

THE CORPORATION OF THE CITY OF CORNWALL

By-law # 056-2003

A by-law for regulating the uses of public property in the City of Cornwall,
and that the By-law be known as the “**Streets By-law**”

WHEREAS, PURSUANT to the *Municipal Act, S.O. 2001, Chapter 25 Section 5* the municipality is given the capacity, rights, powers and privileges to exercise these rights ; and

WHEREAS under Section 27, the municipality may pass by-laws in respect of highways and streets for the purpose of regulating certain actions

THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF CORNWALL ENACTS AS FOLLOWS:

1. DEFINITIONS

“**AMP**” means the Arboriculture (tree) Management Program developed by the Parks Department;

“**Apartment building**” means a building comprising three or more dwelling units situated on a parcel of land abutting a street where access to the parking area or areas is provided by one or more common driveways;

“**Bicycle**” means any device which has two tandem wheels and is propelled by human power and upon which a person may ride and includes a tricycle having a wheel or wheels of more than 60 cm in diameter;

“**Boulevard**” means any part of the street between the curb or edge of the roadway and the street line, exclusive of the area covered by sidewalk;

“**Business**” includes all buildings except single family dwelling, duplex, multiple family dwelling including apartment building, rooming or boarding house, rural residence or semi-detached dwelling;

“**Chief Building Official**” means the Head of the Building and Permit Section of the Planning Services Department as appointed from time to time by the Council of the City of Cornwall, or his or her representative;

“**Clerk**” means the City Clerk as appointed from time to time by the Council of the City of Cornwall, or his or her representative;

“**Commercial driveway**” means any and all driveways except residential driveways;

“**Completion of a building**” occurs when the building is ready for use or is being used for the purpose intended;

“**Corporation**” means the Corporation of the City of Cornwall;

“Council” means the Municipal Council of the Corporation of the City of Cornwall;

“Driveway” means any area installed, used or maintained by private property owner or resident on a street as a means of a vehicular access between the roadway and the property abutting the street;

“Frontage” means the length of the common boundary between the privately owned land and the street on any one street;

“High volume access driveway” means a commercial driveway which provides access to a parking area:

- (1) which can or is required to accommodate one (100) hundred or more vehicle parking spaces; or
- (2) which generate five hundred (500) or more vehicle trip ends per day;

“Manager” means the Manager of Municipal Works & Services Department, as appointed from time to time by the Council of the City of Cornwall, or his or her representative;

“Manager of Engineering, Environmental & Construction Services” means the Manager of the Engineering Department as appointed from time to time by the Council of the City of Cornwall, or his or her representative;

“May” shall be construed as permissive;

“Motor vehicle” includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in the Ontario Highway Traffic Act and any other vehicle propelled or driven otherwise than by muscular power but does not include the cars of electric or steam railways or other vehicle, traction machine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the Ontario Highway Traffic Act;

“News box” means an unattended receptacle used for the sale or distribution of newspapers, magazines or other printed material;

“Owner” includes any person, body corporate or politic, copartnership, unincorporated body or association and their heirs, executors, administrators or other legal representative of a person to whom the context can apply according to the law and means the owner of the land abutting on a street;

“Park” means any piece of public property laid out and maintained for the enjoyment, health and well-being of the public and normally open to everyone without charge;

“Parks Manager” means the Manager of Parks and Recreation Services as appointed from time to time by the Council of the City of Cornwall, or his or her representative;

“Pedestrian” means any person on foot and shall include a person in a baby carriage or wheelchair;

“Permit” means the written authorization pursuant to the provisions of this By-law;

- “Permit holder”** means the person receiving written authorization pursuant to the provisions of this By-law;
- “Person”** includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law as defined in the Interpretations Act, R.S.O. 1990, Chapter I.11, as amended;
- “Play vehicle”** means any coaster, roller skate, skateboard, ski, scooter or any other device propelled by muscular power and used for recreational purposes, but does not include a bicycle;
- “Public property”** means any land owned by the Corporation or other lands under the jurisdiction of the Corporation;
- “Public utility”** means any water works, sewer works, gas works, electric heat, light or power works, cablevision, telegraph and telephone lines, railways however operated and works for the transmission of gas, oil, sewerage, water or electrical power or energy or any similar works supplying the general public with necessities or conveniences;
- “Residential driveway”** means any area installed, used or maintained on a street which provides immediate vehicular access to the roadway from a parking space on private property;
- “Residential zone”** means any area defined as residential or permitting residential uses under the Zoning By-law;
- “Roadway”** means the part of the street that is improved, designed or ordinarily used by vehicular traffic but does not include the shoulder and where a street includes two or more separate roadways. The term “roadway” refers to any one separately and not all of the roadway collectively;
- “Rubbish”** means any material rejected or thrown away as worthless or useless;
- “Serve notice”** means personal delivery or by prepaid registered mail to the owner at the address shown on the Assessment Rolls of the Corporation;
- “Shall”** shall be construed as imperative;
- “Shoulder”** means that part of the street adjoining the travelled portion of the roadway and having a surface which has been improved with asphalt, concrete or gravel;
- “Sidewalk”** means all such parts of a street or walkway installed, used and maintained on public property that are set aside by the Corporation for the use of pedestrians or used by the general public for the passage of pedestrians;
- “Site plan agreement”** means an agreement entered into with respect to a by-law passed pursuant to Section 41 of the Planning Act, R.S.O. 1990 Chapter P.13;

“Street” means the entire right-of-way of a common and public highway which includes but is not limited to alleys, avenues, bridges, boulevards, circles, courts, crescents, drives, driveways, lanes, parkways, paths, places, roads, squares, streets, terraces, trestles and viaducts;

“Street line” means the line forming a common boundary between private property and the street;

“Transportation Engineer” means the Transportation Engineer as appointed from time to time by the Council of the City of Cornwall, or his or her representative;

“Utility” shall include but not be limited to any conduit, pipe or wire whether overhead or underground; pavement, connection box, counter, curb handhole, hydrant, manhole, monitor, regulator, sidewalk, transformer, valve, utility pole or light standard and their anchors;

“Vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power including muscular power but does not include a motorized snow vehicle or the cars of electric or steam railways running only upon rails or play vehicle;

“Vehicle trip end” means the arrival or departure of a vehicle from a given site or parking area;

“Walkway” means any land set aside by the Corporation for the use of pedestrians, bicycles, play vehicles or utilities or used by the general public for the passage of pedestrians, bicycles or play vehicles;

Words importing the singular number or the masculine gender only shall include more persons, parties or things of the same kind than one and females as well as males and the converse;

Words interpreted in the singular number shall have a corresponding meaning when used in the plural.

2. CUMULATIVE EFFECT

The various prohibitions of this By-law are cumulative and not mutually self-exclusive.

3. SEVERABILITY

It is declared that if any section, subsection, part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

4. PROHIBITIONS

- (1) No person shall distribute any advertisement, announcement, handbill, notice, paper or poster by any means including but not limited to, dropping, handing, posting, throwing or scattering same upon any street, park, other public property or utility.
 - i) No person shall wilfully pull down or deface any signboard or notice which has been lawfully affixed on a street, park or other public property while such notice is in force.
 - ii) No person shall place or cause to be placed or distributed any advertisement, announcement, handbill, flyer, notice, paper or poster on any vehicle parked on public property. Public property does not include streets or roadways as defined in Section 1 of this by-law.
- (2) No person shall take, place or expose goods, wares, merchandise or articles of any kind upon any street nor hand or put up any goods, wares, merchandise or articles outside of any building so that the same shall project on to or over any portion of a street, park or other public property.
 - i) Shop owners, in an area which includes lots on Water Street between Gloucester Street and Marlborough Street, lots fronting on the North side of Montreal Road between Marlborough Street and Belmont Street or lots fronting on Pitt Street which form part of the Central Business District, as outlined in the Zoning By-law, may display goods upon a street immediately adjoining the frontage of their place of business during regular business hours provided the same does not occupy a width greater than sixty (60) centimetres measured from the street line and does not interfere with the safe passage of pedestrians and vehicles.
- (3) No person shall blow, rake, sweep, throw or deposit any animal carcass, ashes, dirt, filth, leaves or rubbish on any street, park or other public property.
- (4) Notwithstanding the provision of the second paragraph of Section 4.(2) above, no person shall encumber, encroach or fill a street, park, or other public property using a vehicle, animal or any other means.
- (5) No person shall discharge or cause to be discharged any water from a water spout, conductor pipe or other similar device upon any street, park or other public property.
 - i) Any water spout, conductor pipe or other similar device which contravenes the provisions of this By-law shall be removed within thirty (30) days when served notice by the Manager requesting such removal.
 - ii) Any water spout, conductor pipe or otherwise that has not been removed, as directed by the Manager, may be removed at the cost and expense of the owner.

- (6) No person shall erect or place, cause to be erected or placed or maintained including but not limited to any building, fence, hedge, movable trap or door, private walk with step, porch, sign, ramp, shrub, step or other entrance to a structure or other obstruction on, over, projecting into or under any street, park or other public property.

Canadian T.O.D.S., acting on behalf of the Corporation to provide tourism-style signage within the Municipal right-of-way, is hereby exempt from the preceding restriction, insofar as the installation of signs is concerned.

- i) Any encroachment is the sole risk and responsibility of the owner who shall remove said encroachment within ten (10) days when served notice by the Manager.
 - ii) Any object not removed as directed by the Manager may be removed at the cost and expense of the owner.
 - iii) In the event of an emergency, the Manager may remove the offending object without notice or compensation and place it neatly on the abutting property where possible.
 - iv) Any encroachment not meeting the requirements of the Signs By-law shall be subject to the Encroachment Review Process.
- (7) No person shall park or cause a vehicle to be parked that obstructs a roadway or sidewalk.
- (8) No person shall cut, deposit, pile, saw, split or throw building or construction materials, coal, cordwood or firewood upon any street, park or other public property except for the purpose of immediately reloading or moving elsewhere, provided the park, public property, roadway or sidewalk is not obstructed during the operation and the safety of pedestrians and vehicles is not compromised.
- i) The owner of these materials shall be responsible for any costs and expenses incurred to remove the material if it is allowed to remain on the street for more than one (1) hour or contravenes Section 4 (8).
- (9) No person shall operate a vehicle or other implement on a street that will mar the surface or weaken the structural integrity of the street.
- (10) No person shall deposit or cause to be deposited any material or liquid on a roadway or sidewalk that would cause them to be hazardous and endanger the safety of pedestrians or vehicles.
- i) Any person responsible for such a condition shall return the roadway or sidewalk to a safe condition at their cost and expense.
 - ii) If the hazardous condition is not rectified, the Manager may serve notice on the person responsible to remove the hazard immediately.
 - iii) Hazards not removed as directed by the Manager shall be removed at the cost and expense of the person.

5. LOAD RESTRICTIONS

- (1) No person shall move or transport a vehicle, load, object or structure in excess of the size and weight limits prescribed by the Highway Traffic Act, other Acts or Municipal By-laws on or across any street without obtaining a Moving Permit from the Manager.
- (2) The Moving Permit shall have the conditions and regulations attached thereto along with any special conditions required to protect the street or public utility being crossed by such vehicle, object or structure.
- (3) Permit fees are listed in Schedule A and are not refundable.

6. POLES, POSTS OR WALLS

- (1) No person shall erect, cause to be erected or maintain a pillar, pole, post, sign or other erection including those intended to carry any of the following but not limited to cablevision, electric power, gas, mail, telegraph or telephone wires without the written permission of the Manager of Engineering, Environmental & Construction Services in any street, park or other public property.
- (2) No person shall damage, deface, disfigure or injure any fence, monument, pole, post, railing, sign, tree, vegetation, wall or other property on a street, park or other public property.

7. FENCES, HEDGES, SHRUBS AND TREES

- (1) No person shall place, cause to be placed or maintain a fence, hedge, shrub, or tree in a street, park or other public property.
 - i) No person shall place, cause to be placed or maintain a fence, hedge, shrub or tree within fifty (50) centimetres of the street line or be placed in a location which will obstruct the view of a driver or pedestrian.
- (2) No person shall cut down, remove or trim any tree on a street, park or other public property.
 - i) The Parks manager may authorize the cutting down or trimming of any tree which he considers to be a nuisance or affects the safe passage of pedestrians or vehicles in a street, park or other public property or endangers, interferes or threatens to damage a public utility in a street, park or other public property, provided he or she serves notice on the adjoining land owner ten (10) days prior to the scheduled work.
 - ii) In an emergency, the Manager may remove or trim such a tree without notice.
- (3) No person shall bark, break, climb, cut, deface, injure, root up or otherwise destroy or damage any tree or any part thereof or climb, cut damage, deface, injure or remove any box, casing or support surrounding any tree in a street, park or other public property.

- (4) No person shall fasten an animal by a leash to any tree, box, casing, meter, sign, support or utility in a street, park or other public property.
 - i) No person shall fasten an animal by a leash on private property such that the animal threatens the safety of the public in a street, park or other public property.
 - ii) No person shall fasten a rope, chain, or wire to any tree, box, casing, metre, sign, support or utility on a street, park or other public property for the purpose of redirecting pedestrian or vehicular traffic.
- (5) The Parks Manager shall be responsible for the AMP in any street, park or other public property.

8. CARE OF BOULEVARD, ROADWAY AND SIDEWALK

- (1) No person shall alter, break, excavate, remove or otherwise change, damage, disrupt or modify any part of a street, park or other public property without a permit.
- (2) No person shall park or cause a vehicle to be parked on a boulevard.
 - i) Notwithstanding the above paragraph, an owner of an established business who cannot provide parking for customers or delivery vehicles on private property, may apply for a Boulevard Paving Permit requesting permission to use the boulevard for parking, subject to:
 - (a) payment of the Boulevard Paving Permit fee pursuant to Schedule B which is non-refundable; and
 - (b) the terms and conditions set out in the permit.
 - ii) A person who fails to perform the required cleanup and restoration when served notice by the Manager shall be responsible for any cost and expense incurred by the Corporation to perform the work. Collection of expenses will be pursuant to Section 17.
- (3) No person shall spill or track any substance onto a street.
 - i) The cleanup and restoration of the street to its original condition or better will be at the person's cost and expense.
- (4) No person shall deliver or remove, cause to be delivered or removed any material from a building being altered, demolished, erected or repaired without using established ramps and crossings and providing adequate protection to prevent damage to any street or public utility.
 - i) No person shall make application for a building permit or for any other construction operation without making a deposit pursuant to Schedule C for Street Damage to cover the cost of any damage to a street or public utility.
 - ii) Upon completion of the work, a refund or invoice shall be sent to the permit holder pursuant to Section 17.

- (5) Every person who builds, improves or repairs a building on a lot in a plan of subdivision shall make a deposit for Boulevard Construction pursuant to Schedule D.
 - i) Every person who builds, improves or repairs a building on a lot in a plan of subdivision shall construct, make and maintain the boulevard adjoining the land in accordance with the grades provided on the Site Plan Submission forming part of the building permit at the owner's cost and expense.
 - ii) Every boulevard shall be considered complete when the area has been graded, topsoiled and sodded and receives the approval of the Corporation.
 - iii) The deposit made pursuant to Schedule D shall be refunded upon completion of the boulevard.
- (6) The private property owners shall be responsible for the care and maintenance of their driveway as well as any private walkways leading to or connecting to the public roadway or sidewalk.

9. TEMPORARY CLOSING OF A ROADWAY

- (1) A request to close a roadway shall be made to the Manager at least forty-eight (48) hours prior to the intended commencement of the desired work. The Municipal Works & Services Department forces shall be exempt from this Section for summer and winter maintenance work.
 - i) The applicant for a roadway closing shall provide and maintain, at his cost, an acceptable route detour including directional signage for through traffic and a suitable bypass for all local property owners or occupants who cannot reach their property by any other means.
 - ii) The applicant shall install and maintain barricades, signs and lighting in accordance with the Traffic Control Manual for Roadway Work Operations issued by the Ontario Ministry of Transportation.
 - iii) The applicant shall ensure that garbage collection can be undertaken on the regular pickup day during the construction period.

10. EXCAVATION OF STREET

- (1) No person shall excavate a street without an Excavation Permit.
- (2) The applicant shall provide a sketch showing location and area to be affected by the proposed work.
- (3) The Excavation Permit fee shall be paid pursuant to Schedule E.
- (4) The fee structure in Schedule E is based on a transverse cut and does not apply to diagonal or longitudinal cuts. The fee for diagonal or longitudinal cuts shall be prorated by the Manager.

- (5) The permit holder shall comply with all Federal, Provincial and Municipal laws and regulations including but not limited to the Workers's Compensation Act, Ontario Provincial Occupational Health and Safety Act and Regulations including WHIMS, the Traffic Control Manual for Roadway Work Operations issued by the Ontario Ministry of Transportation.
- (6) The permit holder shall be served notice by the Manager for failure to install and maintain the required barricades, lights, safety devices or signs.
 - i) Failure to set up as per the current and accepted edition of the Ontario Traffic Manual may result in construction delays or shutdown by the Corporation.
- (7) The Manager may install barricades, lights, safety devices or signs at the cost and expense of the permit holder when he fails to comply with the notice.
- (8) A person granted permission to do work on a street shall be responsible for maintaining liability and property damage insurance acceptable to the Corporation pursuant to Schedule E against loss or damage resulting from bodily injury to or death of one or more persons and loss of or damage to property and such policy shall name the Corporation as an additional insured thereunder and shall protect the Corporation against all claims for all damage to any property of the Corporation or any other public or private property resulting from or arising out of any act or omission on the part of the person during the execution of the contract and the person shall forward with his application for a permit a certified copy of the policy or certificate thereof as the Corporation may direct.
- (9) The permit holder shall cleanup, repair or restore the entire work area in accordance with the Corporation's policy and standards.
- (10) The permit holder shall make good any settlement or consolidation resulting from the excavation or work and guarantee the restoration of the work area for one (1) year from the date the completed work is inspected and accepted by the Corporation.
- (11) The site shall be inspected at the beginning and end of the guaranteed maintenance period and any deficiencies shall be rectified by the permit holder.
- (12) When the cleanup, repair or restoration of the excavation or work area is not done as directed, the Manager may have the work carried out at the cost and expense of the permit holder, and recovered pursuant to Section 17.
- (13) The Corporation shall refund ninety (90) percent of the Excavation Permit fee upon completion of the guaranteed maintenance period with the approval of the Manager.

11. DITCHES, GUTTERS AND SWALES

No person shall fill or obstruct any ditch, gutter or swale on any street, park or other public property.

12. BOULEVARDS, PARKS AND OTHER PUBLIC PROPERTY

No person shall operate a motor vehicle or motorized snow vehicle on any turfed area, bicycle path, sidewalk, ski trail, walkway in a boulevard, park or other public property except those areas designated as a parking lot or access road.

13. ICE AND SNOW

- (1) No person shall deposit or cause to be deposited ice or snow on a roadway or sidewalk.
- (2) No person shall deposit or cause to be deposited ice or snow on a boulevard that is not adjoining their property, including but not limited to snow pushed or deposited across a street.
- (3) No person shall deposit or cause to be deposited ice or snow on a boulevard that obstructs the line of sight of a driver or pedestrian.
- (4) No person shall deposit or cause to be deposited ice or snow from private property onto a "street" (including any part of the entire right-of-way).
 - i) Only snow from Public property (City right-of-way) can be deposited on the right-of-way. When possible, snow shall be divided evenly on both sides of the driveway.
 - ii) No snow shall be deposited on or against a fire hydrant, restricting its access or presence.
- (5) The Manager may direct that ice and snow deposited in contravention of this By-law be removed immediately.

Ice and snow not removed as directed by the Manager may be removed at the owner's cost and expense, pursuant to Section 17.

- (6) No person shall remove or cause to be removed any deicer or abrasive applied to any sidewalk or paved boulevard by the Corporation to combat hazardous winter conditions.
 - i) The Manager may direct the person responsible for the removal to replace any deicers or abrasives at his cost and expense.
 - ii) Deicers and abrasives not replaced as directed by the Manager may be placed at the cost and expense of the person responsible for their removal.

14. NEWSPAPERS AND MAGAZINES

- (1) No person shall sell or distribute newspapers or magazines by means of a news box within the Corporation without a Newspaper Box Permit.
 - i) The Manager shall serve notice on the owner of any news box not authorized by a permit to have it removed immediately.

- ii) News boxes not removed as directed by the Manager may be removed and stored at the owner's cost and expense.
- (2) An application shall be made on and in the form prescribed by the Manager and accompanied by the fees pursuant to Schedule F.
- (3) No person shall be issued a permit until the application has been approved by the Manager.
- (4) A permit shall be valid for two (2) years and then subject to renewal for another two (2) years provided the fees pursuant to schedule F accompany the applications.

All fees paid pursuant to Schedule F are non-refundable.

- (5) A change in location of an existing news box shall require an original application for same.

A permit issued pursuant to this section is non-transferable.

- (6) The fee payable for the original permit or for a renewal is non-refundable in whole or in part.

- (7) The permit holder shall keep the news box in a clean and sanitary condition.

- i) The news box shall not become a private or public nuisance.

- ii) Printed or advertising matter on the news box shall be limited to:

- (a) the name of the magazine or newspaper being sold;
- (b) the name of the publisher; and
- (c) instructions for the use of the news box.

- (8) A news box shall be self-supporting and not attached to anything including but not limited to traffic control device, traffic signal pole, street name sign post, structure or other post, pole or utility.

- (9) No person shall place a news box that will obstruct or interfere with the ingress or egress of a passenger from a bus at an authorized bus stop.

- (10) No person shall place a news box on a part of any street designated as a fire route or where stopping or parking is prohibited.

- (11) The Manager may serve notice on a person to relocate a news box when it becomes a visual or physical obstruction or a safety hazard for pedestrians, vehicles or street maintenance operations.

- i) News boxes not relocated as directed by the Manager may be removed and stored at the owner's cost and expense.

- (12) The Manager may revoke any permit for non-compliance with this By-law.
 - i) The Manager shall serve notice on the permit holder of any violations of this By-law and request that the offending news box be removed by the permit holder within five (5) days.
 - ii) News boxes not removed as directed by the Manager, may be removed and stored at the owner's cost and expense.

15. ACCESS CONTROL

- (1) No person shall establish, construct, relocate or widen a driveway or use any part of the boulevard or sidewalk for the purpose of a driveway without the written permission of the Manager or an approved Site Plan Agreement.
- (2) No person shall pave over or cause to be paved over any sidewalk when establishing, constructing, paving, relocating or widening a driveway.
- (3) The number of driveways shall be limited to one (1) driveway per property unless otherwise permitted by the Manager or by approved Site Plan Agreement. The owner shall remove any driveway which becomes superfluous or contravenes this By-law at his own cost and expense, pursuant to Section 17.
- (4) Every person who closes a driveway or who is required to close a driveway shall reinstate the boulevard, curb, roadway and sidewalk at his own cost and expense to meet the conditions, policies and standards of the Corporation.
- (5) The Manager may reinstate, restore or reconstruct any driveway where the owner fails to abide by the Corporation's policies, standards or by-laws at the cost and expense of the owner.
- (6) No person shall alter or construct a driveway that interferes with a utility or endangers the safety or the public.
 - i) A person may arrange with the public utility for an adjustment or relocation of the utility or modify the driveway design to eliminate the conflict.
 - ii) Any cost or expense associated with the adjustment or relocation shall be borne by the applicant.
- (7) Every person requiring a high volume access driveway or access to a loading area that is required under the Zoning By-law shall provide an area on private property for all vehicles to turn around and ingress and egress in a forward direction.
- (8) Any new driveways or widening of existing driveways requiring a curb cut must have prior approval from the Corporation and only cut by an approved contractor.

- (9) Any curb cuts not approved by the Corporation and/or carried out by anyone other than an approved contractor could result in restorative cost recovery from the owner, pursuant to Section 17.

16. EXEMPTIONS FOR EMERGENCY AND MAINTENANCE VEHICLES

- (1) An ambulance, fire, police or other emergency vehicle responding to an emergency shall be exempt from sections 4.(7) and 12.
- (2) A vehicle engaged in the construction or maintenance of a utility for or on behalf of a public utility shall be exempt from sections 4.(7) and 12.
- (3) A vehicle engaged in the construction or maintenance of a utility for or on behalf of the Corporation shall be exempt from sections 4.(7), 12 and 15.(2).

17. COLLECTION OF DEPOSITS, EXPENSES AND FEES

- (1) The Chief Building Official shall collect all deposits, expenses and fees required under this By-law.
- (2) As an alternative to the payment of the individual fees and deposits required by this By-law for boulevard construction, excavation permits and street damage the applicant may elect to deposit and maintain a Builder's Deposit Fund with the Corporation pursuant to Schedule G. The ten (10%) percent of excavation deposit kept by the City for future repairs will be charged only.
- (3) If the depositor elects to make a deposit pursuant to section 17.(2), the Corporation shall invoice the depositor for the cost and expense of any cleanup, repairs or restoration which would reduce the amount of the deposit.
- (4) The Corporation shall invoice the depositor for any and all costs and expenses incurred for work done on his behalf when the depositor neglects to abide by the terms of this By-law.
 - i) The Corporation shall invoice a person directly for any and all costs and expenses incurred for work done on his or her behalf when that person neglects to abide by the terms of this By-law and the Corporation does not hold a deposit pursuant to this By-law.
- (5) Any deposit held by the Corporation may be used to reduce the amount of an invoice issued to recover the cost and expenses incurred by the Corporation for work required under this By-law.
- (6) Any expense incurred by the Corporation to do work required under this By-law because of default by the owner may be levied against the owner and recovered in like manner as municipal taxes.
- (7) New permits will not be issued until the outstanding invoices have been paid and the deposit restored to its full amount.

- (8) The depositor may elect to discontinue the arrangement outlined in section 17.(2) at anytime by submitting a written request to the Manager.
 - i) The balance of the deposit shall be returned to the depositor when all the terms and conditions of this By-law have been satisfied.
- (9) Where a deposit remains unclaimed for more than six (6) years, the Director of Finance and Administration shall publish a notice containing a list of such unclaimed monies, including the name of the depositor stating that any person having a claim to any of the monies are required to prove their claim within ninety (90) days from the date of such publication. Any unclaimed monies may be transferred to the general funds of the Corporation free of and from any claim whatsoever.

18. ADMINISTRATION AND ENFORCEMENT

The Manager shall be responsible for the administration and enforcement of this By-law.

19. PENALTIES

Every person who contravenes the provisions of this by-law shall be guilty of an offence and shall be liable to penalties as provided for in the Provincial Offences Act, Chapter P.33, R.S.O. 1990.

20. BY-LAWS REPEALED

That By-laws 150-1992, 012-1992, 087-1996, 039-1998 and any other amendments thereto or any provision in other By-laws which are inconsistent with this By-law shall be and the same are hereby repealed.

21. EFFECTIVE DATE

This By-law shall take effect on the day it is passed.

READ a First and Second Time, in Open Council this 14th day of April, 2003.

Clerk

Mayor

READ a Third and Final Time, Signed and Sealed in Open Council this 14th day of April A.D., 2003.

Clerk

Mayor

SCHEDULE A
to By-law No. 056-2003

LOAD RESTRICTIONS

The rates used to determine the fees required under section 5. of the "Streets By-law" shall be applied as follows:

One complete move.....	\$50
Yearly permit.....	\$100

SCHEDULE B
to By-law No. 056-2003

BOULEVARD PAVING PERMIT

The rates used to determine the fees required under section 8. of the "Streets By-law" shall be applied as follows:

Application fee..... \$50

SCHEDULE C
to By-law No. 056-2003

STREET DAMAGE DEPOSIT

The rates used to determine the fees required under section 8. of the "Streets By-law" shall be applied as follows:

1. A deposit of one hundred fifty dollars (\$150) shall be required for each single-family or two-family residential building lots.
2. The frontage rate for all other construction not covered in section 1.(1) above shall be sixteen dollars (\$16) per metre. The deposits required shall not exceed five hundred dollars (\$500) per building.
3. The applicant may elect to deposit and maintain a Builder's Deposit Fund with the Corporation in accordance with Section 17. and Schedule G as an alternative to paying individual fees and deposits.

SCHEDULE D
to By-law No. 056-2003

BOULEVARD CONSTRUCTION

The rates used to determine the fees required under section 8. of the "Streets By-law" shall be applied as follows:

Deposit per Building Permit. \$300

The applicant may elect to deposit and maintain a Builder's Deposit Fund with the Corporation in accordance with section 17. and Schedule G as an alternative to paying individual fees and deposits.

SCHEDULE E
to By-law No. 056-2003

EXCAVATION PERMIT

The rates used to determine the fees required under section 10. of the "Streets By-law" shall be applied as follows:

Pavement:	- less than 4.5 metres wide.	\$515
	- 4.5 to 9.0 metres wide.	\$1,000
	- greater than 9.0 metres wide.	\$1,535
Gravel roadway		\$335
Boulevard		\$260
Sidewalk		\$650

- (1) The insurance coverage required under section 10.(7) with respect to any one occurrence shall not be less than two million dollars (\$2,000,000) exclusive of interest and costs.
- (2) The applicant may elect to deposit and maintain a Builder's Deposit Fund with the Corporation in accordance with section 17. and Schedule G as an alternative to paying individual fees and deposits.

SCHEDULE F
to By-law No. 056-2003

NEWSPAPER BOX PERMIT

The rates used to determine the fees required under section 14. of the "Streets By-law" shall be applied as follows:

Permit Fee	\$10/news box
Renewal Fee/Company.	\$20/renewal

SCHEDULE G
to By-law No. 056-2003

BUILDER'S DEPOSIT FUND

The Corporation shall require a deposit of two thousand five hundred dollars (\$2,500) by the applicant who wishes to establish a Builder's Deposit Fund with the Corporation pursuant to section 17, thus eliminating the cost of deposits when required, except the ten (10%) percent charged and kept by the City for excavation of City right-of-way.