

TOWN OF PRINCETON
BYLAW NO. 890, 2014

A bylaw to regulate traffic and the use of highways within the Town of Princeton

The Council of the Town of Princeton, in open meeting assembled, enacts as follows:

PART 1: TITLE

- 1) This Bylaw may be cited for all purposes as "Traffic and Highways Regulation Bylaw, No. 890, 2014".

PART 2: DEFINITIONS, INTERPRETATION AND APPLICATION

- 2) In this Bylaw

"angle parking" means the parking of a vehicle other than parallel to a curb or lateral lines of the roadway;

"arterial highway" means a highway classified as an arterial highway pursuant to the Transportation Act, as amended from time to time;

"Business" shall have the same meaning as defined under the Town of Princeton Business Licence Bylaw No. 555-1991 and as amended from time to time.

"Business Licence" shall have the same meaning as defined under the Town of Princeton Business Licence Bylaw No. 555-1991 and as amended from time to time.

"Bylaw Enforcement Officer" means the person appointed as such by Council and any person appointed or designated to assist him or her in enforcing municipal laws and regulations as set out in this bylaw.

"boulevard" means that part of the highway between the edge of the pavement or the curb or the lateral lines of the roadway, and the adjoining property line, excluding any sidewalk;

"Commercially Zoned Property" shall mean property that is zoned as general commercial, tourist commercial or heavy commercial and commercial service, pursuant to the Town of Princeton Zoning Bylaw No. 880 -2013 as amended from time to time.

"Council" means the municipal council of the Town;

"cycle" means any wheeled device propelled by human power upon which a person may ride;

“emergency vehicle” includes any vehicle operated by a fire or police department and any licensed ambulance;

“Fees and Charges Bylaw” means the Town of Princeton Fees and Charges Bylaw No. 884-2014 as amended from time to time.

“government vehicle” means a vehicle operated by the Town, the Province of British Columbia or the Government of Canada;

“highway” includes

- (i) every highway as defined in the Transportation Act,
- (ii) every road, street, lane or right of way designed or intended for or used by the general public for the passage of vehicles, and
- (iii) every private place or passageway to which the public has access or is invited for the purpose of the parking or servicing of vehicles;

“Manager of Regulatory Services” means the CAO or his designate.

“off-street parking facility” means any real property owned, leased, possessed or otherwise held by the Town from time to time for the purposes of providing off-street parking and designated as such in Schedule “A” to this Bylaw;

“park” means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading;

“peace officer” includes the Town’s bylaw enforcement officers, the Town Administrator, members of the Royal Canadian Mounted Police and any other person employed for the preservation and maintenance of the public peace;

“Director of Parks and Infrastructure” means the person appointed as such by the Town, and any person delegated to assist him in carrying out his duties under this by-law.

“Regulations” means the regulations under the Motor Vehicle Act;

“residential area” means any area zoned residential in the Town of Princeton Zoning Bylaw No. 646, 1994 in force in the Town from time to time, and includes highways abutting such zones and where the zone is different on the two sides of a highway, the dividing line shall be the centre of the highway;

“roadway” means that portion of a highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder;

“sidewalk” means that portion of the boulevard improved for the use of pedestrians;

"Sidewalk" means the area between the curb-lines or lateral lines of a roadway and the adjacent property lines improved for use of pedestrians or any other improved area set aside for pedestrian use only.

“Sidewalk Café” means a portion of a Town sidewalk used for the service of food and beverages in connection with a restaurant or café use in an abutting building.

“Sidewalk Café Permit Holder” means a Person to whom a Permit has been issued under Section Seven.

“Sign Bylaw” means the Town of Princeton Sign Bylaw No. 601-1992 as amended from time to time.

“Town” means the Town of Princeton;

“traffic control device” means a sign, signal, line, meter, marking, space, barrier, barricade, yellow marking of a curb or other device placed or erected under this Bylaw for the purpose of directing, regulating, prohibiting or controlling vehicular or pedestrian traffic;

“trailer” means every vehicle with or without motive power designed for carrying persons or property and for being towed or drawn by a vehicle.

“Type 1 Sidewalk Café” means a Sidewalk Café that comprises only a portion of the sidewalk adjacent to the business premises of which it is a part.

“Type 2 Sidewalk Café” means a Sidewalk Café that comprises the entire width of the sidewalk adjacent to the business premises of which it is a part, as well as a portion of a Roadway otherwise used for Motor Vehicle parking spaces.

- 3) Words or phrases defined in the Community Charter, the Local Government Act, the Motor Vehicle Act, the Transportation of Dangerous Goods Act, the Commercial Transport Act, and the regulations to those Acts have the same meaning in this Bylaw unless otherwise defined in this Bylaw.
- 4) This Bylaw does not apply to the regulation, control or prohibition of traffic on arterial highways.

PART 3: GENERAL REGULATIONS

- 5) Except where otherwise directed by a peace officer, no person shall:
 - a) operate a vehicle at a rate of speed greater than 30 km/h in a zone where signs are posted indicating that work is being undertaken on the highway;

- b) operate a vehicle at a rate of speed greater than 30 km/h in a zone where signs are posted indicating a school or playground zone;
- c) drag or skid any object along or over a highway in such a manner that the object damages the surface of the highway;
- d) ride or herd animals, cycle or drive a vehicle upon a sidewalk or boulevard, except on a driveway crossing or as permitted by a traffic control device;
- e) tether any animal to a traffic control device, utility pole, lamp standard or tree on a sidewalk or highway;
- f) mark, imprint or deface in any way whatsoever a highway or a structure situated upon a highway;
- g) use sleighs, toboggans, skis, skateboards, in-line skates, rollerskates or other similar means of conveyance on any sidewalk or highway;
- h) being a pedestrian, cross a highway at a place other than a crosswalk except after yielding the right of way to all vehicles;
- i) drive any vehicle through a marked crosswalk on a highway if there is one or more person in the crosswalk;
- j) use or occupy any sidewalk or highway for the purpose of selling or displaying any goods or wares, including without limitation any flowers, fruit, vegetables, seafood, commodity, article or other thing, except as authorized by a business licence issued by the Town or a farm stand in accordance with the Farm Practices Protection (Right to Farm) Act;
- k) throw, drop, deposit, leave or dispose of any object or material on or upon a sidewalk or highway.

PART 4: STOPPING, STANDING AND PARKING

- 6) In order to facilitate snow removal from streets during the period from November 1 to March 31 the following regulations are in effect:
 - a) Parking is not permitted on Bridge Street or Vermilion Avenue between the hours of 11pm and 8am.
 - b) Vehicles parked on these streets contrary to the winter parking regulations will be subject to towing and impoundment pursuant to Part 7 herein.
- 7) Except when necessary to comply with the directions of a peace officer, no person shall stop, stand or park a vehicle:
 - a) on a highway for a continuous period exceeding 72 hours or such other time

- limit as posted on that highway;
- b) on a highway for the purpose of temporarily residing or sleeping between the hours of 9:00 p.m. and 6:00 a.m.;
 - c) in a designated angle parking zone or space if the length of the vehicle and any attached trailer or other accessory exceeds seven (7) metres;
 - d) in the Town Office parking lot located at 169 Bridge Street
 - (i) in a parking spot marked as "Reserved" between the hours of 8:00 a.m. and 8:00 p.m. except with the express permission of the Town;
 - (ii) in any parking spot between the hours of 12:00 midnight and 6:00 a.m. except with the express permission of the Town.
 - e) in an intersection;
 - f) on a bridge;
 - g) in a bus stop;
 - h) on a sidewalk or boulevard;
 - i) on or within six (6) metres of a crosswalk;
 - j) adjacent to a curb painted yellow;
 - k) further than 30 cm from the curb of a highway;
 - l) within two (2) metres of a public or private driveway;
 - m) in a fire lane or zone;
 - n) within five (5) metres of a fire hydrant;
 - o) within six (6) metres of a stop sign or other traffic control device located at the side of a highway or boulevard;
 - p) in a loading zone, as designated by a traffic control device, for more than 15 minutes;
 - q) in a parking space at which there is a meter, except upon deposit of the parking fee in the appropriate meter for parking in the manner and at the rate prescribed and as measured by the meter;
 - r) on the highway side of a vehicle stopped or parked parallel to the edge or curb of a highway;
 - s) on a two-way highway or boulevard unless the vehicle is parked on the right side of the highway or boulevard with the right wheels of the vehicle parallel

- to that side, except where angle parking is required or permitted;
- t) in such a manner as to obstruct the visibility of any traffic control device;
 - u) in any off-street parking facility or other public parking lot operated by the Town in contravention of the length of time allowed for parking as indicated on a traffic control device applicable to that facility or lot;
 - v) in such a manner that contravenes a traffic control device;
 - w) upon a highway for the principal purpose of:
 - (i) displaying a vehicle for sale,
 - (ii) advertising, greasing, painting, wrecking, storing or replacing any vehicle, except where repairs are necessitated by an emergency, or
 - (iii) displaying signs;
 - x) in a zone reserved exclusively for taxis, unless such vehicle is a taxi;
 - y) including all trailers, on a highway unless the trailer is attached to a motor vehicle capable of pulling it.
 - z) in a disabled parking zone without a disabled parking permit that is displayed on the dashboard or the inside rear view mirror of that vehicle and which is clearly visible inside the vehicle by any person looking through the vehicle's front windshield, or unless the vehicle is being actively loaded or unloaded with a physically disabled passenger, provided however, that if a vehicle is parked in a disabled parking zone to load or unload a disabled passenger and does not display a valid disabled parking permit, it shall not remain stopped for longer than 5 minutes.
 - aa) including trailers of industrial or commercial use with a gross vehicle weight of 7000 kilograms or more other than in those areas zoned as M1-Light Industrial or M2-Heavy Industrial between the hours of 9:00 p.m. and 6:00 a.m.
- 8) This Part shall not apply to any emergency vehicle while attending at an emergency call, but this exemption shall not excuse the driver of any such vehicle from exercising due and proper care for the safety of other traffic.
 - 9) This Part shall not apply to:
 - a) government vehicles,
 - b) vehicles of a public utility corporation, or
 - c) tow trucks

while the operators of such vehicles are engaged in work requiring the vehicles to be stopped or parked in contravention of any of the provisions of this Part.

PART 5: TRAFFIC CONTROL DEVICES

- 10) The Director of Parks and Infrastructure and the Town Administrator are authorized to issue orders for the placement of traffic control devices at such places as they deem appropriate for the direction, regulation, prohibition or control of vehicular and pedestrian traffic on sidewalks and highways within the Town.
- 11) Except with the prior approval of the Director of Parks and Infrastructure, no person shall place, maintain or display any sign, signal, mark or device resembling a traffic control device on, in, over or in view of any highway including without limitation, any sign placed or erected on private property which purports to regulate the adjacent highway.
- 12) Except with the prior approval of the Director of Parks and Infrastructure, no person shall move, remove, deface, damage, alter or obstruct the view of or otherwise interfere with any lawfully placed traffic control device.
- 13) When, for any reason, any sidewalk or highway or portion thereof is unsafe or unsuitable for traffic, or it is deemed advisable that traffic should be restricted or diverted from that sidewalk or highway, the Director of Parks and Infrastructure or any peace officer may:
 - a) close the sidewalk, highway or portion thereof; or
 - b) restrict or divert traffic from that sidewalk, highway or portion thereof;and in such circumstances no person shall enter upon or travel upon the closed sidewalk or highway without prior authorization.
- 14) Traffic control devices erected pursuant to this Part shall, where applicable, comply with the sign regulations set out in the Motor Vehicle Act.

PART 6: SIDEWALK CAFÉ PERMITS AND LICENCE AGREEMENTS

- 15) Permits: The Manager of Regulatory Services may issue a Permit in the form prescribed for that purpose to authorize the use of a Highway for a Sidewalk Café, provided that the use complies with this section.
- 16) Fees: An applicant for a Permit under this section must pay to the City an annual Permit fee as set out in the Fees and Charges Bylaw.

- 17) **Agreement:** Each applicant for a Permit must enter into a licence agreement with the City in the form of Schedule "C", must carry the insurance required by the terms of the agreement, and must provide evidence of such insurance in accordance with the terms of the agreement.
- 18) **Type 1 Cafes:** A Type 1 Sidewalk Café must not occupy more than one-half the width of the Sidewalk abutting the premises of which it forms a part, or leave less than 1.5 metres (4.9 feet) of clear, unobstructed Sidewalk for Pedestrian use.
- 19) **Type 2 Cafes:** The Manager of Regulatory Services must not issue Permits for Type 2 Sidewalk Cafés so as to authorize the occupation of more than eight parking spaces in a Block Face. Holders of Permits for Type 2 Sidewalk Cafes in the preceding year shall have priority for the issuance of such Permits in the subsequent year, provided that they apply for the Permit by February 28 of the subsequent year.
- 20) **Standards:** The design and construction of Sidewalk Cafés that may be authorized by Permit under this section must comply with the standards and specifications set out in Schedule D.
- 21) **Revocation:** The Manager of Regulatory Services may, in writing, revoke a Permit issued under this section if the Sidewalk Café Permit Holder fails to remedy any breach of the Permit or the licence agreement of which the Manager has given notice, and thereafter the provisions of this bylaw, including the prohibitions in Part 6 and the removal provisions in Part 7, shall apply in full in respect of the Highway area for which the Permit was issued.

PART 7: OBSTRUCTIONS

- 22) No person shall, without the prior written approval of the Town:
 - a) place, construct or maintain a building, structure or erection of any kind on a highway;
 - b) construct a boulevard, sidewalk, curb or ditch;
 - c) cause damage to, cut down or remove trees, grass, shrubs, plants, bushes or hedges, fences, signs, highway lighting or any other thing erected, planted or maintained by the Town on a sidewalk or highway;
 - d) excavate in or on, dig up, break up or remove any part of a sidewalk or highway;
 - e) leave any excavation, obstruction or works in, on, over or under a sidewalk or highway without placing, erecting and maintaining sufficient fencing, barricading and signage to ensure the safety of all users of the sidewalk or

highway;

- f) leave glass or other debris on a sidewalk or highway from wrecked or damaged vehicles;
- g) stand or loiter in such a manner as to obstruct, impede or interfere with pedestrian or vehicular traffic on a sidewalk or highway;
- h) erect, maintain, alter, paint, tear down or remove any sign, advertisements or guide-post on or over any highway;
- i) change the level of a highway in any manner whatsoever;
- j) stop the flow of water through any drain, sewer or culvert on, under or through a sidewalk or highway; or
- k) start or maintain a fire on any sidewalk or highway.
- l) leave snow, ice, or rubbish on the sidewalks or any portion of them bordering real property; and it shall be the duty of the owner or occupier of any real property to remove all such snow, ice and rubbish from the sidewalk before the hour of 11:00 a.m. each day unless requested to do so sooner by the Town.”
- m) No person shall deposit, pile or spread snow or ice cleaned from roofs, parking lots, car lots, automobile service stations or garages or any other surface or property, on any highway, sidewalk, boulevard, or other public place, except the place designated therefore by the Director of Parks and Infrastructure.

PART 8: IMPOUNDMENT

- 23) The Director of Parks and Infrastructure and any peace officer or any person acting under their instructions are authorized to remove, detain and impound any vehicle or cycle unlawfully occupying any portion of a highway or public place, including without limiting the generality of the forgoing any vehicle parked in contravention of the Parking, Stopping and Standing regulations of this Bylaw.
- 24) All costs and charges for the removal, care, or storage of a motor vehicle removed under this by-law shall be paid by the owner of the motor vehicle, and shall be a lien thereon in favour of the keeper of any repair shop, garage or storage place in which that motor vehicle is stored, and the same may be enforced by him in the manner provided by the Repairers Lien Act or the Warehouse Lien Act.

25) Chattels

- a) The Bylaw Enforcement Officer may Impound or cause to be impounded, any chattel or other personal property, not including a Vehicle which is unlawfully placed, left or kept upon a street.
- b) The owner of a chattel or other personal property impounded pursuant to subparagraph (1) shall be responsible for the payment of all Impounding Charges.
- c) The owner of a chattel or other personal property who has paid all Impounding Charges and has proved title/ownership to the chattel or other personal property to the satisfaction of the Bylaw Enforcement Officer may recover possession of the chattel or other personal property provided that such possession is taken within one month (30 days) from the time of the impounding.

26) Disposal: Any chattel or other personal property which remains unclaimed after the date prescribed by Section 25 subparagraph (c) shall be delivered to the Director of Infrastructure and Parks to be disposed of in accordance with this section.

- a) The Director of Infrastructure and Parks, where of the opinion that the value of chattel is such that it should be scrapped or disposed of for parts, shall sell at the best advantage, or dispose of at the least cost, by public auction, solicited offers, negotiated sale, or other method which will best serve the interests of the Town.
- b) The Director of Infrastructure and Parks, where of the opinion that the value of an impounded chattel is such that is suitable, with or without repairs, for return to service, shall sell such chattel by public auction, solicited offers, or negotiated sale. If such sales methods fail to bring a satisfactory price, the Purchasing Manager may dispose of such items in accordance with clause (a) of this section.

PART 9: OFFENCES AND ENFORCEMENT

- 27) Every person who violates any provision of this Bylaw, or who suffers or permits any act to be done in violation of any provision of this Bylaw, or who neglects to do anything required to be done by any provision of this Bylaw, commits an offence punishable upon summary conviction and is subject to a fine not less than \$250 and not more than \$10,000.

- 28) Each day that a violation exists or is permitted to exist is deemed to be a separate offence against this Bylaw.
- 29) This Bylaw may be enforced my means of a ticket in the form prescribed for the purpose of section 264 of the Community Charter.
- 30) Pursuant to section 264(1)(b) of the Community Charter, the Town Administrator, the Town's bylaw enforcement officers, and members of the Royal Canadian Mounted Police are designated to enforce this Bylaw.
- 31) Pursuant to section 264(1)(c) of the Community Charter, the words or expression in Column 2 of Schedule "B" to this Bylaw designate the offence committed under the Bylaw section number appearing in Column 1 opposite the respective words or expression.
- 32) Pursuant to section 265(1)(a) of the Community Charter, the fine amount in Column 3 of Schedule "B" to this Bylaw is the fine amount that corresponds to the section number and words or expression set out in Columns 1 and 2 opposite the fine amount.
- 33) Council hereby delegates to the Town's Chief Administrative Officer the authority to refer any disputed tickets to the Provincial Court.

PART 10: SEVERABILITY AND REPEAL

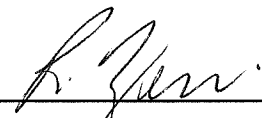
- 34) If a court of competent jurisdiction finds any part, section or subsection of this Bylaw to be invalid or unenforceable, the impugned part, section or subsection shall be severed from the remainder of the Bylaw and the remainder of the Bylaw shall remain valid and in force.
- 35) Town of Princeton Highways, Traffic and Parking Regulations By-law No. 866, 2012, as amended, is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME THIS 22nd day of April, 2014

ADOPTED THIS 5th day of May, 2014



Mayor Frank Armitage



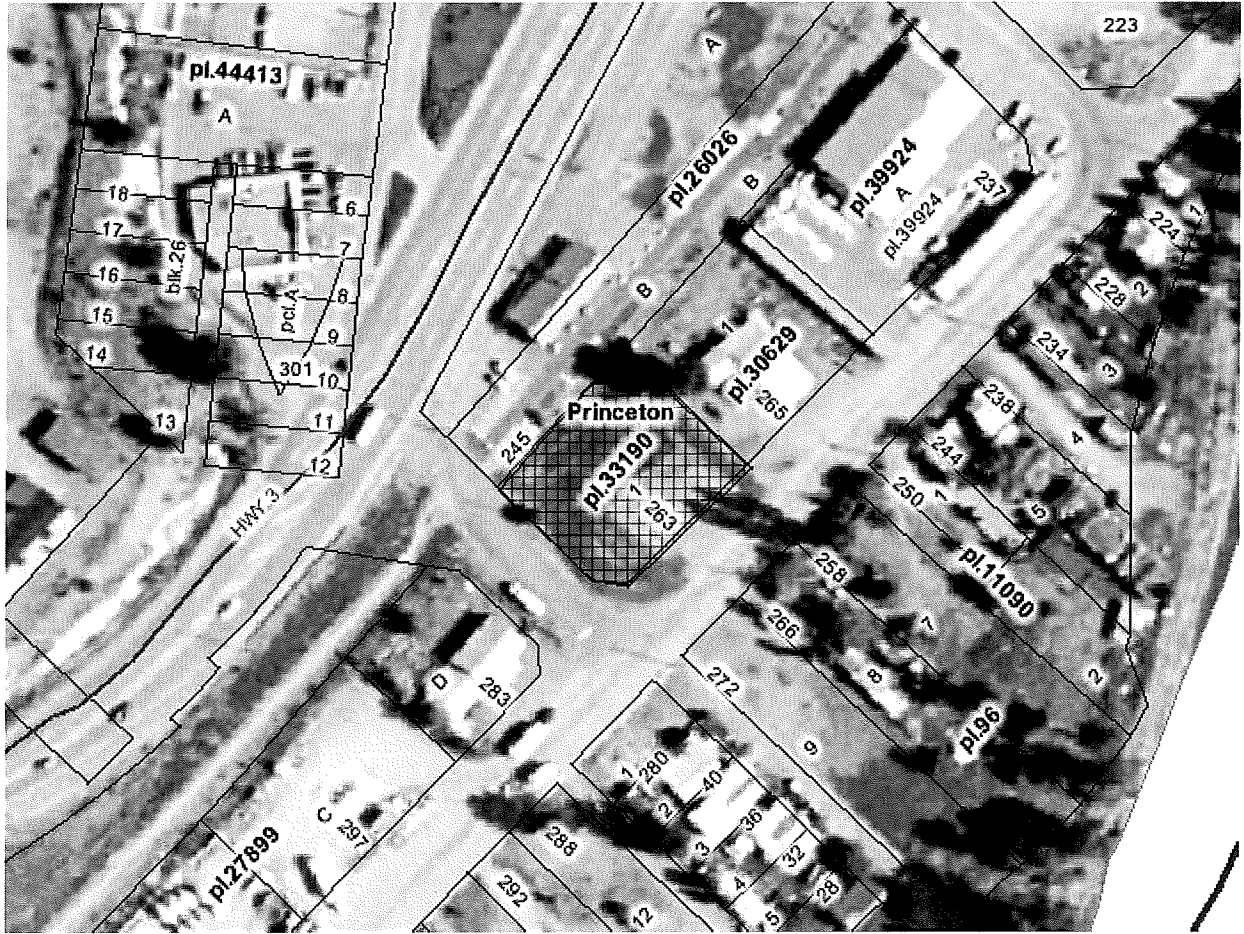
CAO Rick Zerr

Schedule "A"

Town of Princeton Off-Street Parking Facilities

The following are designated off-street parking pursuant to Section 2 of this bylaw:

263 Burton Avenue



169 Bridge Street



Schedule "B"

Fine Schedule

Description of Offence	Section #	Amount of Fine
damage highway	PART 3:5)c)	\$500
drive on sidewalk	PART 3:5)d)	\$35
tether animal	PART 3:5)e)	\$35
deface highway	PART 3:5)f)	\$500
ski on highway	PART 3:5)g)	\$35
fail to use crosswalk	PART 3:5)h)	\$35
fail to yield to pedestrian	PART 3:5)i)	\$100
selling on highway	PART 3:5)j)	\$35
litter	PART 3:5)k)	\$100
park more than limit	PART 4:7)a)	\$50
sleeping in vehicle	PART 4:7)b)	\$35
oversized vehicle	PART 4:7)c)	\$35
park in reserved spot at Town Office	PART 4:7)d)(i)	\$35
overnight parking at Town Office	PART 4:7)d)(ii)	\$35
park in intersection	PART 4:7)e)	\$35
park on bridge	PART 4:7)f)	\$35
park in bus stop	PART 4:7)g)	\$35
park on sidewalk	PART 4:7)h)	\$35
park near crosswalk	PART 4:7)i)	\$50
park next to yellow curb	PART 4:7)j)	\$50
park more than 30 cm from curb	PART 4:7)k)	\$35
park near driveway	PART 4:7)l)	\$35
park in fire zone	PART 4:7)m)	\$125
park near fire hydrant	PART 4:7)n)	\$125
park near traffic sign	PART 4:7)o)	\$50
park in loading zone	PART 4:7)p)	\$50

unpaid meter parking	PART 4:7)q)	\$35
double park	PART 4:7)r)	\$35
park on wrong side	PART 4:7)s)	\$35
obstruct visibility	PART 4:7)t)	\$50
overtime parking	PART 4:7)u)	\$35
park contrary to traffic sign	PART 4:7)v)	\$35
park vehicle to sell	PART 4:7)w)(i)	\$35
park vehicle to repair	PART 4:7)w)(ii)	\$35
park vehicle to advertise	PART 4:7)w)(iii)	\$35
park in taxi zone	PART 4:7)x)	\$35
park immobile trailer	PART 4:7)y)	\$35
park in disabled parking zone	PART 4:7)z)	\$100
park commercial or industrial trailer or vehicle	PART 4:7)aa)	\$35
erect traffic sign	PART 5:11)	\$35
interfere with traffic sign	PART 5:12)	\$50
travel closed highway	PART 5:13)a)	\$50
encroach on highway	PART 7:22)a)	\$35
unapproved construction	PART 7:22)b)	\$50
remove vegetation from highway	PART 7:22)c)	\$125
excavate highway	PART 7:22)d)	\$125
fail to erect fence	PART 7:22)e)	\$35
fail to remove debris	PART 7:22)f)	\$50
loiter	PART 7:22)g)	\$35
erect sign on highway	PART 7:22)h)	\$35
grade highway	PART 7:22)i)	\$125
divert water over highway	PART 7:22)j)	\$125
fire on highway	PART 7:22)k)	\$125
failure to remove snow, ice and rubbish	PART 7:22)l)	\$100
deposit snow or ice on highway	PART 7:22)m)	\$100



SCHEDULE "C"

**THE CORPORATION OF THE TOWN OF PRINCETON
LICENCE AGREEMENT**

SIDEWALK CAFE LICENCE DATE: _____

PARTICULARS:

Type 1 Sidewalk Cafe _____ or;
Type 2 Sidewalk Cafe _____ number of parking stalls or parts thereof _____

THIS AGREEMENT MADE the _____ day of _____ 20 _____

BETWEEN: THE CORPORATION OF THE TOWN OF PRINCETON
151 Vermilion Ave, PO Box 670, Princeton BC
(the "Town")

OF THE FIRST PART

AND:

(the "Permit Holder")

OF THE SECOND PART

WHEREAS the Permit Holder applied for a Permit to operate a Type ___ Sidewalk Cafe (the "Permit") under the Town's Traffic Bylaw, and the issuance of such a Permit is subject to the applicant entering into this Agreement;

NOW THEREFORE in consideration of the issuance of the Permit by the Town authorizing the Permit Holder to conduct business on a Highway area belonging to the Town, the Permit Holder agrees as follows:

In this Agreement, "Licence Area" means the area of Town Sidewalk identified in Schedule A to this Agreement and the Permit, and terms with initial capitals not defined in this Agreement shall be interpreted in accordance with the Town's Traffic Bylaw.

1. The Town grants to the Permit Holder a licence to occupy the Licence Area for the purpose only of operating a Sidewalk Cafe, and only in accordance with the terms of this Agreement.

2. The right to occupy shall be for the calendar year ____ and, unless terminated pursuant to this Agreement, may thereafter be renewed annually for a subsequent calendar year, upon payment of the annual fees set out in Schedule "A" of the Town's Fees and Charges Bylaw.
3. The Permit Holder agrees that the Licence Area shall not be used for the purpose of storage of fixtures, chattels or objects.
4. The Permit Holder shall display the Permit in the business premises in relation to which it was issued, in such manner as to be clearly visible to members of the public.
5. The Permit Holder shall use the Licence Area only in accordance with the terms of the Permit and any applicable Town bylaws, and the Permit Holder shall permit the Director of Infrastructure and Parks to enter the Licence Area and the business premises to which it is appurtenant at any time, for the purpose of monitoring compliance with this Agreement and the Permit.
6. The right to use the Licence Area granted by the Permit and this Agreement is subject at all times to the right of the Town and any public utility, and the employees and contractors of either of them, to enter the Licence Area without notice or reimbursement to the Permit Holder, for the purpose of installation, maintenance and repair of pavement, curb and gutter, sidewalk, pipes, cables, conduits, wires, poles or any other service or installation permitted in a Highway.
7. The Permit Holder shall maintain the Licence Area and the adjacent pavement, Sidewalk and Boulevard in a clean and sanitary condition free from grease, papers, rubbish and debris, to the satisfaction of the Director of Infrastructure and Parks
8. The Permit Holder shall maintain the improvements authorized by the Permit to be placed in the Licence Area in good condition, keeping all barriers, fences and temporary Sidewalks properly aligned, plumb and properly finished.
9. The Permit Holder shall not erect any buildings or structures in the Licence Area other than those specifically authorized by the Permit.
10. The Permit Holder shall vacate the Licence Area at the end of the term of this Agreement if the Agreement is not renewed, or upon the earlier termination of this Agreement if the Permit is revoked, by removing all fixtures, chattels and objects of the Permit Holder and making good any damage to the Sidewalk or Roadway caused by the installation or removal of fixtures.
11. The Permit Holder shall remove all fixtures, chattels and objects of the Permit Holder from the Licence Area when required to do so by a police officer, municipal bylaw enforcement officer, or the Director so as to temporarily restore the use of the Licence Area as a Sidewalk or a Roadway.
12. The Permit Holder acknowledges that upon its failure to comply with section 10 or ii, the Town may remove all fixtures, chattels and objects of the Permit Holder from the Licence Area and repair any damage at the Permit Holder's expense,

and agrees to pay the Town's costs of removal and, if necessary, storage of such materials and repair of damage, promptly on receipt of the Town's account in that regard.

13. The Permit Holder further acknowledges that any fixtures, objects or chattels removed and stored by the Town and not claimed within sixty days of removal shall become the property of the Town, and may be sold and the proceeds retained by the Town.
14. The Permit Holder acknowledges and agrees that the Licence granted by this Agreement does not permit the use of the Licence Area in any manner that would have the effect of blocking or impairing the entrance to any premises adjacent to the Licence Area.
15. The Town shall not be liable directly or indirectly, for any personal injuries that may be suffered or sustained by any Person who may be in the Licence Area or for any loss or damage or injury to property belonging to the Permit Holder or any other Person and located in the Licence Area, unless such injury, loss or damage is due to the Town's negligence or default, or negligence or default of those for whom the Town is in law responsible.
16. The Permit Holder shall at all times indemnify and save harmless the Town and its officials, officers, employees, servants and agents from all cost, losses, damages, compensation and expenses, including actual legal fees, of any nature whatsoever suffered or incurred by the Town and caused or sustained by the Permit Holder's occupation or possession of the Licence Area, and from all claims, demands, suits and judgments against the Town or its officials, officers, employees, servants and agents on account of or in respect of the Licence Area or the occupation or possession of the Licence Area by the Permit Holder, its servants, agents, contractors, or invitees.
17. The Permit Holder shall at its own expense provide and maintain comprehensive general liability insurance in the minimum amount of \$5,000,000.00 per occurrence against bodily injury and property damage, naming the Town and its officials, officers, employees, servants and agents as additional insured's, and shall provide a certificate evidencing the insurance at the time of executing this Agreement and thereafter as required by the Town. Such insurance shall contain provisions for cross-liability and severability of interest, and shall be endorsed to provide that the policy will not be changed in any way or cancelled until thirty days after written notice of such change or cancellation shall have been given to the Town.
18. The Permit Holder shall not assign the right to use the Licence Area to any other person without the express written consent of the Town, and any such assignment shall be in writing. In the event that the Permit Holder transfers its interest in the business premises abutting or adjacent to the Licence Area, the Permit Holder shall obtain the consent of the Town to the assignment of the licence granted by this Agreement.

19. This Agreement does not exempt the Permit Holder from any obligations created by any bylaws of the Town affecting the use of the Licence Area of the business premises to which the Licence Area is appurtenant, including without limitation any business bylaw, business licence bylaw, building bylaw, or sign bylaw.
20. If the Permit Holder shall be in default in performing its obligations under the Permit or this Agreement, the Town may give written notice to the Permit Holder of such default giving the Permit Holder seven days to remedy such default, or such shorter time as the Director of Infrastructure and Parks may deem appropriate in circumstances constituting a hazard to the public, failing which the Town may, by further written notice to the Permit Holder, immediately revoke the Permit and terminate the licence granted by this Agreement.
21. Any notice to the Permit Holder contemplated by this Agreement may be given to the Permit Holder at the address of the business premises to which the Licence Area is appurtenant.
22. This Agreement shall ensure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and permitted assigns, as the case may be.

IN WITNESS WHEREOF the parties hereto have hereunto executed this agreement as of the date and year first above written.

(Name of Permit Holder)

By its authorized signatory (ies):

Name: _____

Name: _____

THE CORPORATION OF THE TOWN OF PRINCETON

Director of Infrastructure and Parks

**SCHEDULE A TO LICENCE AGREEMENT
[PLAN OF LICENCE AREA]**

Permit holder has provided the attached layout drawing of the Sidewalk Cafe Licenced Area and any detail drawings of all barriers, fences and decorations and detail drawings of the temporary or permanent sidewalk proposed for Type II Cafes.



Schedule D Sidewalk Café Specifications

1. The applicant for a Sidewalk Cafe permit must submit a layout drawing of the Sidewalk Cafe (drawn to scale) indicating the building in which the business premises are located and any adjacent building, the entrances to those buildings, the width of the Sidewalk and locations of any obstructions such as trees, planters, fire hydrants or benches, the location and design of the Sidewalk Cafe and all proposed fences, barriers, tables, chairs or decorations. A detailed design of all barriers, fences and decorations must also be included. For Type 2 Sidewalk Cafes the design and layout of the Sidewalk in the road must also be included. The required specifications for particular components are set out in the attached drawing. The submitted drawings if approved by the Director of Infrastructure and Parks shall form Schedule - A of the Licence Agreement.
2. A Sidewalk Care Area is not permitted to operate in conjunction with any other Sidewalk use.
3. The Sidewalk Cafe Area Permit Holder shall be responsible for ensuring that the sidewalk adjacent to the Business is kept in a clean state.
4. A Sidewalk Cafe may not extend onto the Sidewalk in front of adjacent business premises without the agreement of the proprietor of the business provided to the Town in writing.
5. The applicant for a Sidewalk Cafe must submit a written explanation of the intended use of the Sidewalk Cafe including the services that will be offered to patrons of the Sidewalk Cafe.
6. New signage is not permitted without a sign permit issued under the Sign Bylaw.
7. The Sidewalk Cafe Permit Holder shall not erect on the Sidewalk or Roadway any buildings or structures other than approved fences, barriers and temporary Sidewalks.
8. The use of umbrellas to protect the Sidewalk Cafe Area is not restricted provided the umbrella(s) are located within the limitations of the Sidewalk Cafe Area and the umbrella(s) must be secured and there must be a clear height under the umbrella(s) of not less than 2.1 meters (7 -feet).
9. Designs for Sidewalk Cafes and temporary Sidewalk structures should have a color scheme that complements that of the building containing the business premises; an architectural style that complements that of the building; utilize sturdy chairs and tables; and incorporate the use of flower baskets or boxes.
10. Temporary fences or barriers that surround the Sidewalk Cafe may be physically anchored or attached to Town Sidewalk or Roadway surfaces in accordance with a method to be approved by the Town. Repair of any penetrations or other damage to the Town shall be the responsibility of the Cafe owner.

11. Sidewalks located on Town Roadways shall include the following design features;

- a. They must consist of Sidewalk sections formed in concrete with a nonslip finish and a minimum unobstructed width of 1.5 meters (4.9 ft.). The sections must be flush with each other and with the curb and Sidewalk when installed, and contain no gaps or cracks including at the point where the Sidewalk section joins the curb, greater than 6 mm (1/4 inch).
- b. They must have a 1.07 meter (42 inches) high metal guardrail on the vehicular traffic side of the Sidewalk for the full length of the Sidewalk, including returns. The metal guard rail shall be constructed of 38 mm (1.5 inch) square material and consist of a top rail and a mid-height rail supported by vertical posts at maximum intervals of 1.8 meters (6 feet), all in accordance with the attached drawing.
- c. The vehicular traffic side of the top rail must have reflective tape installed along its full length, including returns.
- d. The installation must allow for the free flow of water along the gutter, by providing a clear space at least 152 mm (6 inches) wide immediately adjacent to the curb and at least 51 mm (2 inches) high.