



CORPORATION OF THE CITY OF SUMMERSIDE

BYLAW NAME: Right-of-Way Bylaw

BYLAW #: # CS-17

BE IT ENACTED by the Council of the City of Summerside as follows:

1. Title

- 1.1. This Bylaw shall be known and cited as the "Right-of-Way Bylaw".

2. Definitions

2.1. In this Bylaw:

- (a) "City" means the City of Summerside;
- (b) "Council" means the Mayor and other members of the Council of the municipality;
- (c) "Conveyance" includes any line, pipe, wire, duct, or other method of transmitting, transferring, or otherwise transporting public services;
- (d) "Street Right-of-Way" means the right-of-way owned by the City for the passage of persons and vehicles and which contains the streets, sidewalks, storm drainage systems, sanitary sewers, water lines and the utility conveyances;
- (e) "Public Services" include electricity, natural gas, steam, water, sewer, telecommunication signals or other service used by the public; and
- (f) "Utility" means any private or public utility that transmits, transfers or otherwise transports public services through a conveyance but excludes publicly owned water and sewerage utilities.

3. Permission to Use the Street Right-Of-Way

- 3.1. The City may grant permission to a utility authorizing the utility to use the street right-of-way for the purpose of installing or maintaining any conveyance that is located or partially located above, under or on a street right-of-way subject to the following:

- (a) The size, number and location of any new conveyance shall be approved by the City prior to installation which approval may be withheld if the proposed conveyance unduly interferes with existing or planned City infrastructure;
- (b) The utility shall be liable for damage suffered by a third party during the installation or maintenance operations;
- (c) The utility shall be responsible for the cost of restoring the street right-of-way to its condition prior to the commencement of the installation or maintenance;
 - i. The entire street must be resurfaced with asphalt where trench cuts are made in the asphalt unless deemed otherwise by the City.
- (d) The utility shall be responsible for the cost of relocating the conveyance when so required to accommodate a reconstruction, relocation or upgrade of street right-of-ways or City infrastructure. The City may participate in the cost of the relocation of a utility conveyance when it deems it reasonable to do so; and
- (e) The utility shall pay an annual fee for the use of the street right-of-way for all existing and new installations in accordance with Schedule A of this bylaw.

4. Resolutions

4.1. Council may, by simple resolution, determine any of the following matters for the better administration of this bylaw:

- (a) The number, size, location and construction of new or existing accesses to the street right-of-way;
- (b) The placing of obstructions, litter or other material on the street right-of-way;
- (c) Drainage to, from, and within the street right-of-way;
- (d) The erection of snow fences on private property;
- (e) The location of signage and structures with respect to visibility and safety of vehicles and pedestrians in the street right-of-way;
- (f) Requiring maintenance of drainage ditches or the unpaved portion of the street right-of-way.

5. Offences

5.1. Any person who violates any provision of this bylaw or who fails to perform any act required hereunder or does any prohibited act, shall be guilty of an offence and liable on summary conviction to a fine of not exceeding \$1000. Each day the offence continues shall constitute a separate offence.

5.2. Any violation of this Bylaw is hereby deemed to be a public nuisance.

6. Fees

6.1. Council shall, by simple resolution, set out in Schedule "A" the amount of the fees or other costs described herein.

7. Repeal of Existing Bylaw

7.1. Bylaw Number SS-10, the Summerside Right-of-Way Bylaw which was adopted on March 15, 1999 is hereby repealed.

8. Effective Date

8.1. The effective date of this Bylaw is November 18th, 2019.

First Reading:

This Bylaw, Bylaw# CS-17, was read a first time at the Council meeting held on the 22nd day of October, 2019.

This Bylaw, Bylaw# CS-17, was approved by a majority of Council members present at the Council meeting held on the 22nd day of October, 2019.

Second Reading:

This Bylaw, Bylaw# CS-17, was read a second time at the Council meeting held on the 18th day of November, 2019.

This Bylaw, Bylaw# CS-17, was approved by a majority of Council members present at the Council meeting held on the 18th day of November, 2019.

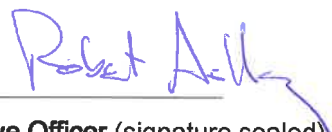
Approval and Adoption by Council:

This Bylaw, Bylaw# CS-17, was adopted by a majority of Council members present at the Council meeting held on the 18th day of November, 2019.

This Bylaw is declared to be passed on the 18th day of November, 2019.

Signatures


Mayor (signature sealed)


Chief Administrative Officer (signature sealed)

This Bylaw adopted by the Council of the City of Summerside on the 18th day of November, 2019 is certified to be a true copy.


Chief Administrative Officer Signature

22 November 2019
Date



CORPORATION OF THE CITY OF SUMMERSIDE

SCHEDULE: SCHEDULE "A"
BYLAW NAME: RIGHT-OF-WAY BYLAW
BYLAW #: # CS-17

1. Fees

1.1. Pursuant to Section 6 of the Right of Way Bylaw (CS-17), the annual fee for the usage of the City's street right-of-way is as follows:

- (a) \$75.00 per kilometre for street right-of-ways classified as arterial or collector streets herein;
- (b) \$37.50 per kilometre all other street right-of-ways.

2. Arterials and Collectors

2.1. The following are classified as arterial or collector street right-of-ways for the purpose of determining the applicable fee herein:

- (a) Central Street;
- (b) Bayview Drive from South Drive to the City boundary;
- (c) Granville Street;
- (d) Harbour Drive;
- (e) Harvard Street;
- (f) MacEwen Road from Water Street to Ryan Street;
- (g) North Drive from West Drive to Route # 2;
- (h) Notre Dame Street;
- (i) Pope Avenue;
- (j) Pope Road;
- (k) Queen Street;
- (l) Ryan Street;
- (m) South Drive;
- (n) Water Street.