

CONSOLIDATION OF A BY-LAW OF THE CITY OF LETHBRIDGE  
TO REGULATE USE OF STREETS WITHIN THE CITY OF LETHBRIDGE  
AND TO RESTRICT AND REGULATE ACTIVITY ON, ADJACENT, OR NEXT TO  
STREETS WITHIN THE CITY OF LETHBRIDGE

\*\*\*\*\*

NOW THEREFORE, THE COUNCIL OF THE CITY OF LETHBRIDGE, DULY  
ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

B/L 3446  
5/29/78  
DEFINITIONS

1. This By-law shall be known as the "Streets By-law".

2. In this By-law unless the context otherwise requires:

- (a) "Bicycle" means any cycle propelled by human power upon which a person may ride, regardless of the number of wheels it may have;
- (b) "Boulevard" means that portion of street between the curb lines or lateral lines of a roadway, and the adjoining property lines, exclusive of the sidewalk; also that portion of a street between the curb lines or lateral lines of a divided roadway;
- (c) "City" means the Corporation of the City of Lethbridge or the area contained within the corporate boundaries of the City, as the context requires;
- (d) "City Manager" means the City Manager of the City of Lethbridge;
- (e) "Curb" means the actual curb, if there be one, and if there be no curb in existence shall mean the division of a highway between that part thereof intended for the use of vehicles and that part thereof intended for the use of pedestrians;

B/L 4671  
10/24/94

- (e).1 "Highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles.

- (f) "Hoarding" means a screen of boards enclosing a construction and material while builders are at work;
- (g) "Peace Officer" means a member of the Police Force of the City of Lethbridge or a By-law Enforcement Officer of the City of Lethbridge;
- (h) "Pedestrian" means a person afoot or a person in a wheelchair;
- (i) "Roadway" shall include that portion of the street intended for vehicular traffic within the City;
- (j) "Sidewalk" means that part of a highway primarily intended for the use of pedestrians and includes the part lying between the curb line or edge of the roadway and the adjacent property line, whether or not paved or improved;
- (k) "Street" shall include every road, roadway, avenue, lane boulevard, sidewalk, thoroughfare, bridge and highway within the City;
- (l) "Vehicle" means a device, in, upon or by which a person or thing may be transported or drawn upon a street, but shall not include bicycles, which are dealt with in By-law No. 3515 and amendments thereto.

B/L 4671  
10/24/94

PEDESTRIANS 3. No person shall crowd or jostle pedestrians on the street or sidewalk so as to create discomfort, disturbance or confusion.

SIDEWALKS 4. No person shall lead or ride any horse, or drive any vehicle, on or along any sidewalk in the City.

VEHICLES WITH LUGS, TRACKS 5. No person shall allow any vehicle with lugs, flanges or tracks to pass over or along any crossing or culvert situated on any street within the City until the person in charge thereof shall have laid down planking to be at least 4 metres in length and 8 centimetres in thickness and of sufficient width to completely protect the surface of any such crossing or culvert from contact with the wheels of such vehicle.

- DRAGGING OBJECTS 6. Except by permission in writing granted and signed by the City Manager no person shall allow any conveyance or vehicle or part of a conveyance or vehicle, or any object, article, matter or thing whatsoever to be dragged, hauled, propelled, driven or moved in any manner along, upon or over any street in the City unless mounted and moved on wheels, or loaded and carried on a wheeled vehicle.
- CROSSING PERMIT 7. (1) The owner of any premises who wishes to afford access thereto and/or egress therefrom across any sidewalk, boulevard, drain, watercourse, or gutter shall apply to the City Engineer for a Crossing Permit and the City Engineer may arrange for construction.
- (2) No such permit shall be granted excepting under the following circumstances, and subject to the following terms and conditions namely:
- (a) In a residential district the width of a crossing or bridge shall not exceed 4 metres for a single entrance or exit or 7 metres for a double entrance or exit.
- (b) No crossing or bridge shall be located on any street or avenue within 8 metres of the prolongation of the lateral curb lines or the exterior edges of the roadways measured along the property line of the premises of which the crossing or bridge is furnished.
- (c) The applicant shall agree and if the permit is granted shall be bound:
- (i) To pay all costs of construction, maintenance, repair, operation and replacement,
- (ii) To indemnify the City in respect of any and all damages and costs occasioned directly, indirectly, or incidentally by reason of the existence, maintenance, repair, operation or use of the said crossing or bridge,

- (iii) To keep the crossing or bridge clear and free from snow, ice, slush or dirt,
- (iv) To have the City construct the crossing or bridge at the applicant's expense.
- (d) That the City Council shall have the right at any time to revoke the permit and remove the crossing or bridge.
- (e) That all covenants and conditions shall constitute covenants running with the land benefited or served by the said crossing or bridge, and shall enure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the applicant.

SIDEWALKS 8.  
AND  
DRIVEWAYS

- (1) Every concrete or paved walk leading from the curb or curb line across a boulevard to a City sidewalk, or leading from the inside edge of a City sidewalk to any premises, and every driveway leading from the curb or curb line across a City sidewalk to any premises, shall be laid level with the City sidewalk and no retaining wall shall be placed closer than 70 centimetres to any City sidewalk.
- (2) No person shall lay down or construct any retaining wall or any concrete or paved walk of the kind mentioned in subsection (1) of this Section without first having obtained from the City Engineer approval so to do, and no person shall lay down or construct any driveway of the kind mentioned in subsection (1) of this Section unless and until the provisions of Section 7 of this By-law have been complied with.

IMMOBILE 9.  
VEHICLE

- No person shall place or suffer to stand upon any street within the City, any vehicle which has not attached thereto or is otherwise supplied with means of locomotion for hauling or propelling the same without delay.

GOODS FOR 10.  
SALE  
B/L 4391  
11/6/90

Subject to the provisions of Section 12 no person shall place any goods wares or merchandise or other articles of any kind, other than signs as permitted under the Signs Regulations of the City, upon any street or sidewalk or hang or expose any goods or merchandise or other articles outside any shop, warehouse or other building which shall project over any portion of the sidewalk or street more than 30 centimetres from the line or front of such person's house, shop or warehouse or do any act or thing which may in any way obstruct the free use of the street or sidewalk, but the provisions of this Section shall not be construed to interfere with the use of a portion of such street or sidewalk for a reasonable time during the taking in or delivery of goods, wares or merchandise.

OBSTRUCTING 11.  
STREET OR  
SIDEWALK

No person shall stand in groups or sit or lounge upon chairs, benches, or other things on any street or sidewalk in the City so as to obstruct the free use of the said street or sidewalk by pedestrians.

SELLING ON 12.  
STREET OR  
SIDEWALK  
B/L 4391  
11/6/90

(1) No person shall by any means sell anything whatsoever upon any of the streets or sidewalks of the City unless a permit has been granted by the City Engineer.

B/L 4391  
11/6/90

(2) The City Engineer may, in his discretion, issue a permit, refuse to issue a permit or issue a permit upon such conditions as he deems appropriate.

B/L 4391  
11/6/90

(3) Without restricting the generality of subsection (2) all permits issued shall be subject to the following conditions:

- (a) That the permit is terminable upon 48 hours notice in writing or immediately upon breach of any condition by the applicant.
- (b) That the applicant shall maintain a minimum clearance of 1.82 meters (6 feet) of sidewalk for pedestrian movement.

- (c) No applicant may obtain a permit for an area larger than the front footage of the parcel of land adjacent to the sidewalk.
- (d) The applicant shall pay to the City a fee of \$2.00 per day.

ADVERTISING

13. No person shall advertise the sale of any article, matter or thing by the blowing of any horn, crying, hallooing or creating any other discordant noise in any of the streets in the City.

DIGGING  
UP STREET OR  
EXCAVATING

14. (a) (i) No person shall break, tear up, or remove any planking, pavement, sidewalk, curbing, gravel, or other road surface or make an excavation in or under any street or sidewalk or public place in the City without first having obtained a permit from the City Engineer to do so.
- (ii) No person other than an employee of the City, properly authorized in that behalf, shall dig or remove any earth or other material from any street, nor shall any person deposit or place any earth or other material upon any street, except in accordance with the terms of a permission in writing issued to such persons for such purpose by the City Engineer.
- (iii) A permit shall become invalid if the work permitted in the permit is not commenced within seventy-two hours of its issuance.
- (b) Before commencing any excavation, the person shall obtain the field location of all underground facilities including those of, but not limited to the following, namely:
- (i) City of Lethbridge Engineer Department
  - (ii) City of Lethbridge Electric Department
  - (iii) City of Lethbridge Community Services Department
  - (iv) Canadian Western Natural Gas Company Ltd.
  - (v) Alberta Government Telephones
  - (vi) Lethbridge Cablevision

- (c) The applicant for the permit shall carry out all work in respect to the excavation in accordance with current adopted City of Lethbridge engineering practice, including, but not limited to:
  - (i) The excavating work
  - (ii) The placing of the permit holders' work within the excavation
  - (iii) The backfilling, compaction and restoration of the site, and
  - (iv) Asphalt patching and concrete surfacing.
- (d) The work shall, in every particular, be under and subject to the control of the City Engineer, and all orders, directions and instructions at any time given by the City Engineer with respect thereto, or respecting the conduct thereof, shall be obeyed by the permit holder and promptly and efficiently performed and complied with to the satisfaction of the City Engineer.
- (e) The works performed and completed shall be at the risk of the permit holder and it shall be a condition of the permit that he shall bear all loss or damage whatsoever from whatsoever cause arising, excepting either acts of third parties or acts of God, which may occur to the works, and if any such loss or damage occurs, the permit holder shall immediately, at his expense repair, restore and re-execute the work so damaged, so that the whole works, or the respective portions thereof shall be completed properly.
- (f) The permit holder and all persons employed by him or under his control, and all employees of his sub-contractors (if any) shall use due care that no person or property is injured, and that no rights are infringed in the prosecution of the work. The permit holder shall solely be responsible for all claims, in respect of any injury to persons or to lands, or property of whatever description

DIGGING UP  
STREET OR  
EXCAVATING (CONT'D)

and in respect of any infringement of any right, privilege or easement occasioned in carrying on of the works, or any part thereof or by any neglect on the permit holder's part or on the part of any of his employees or any of his sub-contractors. The permit holder shall at his own expense make such temporary provisions as may be necessary to ensure the avoidance of any such damage, injury or infringement, and to prevent the interruption of, or danger or menace to, the traffic or any public or private road, and to secure to all persons the uninterrupted enjoyment of all their rights, in and during the performance of the said works. The permit holder shall indemnify and save harmless the City of Lethbridge and the employees of the City of Lethbridge from and against all claims and demands, loss, costs, damages, actions, suits or other proceedings by whomsoever made, brought or prosecuted in any manner based upon, occasioned by or attributed to any such damages, injury or infringement, and without restricting the generality of the foregoing, the permit holder shall be responsible for all damages caused as a result of the said work, during construction and after.

- (g) The permit holder shall make suitable prior provisions with the City Engineer to accommodate all traffic, whether pedestrian or vehicular, over or around any part of the roadway upon which work is being performed, and shall at his own expense maintain such signs, barriers, fences, lights and flagmen as may be required for this purpose. If required by the City Engineer, a responsible flagman shall be maintained continuously on this work for the direction and control of traffic when construction operations or work zone conditions cause interruption and delay to traffic or hazard to traffic.
- (h) (i) Where the highway is closed and traffic diverted entirely off the right-of-way, the permit holder shall, at his own expense, provide and maintain such signs, barriers, lights and flagmen as may be necessary to direct the travelling public, which shall include signs and lights at every intersecting



road over the entire length of the detour and over such part or parts of the detour as the circumstance may reasonably require and shall indicate by signs at both ends of the detour, the length of such detour. The permit holder shall promptly change or remove such signs, barriers, lights and flagmen as the work proceeds or is completed.

(ii) All signs, barriers, and lights shall be constructed, installed and maintained in accordance with the City of Lethbridge standards and specifications.

(i) The permit holder shall notify the City Engineer immediately upon completion of the work permitted in the permit.

(j) Upon the completion of the work to the satisfaction of the City Engineer, the permit holder shall provide the City of Lethbridge with "as built" drawings, showing the exact location and construction of the works.

B/L 3518 15. (1)  
4/2/79  
TEMPORARY  
ENCROACHMENTS ON  
PUBLIC  
RIGHT-OF-WAYS

No person shall construct or place any permanent encroachment or obstruction of any kind, in, upon, under, or overhanging any of the streets, lanes, or public places in the City of Lethbridge, unless authority has been granted pursuant to an Encroachment Agreement with the City.

(2) No person shall use or occupy any portion of a street, lane, or other public place for the placing thereon any building material, tools, machinery, hoarding or construction device of whatever nature unless a permit allowing same has been issued pursuant to subsection (4).

(3) No person shall construct from a building or other structure, a temporary projection which extends over any portion of a street, lane or other public place, unless a permit allowing the same has been issued pursuant to subsection (4) below.

TEMPORARY  
ENCROACHMENTS  
ON PUBLIC  
RIGHT-OF-WAY

- (4) All applications for permits pursuant to subsections (2) or (3) shall be made to the City Engineer. The City Engineer may, in his discretion, issue a permit, refuse to issue a permit or issue a permit upon such conditions as he deems appropriate.
- (5) Without restricting the generality of subsection (4) all permits issued shall be subject to the following conditions:
  - (a) That the permit is terminable upon 30 days notice in writing or immediately upon the breach of any condition by the applicant.
  - (b) That the applicant shall indemnify the City in full for any damage whatsoever sustained by reason of the issuance of this permit, and shall provide the City with such public liability insurance or other security as the City may require.
  - (c) That the applicant provide for:
    - (i) convenient pedestrian movement;
    - (ii) protection for pedestrians from any overhead projectiles;
  - (d) That the applicant shall be responsible for the restoration of the street, lane or other public place to the condition it was in before his work commenced.
- (6) A person who obtains a permit for the temporary use and occupation of streets, lanes or other public places pursuant to the provisions of this section shall pay to the City a monthly rate of:
  - (a) ONE (\$1.00) DOLLAR for each lineal foot or fraction thereof of right-of-way between the property line and curb or edge of roadway occupied by the operation;

- (b) TWENTY-FIVE (254) CENTS per square foot or fraction thereof of traffic lane on the roadway of a street so used, up to a maximum of 8 feet measured horizontally at right angles to the curb;
  - (c) ONE (\$1.00) DOLLAR per square foot or fraction thereof for any portion of a street so occupied which exceeds eight feet measured horizontally at right angles to the curb;
  - (d) TWENTY-FIVE (254) CENTS per square foot or fraction thereof of laneway so used up to a maximum of five feet measured horizontally at right angles to the property line;
  - (e) ONE (\$1.00) DOLLAR per square foot or fraction thereof for any portion of a laneway so used which exceeds five feet measured horizontally at right angles to the property line.
- (7) No owner or occupant of any premises shall allow any gate of such premises to swing or project over any street, lane or public place in the City
- (8) Where a person obtains a permit to park, leave, stand or station a mobile crane or other mobile construction machine on a portion of a street or sidewalk which is not included in the area for which he is paying a fee pursuant to this section, he shall pay a daily charge or fee of \$5.00 for each mobile crane or machine stationed thereon.
- (9) Where a person wishes to unload cement, concrete in any form, structural or reinforcing steel, lumber, plaster, wood or any other building material whether similar or dissimilar from a street to be used in connection with a building operation, he shall obtain a permit in writing from the City Engineer and shall comply with all of the provisions and conditions of the permit but subject to subsection (10) of this Section, there shall not be any fee payable in connection with the issue of the permit.

(10) Where in connection with the use of a part of a sidewalk or the roadway of the street, the City considers it is necessary or desirable to hood or remove a parking meter so that it may not be used, the person in charge of the building operation in respect of which the meter is or meters are required to be hooded or removed shall pay for each inactivated parking meter:

B/L 4671  
10/24/94

(a) A fee of \$10.00 for the first day and \$3.20 per day thereafter;

(b) In addition to the fees payable pursuant to this section, the Permittee shall also pay to the City the entire cost and expense which the City incurs in moving and replacing any structure of any nature situated on the street or sidewalk at the time the building operation commenced and which it was necessary to remove to allow the use of a portion of the street or sidewalk for the building operation.

(11) Any person placing or causing any obstruction to be placed in or upon any street, lane or public place contrary to the provisions of this by-law shall remove or cause the removal of such obstruction within twenty-four hours after being notified so to do by the City Engineer. After the expiration of the said twenty-four hours, the City Engineer may remove or cause the removal of such obstruction, and such removal shall be at the expense of the said person causing or placing such obstruction on any street, lane or public place.

PENALTY  
FOR  
VIOLATION

16. Any person violating any of the provisions of Section 15 shall be liable on summary conviction before a Provincial Judge in the City of Lethbridge to a penalty of \$100.00 exclusive of costs, or in the case of the non-payment of fine and costs, to imprisonment for any period of time not exceeding 60 days.

BARRICADES  
AND  
SAFEGUARDS  
B/L 4671  
10/24/94

17. A City of Lethbridge Certified Work Site Safety Supervisor or Peace Officer in any case where any of them deems it necessary or advisable so to do may authorize the placing or setting up of barricades and other safeguards including warning lights, reflectors, signs and other safety devices on, in, about, along or across any street, within the City or on, in, about, along or

- BARRICADES  
AND SAFEGUARDS  
(CONTD) across any part of any such street, and no person not authorized so to do either by the Certified Work Site Safety Supervisor or Peace Officer shall remove, displace, tear down, overthrow, injure, damage or interfere in any way with any such barricade or safeguard placed or set up as aforesaid.
- DEFACING 18. No person shall deface or disfigure any building, wall, fence, railing, sign,  
OR monument, post, telegraph, telephone, electric light pole or other  
DISFIGURING property in the said City by cutting, breaking, daubing with paint or other substance, bill posting or in any way injure or deface the same.
- BARBED 19. The use of barbed wire on any fence or construction or erection  
WIRE abutting on any street within the City is hereby prohibited and any person erecting any fence or other construction of any kind whatsoever on which barbed wire is used and any person suffering any barbed wire to remain on any fence or other construction or erection now constructed or erected contrary to this Section shall be guilty of an infraction of this By-law.
20. Provided, however, that the provisions of the immediately preceding section shall not apply to lands lawfully used for the keeping of livestock not adjacent to any developed residential area nor to security fencing where the barbed wire portion or portions of such security fencing is not less than two metres above the ground level.
- TACKS, NAILS  
GLASS 21. No person shall deposit or leave or allow to fall upon any street in the City any tacks, nails, glass or other sharp or pointed material liable to injure the tires of any vehicle or the feet of any person passing on the said streets.
- INDECENT 22. No person shall post or put up any indecent placard, writing  
PLACARDS, or picture or write any indecent words or make any indecent  
DRAWINGS picture or drawing on any public or private building, wall, fence, sign, monument, post, sidewalk or pavement in any of the streets, parks or other public places of the City.

- STONES,  
ICE            23.    No person shall cast, project or throw any stones or balls of snow or ice or other missiles in any of the streets or public places of the City.
- INJURY TO    24.    No person shall destroy or injure any trees, shrubs, plants or  
TREES,  
SHRUBS            flowers or injure the lawn on any boulevard, public park or  
public garden in the City.
- DISTURBANCES  
                  25.    No person shall unnecessarily blow horns, ring bells or make any other  
disturbances in the streets or use loud blasphemous, abusive or grossly  
insulting language, or sing or shout in a boisterous manner or commit any  
nuisance by collecting, loitering or standing as idlers on any public sidewalk  
or street within the said City.
- B/L 4758       25(2) No person shall fight on any public sidewalk, boulevard or  
1/15/96           highway within the said City.
- SNOW OR      26.    REPEALED  
ICE ON  
SIDEWALKS  
AND ROOFS  
B/L 4865  
12/1/97
- SIGNS           27.    No person unless authorized to do so by the City Manager shall  
B/L 4327           erect or maintain any sign upon a street in the City of  
21/8/89            Lethbridge.
- PAINT           28.    No person unless authorized so to do by the City Manager  
MARKS           shall place any paint marks or other marker signs on any street, sidewalk,  
curb, or gutter, and the City Manager is hereby authorized to remove, erase  
or obliterate, as he sees fit, all unauthorized paint marks or marker signs  
which have heretofore been placed or which are hereafter placed on any  
street, sidewalk, curb or gutter.

- VIOLATIONS AND PENALTIES B/L 4758 1/15/96
29. Any person violating any of the provisions of this By-law or any other person responsible for such violation shall be liable on summary conviction before a Provincial Judge to a penalty not exceeding \$1,000.00 or imprisonment for not more than six (6) months, or both.
- NOTICE OR TAG
30. Where any Peace Officer believes that any person has committed a breach of any of the provisions of this By-law as set out in Schedule "A" hereto he may serve upon such person a notice or tag as provided herein.
31. Services of any such notice or tag shall be sufficient if it is:
- (a) personally served
  - (b) served by double registered mail
- PAYMENT
32. Upon production of any such notice or tag within seven days from the date of service of such notice, together with the payment of the sum specified in Schedule "A" hereto to a person authorized by the Chief of Police of the City to receive such payment, an official receipt for such payment shall be issued, and subject to the provisions of Section 34 and 35 below, such payment shall be accepted in lieu of prosecution.
- FAILING TO PAY
33. If the person upon whom any such notice or tag is served fails to pay the said sum within the time allotted, the provisions of Section 32 shall no longer apply.
- EXERCISING RIGHT
34. Nothing in this By-law shall:
- (a) prevent any person from exercising his right to defend any charge of committing a breach of any Section of this By-law.
  - (b) prevent any person from laying an information or complaint against any other person (whether such other person has made a payment under the provisions of Section 32 or not) for committing a breach of any Sections of this By-law set out.

REFUND

35. Where any person has made a payment pursuant to Section 32 and is prosecuted for the offence in respect of which such payment has been made, such payment shall be refunded.
36. It is the intention of City Council that each separate provision of this By-law shall be deemed independent of all other provisions herein and it is further the intention of City Council that if any provision of this By-law be declared invalid, all other provisions therefore shall remain valid and enforceable.



SCHEDULE "A"

Revised 12/1/97  
B/L 4865  
PENALTY

<u>SECTION</u>	<u>OFFENCE</u>	
3	Crowding on Streets	\$ 25.00
4	Vehicles, etc., on sidewalk	\$ 50.00
5	Vehicles passing over or along any crossing or culvert	\$ 25.00
6	Dragging objects, etc.	\$ 25.00
9	Leaving vehicle	\$ 25.00
10	Placing of goods on streets	\$ 25.00
11	Obstructing free use of streets	\$ 25.00
12	Selling on streets	\$ 25.00
13	Advertising sale of merchandise on streets	\$ 25.00
14(a)(i)	Removal of planking, pavement, etc.	\$ 75.00
14(a)(ii)	Removal of earth, etc. without permit	\$ 75.00
15	Hoarding without permit	\$ 50.00
17	Removal of barricades or safeguards by unauthorized persons	\$ 50.00
18	Deface or disfigure any public or private building, etc.	\$ 50.00
19	Use of barbed wire	\$ 25.00
21	Depositing or allowing to fall upon any street, any tacks, nails, etc.	\$ 25.00
22	Posting of indecent placards, etc.	\$ 25.00
23	Throwing of stones, etc.	\$ 25.00
24	Destroy or injure any trees, etc.	\$ 25.00
25	Blowing horns, abusive language, loitering, etc.	\$ 20.00
25(2)	Fighting on sidewalk, boulevard or highway	\$100.00
26	Repealed B/L 4865 12/1/97	
27	Erecting signs on street	\$ 50.00
28	Paint marks on sidewalk, etc.	\$ 50.00