

A BYLAW REGULATING THE PERMANENT CLOSURE OF STREETS

EFFECTIVE OCTOBER 3, 1995

BE IT ENACTED BY CITY COUNCIL OF THE CITY OF CHARLOTTETOWN AS FOLLOWS:

PART I: SHORT TITLE

1. 1.1 This bylaw shall be known and cited as “**Permanent Street Closure Bylaw**”.

PART II: DEFINITIONS

2. 2.1 For the purposes of this bylaw, the following phrases, terms, words, and their derivations shall have the meaning given herein. When not consistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.
 - 2.2 "**Applicant**" is any person making written application to the City of Charlottetown for a permanently closed street.
 - 2.3 "**City**" is the City of Charlottetown.
 - 2.4 "**City Council**" or "**Council**" is the City Council of the City of Charlottetown.
 - 2.5 "**Public Works Manager**" is the City Public Works Manager of the City of Charlottetown.
 - 2.6 "**Person**" is any person, firm, partnership, association, corporation, company or organization of any kind.
 - 2.7 "**Street**" is any street, highway, sidewalk, alley, avenue, or other public way or public grounds in the City.
 - 2.8 "**Property Owner**" is the person identified by the **Real Property Assessment Act**, R.S.P.E.I. 1988, CAP. R-4 as the owner.

PART III: STATUS

3. 3.1 It shall be unlawful for any person to permanently close any street within the City unless such person shall have first obtained permission to do so by a resolution of City Council.

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PART IV: APPLICATION

4. 4.1 No street shall be permanently closed unless a written application to close the street is submitted to the Public Works Manager. The written application is to state the name and address of the Applicant, the nature, location and purpose of the closure, the date of which it is hoped the closure shall take place, and any other data as may be reasonably required by the Public Works Manager. The application shall be accompanied by a plan showing the exact length and width of the street which is to be closed, the names and addresses of the abutting properties on the said street, along with provincial identification numbers and such other information as may be prescribed by the Public Works Manager.

PART V: NOTICE

5. 5.1 It shall be the duty and responsibility of the Public Works Manager to:
- (a) Notify, in writing, all property owners abutting on the proposed closed street at least 21 days in advance of when the resolution will be decided by City Council to close the said street.
 - (b) Draft up a survey plan of the said street closure along with a metes and bounds legal description of the said street.
 - (c) Publicly give at least four (4) weeks notice containing a full description of the street to be closed by publishing the description in four (4) consecutive issues of the Royal Gazette and one local newspaper in the City of Charlottetown.
 - (d) Establish a time and place for a public meeting at least two (2) weeks prior to the City Council meeting to decide on the closure of the street so that the public can have some input in the closing of same.

PART VI: ALTERNATIVES

6. 6.1 It shall be unlawful for the City of Charlottetown to close any street without providing an alternate route for any property owners abutting on the said street which is to be closed.

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PART VII: LIABILITY

7. 7.1 The City of Charlottetown shall not be held legally liable for the closure of any street which affects any of the abutting property owners on the said street or any other persons as long as the said closure is in the general public's best interest.

PART VIII: COMPENSATION - RESERVATION

8. 8.1 Upon closure of the said street, the lands underlining the said street shall remain vested in the City of Charlottetown.
- 8.2 The City retains the right to sell the street property to the abutting land owners.
- 8.3 The City reserves the right to maintain, operate, repair and replace by itself or by any licensee any poles, wires, pipes, conduits, sewer mains, water mains, or any other facility or equipment for the maintenance or operation of any utility now located in the street or portion thereof closed by this bylaw.

PART IX: GUIDELINES FOR CLOSURES

9. 9.1 In selecting a street to be closed the following factors will be considered:
- (a) The street is a residential street, either single family or multiple family.
 - (b) The closing will not create an undue burden on traffic.
 - (c) Closing is necessary to prevent traffic from travelling the neighbourhood to destinations outside of the neighbourhood.
 - (d) The residents in the area desire to maintain the residential quality of the neighbourhood.
 - (e) It is in the best interests of the City, considering planning for the entire City, to close the street.

PART X: METHODS OF CLOSING

Partial Closure

10. 10.1 A street to be partially closed shall be closed by placing a curb, gate or other barriers suitably marked with a reflective material to traffic at one end of the street to be closed and by placing a sign saying "dead end" at the other entrance.
- 10.2 Nothing shall prohibit any person from driving a vehicle upon the partially closed street, using the entrance which is open to traffic.

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Complete Closure

- 10.3 A street shall be completely closed by placing a curb, gate or other barriers suitably marked with a reflective material to traffic at either end of the street to completely eliminate all traffic.

PART XI: CESSATION

11. 11.1 The street shall be deemed to be closed on the date of the resolution passing the closure of the street by City Council.

PART XII: REGISTRATION

12. 12.1 Upon the resolution of the City Council being passed to close the said street the Public Works Manager shall immediately file with the Queens County Registry Office a copy of the plan and a legal description of the lands closing the said street, and also file a copy with the Planning and Development Office of the City of Charlottetown.

PART XIII: EFFECTIVE DATE

13. 13.1 This bylaw shall come into force effective October 3, 1995.

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Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
Amend to allow the new City of Charlottetown control over street closing within their new jurisdictions	2.1.1 "Applicant" is any person making written application to the City Engineer for a permanently closed street.	Amend Section 2.2 as follows: 2.2 "Applicant" is any person making written application to the City of Charlottetown for a permanently closed street.	11-Sep-95	11-Sep-95	3-Oct-95
	2.1.4 "City Engineer" is the City Engineer of the City of Charlottetown	Amend Section 2.5 as follows: 2.5 "Public Works Manager" is the City Public Works Manager of the City of Charlottetown			
	2.1.7 "Property Owner" is the person identified by the <u>Real Property Assessment Act</u> , R.S.P.E.I. 1988, as the owner.	Amend Section 2.8 by inserting " CAP R-4 " after " <u>Real Property Assessment Act</u> , R.S.P.E.I. 1988"			
	4.1 No Street shall be permanently closed unless a written application to close the street is submitted in writing to the City Engineer. The written application is to state the name and address of the Applicant, the nature, location and purpose of the closure, the date of which it is hoped the closure shall take place, and any other data as may be reasonably required by the City Engineer. The application shall be accompanied by a plan showing the exact length and width of the street which is to be closed, the names and addresses of the abutting properties on the said street, along with provincial identification numbers and such other information as may be prescribed by the City Engineer.	Amend Section 4.1 by deleting the words "City Engineer" in the 1st, 2nd & 3rd sentences and replacing with " Public Works Manager ".			
	5.1 It shall be the duty and responsibility of the City Engineer to:	Amend Section 5.1 by deleting the words "City Engineer" and replacing with " Public Works Manager "			
	5.1.1 Notify, in writing, all property owners abutting on the proposed closed street at least ----- days in advance of when the resolution will be decided by City Council to close the said street.	Amend Subsection 5.1 (a) by inserting " 21 days " after "at least".			
	5.1.3 Publicly give at least four (4) weeks notice containing a full description of the street to be closed by publishing the description in four (4) consecutive issues of the Royal Gazette and one other newspaper in the City of Charlottetown.	Amend Subsection 5.1 (c) by deleting the word "other" before "newspaper" and replacing with " local ".			

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Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	8.1 Upon closure of the said street the lands underlining the same shall constitute an accretion to the lands abutting thereon one-half thereof longitudinally divided to the lands abutting on the side of each half and the title shall vest in the owners of such abutting lands accordingly and the deeds shall be drafted by the City Solicitor and the cost of the deed, including registration and appropriate taxes, shall be born by the abutting owners.	Delete Section 8.1 and replace with the following: 8.1 Upon closure of the said street, the lands underlining the said street shall remain vested in the City of Charlottetown.			
	8.2 If the abutting property owners on each side of the street are one and the same owner then the City shall have the right to sell the street property at fair market value to the owner.	Delete Section 8.2 and replace with the following: 8.2 The City retains the right to sell the street property to the abutting land owners.			
	10.1 A street to be partially closed shall be closed by placing a curb, gate or other barrier to traffic at one end of the street to be closed and by placing a sign saying "dead end" at the other entrance of the street.	Amend Section 10.1 by inserting " suitably marked with a reflective material " after "barriers".			
	10.3 A street shall be completely closed by placing a curb gate or other barriers to traffic at either end of the street to completely eliminate all traffic.	Amend Section 10.3 by inserting " suitably marked with a reflective material " after "barriers".			
	12.1 Upon the resolution of City Council being passed to close the said street the City Engineer shall immediately file with the Queens County Registry Office a copy of the plan and a legal description of the lands closing the said street, and also file a copy with the Planning and Development Office of the City of Charlottetown.	Amend Section 12.1 by deleting the words "City Engineer" and replacing with " Public Works Manager ".			
	<i>nothing</i>	Add new Section 13 as follows: PART XIII: EFFECTIVE DATE 13.1 This bylaw shall come into force effective _____, 1995.			