

BYLAW NO. 236/92

A BYLAW TO CONTROL THE USE OF
PUBLIC PROPERTY

The Council of the Town of Strasbourg, in the Province of Saskatchewan enacts as follows:

Title

1. This bylaw may be referred to as "The Public Property Bylaw".

Definitions

2. "Administrator" means the clerk or secretary-treasurer of the Town of Strasbourg;
"Municipality" means the Town of Strasbourg;
"Public Property" means all real property and the space above or below that real property owned by or subject to the direction, management and control of the Town of Strasbourg;
"Permanent Encroachment" means any permanent portion of a building or structure that physically uses or occupies a portion of the space on, under or above public property.

Temporary Encumbrances

3. Subject to the bylaw of the Town of Strasbourg regulating the operation of vehicles, no person shall place or leave any object on public property unless a permit has been obtained from the administrator, pursuant to this bylaw.
4. (1) The Administrator may issue a permit, in the form set out in Schedule "A" to this bylaw, to place or leave an advertising stand, kiosk, or similar object or to conduct a sidewalk sale or similar activity on the sidewalk or boulevard upon:
 - (a) receipt of an agreement from the applicant to indemnify the municipality for any damage or injury resulting or caused by the object or activity; and
 - (b) satisfying himself that the object will not unduly interfere with the intended use, including the passage of pedestrian traffic, of the sidewalk or boulevard and that the object will not distract or impair the clear vision of or otherwise interfere with drivers.
- (2) Where an application for a permit is refused by the administrator the applicant may apply in writing to the council of the Town of Strasbourg and the council may, affirm, modify or reverse the decision of the administrator.

Removal of Temporary Encumbrance

5. The municipality may remove any unauthorized object placed, left or maintained on public property at the cost of the person who caused or allowed the object to be placed, left or maintained.

Permanent Encroachments

6. Subject to the bylaw of the Town of Strasbourg regulating the operation of vehicles, no person shall cause or allow any building or other permanent structure to encroach upon public property, unless a permanent encroachment agreement has been obtained, pursuant to this bylaw.

- 7. (1) The municipality may enter into a permanent encroachment agreement with the owners of land abutting public property where a building or other permanent structure located on the land encroaches onto, over or under public property upon:
 - (a) satisfying himself that the encroachment will not unduly interfere with the public utility services or passage of traffic on any sidewalk or public highway and that the structure complies with any building or zoning bylaws of the municipality.
 - (b) obtaining any necessary approval or consent of the Department of Highways and Transportation of the Province of Saskatchewan for an encroachment onto a public highway.
 - (c) paying any costs associated with registering any agreements required pursuant to this bylaw.

(2) Where the original building or structure is removed from the public property the permanent encroachment agreement shall be ended and have no effect.

Removal of Permanent Encroachment

- 8. The municipality may remove any unauthorized permanent encroachment at the cost of the owner of the encroaching building or structure and may recover that cost by civil proceedings or upon summary conviction.

Cancellation of Permit or Agreement

- 9. (1) The Administrator may, upon notice to the owner of an encroachment, cancel any encroachment agreement or encumbrance permit where the public property under the encroachment or encumbrance is required for any municipal purpose or where the encroachment endangers public safety.
- (2) Where notice is given of the municipality's intention to cancel the permanent encroachment or encumbrance permit, the owner of the encroaching structure or encumbering object may appeal in writing to the council of the Town of Strasbourg, within fourteen days of the notice of cancellation, and the council may affirm, modify or reverse the decision of the administrator.

Penalty

- 10. Any person who contravenes any provision of the bylaw is guilty of an offence punishable on summary conviction to the penalties provided in the General Penalty Bylaw of the Town of Strasbourg.

This bylaw shall come into force and take effect on the date of final passing thereof.



H. Hamer
Mayor

[Signature]
Administrator

Certified a true copy of Bylaw No. 236/92.
Given under my hand and seal of the Town of
Strasbourg this 10th day of November, 1992

S E A L

H. Hamer
Mayor

[Signature]
Administrator

SCHEDULE "A" TO PUBLIC PROPERTY BYLAW

Encumbrance Permit

_____, 19 ____

Permission is hereby granted to: _____

To construct _____

which will encumber public property abutting Lot _____,

Block _____, Plan No. _____ in the following manner:

(describe the encumbrance including the size)

Administrator