

Town of Lunenburg By-law

Public Streets and Street Encroachment By-Law

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TOWN OF LUNENBURG
Public Streets and Street Encroachment By-law

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PART 1

Title, Subject Matter, Local Act and Definitions

Title

- 1.0 This By-Law is entitled the "Town of Lunenburg Public Streets and Street Encroachment By-law".

Subject Matter

- 1.1 This By-Law applies only to streets owned by the Town of Lunenburg and to activities or conditions affecting such Town of Lunenburg streets.

Local Act

- 1.2 This By-law shall be subject to the provisions of Chapter 107 of the Statutes of Nova Scotia, 1899 entitled "An Act Respecting the Streets of the Town of Lunenburg".

Definitions

- 1.3 In this By-Law:

- (a) "abutter" means the owner, lessee or occupier of any premises or lot in the Town of Lunenburg which abuts a Town of Lunenburg street (and where the premises or lot has been registered as a condominium under the *Condominium Property Act* includes the condominium corporation which manages the premises or lot);
- (b) "awning" means a sheet of canvas or other material projecting outward from a building, used chiefly to protect against sunlight or rain (for example, over a window, storefront or doorway). Without limiting the foregoing, the term "awning" includes canopies, and wood, metal or other over-hangs in the nature of an awning, but is not intended to include wooden ornamental trim on a building;

- (c) "building" means a roofed structure, whether permanent or temporary, used or capable of being used for the shelter or accommodation of persons, animals, materials or equipment and includes all additions, porches, verandahs, decks and trim attached thereto. Without limiting the foregoing, a building includes any projections such as a bay window as well as foundation walls and external stairs and steps utilized as access to the building;
- (d) "Building Code" means the Building Code adopted pursuant to either or both of the Building Code Act RSNS 1989 c. 46 and the Nova Scotia Building Code Regulations.
- (e) "Council" means the Council of the Town of Lunenburg;
- (f) "crosswalk" means that portion of a Town of Lunenburg roadway ordinarily included within the prolongation or extension of curb lines (or edges of a roadway) and property lines at intersections, or any other portion of a roadway clearly indicated for pedestrian crossings by lines or other markings on the road surface;
- (g) "Development Officer" means the Town of Lunenburg Development Officer appointed to administer the Land Use By-Law and includes a person acting under the supervision and direction of the Development Officer;
- (h) "Encroachment License" means a license for an encroachment issued pursuant to this By-law;
- (i) "Engineer" means the Town of Lunenburg Engineer and includes a person acting under the supervision and direction of the Engineer;
- (j) "Heritage Officer" means the person appointed to administer the Heritage Conservation District By-Law and includes a person acting under the supervision and direction of the Heritage Officer;
- (k) "infrastructure" includes infrastructure that supports the provision of Town of Lunenburg services, and without restricting the generality of the foregoing includes public trees, fire hydrants, manhole covers, water shut-off valves, street lighting, traffic lights, traffic signs and other Town of Lunenburg signs;
- (l) "license" means an Encroachment License or Utility License issued pursuant to this By-law;
- (m) "location certificate" means a graphic illustration showing the boundaries of the property in question, the location of buildings and other elements of use thereon, which is prepared and certified by a Nova Scotia Land Surveyor;

- (n) "Manager/Clerk" means the Manager/Clerk of the Town of Lunenburg and includes the Deputy Manager/Clerk;
- (o) "Municipal Government Act" means the Municipal Government Act, S.N.S. 1998, c. 18 as amended from time to time;
- (p) "Permit" means a Street Disturbance Permit as referred to in Part 7 of this By-Law;
- (q) "Plan of Survey" means a survey plan prepared and certified by a Nova Scotia Land Surveyor;
- (r) "replace" means the removal of essentially the entire thing, and reconstruction of the thing, involving placement of new structural members (whether in the same pattern or not);
- (s) "restore" and "restoration" mean to produce a structure which is the same or substantially the same as that which previously existed (whether or not a structure exists in that location at the date of application for a License);
- (t) "roadway" means that portion of a Town of Lunenburg street between the curb lines, or the traveled portion of a street designed for vehicular traffic and, except where the context indicates otherwise, includes a crosswalk;
- (u) "sewer or water system" means a sewer or water system owned and operated by the Town of Lunenburg or by a utility owned by the Town of Lunenburg;
- (v) "sidewalk" means that portion of a Town of Lunenburg street between the curb line and adjacent property line, or any part of the street especially set aside for pedestrian travel and separated from the roadway;
- (w) "street" means a Town of Lunenburg street, highway, road, roadway, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith and, without restricting the generality of the foregoing, includes the full right-of-way width. For clarity, "street" also includes an undeveloped declared street, such as Prince Street between Cumberland Street and Lincoln Street, as well as Duke Street between Montague Street and Bluenose Drive.
- (x) "street disturbance permit" means a permit referred to in Part 4 of this By-Law;

- (y) "structure" includes anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure. Without restricting the foregoing, a structure shall include buildings, walls, fences, steps and satellite dish antennae, and any awning attached to a structure. For the purposes of this By-law, the term "structure" shall not include signs.
- (z) "Town" means the Town of Lunenburg;
- (aa) "utility" includes any person or corporation that provides water, electric power, telecommunications service, natural gas or other gas intended for use as fuel to the public, but excluding the water and electric utilities owned by the Town of Lunenburg;
- (bb) "utility facilities" includes any pole, pole guys (including braces and anchors), aerial cables, manholes, conduits, underground cables, pipes for the carriage of gas, wires, cables or liquids, and associated apparatus for the provision of utility services, including amplifiers, connection panels, transformers, valves and other fitting or equipment; and
- (cc) "Utility License" means a Utility License issued pursuant to this By-law.

PART 2

Nuisance

- 2.0 No abutter (or any person working on property of an abutter) shall place or deposit or permit to be placed or deposited, any dirt, dust, stone, nails, tacks, glass, iron, garbage or other nuisance onto a street, or to permit any dirt, dust or other nuisance to escape from the abutter's property onto a street, unless specific permission is given therefor by the Town Engineer.

PART 3

Damage to Street, Curb or Sidewalk

- 3.0 No person shall, except as authorized by a Street Disturbance Permit:
- (a) move any heavy load over or deposit any heavy load on any sidewalk unless the sidewalk has first been protected by a covering of boards of adequate thickness to prevent any visible damage or disturbance to the surface of the sidewalk; or
 - (b) otherwise cause or permit any visible damage or disturbance to the surface of a sidewalk; or

- (c) otherwise cause or permit any substance to be deposited on and deface the surface of the sidewalk; or
- (d) drag or cause or permit any load or part of a load to drag on any roadway in such a manner as to cause any visible damage or disturbance to the surface of the roadway; or
- (e) otherwise cause any damage to a roadway (or improved portions of the street related to the roadway and drainage thereof).

PART 4

Street Disturbance

4.0 No person shall:

- (a) make any excavation in a street;
- (b) cause or permit the breaking of the surface of a street or other physical damage to a street by construction activities in or near a street;

without first obtaining a Street Disturbance Permit from the Engineer upon making application in the form prescribed by Council from time to time. The Engineer may impose such conditions in the Permit as he/she deems appropriate.

4.1 No person shall otherwise engage in construction activity or other temporary activity that is likely to obstruct or hinder pedestrian or vehicular traffic in a street without the prior permission of the Town Engineer.

4.2 (a) Where an excavation or other construction activity is involved that may, in the opinion of the Engineer, cause damage to a street, a security deposit in an amount determined by the Town Engineer to reflect potential repair costs shall accompany the application prescribed in section 4.0 herein.

(b) The security deposit required under subsection (a) of section 4.2 shall be retained as security that the applicant will properly perform and complete the work for which the Permit is granted, and when such work is done, to restore and keep the surface of the street and other Town of Lunenburg property subject to the disturbance, to a condition satisfactory to the Engineer for a period of six months after the completion of the work.

(c) If the Engineer is of the opinion that the surface of the street or other Town property is not restored and kept in good condition for the six month period, he may, upon advance notice to the Street Disturbance Permit holder, perform such work in respect of the street or Town Property as he considers

necessary and the cost shall be deducted from the deposit, and the balance, if any, returned upon the expiry of the six month period. If the cost of such work exceeds the deposit, the Town may recover the balance, together with costs and pre-judgment interest, by action in any court of competent jurisdiction against the Permit holder, or may charge and collect the balance, together with costs and pre-judgment interest as a first lien on the property for whose benefit the work was undertaken pursuant to section 507 of the Municipal Government Act.

- 4.3 Every Street Disturbance Permit holder shall file in the office of the Engineer a notice of completion of work for all facilities constructed or repaired within a street within one week of the completion of the work.
- 4.4 Every excavation in a street shall, after notice, either written or verbal, given by the Town Engineer to the Street Disturbance Permit holder, be closed and filled as required by the notice, and if it is not so closed and filled within 48 hours after such notice, then it may be closed and filled by the Town at the expense of the Permit holder (and the costs thereof may be deducted from any security deposit and any balance may be recovered as a debt in any Court of competent jurisdiction and is also a first lien on the property for whose benefit the work was undertaken pursuant to section 507 of the Municipal Government Act).
- 4.5 In the event of an emergency arising at the location of the excavation, the Engineer may immediately fill or direct the filling of the excavation at the expense of the Permit holder (and the costs thereof may be deducted from any security deposit and any balance may be recovered as a debt in any Court of competent jurisdiction and is also a first lien on the property for whose benefit the work was undertaken pursuant to section 507 of the Municipal Government Act).
- 4.6 Every person making any excavation or opening in any street pursuant to a Street Disturbance Permit shall:
 - (a) sufficiently and continuously light the excavation at night;
 - (b) enclose and secure the excavation by a fence or barrier at least one meter in height; and
 - (c) comply with any standards relating to excavations in the *Occupational Health and Safety Act* and *Regulations* and any other applicable statutes or regulations.
- 4.7 In addition to any other conditions imposed by the Engineer for the granting of a Street Disturbance Permit, all Permits shall be subject to the following conditions:
 - (a) the Engineer may stipulate the hours of work;

- (b) the Permit holder shall keep the work site at all times safe with respect to vehicular and pedestrian traffic, including direction of traffic, barricades, lights, signs, and supply of properly equipped and trained traffic control personnel for protection of traffic, in accordance with the Temporary Workplace Control Manual or other standards in force pursuant to the *Occupational Health and Safety Act or Regulations*;
- (c) the Engineer may order additional precautions, work stoppages and restorations of the street should circumstances warrant and upon the failure of the Permit Holder to comply within 24 hours with such order, or immediately in the event of an emergency, the Town may undertake any necessary action at the expense of the Permit holder (and the costs thereof may be deducted from any deposit and the balance may be recovered as a debt in any Court of competent jurisdiction and is also a first lien on the property for whose benefit the work was undertaken pursuant to section 507 of the Municipal Government Act);
- (d) the Permit holder shall ensure that the street is kept free from nuisance, (including, without limiting the foregoing, nails), dirt, and dust;
- (e) the Permit holder shall dispose of, store, or haul away any clean material suitable for use as structural fill excavated from a street in accordance with the directions of the Engineer and the material may, at the Engineer's discretion, remain Town property;
- (f) the Permit holder shall ensure that all excavations are backfilled and restored in such manner and with such material as is approved by the Engineer and that advance notice of a minimum of 24 hours of the backfilling operation shall be provided to the Engineer so that it may be properly inspected;
- (g) the Permit holder shall comply and ensure compliance by any agents, contractors or employees, with all Municipal, Provincial and Federal Policies, legislation and regulations;
- (h) the Permit shall be valid for a period of 6 months from date of issuance, but where work has commenced prior to the end of the 6 month period the Permit shall expire 12 months after the date of issuance; and
- (i) any other condition in respect of safety or preservation of Town of Lunenburg property interests that the Engineer may impose.

4.8 In the event of an emergency requiring the immediate excavation of the street, the Engineer may give verbal permission for such excavation on the condition that a Street Disturbance Permit is applied for and obtained on the first working day subsequent to the granting of such permission.

- 4.9 The Engineer may refuse to issue, renew or amend a Street Disturbance Permit, or may revoke a Street Disturbance Permit, upon reasonable notice to an applicant or Permit holder, when
- (a) the Engineer is not satisfied that the steps taken, or proposed steps to be taken, by the applicant or Permit holder have adequately protected or will adequately protect the Town's property;
 - (b) the Engineer is not satisfied that the steps taken, or proposed steps to be taken, by the applicant or Permit holder have minimized or will minimize the obstruction to pedestrian or vehicular traffic in the street;
 - (c) the Engineer is not satisfied that the steps taken, or proposed steps to be taken, by the applicant or Permit holder have achieved or will achieve compliance with any applicable Policies or standards of the Town;
 - (d) this By-Law or the terms or conditions of a Permit have been contravened;
 - (e) the Town Engineer determines that the work could more appropriately or effectively be conducted by the Public Works Department at the cost of the Applicant; or
 - (f) for any other reason in the public interest.
- 4.10 A Street Disturbance Permit shall be in the form attached as Schedule E with such modifications in form as may be deemed appropriate by the Engineer in each case.
- 4.11 A person aggrieved by a decision of the Engineer pursuant to section 4.9 may appeal that decision to Council within 15 days of the decision by written notice of appeal to the Manager/Clerk. After the hearing of an appeal, Council may confirm, rescind or vary the decision of the Engineer.

PART 5

Other General Provisions Concerning Streets

5.0 Snow and Ice on Roofs:

Every owner or occupier of any house or other building whatsoever, built close to or over the street line, shall, during the winter season, keep the roofs, eaves and other projections thereof clear of snow and ice.

5.1 Icicles:

No person shall permit icicles to accumulate on the roof, eaves, gutters or other projections of any building owned or occupied by him so as to become dangerous to persons passing on the street.

5.2 **Snow, Icicles and Ice**

Without restricting the foregoing, abutters whose property has snow, icicles or ice overhanging or abutting a sidewalk, including snow or ice on a roof which might slide onto a sidewalk, shall remove such snow, icicles or ice immediately.

5.3 **Remedy**

When an abutter fails to remove snow, ice or icicles from structures as required by this By-Law, the Engineer may give to the abutter an order to remove the snow and ice within a time specified by the Engineer, or forthwith upon service of such notice.

5.4 If the remedial work ordered pursuant to section 5.3 is not made within the time provided for by the order, the Engineer may make, or cause to be made, such snow, ice or icicle removals.

5.5 The Town may recover the expense incurred in making snow, ice or icicle removals pursuant to section 5.4, together with costs and pre-judgment interest by action in any court of competent jurisdiction, or may charge and collect same as a first lien on the property pursuant to section 507 of the Municipal Government Act.

5.6 **No Duty to Inspect**

Nothing in this By-Law creates a duty upon the Town to inspect or become aware of hazardous conditions created by snow, icicles, or ice on or near or overhanging sidewalks. Council hereby declares, having regard to the resources and fiscal priorities of the Town, that it is the express policy of the Town:

- (a) only to carry out inspections upon receiving a complaint about such conditions in respect of a specific location; and
- (b) such complaints shall be deemed to be remedied upon the removal or remediation of the hazardous condition that existed at the time of the making of the complaint.

5.7 **Opening Sidewalk:**

Whenever any sidewalk has been broken or otherwise injured in consequence of the erection of any building or any repairs to a building the Town Engineer may serve notice in writing upon the owner of the building requiring him to repair such injury within thirty days (30) days from service of the notice. If the owner fails to

make such repairs within such time, the Town Engineer may cause the same to be done at the expense of the owner and the cost thereof may be recovered by the Town by action in a court of competent jurisdiction, and shall also be a first lien on the property pursuant to section 507 of the Municipal Government Act.

5.8 **Materials Transported:**

No person shall cart or transport in any way on any street, any sand, earth, dirt, manure, hay, straw or rubbish or any other solid, fluid or semifluid in such a manner that any portion of the same may be spilled or scattered on the street.

5.9 **Timber and Big Loads:**

No person shall transport on any street any timber or other article in such a way that the same or any part thereof drags on the street unless permission in writing is previously granted by the Town Engineer.

5.10 **Tractors:**

No crawler tractor, bulldozer, excavator or machine with metal track(s) shall operate over any Town street without permission in writing having first been given by the Town Engineer.

5.11 **Building Materials:**

No person shall throw any shingles, boards, slates, sand, gravel, tar, nails, or other material whatsoever from any roof or scaffolding upon any street, but the same shall be lowered safely, using a method such as (but not restricted to) a chute or a tackle, in such a manner as not to affect the safety and convenience of the public.

5.12 **Culverts:**

No person shall construct a bridge of any description, or a culvert, across any drain, gutter, or water course on any street, without having first obtained permission from the Town Engineer.

5.13 **Permission Refused:**

Permission to construct any such bridge or culvert may be refused in any case in which a curb and gutter have been placed in front of the premises intended to be reached by the bridge, and any bridge or culvert at any time constructed may be directed by the Town Engineer to be removed when a curb and gutter have been so placed.

5.14 **Catchpits, Manholes:**

No person shall injure or remove any portion of any catchpit, receiving basin, covering flag, manhole, vent shaft, grating or any other part of any sewer or drain, or obstruct the flow of water in any sewer or drain or deposit anything in any catch basin or manhole.

5.15 **Closed Street:**

Whenever the Town Engineer puts up any barricade or other obstruction to close any street, or portion thereof, for any purpose, no person shall interfere with the same or travel or attempt to travel or drive any vehicle along the street (or portion) so closed without permission of the Town Engineer, and every person who so travels or attempts to travel or drives any vehicle on the said street (or portion) so closed shall be liable to a penalty for breach of this By-law.

5.16 **Scaffolding and Dumpsters:**

- (a) Any person may, with the permission of the Town Engineer, (and subject to any conditions imposed by the Town Engineer), place a dumpster on a Town Street or erect a scaffolding on a Town street or place a ladder on a Town street for repairing a building or other purpose connected with any building.
- (b) Any dumpsters placed pursuant to this section must be placed in compliance with Section 3.0 (a) of this By-law and a fee shall be imposed for the placement thereof as established by Council by policy.

(c) **Penalty:**

Any person who places a dumpster or ladder or erects any scaffolding where any part thereof is in a street, without having first obtained such permission, or erects the scaffolding or places the dumpsters or ladder otherwise than as is therein directed or continues the same for a longer period than is therein prescribed, or after being directed to remove the same fails or refuses to do so, shall be liable to a penalty as hereinafter provided for breach of this By-Law.

5.17 **Time Limit:**

No person shall place on any street any articles or permit the same to remain thereon so as to obstruct the free passage on such street for a longer period than is reasonably necessary in the opinion of the Town Engineer, to move the same to or from any building or premises fronting on such street.

PART 6

General Provisions Concerning Street Encroachments

- 6.0 (a) Upon application to the Development Officer, and subject to any other applicable provisions in this By-law, an Encroachment License may be issued for certain street encroachments referred to in, and authorized under, this By-law under the joint signatures of the Heritage Officer, Development Officer and Engineer. Any of the Heritage Officer, Development Officer and Engineer may require the Applicant to provide sufficient information to assess the Application, including without limiting the foregoing, surveys and photographs. Notwithstanding the foregoing:
- (i) landscaping encroachments are subject to the specific provisions contained in Part 9 of this By-law;
 - (ii) utility licenses are subject to the specific provisions contained in Part 10 of this By-law;
 - (iii) awnings are subject to the specific provisions contained in Part 11 of this By-law; and
 - (iv) street disturbance permits are subject to the specific provisions contained in Part 4 of this By-law.
- (b) For all purposes of this By-law, an Encroachment License and a Street Disturbance Permit shall constitute a License and a Permit as referred to in Section 49(1)(d) of the Municipal Government Act which addresses the delegation of authority.
- (c) All Street Disturbance Permits shall be executed by the Engineer.
- (d) When addressing the restoration of a pre-existing encroachment, the Heritage Officer, Development Officer and Engineer may use such evidence as they deem appropriate to determine the existence of, dimensions and details of any such encroachment.
- (e) No Encroachment License shall be issued until the owner has executed and delivered to the Town an Indemnity in the form attached as Schedule "C" with such modifications in form as may be deemed appropriate by the Heritage Officer, Development Officer and Engineer in each case.
- 6.1 The fees to be paid for an Encroachment License or Utility License or Street Disturbance Permit shall be as follows:

- (a) an application fee of \$100.00 or as determined by Council from time to time by Policy;
- (b) no application fee shall be required with respect to a renewal of a License;
- (c) such rate as may be agreed upon from time to time between the Town and the Utility with respect to the Utility's works and equipment.

6.2. Every Application for an Encroachment License shall:

- (a) unless waived by the Heritage Officer, Development Officer and Engineer, be based upon a Plan of Survey showing the street line together with any features within five (5) feet of the street line;
- (b) include the Street name, civic number, Parcel Identification Number (PID) and graphically illustrate the location of the proposed encroachment with dimensions, location of abutters, and all relevant features, such as outbuildings, trees, walkways, walls, fences and gardens; and
- (c) such other information as in the opinion of the Heritage Officer, Development Officer or Engineer is reasonably necessary to assess the application.

- 6.3 (a) Subject to any more stringent provisions in this By-law, in determining whether an Encroachment License should be issued, the Heritage Officer, Development Officer and Engineer shall consider all relevant factors including, without limiting the foregoing, size, proportion, design, the use of the street (including, without limiting the foregoing, the use of any sidewalk), the requirements of the provisions of the Building By-law, the requirements of the provisions of the Heritage Property Act, and the provisions of the Heritage Conservation District By-law or Architectural Control provisions under the Land Use By-law, where applicable.
- (b) Notwithstanding the foregoing, (but subject to an appeal to Council pursuant to the provisions of this By-law) no Encroachment License shall be granted if in the opinion of the Engineer, the encroachment applied for is detrimental to the public use of the street.

6.4 Any person granting a license pursuant to this Part shall endeavour to minimize the impact of the encroachment on the public street and the use thereof.

6.5 Subject to section 7 hereof, an Encroachment License shall be for a period not exceeding ten years, renewable at the joint discretion of the Heritage Officer, Development Officer and Engineer upon 30 days written notice to Council, provided that they shall not renew the Encroachment License if the Council in its sole and

absolute discretion directs them not to renew the license.

- 6.6 The Encroachment License shall be in the form attached hereto as Schedule "A" with such modifications in form as may be deemed appropriate by the Heritage Officer, Development Officer and Engineer in each case.
- 6.7 Every Encroachment License authorized pursuant to this By-law shall indicate:
- (a) the type and dimensions of encroachment authorized;
 - (b) the civic address and Property Identification Number (PID) for which such encroachment is authorized;
 - (c) the length of time for which such encroachment is authorized, termination date, and such terms and conditions as may attach to the License; and
 - (d) any other information, restrictions or conditions deemed relevant by the issuing authority.
- 6.8 Notwithstanding section 314 of the Municipal Government Act, S.N.S. 1998 c. 18, and for greater certainty, encroachment licenses shall **not** be granted for encroachment of structures built in error on the street unless an encroachment license is otherwise issued following construction in accordance with the provisions of this Part. For such encroachments built in error the Town Engineer may issue a comfort letter as referred to under section 6.15 of this By-Law if no Encroachment License under this By-law is issued.

6.9 **Minor Increases:**

Notwithstanding any other provisions of this By-law, in any application for an Encroachment License for any type of encroachment, there may be minor increases in the encroachment not exceeding 10% in any dimension and not exceeding 10% in total area, where:

- (a) there is an existing encroachment which is being replaced or restored, or
- (b) where there is a restoration of a pre-existing encroachment,

AND

- (i) the requirements of the National Building Code cannot reasonably be met in any other fashion without significant expense or significant alteration, or

- (ii) it would otherwise not be consistent with the Heritage Conservation District By-law or other Architectural Control Provisions in the Land Use By-law, or
- (iii) the Heritage Officer in his or her discretion determines that the design of the proposed encroachment is more consistent with the objects of the Heritage Conservation District By-law or the Architectural Control Provisions in the Land Use By-law than the previous encroachment.

Types of Permitted Encroachments:

6.10 Air Encroachments

- (a) An Encroachment License may be issued pursuant to this Part for encroachments in the air over a street, including, without restricting the generality of the foregoing, eaves and dormers, provided there is a present encroachment or there was an encroachment of that general type which previously existed in this location, and,
 - (i) in the case of an existing encroachment, the encroachment is not being enlarged; or
 - (ii) in the case of a present or previously existing encroachment, the new encroachment will meet the criteria under the Heritage Conservation By-Law or the Architectural Control Provisions in the Land Use By-law or the Heritage Property Act, (whichever is applicable) as determined by the Heritage Officer and Development Officer.
- (b) Subject to the provisions of Section 6.9 (Minor Increases) the encroachment shall not increase in size or project onto the street beyond the present or previously existing encroachment, and for greater certainty, there shall be no new encroachments in the air over a street unless the provisions of Section 6.10(a) are met. For greater certainty, where there is no setback requirement under the Land Use By-law, one cannot build to the street line if this would cause the eaves or dormer to hang over the street unless the building was a restoration which had a prior or pre-existing encroachment and the above requirements are met.

Notwithstanding the foregoing, this Section shall not apply to signs. For reference, see Part 12 of this By-law.

Encroachment by a Portion of Building

- 6.11 This section relates to an encroachment of a portion of a building on a street and includes such matters as full "Lunenburg bumps" as well as an encroachment of the building itself on the street. An Encroachment License may be issued pursuant to this section for such encroachments upon a street, provided there is a present encroachment or there was an encroachment of that general type which previously existed in this location and
- (a) in the case of an existing encroachment, the encroachment is not being enlarged, or
 - (b) in the case of a present or previously existing encroachment, the new encroachment will meet the criteria under the Heritage Conservation By-law or the Architectural Control Provisions in the Land Use By-law or the Heritage Property Act, (whichever is applicable) as determined by the Heritage Officer and Development Officer.

Subject to the provisions of 6.9 (Minor Increases), the encroachment shall not increase in size or projection into the street beyond the present or previously existing encroachment, and for greater certainty, there shall be no new encroachments upon the street in this category unless the provisions of this Section are met.

Notwithstanding the foregoing, this Section shall not apply to matters referred to in Sections 6.12 and 6.13 of this By-law.

**Encroachment Where it is not Part of the Main Building
but Provides Access**

- 6.12 This section relates to an encroachment which is not part of the main building but provides access, including such items as stairs, steps and ramps.
- (a) (i) An Encroachment License may be issued where there is an existing encroachment on the street by stairs or steps to a doorway on a street facade (and any landing associated therewith). The Encroachment License may also authorize the replacement of the said stairs or steps (and any landing associated therewith).
 - (ii) An Encroachment License may also be issued if one is replacing or restoring steps, stairs (and landing associated therewith) or a ramp which previously existed in this location and the new encroachment would meet the criteria under the Heritage Conservation By-law or the Architectural Control Provisions in the Land Use By-law or the

Heritage Property Act (whichever is applicable), as determined by the Heritage Officer and Development Officer.

- (b) Subject to clause 6.9 (Minor Increases) and 6.12(c), in no case shall the encroachment increase in size or projection into the street beyond the present or previously existing encroachment.
- (c) In addition to clause 6.9 (Minor Increases), an encroachment for stairs or steps and any landing associated therewith may:
 - (i) be increased in width to accommodate a different configuration but only to the extent of the minimum requirements under the Building Code and provided that, except as provided in clause 6.12(c)(ii), the encroachment shall not project further into the street; and
 - (ii) project further into the street right-of-way, but only to the extent of the minimum requirements under the Building Code; and
 - (ii) be increased in height.
- (d) There shall be no Encroachment License issued for steps or stairs or ramps to any floor other than the floor closest to street level of the facade on which the steps are located which encroach upon the street.
- (e) Notwithstanding the foregoing, if a new doorway is being constructed in the ground-level street facade, an Encroachment License may be issued for steps or stairs, (but not a ramp) encroaching upon a street right-of-way where:
 - (i) a new doorway has been approved under the Heritage Conservation By-law or the Architectural Control Provisions in the Land-Use By-law or the Heritage Property Act, (whichever is applicable); and
 - (ii) the encroachment projects no further into the street right-of-way than any other stair or step encroachment on the same side of the street in the block on which the building is located.
- (f) Notwithstanding the foregoing, new ramps which encroach on the street and are not a restoration of a previously existing ramp, may only be installed in the area subject to the Heritage Conservation By-law or the Architectural Control Provisions in the Land Use By-law at the discretion of the Council in exceptional circumstances where it is medically necessary for the occupant of the building and where it is clearly intended as a temporary access for the occupant. The License granted by Council will be for less than two years and may be renewed upon further application.

Other Items Attached to Building

6.13 An Encroachment License may be issued pursuant to this Section for other items attached to a building such as porches, decks, landings and verandas which encroach upon a street, provided that:

- (a) there is a present encroachment or there was an encroachment of that general type which previously existed in this location, and
- (b) the new encroachment will meet the criteria of the Heritage Conservation By-law or the Architectural Control Provisions in the Land Use By-law or the Heritage Property Act (whichever is applicable) as determined by the Heritage Officer and Development Officer.

Subject to Section 6.9 (Minor Increases), in no case shall the encroachment increase in size or projection into the street beyond the present or previously existing encroachment.

In Areas of Town Not Covered by Heritage Conservation District By-law or Architectural Control Provisions

- 6.14 (a) **Notwithstanding the foregoing provisions of this By-law** (but subject to the provisions of Part 9) in areas not covered by the Heritage Conservation District By-law and not covered by the Architectural Control provisions in the Land Use By-law, all applications for an Encroachment License shall be referred to Council by the Town Engineer, Development Officer and Heritage Officer and Council may authorize an Encroachment License after receipt of a staff report from the Heritage Officer, Development Officer and Town Engineer. The staff report shall endeavour to review all relevant considerations in relation to the proposed encroachment.
- (b) Any such License authorized by Council shall endeavour to minimize the impact of the encroachment on the public street. In determining whether an Encroachment License under this section should be authorized, Council shall look at all relevant factors including, without limiting the foregoing, age of the main building, size, proportion, design and esthetics in relation to the adjacent properties as well as surrounding properties.
- (c) An Encroachment License authorized by Council pursuant to this Section shall be issued by the Engineer. Any such Encroachment License shall contain a term not to exceed ten years renewable at the discretion of the Engineer after inspection by him and upon 30 days written notice to Council,

without the requirement of a further Resolution of Council; provided nevertheless that the Engineer shall not renew the Encroachment License if Council directs the Engineer not to renew the License.

- (d) The Council may, at its discretion, revoke any such Encroachment License at any time without notice and it shall not be required to give reasons for the revocation thereof and no compensation shall be paid in relation thereto.

6.15 Comfort Letter:

Without restricting any of the provisions in this By-law, the Town Engineer may issue a comfort letter for an existing encroachment on the street under the signature of the Engineer, stating that the Town has no present intention to require the removal of an existing encroachment, but that the Town could require removal at any time in the future without notice or compensation to the property owner. The Engineer may require such information as in his or her opinion is reasonably necessary to determine the nature and extent of the encroachment before issuing a comfort letter. A draft comfort letter is attached to this By-Law as Schedule "B". The comfort letters shall be in this form with such modifications as the Engineer deems appropriate, or in such other form as may be adopted by Council by Resolution from time to time.

PART 7

**Provisions Applicable to Encroachment Licenses, Utility Licenses
and Street Disturbance Permits**

7.0 Revocation:

Notwithstanding anything in this By-law, the Council may, in its sole and absolute discretion at any time, revoke any Encroachment License, Street Disturbance Permit or Utility License or any renewal thereof without notice and it shall not be required to give reasons for the revocation thereof and no compensation shall be paid in relation thereto.

General

PART 8

Provisions Applicable to Encroachment Licenses

This Part shall be applicable to Encroachment Licenses.

8.0 **Change in Ownership:**

The License is personal to the Licensee. In the event of a change in ownership of a business or property for which a License has been issued, the new owner shall, (within 120 days of the change in ownership), notify the Heritage Officer, Development Officer and Engineer, in writing of his name and postal address and no fee shall be payable for reissuing the License for the balance of the term in the new owner's name. If the new owner fails to notify the Heritage Officer, Development Officer and Engineer, any one of such officials may revoke the License.

8.1 **Revocation, Refusal or Suspension:**

Any one or more of the Heritage Officer, Development Officer and Engineer, may revoke a License or Permit for breach of this By-law or for not meeting or for ceasing to meet the terms of eligibility for the License or Permit, or may refuse to issue, or renew, a License or Permit, upon written notice to the applicant or License Holder or Permit Holder mailed to the address of record of the Applicant or License Holder or Permit Holder and no compensation shall be paid in relation thereto.

PART 9

Landscaping Throughout the Town

- 9.0 (a) **Landscaping construction:** Ground-level walkways, stairs that do not provide direct access to a building, driveways and retaining walls, may, subject to the provisions of this Part, be installed by an abutting landowner in the street outside the roadway and outside any constructed sidewalk, without an Encroachment License, but must be maintained by the landowner. Other landscaping construction, including, without limiting the foregoing, fences, trellises and arbors may not be placed on a street.
- (b) **Landscaping plant material:** Plant material may, subject to the provisions of this Part, be placed by abutting landowners in the street outside the roadway without an Encroachment License. Such plant materials (including, without limiting the foregoing, grass, flowers, trees or shrubs) placed by the abutting landowner must be maintained by the landowner.
- (c) Any person installing such ground-level walkways or driveways or stairs that do not provide direct access to a building or retaining walls or landscaping plant material must first obtain written permission from the Town Engineer.
- 9.1 (a) No ground-level walkways or driveways or retaining walls or stairs that do not provide direct access to a building or plant material shall restrict off-street

parking or snow removal or obstruct sight lines or corner vision triangles as referred to in the Land Use By-law.

- (b) The Town Engineer may at any time require the removal of, or remove, any landscaping construction or landscaping plant material or other landscaping elements (including, without limiting the foregoing, ground-level driveways or walkways or retaining walls) on the street and no compensation shall be paid to the landowner in relation thereto.
- (c) Any damage to such landscaping construction or landscaping plant material or other landscaping elements (including, without limiting the foregoing, ground-level driveways or walkways or retaining walls) by the Town (whether by snow plows or otherwise) will not be compensated for by the Town.
- (d) All landscaping elements shall comply with the provisions of the Town of Lunenburg Land Use By-law related to corner vision triangles.
- (e) This Section does not restrict the powers of the Engineer in relation to the removal of vegetation under the Municipal Government Act.
- (f) Abutters shall trim the branches of trees, hedges, bushes or other vegetation which encroach from the abutting property over a street so as to prevent such tree, hedge, bush or other vegetation:
 - (i) from interfering with pedestrian traffic on a sidewalk;
 - (ii) from interfering with or affecting the sight lines of any person on a bicycle or in a motor vehicle traveling on a roadway up to a minimum height of 3 meters, or
 - (iii) from interfering with the Corner Vision triangle as referred to in the Town of Lunenburg Land-Use By-law, or
 - (vi) from interfering with the visibility of street signs or street lights.
- (g) The cost of removal of any landscaping construction, plant material or other landscaping elements which are removed by the Town Engineer or his staff may be recovered from the landowner and shall be a first lien on the property pursuant to the provisions of section 507 of the Municipal Government Act.

PART 10

Third Party Utility License

- 10.0 (a) Notwithstanding anything contained in this By-law, the Council may by Resolution, after receipt of a staff report which shall endeavour to address the relevant issues, grant a utility license authorizing the location of telephone booths, telephone poles and telecommunication cables (including underground telecommunications, conduits and the manholes to service the conduits), provided that the installation and use of any telecommunication cables shall not interfere with the proper operation and maintenance of other existing or planned street works or underground utilities, and provided that the location of telephone booths shall not impede the free flow of pedestrians or create a traffic hazard. The Council may by Resolution establish terms for the License and may establish a fee from time to time. Notwithstanding the foregoing, a Utility License is not required by a property owner for telecommunication and utility services connecting that property directly with services in a street.
- (b) Every person (including corporations) obtaining a Utility License shall indemnify the Town, its agents, servants, workers, Councillors, Mayor and employees from and against all claims, suits, demands, causes of action, losses, costs and damages resulting from or in any way related to the said Utility License or anything done pursuant thereto. Without limiting the foregoing, the Town may at any time require a written indemnification to be executed by any persons (including corporations) applying for a Utility License. The Indemnity shall be in the form attached as Schedule "C" with such modifications as may be necessary in each case or in such other form as Council may determine by Resolution.
- (c) The Utility License shall be in such form as may be approved by Council from time to time with such modifications in form as may be deemed appropriate by the Engineer in each case.
- (d) For greater certainty, a utility license may only be granted upon resolution of Council.

PART 11

Awnings

- 11.0 Notwithstanding any other provisions of this By-law:

No person shall cause an awning to encroach upon the airspace above a street or sidewalk or other Town of Lunenburg - owned property; provided that the

owner of a property with an awning in place on the date this By-law comes into effect, may repair and maintain the awning, but may not replace the awning frame or structure.

- 11.1 The Engineer or Council may require the removal of an awning which is in contravention of this By-law. If any owner fails to remove an awning immediately after being requested to do so by the Council or the Engineer, the Engineer may remove such awning (or cause such awning to be removed) and the cost of such removal may be recovered as a debt from the owner of the property to which the awning was attached, by the Town by action in any Court of competent jurisdiction or may be collected in any manner provided by the Municipal Government Act of the Province of Nova Scotia. Nothing in this Section shall limit the authority of the Town to utilize any remedies contained in the Municipal Government Act, either with respect to removal of the encroachment or recovery of the costs of removal. Without limiting the foregoing, the cost of such removal shall be a first lien on the abutting property associated with the encroachment under section 507 of the Municipal Government Act.
- 11.2 A list of the existing awnings in place at the date of this By-law is contained in Schedule "D" hereof.

PART 12

Signs

- 12.0 Authorization for signs which encroach on airspace over street rights-of-way shall be dealt with pursuant to the provisions of the Town of Lunenburg Land Use By-law. If approval is obtained pursuant to the Land Use Bay-law for a sign, the sign may encroach in the airspace over the street to the extent and subject to the conditions authorized in the Development Permit.

PART 13

REMOVAL OF ENCROACHMENTS

- 13.0 (a) Any structure or other encroachment on a street for which a License is required that has:
- (i) heretofore been constructed or maintained; or
 - (ii) is hereafter constructed or maintained

upon, under or over any street in the Town, for which an Encroachment License or Utility License has not been issued or where such License has expired or has been revoked (and where the structure or other

encroachment does not fall within the exempting provisions of the Statutes of 1899 entitled " An Act Respecting the Streets of the Town of Lunenburg"), shall be removed by the owner immediately upon the request of Council (or within such time period that the Council determines) and no compensation shall be paid therefor. Any such decision shall be communicated to the property owner or occupier by written notice from the Town Engineer. Council's authority to require removal shall be in its sole and absolute discretion. Nothing in this By-law shall require Council to request removal of encroachments existing at the date of adoption of this By-law.

- (b) If any owner fails to remove such encroachment immediately (or within such period determined by Council as referred to in Section 13.0 (a), as the case may be), the Engineer may remove such structure (or cause such structure to be removed) and the cost of such removal may be recovered as a debt from such owner by the Town by action in any Court of competent jurisdiction or may be collected in any manner provided by the Municipal Government Act of the Province of Nova Scotia. Nothing in this Section shall limit the authority of the Town to utilize any remedies contained in the Municipal Government Act, either with respect to removal of the encroachment or recovery of the costs of removal. Without limiting the foregoing, the cost of such removal shall be a lien on the abutting property associated with the encroachment pursuant to the provisions of section 507 of the Municipal Government Act.
- (c) Any failure by the Town to require the removal of an encroachment which has heretofore been constructed or maintained, or any letter from the Town or any official thereof indicating that the Town does not then require the removal of such encroachments, shall not restrict the Town from requiring the removal of the encroachment in the future or from subsequently requiring an application for an Encroachment License or Utility License. The Town shall not be required to pay any compensation in relation to the removal of an encroachment or revocation of an Encroachment License or Utility License or refusal to grant an Encroachment License or Utility License.

PART 14

Appeal

8.2 Appeal:

A person aggrieved by a decision of any or all of the Heritage Officer, Development Officer and Engineer pursuant to this By-law, as the case may be,

may appeal that decision to Council within 14 days from the date of mailing of the decision to the owner's address of record, by written notice of appeal to the Manager/Clerk. Council may make any decision that the person(s) appealed from could make pursuant to this By-law.

The Council also has, on appeal, the power to approve an Encroachment License for stairs and steps and any landing associated therewith, which is higher and/or wider than the encroachment authorized to be granted under Section 6.12(a) - (c) of this By-law, provided that the stairs, steps or landing associated therewith do not, except as authorized by Section 6.9 Minor Increases, and Section 6.12, project further into the street.

After the hearing of an appeal, Council may confirm, rescind or vary the decision of the Heritage Officer, Development Officer and/or Engineer, as the case may be.

PART 15

Penalty

- 15.0 In addition to any other remedies provided in this or any other By-law or Legislation, or otherwise available to the Town, any person who contravenes any provision of this By-Law is (except where otherwise specifically provided) liable on summary conviction to a penalty of not less than \$100. and not more than \$2,000.00. Every day during which the contravention of the By-law exists shall constitute a separate and distinct offence.

PART 16

Repeal

- 16.0 The Streets By-law (being By-Law # 18) is hereby repealed.

SCHEDULE "A"

THIS GRANT OF ENCROACHMENT LICENSE made this _____ day of _____, 20____,

BETWEEN:

THE TOWN OF LUNENBURG, a municipal body corporate,

Hereinafter called the "Licensor"
OF THE FIRST PART

- and -

_____ of Lunenburg, in the County of Lunenburg, Province of Nova Scotia,

Hereinafter called the "Licensee"
OF THE SECOND PART

WHEREAS the Licensor is the owner of a public street in the Town of Lunenburg, known as _____;

AND WHEREAS the Licensee is the owner of (property or business) - describe _____
Located at civic address and PID _____

AND WHEREAS the Licensee wishes to construct and/or maintain a _____ which encroaches on _____ Street in accordance with the following specifications:

hereinafter referred to herein as "the encroachment", all of which is shown on the sketch attached hereto and dated _____;

THE LICENSOR hereby grants to the Licensee a License to construct and maintain the encroachment. The License shall expire on the _____ day of _____, 20____ (not to exceed ten years) and shall be subject to renewal in accordance with the provisions of the Streets By-law.

THE LICENSEE shall pay the Licensor the sum of _____ for the License fee.

It is agreed that the Licensee has no claim to the street or other Town lands and may only maintain the encroachment in accordance with the terms of this License.

It is agreed by the Licensee that the encroachment will be maintained by the Licensee in a clean, safe and tidy condition.

The Licensee shall comply with all of the provisions of the by-laws of the Town of Lunenburg as well as all applicable Federal and Provincial legislation and regulations. Without restricting the foregoing, the Licensee shall comply with the provisions of the Streets By-law of the Town of Lunenburg.

The following terms, conditions and restrictions are applicable to this License:

Any one or more of the Heritage Officer, Development Officer and Engineer may refuse to renew or may revoke or suspend a License for breach of the Streets By-Law or for not meeting or for ceasing to meet the terms of eligibility for the License upon written notice to the Licensee mailed to the address of record of the Licensee and no compensation shall be paid in relation thereto. The mailing address of the Licensee for the purposes of this notice is _____

In addition, the Council of the Town of Lunenburg may in its sole and absolute discretion at any time cancel any Encroachment License or any renewal thereof without notice and it shall not be required to give reasons for the cancellation thereof and no compensation shall be paid in relation thereto.

Note: Section 8.0 of the Public Streets and Street Encroachment By -Law states:

“The License is personal to the Licensee. In the event of a change in ownership of a business, or property for which a License has been issued, the new owner shall, within 120 days of the change in ownership), notify the Heritage Officer, Development Officer and Engineer, in writing of his name and postal address and no fee shall be payable for reissuing the License for the balance of the term in the new owner’s name. If the new owner fails to notify the Heritage Officer, Development Officer and Engineer, any one of such officials may revoke the License.”

DATED at Lunenburg, Nova Scotia, this _____ day of _____, 20____.

TOWN OF LUNENBURG - per:

HERITAGE OFFICER

DEVELOPMENT OFFICER

TOWN ENGINEER

Witness

Witness

LICENSEE



(Affix Seal)

* Note: Indemnity by Licensee to be executed before License is issued.

SCHEDULE "B"

BY FACSIMILE AND MAIL

Dear *****:

RE: Encroachment on Town Property at ***** Street, Lunenburg

Thank you for your letter of ***** respecting the above noted matter. I have examined the location certificate you faxed and observed the encroachment as depicted (see copy attached). This encroachment is a ***** encroaching on Town property. Given that this is only a location certificate, there could be other encroachments that would be apparent on further examination which we reserve the right to object to should this become necessary.

At the present time, the Town of Lunenburg does not object to this encroachment and has no present intention to require the removal of the encroachment, but the Town could require removal at any time in the future without notice or compensation to you. The Town may also at its discretion in the future require you to make an application for an Encroachment License. Please note though, that permission for this encroachment may be revoked at any time. No possessory title may be claimed as a result of the encroachment. Further, please advise your client that they are responsible for any property damage, personal injury, other damages or loss that may arise as a result of the encroachment and are required to hold the Town harmless from same. Your client is also required to maintain these encroachments in a safe, clean and reasonable condition while so occupied, unless otherwise directed by the Town.

Thank you for your inquiry. Please contact me at your convenience if additional information is required.

Yours very truly,

Town Engineer

MB/kj
Encl(1)
cc: Town Manager/Clerk
Planning/Development/Heritage Co-ordinator

SCHEDULE "C"
INDEMNITY

THIS Indemnity Agreement dated this _____ day of _____, 2008.

BETWEEN:

_____ of _____, in the County of _____ and Province / State of _____,

- and -

THE TOWN OF LUNENBURG, a municipal body corporate,

Hereinafter referred to as the "TOWN"

WHEREAS the undersigned is the owner of a structure located at _____ Street, in the Town of Lunenburg and, subject to the execution of this Indemnity and the Encroachment License, has received permission to place or retain an encroachment within the street right-of-way adjacent to this structure as follows: _____

(herein referred to as the "Encroachment");

AND WHEREAS the Undersigned is the _____;

AND WHEREAS an Encroachment may not be placed within a right-of-way without the execution of an Indemnification Agreement pursuant to the provisions of the Streets By-law;

NOW THIS INDEMNITY WITNESSETH that in consideration of the Town allowing the Encroachment subject to the provisions of the Streets By-Law, and this indemnity being under seal, the Undersigned hereby for himself, his heirs, executors, administrators, successors and assigns agrees to indemnify (and does hereby indemnify) the Town, its agents, servants, workers, councillors, mayor and employees and their heirs, executors, administrators, successors and assigns from and against all claims, suits, demands, causes of action, losses, costs (including legal costs) and damages resulting from or in any way related to the Encroachment.

The Undersigned acknowledges that the Town may at any time require the removal of the Encroachment and no compensation shall be paid therefor.

IN WITNESS WHEREOF the Undersigned has hereunto set h____ hand and affixed h____ seal.

SIGNED, SEALED AND DELIVERED
in the presence of:

WITNESS

Owner

(Affix Seal)



Civic Address	PID	2009 Use	Description
165 Fox	60059672	dwelling	over doorway on south side of building
3 King Street	60062890	retail: Cilantro on ground floor	fabric canopies on east side of building
12 King Street	60062866	Bank of Montreal	over King Street entry
77 Lawrence	60058773	dwelling	over doorway on south side of building
9 Lincoln	60057882	Shades of U Hair Salon	large canopy at top of first floor level
15 Lincoln	60057874	Good Luck Restaurant	large canopy on south side at roof level
147-153 Lincoln	60062049	South Shore Optical	fabric across 2 shop windows and door
222 Lincoln	60061413	Rudolf's Ladies Wear	metal on north and west sides of building
250 Lincoln	60061454	Stan's Dad and Lad	wooden shingles, across face of building on north side
245-255 Lincoln	60062163 & 60062155	Ruby's Sugar Shack & Art Choices	2 metal, 1 fabric canopies on south side of building (2 over doors; 1 over window)
80 Montague	60063104	Big Red's Restaurant	1 over doorway on north side of building
90 Montague	60499381	Dockside Restaurant	4, fabric on north and west side of building (Duke Street stairs)
128 Montague	60063229	Magnolias	wood; over doorway on north side
139 Montague	60062817	Smugglers Cove Inn	south and east sides of building
151 Montague	60062809	Norseboat	large wooden canopy over windows on south side
264 Montague	60063427	Foodland	2 separate canopies at top of 1 st floor level- finished with asphalt shingles
268 Montague	60063435	dwelling	over door way on north side of building
8 Pelham	60061934	Black Duck	wooden "boards" across door and window on north side of building
66 Pelham	60061850	dwelling	over doorway on north side of building
130 Pelham	60061751	dwelling	small projection over door on north side of building
128 Pelham	60061769	dwelling	over doorway on north side of building
196 Pelham	60062502	dwelling	over car port on west side of building
83 York	60059284	dwelling	over door way on south side of building

SCHEDULE "E"

STREET DISTURBANCE PERMIT
TOWN OF LUNENBURG

1. _____, of _____ is hereby
authorized, on or with respect to _____, in the Town of
(Street)
Lunenburg, to:

within _____ days hereof/ for a period of _____ days from the date hereof (delete
one).

2. A security deposit of _____ has been submitted to the Town for this Permit.

3. This Permit is subject to all of the Provisions of Part 4 of the Public Streets and Street
Encroachment By-law attached hereto.

4. This Permit is subject to the following additional conditions:

(* Attach Schedule if necessary)

DATED at Lunenburg, Nova Scotia, this _____ day of _____, 20 .

TOWN ENGINEER