, Sidewalks,  
Boulevards and Public Spaces**

WHEREAS the *Local Governance Act S.N.B. 2017, Chapter 18* (“the Act”) was proclaimed and came into force January 1, 2018;

AND WHEREAS under Section 195 of the Act a by-law made under the authority of the *Municipalities Act, Chapter M-22 of the Revised Statutes, 1973*, that was in force immediately before the commencement of this section, shall be deemed to have been made under this Act and is valid and continues in force until amended or repealed;

AND WHEREAS the Council for the Village of New Maryland proposes amendments to *By-law No. 62-2000, A By-law to Regulate the Use of Streets, Sidewalks and Boulevards in the Village of New Maryland*, and amendments thereto;

**THEREFORE, BE IT ENACTED** by the Council for the Village of New Maryland under the authority vested in it by the *Local Governance Act S.N.B. 2017, Chapter 18*, and the *Motor Vehicle Act, RSNB 1973, Chapter M-17*, as follows:

**1.0 TITLE AND SCOPE**

This by-law may be cited as the “*Use of Streets By-law*”.

**2.0 DEFINITIONS**

**2.01** Words defined in the *Local Governance Act, S.N.B. 2017, Chapter 18*, the *Motor Vehicle Act, RSNB 1973, Chapter M-17*, and the *Highway Act, RSNB 1973, Chapter H-5*, and respective amendments thereto, shall have the same meaning when used in this by-law unless otherwise defined in subsection 2.02 of this by-law.

**2.02** In this by-law:

“By-law Enforcement Officer” means the person(s) appointed by Resolution of Council to enforce the by-laws of the Village of New Maryland;

“Municipal By-law Infractions Notice” means a document, in the form set out in Schedule “A”, providing notification that the provisions of this by-law have been violated;

“Peace Officer” means any person as defined in the *Motor Vehicle Act, RSNB 1973, Chapter M-17*, and amendments thereto;

“Public Space” means land, other than streets owned by the Village, for recreational or other use or enjoyment of the general public, such as conservation areas, parks or playgrounds, trails, walkways, greenbelts, wooded areas and buffers as well as areas reserved for public utilities;

“Public Works Supervisor” means the Supervisor of the Village of New Maryland Public Works Department and/or their authorized representative;

“Street” means the entire width between the boundary lines of a street, road, or highway; and

“Village” means the Village of New Maryland.

### **3.0 EXCAVATION OF VILLAGE STREETS**

**3.01** The Village of New Maryland functions as the road authority for all municipal streets within the Village. No person shall dig or make an excavation in any municipal street or public space without having first obtained permission in writing from the Public Works Supervisor. All excavations in public roadways or public spaces for the purpose of repair, extension or modification of services, located within the rights-of-way shall be authorized by, and completed to the satisfaction of, the Public Works Supervisor.

**3.02** An application shall be made to the Public Works Supervisor for any excavation of municipal streets or public spaces and such application shall detail the extent and purpose of the necessary excavation. The Public Works Supervisor, at his/her discretion, may source competitive quotes, on a time and materials basis, for the Village’s planning, execution and inspection, of the requested scope of work. The Applicant will be advised as to the estimated cost, which shall be payable to the Village in advance of the work being executed.

**3.03** Routine maintenance projects and routine connection of service laterals will be approved for completion between May 1 and Oct 31 of any given year only. The Village Development Officer will not authorize building permits for any lot which does not have completed service laterals except during those dates.

**3.04** At the discretion of the Public Works Supervisor, emergency excavations may be considered during periods outside the dates specified in subsection 3.03.

### **4.0 EXCAVATION OF LANDS ADJACENT TO VILLAGE STREETS**

No person shall dig or make an excavation adjacent to any street or public space without having first obtained permission in writing from the Public Works Supervisor. No person shall permit any excavation made by such person in a street right-of-way or public space to remain open any longer than is necessary for the purpose for which it was made. Such person shall erect, visibly mark and maintain a suitable fence or guardrail around such excavation as may be reasonably necessary to prevent injury or damage to persons or property.

## 5.0 **BLASTING**

No person shall blast rock, stone, or earth with dynamite or other explosive substances in or near any street **or public space** without providing and at all times maintaining a proper shield, guard or covering for such rock, stone, or earth sufficient to prevent any part thereof from being thrown by the force of an explosion into or over a street.

## 6.0 **MOVING OF BUILDINGS ALONG VILLAGE STREETS**

No person shall move or cause to be moved along any street **or public space** a building without having obtained permission in writing therefore from the Public Works **Supervisor, Chief Administrative Officer** or Clerk.

## 7.0 **SNOW OR ICE ON STREETS**

No person shall place on any street, sidewalk, **or public space** any snow or ice brought from any privately owned yard, enclosure, or place, into any street, sidewalk, or **public space** without having first obtained permission from the **Public Works Supervisor**. Any contravention of this regulation will result in a fine being levied, and the snow being removed by the individual who first illegally placed it, or in lieu, being removed by the Village at the expense of the individual(s) having placed **it** illegally.

## 8.0 **DITCHES, DRAINS, CURBS AND GUTTERS**

**8.01** No person shall fill up or obstruct any public drain, **ditch**, gutter or watercourse or the natural drain on any public or private **space** within the Village.

**8.02** Any person who has violated the provisions of **subsection 8.01** must remove what has been placed in the public drain, ditch, gutter, or watercourse. If **such person** neglects or refuses to comply, **a** By-law Enforcement Officer **or the Public Works Supervisor** may remove or destroy what has been placed in the drain, ditch, gutter or watercourse, and the expense of such removal or destruction shall be paid by such person in addition to any fine herein provided.

**8.03** **No person shall permit any change to the driveway opening within any municipal street right-of-way without the approval of the Public Works Supervisor.**

**8.04** **The width of driveway openings within any municipal street right-of-way shall be in accordance with the Village of New Maryland's Official Policy Statement - Regulations for Driveway Widths, and amendments thereto.**

**8.05** **The total cost of culvert installations, headwalls, cribbing, curb cuts, and sidewalk modifications for driveway access to existing streets shall be borne by the affected property owner.**

**8.06** **An application shall be made to the Public Works Supervisor for any proposed curb cuts.**

## 9.0 PROTECTION OF STREETS, SIDEWALKS AND BOULEVARDS

- 9.01 No person shall draw on any street or public space any timber or other heavy article in such a way that the same or any part thereof drags on the surface of the street.
- 9.02 No person shall drive, move, stop, park, or place any motor vehicle, vehicle, machines, or object upon any seeded or grassed area within the boundaries of the right-of-way of any street, or upon any seeded or grassed area within any public park or any other public space in the Village, except by permission in writing of the Public Works Supervisor, Chief Administrative Officer or Clerk.
- 9.03 (a) No person shall, except when permitted by the Public Works Supervisor, Chief Administrative Officer or Clerk, roll, move or place any heavy article over any sidewalk, or drive any vehicle across any sidewalk at a place where there is no permanent ramp or crossing for such sidewalk, unless such person has provided a bridge or covering of planks so constructed as to the protect the sidewalk, curb, or boulevard from damage, and to prevent any obstruction of the drain or gutter.
- (b) No such bridge or covering shall be allowed to remain on the sidewalk between 6:00 p.m. and 6:00 a.m.
- 9.04 No person shall use any tractor or other heavy equipment on any paved or concrete street, or public space, which is liable to cause damage to such street, unless permission has first been secured from the Public Works Supervisor, Chief Administrative Officer or Clerk.
- 9.05 When any sidewalk or street has been damaged as the result of the erection of any building, or any repairs to a building, or from any other cause, the Village may serve notice in writing upon the owner of the building, or the person causing such injury, requiring such person to repair such injury within forty-eight (48) hours from service of such notice, and if the owner or such person fails to make repairs within such time, the Village may cause the same to be done at the expense of the owner or such person; and the cost thereof may be recovered by the Village by ordinary action, in any court of competent jurisdiction.
- 9.06 Any vehicle or equipment that is parked or operating on Village streets, parking lots, public spaces or easements that are leaking fluids such as gasoline, diesel fuel, engine oil, transmission fluid, hydraulic fluid, antifreeze, or any other fluid that could be hazardous to the environment, shall be immediately removed by the vehicle or equipment owner or at the discretion of the Public Works Supervisor, New Maryland Fire Department, or a Peace Officer, and at the expense of the owner. Clean-up of the area may be done by the Public Works Supervisor, New Maryland Fire Department or other agencies as deemed necessary by the aforementioned and all costs for clean-up will be billed to the owner of the vehicle or equipment.
- 9.07 With the exception of emergency situations, no person shall perform any repair or maintenance to vehicles or equipment on Village streets or public spaces. Any vehicle or equipment found in violation of this provision may be removed at the discretion of the Public Works Supervisor, New Maryland Fire Department or a Peace Officer and at the expense of the owner.

## **10.0 CLOSING OF STREETS OR PUBLIC SPACES**

**10.01** The Village may by order, or by erecting a fence or barricade, close any street, public ground or public space, or any pavement, sidewalk or crossing for such time as may be necessary to make repairs, alterations, or improvements.

**10.02** When the Village considers it is advisable and necessary for the protection of the same, or to guard against the possible loss of life, and damage to property, the Village may by order or by erecting a fence or barricade, prevent entry to any street, land, public ground, or public space, or any pavement, sidewalk or crossing, and thereby prohibit the use thereof.

**10.03** Any person who uses any street, lane, public space, or any pavement, sidewalk or crossing by walking thereon, or driving any vehicle or animal thereon while the same is fenced or barricaded, or while an order for closing the same is in force, is guilty of an offence under this by-law.

## **11.0 MAINTENANCE OF TREES AND BOULEVARDS**

**11.01** No person shall plant a shade or ornamental tree on a municipal street right-of-way or public space without the consent of the Public Works Supervisor, Chief Administrative Officer or Clerk.

**11.02** No person shall, without permission of the Public Works Supervisor, Chief Administrative Officer or Clerk, remove, damage, or cut any ornamental or shade tree growing on a municipal street right-of-way or public space.

**11.03** Every owner of a shade or ornamental tree growing adjacent to a street shall keep the tree pruned or trimmed so that it does not interfere with or obstruct the users of the street.

**11.04** Every person who owns property adjacent to, contiguous to, or fronting on, a street shall maintain the boulevard which is contiguous to such person's property. Maintenance of the boulevard includes, but is not restricted to, keeping the boulevard free of weeds, tall grass, or garbage.

## **12.0 PLACEMENT OF WASTE MATERIAL**

**12.01** No person shall distribute or scatter handbills, flyers, or other advertising material on a street or public space.

**12.02** No person shall deposit or in any manner place on a street or public space any waste material or bottles, except that which is permissible as part of regular garbage collection by a contractor providing that service, and may not be placed in a manner that may block or impede movement on a street.

**12.03** No person shall place any waste material or paper where it may be carried by the wind into or along a street or public space.

12.04 No person shall cause or permit water to flow over or onto any street or public space so as to cause a public nuisance or to create a dangerous situation.

### 13.0 GENERAL

13.01 No person or persons shall stand in or upon, use or occupy any street, public space, sidewalk, square, way or passage so as to obstruct, hinder or impede the free passage of the public thereon.

13.02 No person shall place or display any wares, goods, or merchandise for sale upon any street or public space.

13.03 (a) No person shall place, maintain or continue in, on or over any street, sidewalk or public space any fence, house, steps, erections, projections, or obstructions whatsoever; and

(b) any such fence, house, steps, erections, projections, or obstructions which may now or at any time hereafter project into or over any street, sidewalk or public space, or any part thereof, may be destroyed or removed at the expense of the owners or lessees of the property in connection with which such erection, projection or obstruction is used or found.

### 14.0 ENFORCEMENT AND PENALTIES

14.01 Any Peace Officer or By-law Enforcement Officer is hereby authorized to take such action or issue such Municipal By-law Infractions Notice as they may deem to be necessary to enforce any provisions of this by-law.

14.02 Except as otherwise expressly provided herein, every person who violates any provision of this by-law is guilty of an offence and on summary conviction is liable to a minimum fine of not less than \$50.00 (fifty dollars) and a maximum fine of not more than \$100.00 (one hundred dollars).

### 15.0 VOLUNTARY PAYMENT OF FINES

15.01 Unless otherwise provided in this by-law, a Peace Officer or the Village Clerk may, either before or after the institution of proceedings against a person in respect of an offence under this by-law, accept from the person alleged to have been guilty of the offence the payment of:

- (a) for a first offence, a sum equal to the minimum penalty prescribed for such violation;
- (b) for a second offence, a sum equal to twice the minimum penalty prescribed for such violation;  
or
- (c) for a third or subsequent offence, a sum equal to the maximum penalty prescribed for such violations.

15.02 The person so accepting payment under this section shall forward such payment to the Village Treasurer together with a copy of the receipt delivered pursuant to subsection 15.01 hereof or other record setting forth the information required to be shown on the receipt.



**15.03** A payment under **subsection 15.02** hereof shall constitute a full satisfaction, release and discharge of all penalties and imprisonments incurred by such person for such violation, and for the **purposes** hereof shall have the same effect as if a judge had duly convicted the person of the violation for which the amount was paid, and a certificate purporting to be signed by the **Village** Treasurer to the effect that the sum has been paid in respect to a specific violation shall be prima facie evidence in all Courts of the conviction.

**16.0 PARTIAL INVALIDITY OF THE BY-LAW**

If any section, subsection, sentence, clause, or phrase of this **by-law** is for any reason held to be invalid by the decision of any Court of competent jurisdiction, this decision shall not affect the validity of the remaining portions of this **by-law**.

**17.0 REPEAL AND TRANSITION**

**17.01** *By-law No. 62-2000, A By-law to Regulate the Use of Streets, Sidewalks and Boulevards in the Village of New Maryland, adopted on May 23, 2000, and amendments thereto, is hereby repealed.*

**17.02** *The repeal of By-law No. 62-2000, A By-law to Regulate the Use of Streets, Sidewalks and Boulevards in the Village of New Maryland, and amendments thereto, 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:** 15 December 2021  
*(By Title Only)*

**Read Second Time:** 15 December 2021  
*(By Title Only)*

**Advertised as to content on the Village of New Maryland website in accordance with Local Governance Act, S.N.B. 2017, Chapter 18:** 02 February 2022

**Read Third Time:** \_\_\_\_\_  
*(By Summary)*

**Read Final Time:** \_\_\_\_\_  
*(By Title Only) and ENACTED:*

\_\_\_\_\_  
**Judy Wilson-Shee**  
**MAYOR**

\_\_\_\_\_  
**Cynthia Geldart**  
**CAO/CLERK**

**SEAL:**

**SCHEDULE "A"**

**MUNICIPAL BY-LAW INFRACTIONS NOTICE**

**VILLAGE OF  
NEW MARYLAND**

MUNICIPAL BY-LAW INFRACTIONS/  
INFRACTIONS AUX ARRÊTÉS MUNICIPAUX

**NM 3351**

<b>VIOLATOR/ CONTRE- VENANT</b>		NAME/NOM	
ADDRESS/ADRESSE			
CITY/TOWN/VILLE/VILLAGE		PROV./STATE/ÉTAT	POSTAL/CODE POSTAL
DATE OF BIRTH / DATE DE NAISSANCE Y/A M D/J	IF YOUNG OFFENDER - NAME OF PARENT OR GUARDIAN POUR UN MINEUR NOM DE PARENT OU TUTEUR		
<b>VEHICLE INFORMATION/ INFORMATION SUR LE VÉHICULE</b>	PROV./STATE/ÉTAT	PLATE/PLAQUE	MAKE / MARQUE
OFFENCE / INFRACTION			
		BY LAW/ ARRÊTÉ	SECTION FINE AMENDE \$
PLACE OF OFFENCE/LIEU DE L'INFRACTION		PROSECUTION POURSUITE <input type="checkbox"/>	WARNING AVERTISSEMENT <input type="checkbox"/>
REMARKS/REMARQUE			
<b>PAYMENT INSTRUCTIONS</b>		<b>MODALITÉS DE PAIEMENT</b>	
PAYMENTS CAN BE MADE IN PERSON AT THE VILLAGE OFFICE, 584 NEW MARYLAND HIGHWAY, MONDAY TO FRIDAY DURING NORMAL BUSINESS HOURS EXCLUDING HOLIDAYS OR USE THE DROP OFF BOX LOCATED AT THE VILLAGE OFFICE OR MAIL BY USING THIS CONVENIENCE ENVELOPE		EN PERSONNE, À NOTRE BUREAU EN VILLE, 584 CHEMIN NEW MARYLAND, DU LUNDI AU VENDREDI PENDANT LES HEURES D'OUVERTURE, SAUF LES JOURS FÉRIÉS. OU EN LE DÉPOSANT DANS LES BOÎTES DE DÉPÔT SITUÉES À BUREAU DU VILLAGE OU PAR LA POSTE, DANS L'ENVELOPPE CI-JOINTE	
<b>NOTE: IF PAYMENT FOR PENALTY IS NOT RECEIVED WITHIN 10 CALENDAR DAYS FROM DATE OF ISSUE, FURTHER ENFORCEMENT MEASURES WILL BE TAKEN.</b>		<b>NOTE: SI LE PAIEMENT N'EST PAS REÇU DANS LES 10 JOURS OUVRABLES APRÈS LA DATE DE L'INFRACTION, DE NOUVELLES MESURES DISCIPLINAIRES SERONT PRISES.</b>	
Y/A	M	D/J	TIME/HEURE AM PM <input type="checkbox"/> <input type="checkbox"/>
OFFICER SIGNATURE/DE L'AGENT(E)			
OFFICER'S COMMENTS/COMMENTAIRES DE L'AGENT(E)			

**APPEALS MUST BE MADE WITHIN 2 BUSINESS DAYS TO THE ISSUING AGENCY  
LES APPELS DOIT ÊTRE DÉPOSÉE DANS LES DEUX JOUR OUVRABLES AUX SERVICE  
CORRESPONDANTS**

- RCMP (506) 357-4300       BY LAW ENFORCEMENT/ (506) 451-8508  
 FIRE/INCENDIE (506) 450-8711      APPLICATION DES ARRÊTÉS