

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 138-93

BEING A BY-LAW OF THE CORPORATION OF THE CITY OF NORTH BAY FOR STREET WORK PERMITS TO PROHIBIT AND REGULATE THE OBSTRUCTING, ENCUMBERING OR INJURY OF ROADS IN THE CITY OF NORTH BAY

WHEREAS the Council of The Corporation of the City of North Bay deems it desirable to enact a by-law, pursuant to Section 314 of the Municipal Act, R.S.O. 1990, Chap. M.45, as amended, to regulate the obstructing, encumbering, injury or fouling of municipal roads.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. In this By-law:
  - (a) "Road" means the full width of any road allowance or forced road within the limits of the City of North Bay.
  - (b) "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.
  - (c) "Director" includes the Director of Engineering and Environmental Services and/or the Director of Transportation and Works or an authorized deputy, representative or inspector.
  - (d) "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.
  - (e) "City" means The Corporation of the City of North Bay.
  - (f) "Utility" includes Bell Canada, Centra Gas, North Bay Hydro and McLean Hunter Cable TV.
  - (g) "Plant" includes all forms of equipment, structures or facilities.

**TEMPORARY CLOSURES**

2.
  - (a) The Director may temporarily close to traffic, any road in the City of North Bay whenever the same becomes necessary be reason of the condition thereof, and for any other similar cause deemed sufficient by the said Director.
  - (b) The Director may erect thereon any barricade or notice, warning the public that such road is closed to traffic and no person shall remove any such barricade or notice or enter upon or use any road temporarily closed.

**MUNICIPAL CONSENT FOR PLANT APPROVAL**

3.
  - (a) No Utility shall install plants within a road without approval of a Director.
  - (b) The Director may approve plans and specifications prepared by the utility to the satisfaction of the Director for installation of plants.

**STREET WORK PERMIT**

4. No person shall occupy, break, excavate, dig up, tear up, or remove any portion of any road or boulevard, or any planking, curbing, pavement or road structure of any sort, forming the surface of any road or make any excavation in or under any road, boulevard sidewalk, or any section of road right-of-way for the purpose of building or otherwise unless he obtains a Street Work Permit therefore from a Director and a Director may grant such permit on the following conditions:
- (a) (i) Each person desiring a street work permit shall make a written application for such permit on a form prescribed for this purpose by a Director to include the starting and completion dates of the work define precisely the nature of the work and extent of occupation and location and outline detour arrangements that may be required.
  - (ii) An applicant for a Street Work Permit may undertake work at more than one site on any street, between the limits of the nearest intersecting streets, providing the details of such work are included in the original permit application.
  - (b) (i) A permit fee of \$20.00 shall be charged for each street work permit.
  - (ii) All work undertaken or sponsored by the City or by an exempt utility is exempt from the permit fee.
  - (iii) Maintenance and improvement activities carried out by residential owners on lands adjacent to their own property shall be exempt from the permit fee.
  - (c) The work so permitted shall be carried out under the direction of the Director and the portion of the road or boulevard or any other section of the road allowance disturbed shall be replaced, relaid and made good to the satisfaction of the Director at the expense of the person obtaining such permission.
  - (d) At either or both ends of the portion of the road closed or partially closed, as the case may be, the person to whom the permit was issued shall:
    - (i) erect a suitable barrier, construction markers, barricade or barricades.
    - (ii) attach red, amber flashing light(s) to the barricades to be exposed and operational between sunset and dawn.
    - (iii) Similar barricade treatment shall be given to boulevards if deemed necessary by the Director.
    - (iv) Post signs indicating the alternate or detour route.
    - (v) Install other barricades, snow fencing, boarding, signs and lights as may be required by the Director along the route of the construction for purposes of safety.

- (e) All barricades, etc. signs and lights shall be according to the specifications of the municipality, or where there are no such specifications, according to designs approved by the Director, and shall be supplied by the person at his cost. The barricading and detouring shall be carried out in compliance with the Traffic Control Manual for Roadway Operations of Ontario and detouring shall be carried out in conformance with the Traffic Control Manual.
- (f) In the event that the work to be done is not completed by the date provided in the Street Work Permit, application may be made for an extension of provided that such application is made at least two working days prior to the expiry date of the original permit.
- (g) If the barricades, snow fencing, boarding, signs and lights required herein are not installed and maintained by the person, the Director may temporarily install them at the cost and expense of the person responsible for the work and the Street Work Permit shall be deemed to have been revoked. The work shall not be recommenced unless and until a new permit is obtained and proper barricades, snow fencing, boarding, signs and lights, as the case may be are installed in accordance with the Director.
- (h) In the event of an emergency arising or in the case of revocation or expiry of the permit, the Director may issue a directive to the person to whom the permit was issued, requesting immediate reinstatement of the said road or boulevard. In the event of failure of the person to comply immediately, with this directive, the Director may proceed with the said reinstatement at the expense of such person.
- (i) Notwithstanding anything stated above, the person to whom the permit was issued shall provide and maintain suitable alternate access as required for adjacent property owners who have their normal access blocked by the work in progress. The person obtaining such permit shall indemnify and keep indemnified and save harmless the City 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 City, its officers, employees and agents, and from all loss, costs, charges, damages, liens and expenses which may be paid, sustained or incurred by the City, its officers, employees and agents by reason of or on account, or in consequence of, the person obtaining such a permit in fact occupying the road or by any delay in carrying out the work.
- (j) Notwithstanding anything stated above, the Director may withhold a permit, if in his opinion the detour proposed will not be satisfactory or if the work itself will create a hazard or nuisance or will otherwise be detrimental to the City.
- (k) The Director may require the applicant to provide public notice of the temporary road closing in a manner and form approved by the Director.

**OBSTRUCTIONS**

5. No person shall build or maintain fences on any road 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 the City of North Bay or other public utility work forces.

**REFUSE**

6. No person shall throw, place or deposit by any means whatsoever on any road, boulevard or bridge within the City, building material, dirt, filth, glass, handbills, paper or rubbish, refuse or garbage, or the carcass of any animal.

**DITCHES**

7. No person shall place any obstruction, or obstruct or cause to be obstructed any ditch, gutter or watercourse on any road or boulevard.

**WATER HAZARD**

8. No person shall discharge water over or across a boulevard or road in such a way as to create a hazard or a nuisance.

**REMOVAL**

9. The Director may require the removal of any obstruction placed on any road or boulevard by notice in writing to the person by whom the same are or were so built, maintained, placed or deposited, and if such demand for such removal is not complied forthwith, the Director 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.
10. Nothing contained in this by-law shall prevent the Director from altering, opening or otherwise using any boulevard for any civic purpose.

**CONSTRUCTION SITE MATERIAL**

11. (1) All persons employing or using trucks or other vehicles for conveying excavations for building other purposes shall immediately remove from pavements and sidewalks any earth, rubbish, dirt or other materials which may fall from the box or wheels or such trucks or other vehicles.
- (2) If such material is not removed forthwith the Director 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.

**PENALTY**

12. Any person convicted of a breach of any provision of this by-law shall be guilty of an offence and subject to a penalty under the Provincial Offences Act.

**SEVERANCE**

13. Should any section, subsection, clause, paragraph or provision of this by-law be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the provision so declared to be invalid.

14. This by-law shall come into force and take effect on the 5th day of July, 1993.

READ A FIRST TIME IN OPEN COUNCIL THE 29TH DAY OF NOV. , 1993.

READ A SECOND TIME IN OPEN COUNCIL THE 29TH DAY OF NOVEMBER, 1993.

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED  
THIS 29TH DAY OF NOVEMBER , 1993.

  
MAYOR

  
CITY CLERK