

BYLAW NO. 2005-1708

BEING A BYLAW OF THE CITY OF ESTEVAN IN THE PROVINCE OF SASKATCHEWAN TO REGULATE THE TEMPORARY CLOSING OF STREETS AND PROVINCIAL HIGHWAYS LYING WITHIN THE CITY OF ESTEVAN.

WHEREAS by virtue of the authority granted to the City of Estevan by Sections 12, 13, 14 and 15 of *The Cities Act*, including amendments thereto, the City may, by bylaw, control and regulate or prohibit vehicular or pedestrian traffic and control and regulate the use of all streets, sidewalks and other public places and may designate these powers to the Chief of Police or Public Works Manager.

AND WHEREAS the Council of the City of Estevan deems it necessary and desirable to establish by bylaw and to control and regulate and prohibit the use of streets, sidewalks and other public places during specific times.

NOW THEREFORE the Council of the City of Estevan hereby enacts as follows:

1. BYLAW TITLE

This Bylaw may be cited as the "Temporary Street Closing Bylaw".

2. DEFINITIONS

For the purpose of this Bylaw the following terms, phrases, words and their derivatives shall have the meanings given herein.

- a) "act" means *The Cities Act* and amendments thereto.
- b) "Chief of Police" shall mean the Chief of Police or his designate.
- c) "Public Works Manager" shall mean the Manager of the Public Works Services Business Division for the City of Estevan any anyone acting as such during the absence of the Public Works Manager from duty for any reason.
- d) "City Manager" means the person appointed by bylaw of the Council of the City of Estevan to the position of City Manager pursuant to Section 84 of the Act or his designate.
- e) "Department" means the Department of Highways and Transportation as is defined by *The Highways and Transportation Act, 1997*.
- f) "Minister" means the member of the Executive Council to whom for the time being, the administration of *The Highways and Transportation Act, 1997* as amended from time to time is assigned;
- g) "Provincial Highway" means a public highway, or a proposed public highway in respect of which there is a plan in the Department designated by regulation as a provincial highway by

the Lieutenant Governor in Council, lying within the municipality.

- h) "Provincial Highway Continuity Street" means a street in respect of which there is a plan on file in the Department that provides to a provincial highway continuity lying within the urban municipality.
- i) "Street" means all or any part of a road allowance, public highway, road, lane, bridge, place, alley, square, thoroughfare or way intended for or used by the general public for the passage of vehicles or pedestrians and includes a provincial highway and a provincial highway continuity street.

3. STREET, SEWER OR WATER CONSTRUCTION, REPAIRS OR REPLACEMENT

The Council of the City of Estevan hereby designates the Public Works Manager as the official to regulate or prohibit vehicular or pedestrian traffic on a street or any portion of a street for the purposes of carrying out street, sewer line or water line construction, repair or improvement or any other work authorized pursuant to this Act or any other act on the following terms and conditions:

- a) The regulation or prohibition under this Section shall not exceed 21 days;
- b) The regulation or prohibition shall be forthwith communicated to the following:
Chief of Police Ambulance Services Radio Stations (if necessary)
City Manager Fire Chief
- c) Every street or provincial highway or provincial highway continuity street that is closed pursuant to this Section is to be marked with a reasonable number of signs indicating the street's closure, and the hazards, if any, that would be encountered in its use during the closure;
- d) Specifics are to be provided concerning the erection of barricades and warning devices pertinent to locations to protect life and property;
- e) The authority to be granted to block, prohibit or regulate vehicular or pedestrian traffic for the purposes described in this Section shall be in a written form substantially the same as the Authorization attached hereto and marked as Schedule "A" to this bylaw and shall include the terms and conditions of this Section.
- f) The terms and conditions set by the Minister if the regulation or prohibition is in respect to a provincial highway or provincial highway continuity street;
- g) The applicant shall provide to the City of Estevan an Agreement to Indemnify as attached to this Bylaw;

4. CONSTRUCTION, REPAIR OR DEMOLITION OF A BUILDING OR STRUCTURE

The Council of the City of Estevan hereby designates the Chief of Police as the official to regulate or prohibit vehicular or pedestrian traffic on a street or any portion of a street for the moving, construction, improvement, repair or demolition of a building or a structure on the

following terms and conditions:

- a) The regulation or prohibition shall not exceed 21 days;
- b) The regulation or prohibition shall be forthwith communicated to the Chief of Police and City Manager;
- c) Every street or provincial highway or provincial highway continuity street that is closed pursuant to this Section is to be marked with a reasonable number of signs indicating the street's closure, and the hazards, if any, that would be encountered in its use during the closure;
- d) Specifics are to be provided concerning the erection of barricades and warning devices pertinent to locations to protect life and property;
- e) The authority to be granted to block, prohibit or regulate vehicular or pedestrian traffic for the purposes described in this Section shall be in a written form substantially the same as the Authorization attached hereto and marked as Schedule "A" to this bylaw and include the terms and conditions of this Section.
- f) The terms and conditions set by the Minister if the regulation or prohibition is in respect to a provincial highway or a provincial highway continuity street;
- g) The applicant shall provide to the City of Estevan an Agreement to Indemnify as attached to this Bylaw;

5. PARADES AND ASSEMBLIES OF PERSONS

The Council of the City of Estevan does hereby designate the Chief of Police as the official to regulate or prohibit vehicular or pedestrian traffic on a street or any portion of a street for the purpose of a parade or any assembly of persons on the following terms and conditions:

- a) The temporary closure shall not exceed 12 continuous hours in duration of which not more than 3 hours during the period of 9 a.m. to 6 p.m. on any day;
- b) The authority to be granted to block, prohibit or regulate vehicular or pedestrian traffic for an assembly or parade shall be in a written form substantially the same as the Authorization attached hereto and marked as Schedule "A" to this Bylaw and shall include the terms of this Section;
- c) Specifics are to be provided concerning the erection of barricades and warning devices pertinent to locations to protect life and property;
- d) The regulation or prohibition shall be forthwith communicated to the following:
Chief of Police Ambulance Services Radio Stations (if necessary)
City Manager Fire Chief
- e) The applicant shall obtain and provide proof of special event insurance with third party

liability for benefit of City of Estevan;

- f) Except where the authorization is for a neighbourhood block party, the applicant shall provide to the City of Estevan an Agreement to Indemnify in a form substantially the same as that attached hereto and marked as Schedule "A" to this Bylaw;
- g) The terms and conditions set by the Minister if the regulation or prohibition is in respect to a provincial highway or a provincial highway continuity street;
- h) Every street or provincial highway or provincial highway continuity street that is closed pursuant to this Section is to be marked with a reasonable number of signs indicating the street's closure, and the hazards, if any, that would be encountered in its use during the closure;

6. PROVINCIAL HIGHWAYS

Notwithstanding Sections 3, 4, and 5, of this Bylaw, the powers delegated to the Public Works Director and Chief of Police are subject to the approval of the Minister and to any terms and conditions that he may require in his approval insofar as the regulation or prohibition pertains to a provincial highway, or a provincial highway continuity street.

7. PERMISSION FOR PARADE OR ASSEMBLY OF PERSONS

Any person wishing to regulate or prohibit vehicular or pedestrian traffic for the purpose set out in Section 5 of this bylaw shall apply to the Chief of Police for written permission to hold such assembly or parade at least 96 hours prior to the commencement thereof and shall provide the Chief of Police with such information as he shall require.

8. PERMISSION FOR SECTIONS 3 & 4

Any person wishing to regulate or prohibit vehicular or pedestrian traffic for the purpose set out in Sections 3 or 4 of this bylaw shall apply to the Public Works Manager for written permission at least 24 hours prior to the commencement thereof and shall provide the Public Works Manager with such information as he shall require.

9. NON-COMPLIANCE OF TERMS PARADES AND ASSEMBLIES OF PERSONS

If the terms and conditions of the written authorization to regulate or prohibit vehicular or pedestrian traffic for the purposes set out in Section 5 of this bylaw are not complied with, the Chief of Police may immediately withdraw the written authorization and give notice for the dispersal of all persons associated with the assembly or parade.

10. NON-COMPLIANCE OF TERMS SECTIONS 3 AND 4

If the terms and conditions of the written authorization to regulate or prohibit vehicular or pedestrian traffic for the purposes set out in Sections 3 or 4 of this bylaw are not complied with, the Public Works Manager may immediately withdraw the written authorization and give notice to cease the street closure.


11. REPEAL OF FORMER BYLAW

Bylaw No. 96-1488 and all of its amendments are hereby repealed.

12. EFFECTIVE DATE OF BYLAW

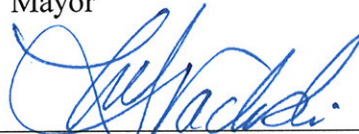
This Bylaw shall come into force and take effect from the final passing thereof.

CITY OF ESTEVAN



GARY ST. ONGE

Mayor



LYNDON STACHOSKI

City Clerk

Read a first time this 14th day of November, A.D. 2005.

Read a second time this 14th day of November, A.D. 2005.

Read a third time and passed this 14th day of November, A.D. 2005.



CITY OF ESTEVAN
AUTHORIZATION FOR STREET CLOSURE APPLICATION

TO BE FILLED OUT BY APPLICANT:

1. Location of Street Closure:

2. Date and Time of Street Closure:

3. Purpose of Closure (Parade, Street Fair, Block Party, etc.)

4. Please check all of the applicable:

All vehicular traffic be prohibited from parking on the street and avenue of the above described location between the following hours

All pedestrian traffic be prohibited from walking on the street and avenue of the above described location between the following hours

All vehicular traffic be prohibited from using the street and avenue of the above described location between the following hours

5. The Department of Highways and Transportation requires notification 20 days prior to street closure when a provincial highway or provincial highway continuity street is to be closed. **It is the applicant's responsibility to notify the Minister of Highways and Transportation.**

Has the Department of Highways and Transportation been notified?

Yes No

Has the Department of Highways and Transportation given approval?

- Yes No

TO BE FILLED OUT BY CITY OF ESTEVAN AUTHORIZED OFFICER:

Terms and Conditions:

1. Please check all of the applicable:

- Signage prohibiting parking stating particular hours shall be erected _____ hours in advance of prohibited parking at the following locations:

_____.

- Signs indicating prohibition of vehicular traffic on the following described locations be erected of the following specific points _____ hours in advance of prohibition of vehicular traffic, specifically:

_____.

- Signs indicating prohibition of pedestrian traffic on the following described locations be erected on the following specific points _____ hours in advance of prohibition of pedestrian traffic, specifically:

_____.

2. Public Works Police Services
will undertake the erecting of barricades, warning devices and other safety devices
at the following locations:

_____.

3. Public Works Police Services
will change the operation of traffic lights and signage at the above described location as follows:

4. Does the applicant require Special Event Insurance? Yes No
If yes, the following applies:
The applicant will obtain and provide to the City of Estevan Administration proof of Special Event Insurance with 3rd party liability for the benefit of the City of Estevan in the amount of \$ _____ within one week of the earliest part of this order coming into effect.
5. An indemnity for any loss or damage to person or property arising as a result of the parade, assembly, etc. **shall be filled out by the applicant and returned within one week of the earliest part of this order coming into effect.** Has the applicant filled out an indemnity and returned it to this office? Yes No
6. If this event affects a portion of a provincial highway or a provincial highway continuity street, the applicant must provide a permit from the Minister of Highways and Transportation. This permit shall not be effective unless the Minister has been advised of the intention above at least 20 days prior to the effective date of the closure or within any shorter period that the minister may allow. If the Minister of Highways and Transportation fails to advise of its opposition to the closure, then the intended closure is deemed approved, provided however, in the event that the Minister of Highways and Transportation advises of its contrary intent, this permit and order is deemed not issued. Has the applicant provided proof of notification to the Department of Highways? Yes No

Will the City of Estevan be required to forward a copy of this application to the Department of Highways and Transportation? Yes No

If yes, the Minister of Highways and Transportation was notified by letter and copy of this authorization, the _____ day of _____, 20_____.

7. Other Terms and Conditions:

Dated at the City of Estevan, in the Province of Saskatchewan, this ____ day of _____, 20 ____.

Authorized by:

Chief of Police for the City of Estevan
Or
Public Works Manager for the City of Estevan

Copy for City of Estevan Legislative Services
Copy for City of Estevan Public Works
Copy for City of Estevan Police Services
Copy for City of Estevan Fire Department

AGREEMENT TO INDEMNIFY

KNOW ALL MEN BY THESE PRESENTS that in consideration of the City of Estevan, or its designated official, issuing the attached order and for other valuable consideration hereby acknowledged, the undersigned does hereby covenant and agree to indemnify and save harmless the City of Estevan, its Councillors, employees, servants, officers, directors, agents, successors and assigns from any and all manner or cause of action, suits, claims and demands whatsoever both in law and equity, resulting from loss, theft, property damage, personal injury or death sustained by any person or corporation which may hereinafter be brought against the City of Estevan, its Councillors, employees, servants, officers, directors, agents, successors and assigns by or on behalf of any person or corporation in respect of or arising or alleging to be in respect of or arising from the loss, theft, property damage, personal injury or death directly or indirectly as a result of the issuance of the permit order attached or the act or omission of any of the City personnel or employees concerning the erection or maintenance or failure to provide safety devices or maintenance therefore.

AND FURTHER the aforesaid indemnification expressly includes any such loss, theft, property damage, personal injury or death caused by or contributed to by the negligence of the City of Estevan, its Councillors, employees, servants, officers, directors, agents, successors and assigns.

IN WITNESS WHEREOF, the undersigned has executed and delivered this agreement under seal at the City of Estevan, in the Province of Saskatchewan, this _____ day of _____, 20____.

Witness

(corporate seal)

Per: _____