

CITY OF MELVILLE

BYLAW NO. 16/2000

(CONSOLIDATED FOR OFFICE USE ONLY)
INCLUDES AMENDMENTS 20/03

A BYLAW OF THE CITY OF MELVILLE, SASKATCHEWAN, TO CONTROL THE USE OF STREETS, LANES, SIDEWALKS AND OTHER CITY OWNED LAND AND TO CONTROL THE GROWING OF TREES, HEDGES OR SHRUBS AND CONSTRUCTING OF FENCES ON PRIVATE LAND NEAR A STREET INTERSECTION

The Council of the City of Melville enacts as follows:

1. DEFINITIONS:

- a) "HEDGE" means a fence or row of live bushes or low trees.
- b) "SHRUB" means a woody plant of less size than a tree and usually divided into separate stems from near the ground.
- c) "TREE" means a perennial plant with single woody self supporting trunk.
- d) "FENCE" means a hedge, wall, railing, tree or shrub surrounding an area and used to divide, enclose, screen, shield, protect or fortify an area.
- e) "CITY" means the City of Melville.
- f) "CITY COUNCIL" means the Council of the City of Melville.
- g) "MANAGER" means the Public Works/Utilities Manager
- h) "SPECIAL CONSTABLE" means the agent of the City of Melville and authorized by the Council of the City of Melville to enforce the Bylaws of the City of Melville.
- i) "INTERSECTION" means the point where a street intersects with another street or alley.
- j) "PERSON" means the owner and/or tenant of said lot.

2. Subject to the provisions of any Bylaw of the City of Melville, no person other than an agent or employee of the City of Melville in the normal or usual course of their duties shall, without the consent of the Public Works/Utilities Manager, place, keep, maintain or leave any building, structure, sign, object or other thing of any kind whatsoever, on any street, lane, sidewalk or other public place, or on any land deemed to belong to the City of Melville, or in any way obstruct any street, lane, sidewalk, park, public square or public place in the City of Melville or land owned by the City of Melville, in any manner whatsoever.

3. The provisions of sub paragraphs (a) and (b) hereof following, serve the purpose of eliminating visual obstructions at intersections within the City of Melville and for the purpose of preventing future obstructions from occurring within city limits.

a) Fences -- Residential:

Fences within a residential area in front yards shall not exceed one (1) metre in height and shall not exceed two (2) metres in height in side or rear yards. The front yard is the area from the front facing wall of the principle building on the property to the front property line. Side and rear yards are the areas behind the front facing wall of the principle building to the rear property line. On a lot abutting two streets fences measured along the property line shall not exceed a height of one (1) metre for a distance of five (5) metres back both ways from the corner of said lot. Fences must be maintained in a safe and reasonable state of repair.

Fences -- Commercial:

Fences within a commercial area in front yards shall not exceed one (1) metre in height and shall not exceed two (2) meters in height in side or rear yards. The front yard is the area from the front facing wall of the principle building on the property to the front property line. Side and rear yards are the areas behind the front facing wall of the principle building to the rear property line. On a lot abutting two streets fences measured along the property line shall not exceed a height of one (1) metre for a distance of five (5) metres back both ways from the corner of said lot.

Fences -- Industrial:

Outdoor storage of raw materials, finished or partially finished products, fuel, salvage materials, junk or waste on a site shall be concealed from sight from adjacent sites, streets or lanes by a fence or wall of appropriate design and sufficient dimension and position such that stored materials are not visible from any point one point five (1.5) metres or less above grade on any adjacent site, street or lane.

Fences in front yards shall not exceed two (2) metres in height and shall not exceed two point five (2.5) metres in side or rear yards. The front yard is the area from the front facing wall of the principle building on the property to the front property line. The side and rear yards are the areas behind the front facing wall of the principle building to the rear property line.

Chain link or like material shall be lathed to provide limited view of contents within the fenced area.

Fences - Swimming Pools

All outdoor under-ground swimming pools and above-ground swimming pools at least 100 cm in height shall be completely surrounded by a fence or wall that is at least one point eight (1.8) metres in height, designed and constructed to discourage

unauthorized entry by a locked gate, for use in the event of an emergency, which can be opened with a key in the possession of the operator.

b) Hedges, Shrubs and Trees

For a distance of five (5) metres back both ways from the corner of a lot abutting on two streets measured along the property line no person may by themselves or other, plant, maintain or keep any hedge, shrub or tree which exceeds one (1) metre in height.

No person shall by themselves or other, plant, maintain or keep any hedge, shrub or tree on a street or on any land owned by the City of Melville except with the prior approval of and under the direction of the Public Works/Utilities Manager.

4. No person shall by means of a hedge, shrub or tree, fence, wall or other structure, hinder, prevent or obstruct access by the Fire Department to any fire hydrant located on a street or public place.
5. No person shall place any cord, cable or like material on or across any sidewalk, lane, street or other highway in the City, whether at/or above ground level. Provided however, in the winter season, for the purpose of maintaining a vehicle engine block heater, an electrical cord may be installed, but it must not in any way impede or be dangerous to pedestrians, pets or City snow removal equipment.
6. When a side or rear property abut a freeway, expressway, highway or rail right-of-way or an associated buffer strip, a two point five (2.5) metre high wall or fence is permitted.

7.1 (a) Any person convicted of a breach of any of the provisions of this Bylaw shall forfeit and pay, at the discretion of the convicting Judge of the Magistrates' Court or Justice of the Peace having the jurisdiction in the City of Melville, a penalty of not less than One Hundred Dollars (\$100.00), nor more than Two Thousand Dollars (\$2,000.00) exclusive of costs;

(b) In default of payment of any penalty imposed pursuant to paragraph (a) of this subsection, the person convicted may be committed to a jail, the guardroom of the Royal Canadian Mounted Police, or to a public lockup for any time determined by the said Judge of the Magistrates' Court or Justice of the Peace not exceeding Thirty (30) days unless the penalty and costs, including the costs of committal and of the conveyance of the person convicted to the said jail, guardroom or lockup are sooner paid.

7.2 Provided, however, that any person who has committed, or is alleged to have committed, an offence under this Bylaw, may within twenty (20) days after being served a notice of such violation, forfeit and pay a voluntary penalty exclusive of costs in the amount of fifty (\$50.00) dollars.

- 7.3 The notice of violation mentioned in subsection (2), also to be known as a "Ticket" shall be in a form to be approved by the Chief of Police.
- 7.4 Such notice of violation (ticket) may be served on any person who has committed, or is alleged to have committed, an offence under the Sections of this Bylaw as listed in subsection (2) hereof.
- 7.5 Such person may pay the voluntary penalty stated on the said ticket at the City General Office at City Hall in the City of Melville, Saskatchewan, between the hours of 9:00 o'clock in the forenoon and 4:00 o'clock in the afternoon on any day, excepting Saturdays, Sundays and Statutory Holidays, in lawful money of Canada.
- 7.6 If the person given such notice of violation (ticket) fails to pay the specified voluntary penalty within the Twenty (20) day period allowed, then the provisions of subsections (2),(3),(4) and (5) hereof shall no longer apply and the person shall be liable to prosecution for the offence in accordance with Section 6.(1)(a) and (b); provided, that nothing in this Section shall prevent any person served with such notice from exercising his/her right to defend any of these particularized offences.
8. That Bylaw No. 1/90, 2/90 and 2/67 be repealed

Mayor

City Manager

INTRODUCED and READ a First time this 16th day of October, 2000 A.D.

READ a SECOND time this 16th day of October, 2000 A.D.

READ a THIRD time and passed this 16th day of October, 2000 A.D.