



CITY OF SAINT JOHN NEW BRUNSWICK

A By-Law Respecting the Closing of Roads, Streets or Highways in The City of Saint John

By-Law Number LG-__

Arrêté numéro LG-__

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RECITALS

WHEREAS, subparagraph 10(1)(p)(ii) of the *Local Governance Act*, S.N.B. 2017, c. 18 provides that a local government may make by-laws for municipal purposes respecting “.. the temporary and permanent opening and closing of roads, streets and highways”; and

WHEREAS, the City from time to time might wish to exercise the authority, as referred to in the immediately preceding recital, to close a road, street or highway; and

WHEREAS, it is deemed desirable to establish the procedure to be followed by Common Council in considering whether to close any road, street or highway within the City;

NOW THEREFORE, the Common Council of The City of Saint John, enacts as follows:

PRÉAMBULE

ATTENDU QUE,

ATTENDU QUE,

ATTENDU QUE,

À CES CAUSES, le conseil communal de The City of Saint John édicte :

Title

1 This By-Law may be cited as the *Road Closures By-Law* (hereinafter the “By-Law”).

Definitions

2 The following definitions apply in this By-Law.

“**City**” means The City of Saint John (*municipalité*);

“**Common Council**” means the elected municipal council of the City (*conseil communal*);

Interpretation

3 Rules for interpretation of the language used in this By-law are contained in the lettered paragraphs as follows:

Titre

1

Définitions

2 Les définitions qui suivent s’appliquent au présent arrêté.

« **municipalité** » désigne The City of Saint John (*City*);

« **conseil communal** » désigne les membres élus du conseil municipal de la municipalité (*Common Council*);

Interprétation

3 Les règles d’interprétation suivantes s’appliquent au présent arrêté comme suit :

(a) The captions, article and section names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation.

(b) This By-law is to be read with all changes of gender or number required by the context.

(c) Each reference to legislation in this By-law is printed in *Italic font*. The reference is intended to include all applicable amendments to the legislation, including successor legislation. Where this By-law references other by-laws of the City, the term is intended to include all applicable amendments to those by-laws, including successor by-laws.

(d) The requirements of this By-law are in addition to any requirements contained in any other applicable by-laws of the City or applicable provincial or federal statutes or regulations.

(e) If any section, subsection, part or parts or provision of this By-law, is for any reason declared by a court or tribunal of competent jurisdiction to be invalid, the ruling shall not affect the validity of the By-law as a whole, nor any other part of it.

a) Les titres, intertitres et numéros des dispositions ne servent qu'à faciliter la consultation de l'arrêté et ne doivent pas servir à son interprétation.

b) Le genre ou le nombre grammaticaux doivent être adaptés au contexte.

c) Les renvois législatifs paraissent en italique. Le renvoi à une loi vise également les modifications qui s'y appliquent, y compris toute législation de remplacement. Les renvois à d'autres arrêtés de la municipalité visent également les modifications qui s'y appliquent, y compris tout arrêté de remplacement.

d) Les obligations qu'il crée s'ajoutent à celles découlant d'autres arrêtés applicables de la municipalité ou des lois et règlements applicables des gouvernements fédéral ou provinciaux.

e) Si une disposition quelconque est déclarée invalide par un tribunal compétent pour quelque motif que ce soit, la décision n'entache en rien la validité de l'arrêté dans son ensemble ni de toute autre disposition.

Closing

4 The City may by by-law and subject to **4** the provisions hereof and to any applicable provisions of the *Highway Act* (R.S.N.B. 1973, c-5 and amendments thereto) close any road, street or highway within the City of Saint John.

Procedure

5 Prior to determining whether to close any **5** road, street or highway, Common Council shall:

- (a) Fix a time and place for the consideration of objections to the proposed closing;
- (b) Give notice of its intention to consider the enacting of a by-law for the closing of a road, street or highway by posting its intention on the City website for a period of not less than fourteen days preceding the time fixed under paragraph (a); and
- (c) Hear and consider any written objections to the proposed closing and hear any person who wishes to speak for or against the proposed closing, at the time and place fixed under paragraph (a).

6 The notice under section 5 shall:

6

- (a) Define the road, street or highway, or portion thereof, to be considered for closing;
- (b) State the time and place fixed under paragraph 5(a),
- (c) State whether the proposed closing is of a permanent or temporary nature, and if temporary, the proposed duration thereof;
- (d) State, in the instance of a proposal which would apply to vehicular traffic only, that pedestrian traffic would not be affected;
- (e) State the place where the hours during which the proposed closing by-law may be inspected, and
- (f) State the person together with the corresponding address to whom written objections may be sent.

IN WITNESS WHEREOF the City of Saint John has caused the Corporate Common Seal of the said City to be affixed to this By-Law the _____ day of _____, A.D. 2019 and signed by:

EN FOI DE QUOI, The City of Saint John a fait apposer son sceau municipal sur le présent arrêté le _____ 2019, avec les signatures suivantes :

Mayor/Maire

Common Clerk/Greffier communal

First Reading -
Second Reading -
Third Reading -

Première lecture -
Deuxième lecture -
Troisième lecture -