

THE CORPORATION OF THE MUNICIPALITY OF SIOUX LOOKOUT

BY-LAW NO. 08-07

BEING A BY-LAW TO PROHIBIT OR REGULATE THE USE, OBSTRUCTING, ENCUMBERING, INJURY OR FOULING OF MUNICIPAL PROPERTIES IN THE CORPORATION OF THE MUNICIPALITY OF SIOUX LOOKOUT

WHEREAS Subsections 10 (5), (6), and (8) of the *Municipal Act, 2001*, as amended, allows a single-tier municipality to pass by-laws respecting the environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF SIOUX LOOKOUT ENACTS AS FOLLOWS:

1. DEFINITIONS:

In this By-Law:

- 1.1 **Boulevard** – means that part of the highway between the curb or edge of the roadway and the street line, and in the case of divided highways, that area between the centre curbs thereof.
- 1.2 **Encumbrance Permit** – means the Encumbrance Permit issued by the Municipality authorizing private work to be carried out on Municipal lands. "Permit" shall have a corresponding meaning.
- 1.3 **Highway** – means a common and public highway, and includes any bridge, trestle, viaduct, Municipal road, or other structure forming part of the highway and includes a portion of a highway.
- 1.4 **Municipality** – means The Corporation of the Municipality of Sioux Lookout.
- 1.5 **Ontario Traffic Manual** – refers to the manual issued by the Province of Ontario stipulating all legal requirements and devices for traffic control. If any changes to the name or the version of the manual occur, the requirement still applies to adhere to the most recent requirements or legislation, as applicable.
- 1.6 **Owner** – means the registered owner or party on the tax roll of the Municipality or the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used.
- 1.7 **Permittee** – means a person or owner to whom an Encumbrance Permit has been issued.
- 1.8 **Person** – means any individual, partnership, corporation, business entity, or club to whom the context can apply according to law.
- 1.9 **Public Works Manager** – means the person in charge of highways and thoroughfares in the Municipality, or his designate representative or inspector.
- 1.10 **Sidewalk** – means a usually paved walkway designated for pedestrian traffic.

2. CONDUCTING PRIVATE WORKS ON MUNICIPAL LANDS:

- 2.1 No person shall conduct work, including occupy, break, excavate, dig up, tear up, or remove any portion of any highway or boulevard, or any planking, curbing, pavement or road structure of any sort, forming the surface of any highway or make any excavation in or under any highway or boulevard for the purpose of building or otherwise, unless the person obtains an Encumbrance Permit in advance from the Public Works Manager and also provides notification to the Public Works Manager 48 hours before commencement of the authorized work.
- 2.2 No person shall place any hard surfacing such as asphalt materials, unistone, concrete, etc., onto a new or existing entrance located on a Highway or boulevard unless the he obtains an Encumbrance Permit in advance from the Public Works Manager and also provides notification to the Public Works Manager 48 hours before commencement of the authorized work.
- 2.3 Every person applying for an Encumbrance Permit shall pay to the Municipality an Application Fee as determined by the Municipality for all administration costs associated with the application.
- 2.4 No person shall carry out work permitted by the Encumbrance Permit except under the direction of the Public Works Manager.
- 2.5 No person shall, in the course of carrying out work as authorized by an Encumbrance Permit, disturb a highway without replacing, re-laying, and making good the highway to the satisfaction of the Public Works Manager in his sole discretion and at the Permittee's cost once the work is completed.
- 2.6 In the case of a road closure, every person shall:
 - 2.6.1 erect a barricade or barricades in accordance with the Ontario Traffic Manual;
 - 2.6.2 attach red flashing, amber or other lights as may be required by the Public Works Manager to the barricades and such lights shall be exposed between sunset and sunrise;
 - 2.6.3 post signs indicating the alternate or detour route;
 - 2.6.4 install other barricades, snow fencing, boarding, signs and lights along the route of the construction for purposes of safety and as may be required by the Public Works Manager;
 - 2.6.5 provide traffic control according to the current "Ontario Traffic Manual" to ensure safe passage for all public vehicles and pedestrians when conducting these works;
 - 2.6.6 provide notice of the work to the OPP, the Municipal Emergency Services Department, Ambulance and local bus companies upon receiving an Encumbrance Permit.
- 2.7 In the case of work on or near boulevards, every person shall be subject to Section 2.6, if deemed necessary by the Public Works Manager.

- 2.8 No person shall erect barricades, signs, lights, etc., except according to the specifications of the Municipality, or where there are no such specifications, according to designs approved by the Public Works Manager.
- 2.9 The Permittee shall, at his own cost, supply all barricades, signs, lights and any other safety equipment deemed necessary by the Public Works Manager.
- 2.10 If barricades, snow fencing, boarding, signs and lights required herein are not installed and maintained by the Permittee, the Public Works Manager may temporarily install them at the cost and expense of the person responsible for the work and the original Encumbrance Permit will be deemed to have been revoked. The work shall not be recommenced unless and until a new Encumbrance Permit is obtained and proper barricades, snow fencing, boarding, signs and lights, as the case may be, are installed in accordance with this By-Law and approved by the Public Works Manager.
- 2.11 In the event that the work authorized by the Permit is not completed by the date provided for in the Permit, the Permittee may apply for an extension of time, provided that such application is made at least two working days prior to the expiry date of the original Permit.
- 2.12 No person shall conduct work after the expiration of the Permit.
- 2.13 In the event of an emergency arising or in the case of revocation or expiry of a Permit, the Public Works Manager may issue a directive to the Permittee, requesting immediate reinstatement of the said road or boulevard. In the event of failure of the person to comply immediately with this directive, the Public Works Manager may proceed with the said reinstatement at the expense of such person.
- 2.14 Notwithstanding anything stated above, the Permittee shall provide and maintain alternate access satisfactory to the Public Works Manager as required for adjacent property owners who have their normal access blocked by the work in progress.
- 2.15 The Permittee shall indemnify and keep indemnified and save harmless the Municipality and each of its officers, employees and agents from and against all actions, suits, claims, executions and demands which may be brought against or made upon the Municipality, its officers, employees and agents, and from all loss, costs, charges, damages, liens, and expenses which may be paid, sustained or incurred by the Municipality, its officers, employees and agents by reason of or on account, or in consequence of, the work being carried out on Municipal lands.

3. ENCUMBERING HIGHWAY:

- 3.1 No person shall build or maintain fences on any highway or boulevard or place or erect anything, which may cause obstruction to or interference with public travel, or the clearing of snow, or any other operations involving Municipal work forces on Municipal-owned land.

4. DEPOSIT OF MATERIALS:

- 4.1 No person shall throw, place, deposit or allow to be deposited by any means whatsoever on any highway or lands within the said Municipality, building material, dirt, filth, glass, handbills, paper or other rubbish, refuse or garbage, or the carcass of any animal.

5. WINTER RESTRICTIONS:

- 5.1 No person shall place, cause, or allow to be placed, any snow or ice from private property or from a boulevard onto the sidewalk, boulevard or traveled portion of any highway within the Municipality.
- 5.2 No person shall plow, relocate or store snow or ice on a boulevard, highway or drainage ditch without the written approval of the Public Works Manager.
- 5.3 In case of default of compliance with the foregoing, the Municipality through its officers, or any person acting under the jurisdiction of any Municipal officer, may clear and remove such snow and ice, and the expense incurred in so doing may be recovered by action, or the amount may be entered into the tax collector's rolls and recovered in like manner as Municipal taxes.

6. DRAINAGE COURSE RESTRICTIONS:

- 6.1 No person shall place any obstruction, or obstruct or cause to be obstructed or alter the drainage course of any ditch, gutter or watercourse on any Highway or lands within the Municipal boundary.
- 6.2 No person shall discharge water over or across a sidewalk, boulevard, highway or land in such a way as to create a hazard or a nuisance.

7. MUNICIPAL AUTHORITY:

- 7.1 The Public Works Manager may require the removal of any obstruction placed on any highway or boulevard by notice in writing to the person by whom the same are or were so built, maintained, placed or deposited if known, or the Owner of the property where the obstruction is located, and if such demand for such removal is not complied with in the stipulated time, the Public Works Manager may cause the same to be removed and may charge the cost of such removal to the person aforesaid and the same may be collected by process of law or the amount may be entered into the tax collector's rolls and recovered in like manner as Municipal taxes.

8. PRIVATE WORKS CONDITIONS & RESPONSIBILITIES:

- 8.1 No person, when they employ or use trucks or other vehicles for conveying materials of any kind to or from a construction site or for making excavations for building or other purposes, shall deposit any earth, rubbish or other materials onto any portion of a highway.
- 8.2 Every person or their employers or contractors shall immediately remove from highways and boulevards any earth, rubbish or other materials, which may have fallen from the box or wheels of such trucks or vehicles.

9. EXPLOSIVES:

- 9.1 No person shall undertake to or discharge any explosives on Municipal property without first having submitted to the Public Works Manager a copy of the approved blasting permit, received written approval from the Public Works Manager for the said works, and having entered into an agreement to save the Municipality harmless for any or all causes of actions or suits which may arise by virtue of blasting operations performed on Municipal property.

10. OFFENCES AND PENALTIES:

10.1 Any person who contravenes any of the provisions of this By-Law is guilty of an offence and, upon conviction, shall be subject to a fine or penalty of not more than \$5,000, exclusive of costs, and all such penalties shall be recoverable under the Provincial Offences Act.

11. GENERAL:

11.1 If a court of competent jurisdiction declares any provision, or any part of a provision, in this By-Law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-Law that each and every provision in this By-Law be applied and enforced in accordance with the terms to the extent possible according to law.

11.2 All reference made to the male gender shall include the female gender and all reference made to the singular shall include reference to the plural where applicable in this By-Law.

12. REPEAL OF PREVIOUS BY-LAW

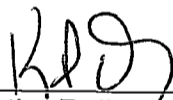
12.1 By-Law No. 34-06 shall be repealed on the date the Ministry of the Attorney General approves the Set Fines under this By-Law.

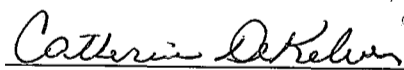
13. EFFECTIVE DATE:

13.1 This By-law shall come into force on the date of its final passing and shall take effect on the date the Ministry of the Attorney General approves the Set Fines under this By-Law.

READ A FIRST AND SECOND TIME THIS SEVENTEENTH DAY OF JANUARY
2007.

READ A THIRD TIME AND PASSED THIS SEVENTEENTH DAY OF JANUARY
2007.


Kathy Poling, Mayor


Catherine DeKolver, Deputy Clerk

/mlm
12Jan07

THE CORPORATION OF THE MUNICIPALITY OF SIOUX LOOKOUT BY-LAW NO. 08-07
 Title: Municipality of Sioux Lookout -- Obstructing/Encumbering By-Law

Part I -- Provincial Offences Act

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OFFENCE	COLUMN 3 SET FINE
1	Conduct work on a highway or boulevard without an Encumbrance Permit	Section 2.1	\$200.00
2	Place hard surfacing on a highway or boulevard without an Encumbrance Permit	Section 2.2	\$200.00
3	Failure to conduct work under the direction of the Public Works Manager	Section 2.4	\$200.00
4	Failure to repair highway after completion of work	Section 2.5	\$200.00
5	Conduct work without erecting barricades	Section 2.6.1	\$150.00
6	Conduct work without erecting proper lights	Section 2.6.2	\$100.00
7	Conduct work without posting signs for alternate or detour route	Section 2.6.3	\$100.00
8	Conduct work without installing safety measures as required by Public Works Manager	Section 2.6.4	\$100.00
9	Conduct work without proper traffic controls	Section 2.6.5	\$100.00
10	Conduct work on highway without notifying other agencies	Section 2.6.6	\$100.00
11	Erect improper barricades, lights, traffic controls	Section 2.8	\$150.00
12	Conduct work after expiration of written approval	Section 2.12	\$200.00
13	Conduct work on a highway or boulevard without providing alternative access	Section 2.14	\$100.00
14	Obstruct public travel or operations involving Municipal work forces	Section 3.1	\$100.00
15	Deposit material or rubbish onto a highway	Section 4.1	\$350.00
16	Place snow or ice from private property or from boulevard onto sidewalk, boulevard or highway within the Municipality	Section 5.1	\$150.00
17	Place snow or ice on a boulevard or highway without permission	Section 5.2	\$150.00
18	Obstruct ditch, gutter or watercourse	Section 6.1	\$250.00
19	Discharge water across sidewalk, boulevard or highway	Section 6.2	\$250.00
20	Deposit earth or material on a highway	Section 8.1	\$350.00
21	Fail to remove earth or material on a highway	Section 8.2	\$350.00
22	Discharging of explosives without approval and submission of documentation	Section 9.1	\$500.00

NOTE: The general penalty provision for the offences listed above is Section 10 of By-Law No. 08-07, a certified copy of which has been filed.