

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2000-29

BEING A BY-LAW FOR PROHIBITING OR REGULATING THE OBSTRUCTING, ENCUMBERING, INJURING OR FOULING OF HIGHWAYS OR BRIDGES IN ACCORDANCE WITH SECTION 314, OF THE MUNICIPAL ACT, R. S. O. 1990, C.m.45;

WHEREAS Section 314 (1 TO 3) OF THE MUNICIPAL ACT, R. S. O. 1990, c.M45 as amended, permits municipalities to pass by-laws for prohibiting or regulating the obstructing, encumbering, injuring or fouling of highways or bridges;

WHEREAS SECTION 210 (4) OF THE MUNICIPAL ACT, R. S. O. 1990, c.M45 as amended permits municipalities to pass by-laws to regulate the being at large of animals other than dogs upon any defined highways therein;

WHEREAS SECTION 1 OF THE POUNDS ACT, R. S. O. 1990, c. p.17 as amended permits municipalities to pass by-laws in addition to and inclusive of all of the provisions of the Pounds Act applying to the Corporation of the Municipality of Magnetawan;

AND WHEREAS it is deemed expedient that such a by-law be passed.

NOW THEREFORE THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN HEREBY ENACTS AS FOLLOWS:

SHORT TITLE: This By-law may be cited as "The Highways and Bridges by-law".

1. DEFINITIONS:

- a) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over or across which a highway passes;
- b) "by-law enforcement officer" includes any person so designated by Council to administer and enforce this by-law;
- c) "chief building officer" includes any person so designated by Council and having the authority to issue building permits
- d) "Council" shall mean the Council of the Corporation of the Municipality of Magnetawan;
- e) "highway" means a common and public highway within or forming a boundary of the Municipality, and includes a street and a bridge forming part of a highway or on, over or across which a highway passes;
- f) "municipality" shall mean the Corporation of the Municipality of Magnetawan;
- g) "public highway" except in so far as they have been stopped up according to law, includes all allowances for roads made by the Crown surveyor, all highways laid out or established under the authority of any statute, all roads on which public money has been spent for opening them or on which labour has been usually performed, all roads passing through Indian lands, all roads dedicated by the owner of the land to public use, and all alterations and deviations or and all bridges over any such allowance for roads.
- h) "running at large" means unattended by a competent person;
- i) "sewage" includes drainage, storm water, residential wastes, commercial wastes and industrial wastes;

- 2) a) A landowner, occupier of land or anyone acting on behalf of a landowner or occupier of land shall not permit the crossing of curbs, sidewalks or paved boulevards by vehicles delivering materials to or removing materials from abutting land on which any building is being erected, altered, repaired or demolished without obtaining a building permit certifying to the approval of plans of buildings to be erected, altered, repaired or demolished thereon.

- b) The Chief Building Officer upon issuing a building permit may require the applicant to pay a deposit to the municipality as prescribed in Section 314(2) of the Municipal Act, R.S.O. 1990, c.M45 as amended but this shall not limit the Chief Building Officer's discretion as to maximum deposit.
 - c) This money held on deposit shall be used to meet the cost of repairing any damage to the sidewalk, curbing, or paved boulevard, or to any water service box or other service therein caused by the crossing thereof by such vehicles.
 - d) The owner or occupier of the land shall take all necessary steps to prevent building material, waste or soil from being spilled or tracked onto a highway by vehicles going to or coming from the land during the course of the erection, alteration, repair or demolition.
 - e) In addition to any penalty otherwise provided by law, the landowner or occupier shall be responsible to the municipality for the cost of removing such building material, waste or soil, and such cost may be deducted from the deposit.
 - f) If the cost of the repair exceeds the deposit the landowner and the occupier shall be liable to pay excess cost to the municipality on demand.
3. a) Subject to any written agreement with the municipality to the contrary the owner or occupier of land shall remove any doorsteps, porches or other erections or things projecting into or over any highway or bridge.
- b) In addition to any penalty otherwise provided by law, the owner or occupier shall be responsible to the municipality for the cost of removing any doorsteps, porches or other erections or things projecting into or over any highway or bridge.
4. a) No person shall build or maintain a fence on any highway or place or deposit firewood or any other thing calculated to obstruct it or to obstruct or interfere with public travel on it, on any highway or bridge.
- b) Any person who has built, maintained, placed or deposited any such thing calculated to obstruct any highway or bridge or interfere with public travel on it, on any highway or bridge, shall be required to remove such thing.
- c) Any person who stops up a public highway without doing so according to law is guilty of an offence.
- d) In addition to any penalty otherwise provided by law, the person who has placed any thing on a highway calculated to obstruct it or to obstruct or interfere with public travel on it, on any highway or bridge, shall be responsible to the municipality for the cost of removing such things.
5. a) No person shall throw, place or deposit any dirt, filth, glass, handbills, paper or other rubbish or the carcass of any animal, on any highway or bridge.
- b) Any person using a public highway for the purpose of dumping or disposing of residential wastes, commercial wastes and industrial wastes is guilty of an offence.
6. a) No person shall obstruct any culvert or ditch upon a highway.
- b) Any person responsible for using culverts or ditches upon a highway for any sewage other than natural surface drainage or storm water from the immediate area is guilty of an offence.
- c) Any person using culverts or ditches upon a highway for dumping residential wastes, commercial wastes and industrial wastes is guilty of an offence.
- d) In addition to any penalty otherwise provided by law, the person who has dumped commercial wastes and industrial wastes on a highway, or in the culverts or ditches upon a highway shall be responsible to the municipality for the cost of removing such commercial and industrial wastes.
7. a) No owner or person in charge of cattle, horses, livestock or other animal shall permit such

animals to run at large or trespass upon a highway or bridge.

- b) No owner or person in charge of cattle, horses, livestock or other animal or animals shall permit such animal or animals to trespass upon private property
- c) All of the provisions of the Pounds Act, R. S. O. 1990, c.P.17, shall apply to the Corporation of the Municipality of Magnetawan.

8. Penalty

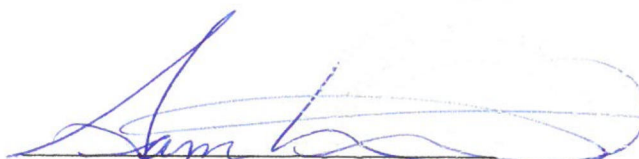
Any person who contravenes any provisions of this by-law or any part thereof shall be guilty of an offence and upon conviction be liable to a fine not to exceed the maximum provided under the Provincial Offences Act, exclusive of all costs, and every such fine shall be recoverable under the Provincial Offences Act.

9. Severability

That all sections of this by-law shall be deemed to be separate and independent and the validity of any section or provision thereof shall not effect the remaining sections.

This By-law shall take effect upon being passed.

INTRODUCED AND READ A FIRST, SECOND AND A THIRD TIME, AND FINALLY PASSED
THIS 27TH DAY OF SEPTEMBER, 2000.


SAM DUNNETT, REEVE


BRENDA FRASER, CLERK ADMINISTRATOR