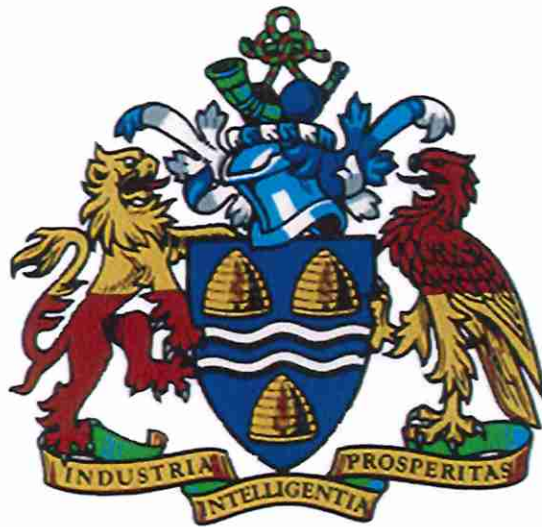


# **City of Brockville Ontario, Canada**



## **A By-law to Regulate the Care and Use of Streets in the City of Brockville**

**By-law No. 024-2022**

**Enacted by Council March 22, 2022**

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# THE CORPORATION OF THE CITY OF BROCKVILLE

By-Law Number 024-2022

A By-Law to Regulate the Care and Use of Streets in the City of Brockville  
and to Repeal By-Law Number 095-1993,  
and any Amendments Thereto

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WHEREAS pursuant to the Municipal Act, 2001, the municipality is given the capacity, rights, powers and privileges to exercise these rights; and

WHEREAS Council deems it expedient to regulate and control the care and use of streets in the City of Brockville;

NOW THEREFORE the Council of the Corporation of the City of Brockville hereby enacts as follows:

## 1. DEFINITIONS

- 1.1 **"Adjoining Owner"** means the person who is the registered owner of a property that adjoins a street;
- 1.2 **"Applicant"** means any person who makes application for a permit;
- 1.3 **"Authorized Encroachment"** means an encroachment that is authorized by a valid permit and **"Unauthorized Encroachment"** has the opposite meaning;
- 1.4 **"Awning"** means a covered frame, which may or may not be retractable, attached to the building wall;
- 1.5 **"Boulevard"** means that part of a street which lies between the travelled portion of the street and the street line, save and except any municipal sidewalks;
- 1.6 **"Building"** means a structure occupying an area greater than ten square metres that consists of a wall, roof and floor;

- 1.7 **"Chief Building Official"** means the Chief Building Official of the City of Brockville or their designate;
- 1.8 **"City"** and **"City of Brockville"** means the Corporation of the City of Brockville and includes its employees, servants and agents;
- 1.9 **"Construction"** includes anything to do with the construction, erection, installation, extension, alteration, repair, reconstruction or replacement of a building, structure, fence, or other object, and **"construct"** has a corresponding meaning;
- 1.10 **"Council"** means the Council of the Corporation of the City of Brockville;
- 1.11 **"Daylighting"** means exposing underground pipes, utilities, and cables to the daylight using a hydro excavation truck; and
- 1.12 **"Directional Bore"** means a trenchless construction technique using a drilling rig.
- 1.13 **"Director of Operations"** means the person duly appointed by the City Manager of the City of Brockville or their designated representative. In the event that a designate is not assigned, the assumed representative will defer to the Supervisor of Public Works;
- 1.14 **"Designated Area"** means King Street, from the west side of Orchard Street to the east side of Gilmour Street, as well as Court House Avenue.
- 1.15 **"Emergency"** means any unforeseen circumstance or occurrence, the existence of which constitutes a clear and immediate danger to persons or property;
- 1.16 **"Encroachment"** means any object or material, including a building, structure, sign, apparatus, equipment, decorative fixture, facility, fence, hedge, earth or rock, which is wholly

or partly upon a street that was not placed, installed, constructed or planted by the City, and **"encroach"** has a corresponding meaning;

- 1.17 **"Parking Meter"** means a mechanical or electronic device designed to accept payment in exchange for a period of legal parking that is indicated by means of a signal on the device or on a ticket dispensed by the device;
- 1.18 **"Pedestrian"** includes as individual with a deniability who is using a wheelchair or other remedial appliance or device, as well as an individual who is on foot;
- 1.19 **"Permittee"** means any person who has been issued a permit;
- 1.20 **"Person"** means any individual, partnership, firm, association, utility or corporations and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;
- 1.21 **"Private Entrance"** means an improved surface within a street that is used by the owner or occupant of an adjoining property for vehicular entrance to and from the roadway;
- 1.22 **"Property"** means any real property and the buildings or structures it contains;
- 1.23 **"Property Owner"** means the person who is the registered owner of the lands and premises of authorized agent in lawful control of the property, structure or occupancy and who permits the operation and maintenance of any business;
- 1.24 **"Roadway"** means the portion of a street that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder; has the same meaning as in subsection 1(1) of the *Highway Traffic Act*;

- 1.25 **"Sidewalk"** means the portion of a street between the roadway and the lateral boundary of the street that is set aside for the use of pedestrians;
- 1.26 **"Shoulder"** means the portion of a highway that provides lateral support to the roadway and that may accommodate stopped motor vehicles and emergency use;
- 1.27 **"Street"** means a road allowance and includes a lane, alley, park, square, highway, public drive and public place, or a part of any of them, and includes the surface grassed area, boulevard, ditch, curb, gutter, sidewalk, or any other structure built thereon by the City or with the City's approval;
- 1.28 **"Vehicle"** includes a motor vehicle, trailer, traction engine, farm tractor, machine used for road construction or maintenance, bicycle, and any vehicle drawn, propelled or driven by any kind of power, including muscular power;
- 1.29 **"Watercourse"** shall include any floodplain or water storage area immediately adjacent to any stream or creek;

## 2. FOULING OF STREETS

- 2.1 No person shall dig up, cut, or otherwise damage a highway or remove any asphalt, concrete, gravel, grass, turf, sod, earth, shrub or plant from a street without the approval of the City.
- 2.2 No person shall throw, cast, deposit, direct, suffer or permit any servant, agent, or employee to throw, cast, or deposit any glass, nails, tacks, scrap metal, handbills, notices, advertisements, litter, debris, rubbish, refuse or waste on a street, except in receptacles provided for this purpose or in accordance with the applicable by-law or by-laws regulating the collection, removal and disposal of waste.
- 2.3 No person shall allow or deposit any grass, sand, gravel, snow, earth, stone, wood, coal or other material, substance or object on a street.

- 2.4 No person shall allow any material from a construction or demolition operation in which they are engaged to:
  - 2.4.1 Be spilled or tracked onto any street by vehicles going to or coming from the construction or demolition area.
  - 2.4.2 No person shall drive a vehicle onto a street or cause or permit the driving of a vehicle onto a street unless the person has removed as completely as is reasonably practicable in the circumstances, all clay, lime, oil, sand, stone or other material from the wheels of the vehicle that is likely,
    - 2.4.2.1 To cause an obstruction or dangerous condition on the street such that it prevents the safe operation of a motor vehicle whereby a passenger can be harmed, or
    - 2.4.2.2 To damage the surface of the street.
  - 2.4.3 No person who is transporting earth, sand, stone or other material in a vehicle shall load or drive the vehicle in a manner that causes or permits the material to be deposited on a highway.
  - 2.4.4 Be carried by wind or propelled by alternate means from the construction or demolition area onto any street.
- 2.5 No person shall deposit any leaves or brush on a street except for the purpose of participating in any collection or yard waste that may be undertaken by the City.
- 2.6 No person shall burn any leaves, waste or other combustible materials on any street.

- 2.7 No person shall damage, destroy or, without lawful authority, remove any light standard, hydrant or other object or structure that is located on a street.
- 2.8 No person shall attach any sign, poster, hand bill, notice, or advertisement to any pole or tree on any street or paint, print or impress anything on any street without the permission to do so, by resolution of Council.
- 2.9 No person shall permit any rainwater leader, down spout or any other water source to convey or discharge water onto or permit such water to run over or across any street.
- 2.10 No person shall pump water onto any street.
- 2.11 No person shall, either directly or indirectly, discharge or cause or permit the discharge or deposit of any prohibited substance into a land drainage works located on a street.
- 2.12 No person shall pollute or foul, or cause or permit the pollution or fouling of a street by a vehicle, animal or any other means.
- 2.13 Every owner of an animal or other person who is in charge of an animal shall immediately remove any feces left on a street by that animal.
- 2.14 City staff may at any time enter on land owned by the municipality and/or adjoining land at any reasonable time for the purpose of maintaining or making repairs or alterations to the land owned or occupied by the municipality, but only to the extent necessary to carry out the maintenance, repairs or alterations. As per By-law 090-2013 or subsequent by-law or amendment and the Municipal Act section 132.1(1).

### **3. ENCROACHMENT**

- 3.1 No person shall construct, plant, place or leave in place an encroachment upon a street or cause or permit an encroachment to be constructed, planted, placed or left in place upon a street unless:
- 3.1.1 The encroachment is authorized by a valid permit or agreement issued by the City's Planning Department or Clerk's office.
  - 3.1.2 All relevant fees, as set out in Schedule "A", including the application fee, all other fees and, where applicable, the annual fee for each year during which the encroachment remains in place, have been paid
  - 3.1.3 The applicant has submitted proof of a sufficient amount of such liability and property damage insurance as outlined in Section 15 or defined in the agreement.
  - 3.1.4 Every encroachment that is authorized by a permit shall be constructed, planted, placed or left in place in accordance with the permit and, if an authorized encroachment is moved or altered without the permit holder having obtained a new permit, the original permit or agreement shall be deemed to have been cancelled and, in that event, the encroachment shall no longer be an authorized encroachment.
  - 3.1.5 Every encroachment that is authorized by a permit or agreement shall be maintained in a good state of repair by the owner of the property for which the permit or agreement was obtained, as the case may be, so as not to pose a danger to the safety of persons using the street, or to interfere with the activities or adversely affect the condition or operation of the equipment or facilities of the City or its agents.

- 3.1.6 If an encroachment that was authorized by a permit or agreement is not maintained in a good state of repair, the City, after giving notice to the person responsible for maintaining the encroachment in a good state or repair, may cancel the permit or agreement and, in that event, the encroachment shall no longer be an authorized encroachment.
- 3.1.7 If, as a result of changed circumstances, the City determines that an authorized encroachment poses a danger to the safety of persons using the street, or interferes with the activities or adversely affects the condition or operation of the equipment or facilities of the City or its agents, the City, after giving notice to the owner of the property for which the permit was obtained or the permit holder, as the case may be, may cancel the permit and, in that event, the encroachment shall no longer be an authorized encroachment.
- 3.1.8 Every person who constructs, plants, places or leaves in place an encroachment upon a street or who causes or permits an encroachment to be constructed, planted, placed or left in place upon a street shall be liable for any damages that any person sustains as a result of the location or use of the encroachment, regardless of whether it is an authorized or unauthorized encroachment.
- 3.1.9 Every person who constructs, plants, places or leaves in place an encroachment upon a street or who causes or permits an encroachment to be constructed, planted, placed or left in place upon a street that is not authorized by a valid permit shall remove the unauthorized encroachment at their own expense.

- 3.1.10 If a person is given notice by the City to remove an unauthorized encroachment and fails to do so by the date specified in the notice, the City may remove the unauthorized encroachment at the person's expense.
    - 3.1.11 If the owner of the adjoining property is the person who fails to remove an unauthorized encroachment by the date specified in a notice given under section 3.1.10, the City may invoice the amount of the costs incurred by the City in removing the encroachment to the property owner and collect the amount in accordance with By-Law #39-96.
  - 3.2 No person shall, without making application for a permit from the Planning Department;
    - 3.2.1 Plant any tree, shrub, hedge or other obstruction in, over or upon any street.
    - 3.2.2 Place any newspaper, mail, or courier box on any street. Where any such obstruction, with the exception of trees that existed prior to September 28, 1982, is required to be removed or relocated, it shall be done upon the City's request, in writing, at the expense of the owner or occupier of the land fronting or abutting the obstruction. The City shall not be liable for any repairs that may be required to the above objects (Policy P1753)
  - 3.3 No person shall construct or place a fence, wall, step, porch, building or other such structure so as to encroach on a street unless authorized to do so by applying for a permit and authorized to do so by the City's Planning Department, through an encroachment agreement (Policy P2751).
  - 3.4 No person owning land in the City of Brockville shall allow any part of a tree, shrub, or sapling situated on such land to extend over or upon any street so as to interfere with,

impede or endanger persons using the street, or to interfere with the activities or adversely affect the condition or operation of the equipment or facilities of the City or its agents.

- 3.4.1 If a person is given notice by the City that a tree, shrub or sapling requires trimming, pruning or removal and fails to do so by the date specified in the notice, the City may complete the work at the owners cost. The costs incurred by the City in completing this work may be added to the tax roll for the adjoining property and the City will collect the amount in the same manner as taxes.
- 3.5 No person shall place any material or goods or erect any scaffolding on any street or other City lands without first obtaining a permit from the City's Planning Department.
  - 3.5.1 Maximum of 1/3 of the driving portion of the street so that such goods not extend beyond.
  - 3.5.2 Maximum of 1/3 of the width of the sidewalk for scaffold erection and placement.
  - 3.5.3 No permit shall be issued for scaffolding unless appropriate measures are taken to ensure that staff of the City and its agents can gain immediate access to manholes, vaults and similar facilities.
  - 3.5.4 Every application for a permit shall be accompanied by a sketch, showing the proposed placement of scaffolding.
  - 3.5.5 Permits shall expire after sixty (60) days from the date the permit is issued.
  - 3.5.6 If an owner proposes to construct scaffolding upon a roadway, a daily occupancy fee, as set

out in Schedule "A", shall be payable in addition to the application fee.

- 3.5.7 If an owner proposes to construct scaffolding upon a portion of a roadway which is regulated by parking meters, a daily fee to compensate the City for the loss of parking revenue, as set out in section 9, subsection 95 of by-law 119-89, shall be payable in addition to the application fee and the daily occupancy fee.
- 3.5.8 Every applicant for a permit shall agree to comply with the requirements applicable under the Occupational Health and Safety Act and with all other applicable legislation and regulations.
- 3.5.9 A permit authorizing scaffolding to encroach upon a street shall be valid only for the time period specified in the permit.

The City may attach such other conditions or restrictions as may be necessary, in their opinion, to afford adequate protection to pedestrians using the street or lands, or to interfere with the activities or adversely affect the condition or operation of the equipment or facilities of the City or its agents.

- 3.6 No person shall place any dumpster and other object or equipment on any street or other City lands without first obtaining a permit from the City's Planning Department.
  - 3.6.1 Every owner of a property who proposes to place a dumpster or other object or equipment upon a street for the purposes of a construction or maintenance project on that property shall make application for a permit.
  - 3.6.2 Every application for a permit shall be accompanied by a sketch, showing the proposed placement of a dumpster.

- 3.6.3 Permits shall expire after sixty (60) days from the date the permit is issued.
- 3.6.4 Every application for a permit shall include provisions dealing with drainage matters that are sufficient to ensure that nothing from a dumpster or other object or equipment drains into a manhole, vault or similar facilities.
- 3.6.5 No permit will be issued if the proposed location of a dumpster or other object or equipment will limit or prevent access to a manhole, vault or other facility.
- 3.6.6 If an owner proposes to place a dumpster or other object or equipment upon a roadway, a daily occupancy fee, as set out in Schedule "A" of this by-law, shall be payable in addition to the permit fee.
- 3.6.7 If an owner proposes to place a dumpster or other object or equipment upon a portion of a street which is regulated by parking meters, a daily fee to compensate the City for the loss of parking revenue, as set out in the section 9, subsection 95 of by-law 119-89, or subsequent by-law or amendments thereto, shall be payable in addition to the permit fee and the daily occupancy fee.
- 3.6.8 A permit authorizing a dumpster or other object or equipment to encroach upon a street shall be valid only for the time period specified in the permit.
- 3.6.9 No dumpster will be permitted between November 1<sup>st</sup> of each year until April 1<sup>st</sup> of the following year, unless otherwise approved by the City.

- 3.7 Maximum use of three (3) feet into the sidewalk from the businesses building for the display of good, merchandise and other articles in front of businesses, that a minimum space of a 1.2 metre corridor be maintained.
- 3.8 To prohibit all displays between the hours of 9:00 p.m. and 7:00 a.m.
- 3.9 No person shall erect or maintain any awning attached to any building, erected so as to be suspended or projected over any sidewalk, except those in conformity with the City's Sign By-Law or amendments thereto and a permit authorizing.
- 3.10 No person shall erect or maintain any banner, stringer or other advertising device across any road allowance, without permission to do so by resolution of Council (Policy P2020) and a permit authorizing.
- 3.11 No person shall erect or maintain any sign or historical marker, on any street, without application to the City and a permit authorizing.
  - 3.11.1 Every permit holder under Section 3.9 and 3.10 shall be responsible for all costs incurred by the City in installing, maintaining and, if applicable, supplying a sign or historical marker.
  - 3.11.2 The Permittee must pay the full cost of fees to the City seven days prior to the ordering and/or installation of any sign or historical marker
- 3.12 No person shall remove or cause permit to be removed or assist in removing any building into, along or across any street without first obtaining the required permit(s) from the Chief Building Official. Such permit(s) may contain conditions or restrictions as the City may deem necessary.
- 3.13 No person shall obstruct, by any means, any drain, ditch or watercourse located on any street.

- 3.14 The City may remove any material or object deposited by a person on a highway in contravention to this by-law at the expense of that person.
- 3.15 A permit will not be issued unless the applicant agrees to indemnify the City from liability for all claims for damages that any person sustains as a result of the location or use of the encroachment, and to comply with any other terms and conditions imposed by the City.
- 3.16 An applicant may be required to pay additional hourly fees, as set out in Schedule "A", if the particular circumstances make it necessary for additional time to be spent on the review of an application.

#### **4. DAMAGE TO STREETS**

- 4.1 No person shall damage or injure or cause to be damaged or injured, any street in the City of Brockville.
  - 4.1.1 Special provisions apply for streets under the "5 Year Road Cut Moratorium". Refer to subsection 13.3.6 of this by-law for further details.
  - 4.1.2 Any damage or injury to a street under 4.1.1 of this by-law, without written approval from the City, will result in a stop work order and a fine, amount determined by the Director of Operations.
- 4.2 No person shall move or cause or permit the moving of a vehicle that is equipped with metal cleats, including cleats with rubber inserts or pads, flanges or tracks on its wheels or roller onto or along the roadway of a street unless the vehicle is being carried on a float or trailer.
- 4.3 No person shall move or cause or permit the moving of a vehicle that is equipped with metal cleats, including cleats with rubber inserts or pads, flanges or tracks on its wheels or roller across the roadway of a street unless a preventive

pad has first been laid on the portion of the roadway that is to be crossed.

- 4.4 Sections 4.2 and 4.3 do not apply to a vehicle that is moved onto, along, or across a roadway with the authorization of the Director of Operations

## **5. SIDEWALKS**

- 5.1 No person shall dig up, damage, or destroy a sidewalk, or alter the surface of a sidewalk in any way, without first obtaining a permit from the City.
- 5.2 Sidewalks that have been dug up, damaged, destroyed or altered, under authorization of the City, shall be reinstated as per Schedule "D" of this by-law. Restoration timelines and restrictions apply, subsection 13.4.18 and 13.4.19 of this by-law.
- 5.2.1 Persons completing repairs to sidewalks that fall below the standard set out in Schedule "D" will be advised by the City to complete additional repairs to meet the standard, at no additional cost to the City.
- 5.3 No person or group of persons shall obstruct a sidewalk in such a manner as to impede the free movement of pedestrians on that sidewalk or to pose a danger to the safety of other persons using the sidewalk or other parts of the street.
- 5.4 No person shall operate any motor vehicle, bicycle or other vehicle on a sidewalk, except for the purpose of crossing a sidewalk while using a private entrance.
- 5.5 Section 5.4 does not apply to a person who is using a child's stroller, to a person with a disability who is using a wheelchair or other remedial appliance or device, or to the operation of the equipment and/or vehicles of the City, or its agents, that are performing work, maintenance or responding to an emergency call. Other exception may be

granted by the Director of Operations, if required, upon application.

- 5.6 No person shall print, draw or otherwise make any mark on a sidewalk, unless required for locates.

## **6. REMOVAL OF SNOW AND ICE**

- 6.1 The Corporation of the City of Brockville shall be responsible for the removal of snow and ice from public sidewalks within the limits of the City of Brockville in accordance with O.Reg 239/02.
- 6.2 Every tenant, occupant, lessee or owner of a residential, commercial or industrial property shall maintain all steps, walks, driveways, drop off zones, access ramps, parking spaces, whether temporary, short term or permanent, and similar areas adjoining City streets to afford passage free from hazards at all times to any person using the same, including the removal of snow and ice from the area of the city's minimum maintenance section on the sidewalk, roadway or shoulder, to their entrance.
- 6.3 Every tenant, occupant, lessee or owner of a residential, commercial or industrial property is responsible to maintain pathways to access ramps whether the pathway is on their property or an adjoining property. It is the responsibility of every tenant, occupant, lessee or owner of a residential, commercial or industrial property to ensure they are providing safe accessible paths to their property.
- 6.4 No person, firm or corporation shall place snow or ice on any street within the City of Brockville so as to obstruct, foul or encumber such street.
- 6.4.1 No person, firm, or corporation shall deposit snow or ice on a street, regardless of whether it has been removed from an adjoining property, private entrance, sidewalk or similar area.

- 6.5 Without limiting the generality of Subsection 6.2 above, obstructing, fouling or encumbering a street shall be deemed to include the obstructing, fouling or encumbering of any drainage works, including ditches, which are located on such streets.
- 6.5.1 Any person, firm or corporation that obstructs, fouls or encumbers a street shall be deemed in contravention to Sections 6.2 and 6.3 of this by-law and is subject to a fine, as well as any expense incurred by the City removing said snow and ice.
- 6.6 Subsection 6.5 above shall not apply to the Designated Area so as to prevent the placing of snow on King Street as a result of clearing sidewalks in the City of Brockville.
- 6.7 Within the Designated Area hereinbefore set out, the first story of grade-level occupants of buildings where the buildings are vacant or occupied, shall, within the first four (4) hours of daylight after every snowfall, cause the snow and ice to be removed entirely from the sidewalk which abuts the subject buildings.
- 6.8 Notwithstanding the preceding subsection, where the first story of grade-level occupation of such buildings, in whole or in part, is residential or where there exists a doorway or entrance leading to a second or higher floor, the owner of the building shall be responsible for the removal of snow and ice as set out in section 6.5.
- 6.8.1 The occupants referred to in section 6.5 and 6.6 shall take such action as is necessary to prevent the adjoining sidewalk from becoming slippery or remaining in a slippery condition.
- 6.9 No person owning or having charge or care of any building abutting on or erected within three metres (3 m) of any public street, thoroughfare, sidewalk or pavement, shall permit snow or ice to accumulate on the roof of eaves of such buildings as aforesaid, to any extent that pose an

immediate danger to the health or safety of any person passing. Such person shall cause the same to be removed forthwith, and while removing same shall take due and proper care and precaution for the warning and safety of person passing. The snow or ice removed from the roof of said building is to be forthwith removed from the street, thoroughfare, sidewalk or pavement:

6.9.1 Upon removal of snow or ice specified in Section 6.9 of this by-law, the person owning or having charge of care of said building shall take such action as is necessary to prevent the adjoining street, thoroughfare, sidewalk or pavement from becoming slippery or from remaining in a slippery condition.

6.9.2 If the Director of Operations deems snow and ice accumulation on a building mentioned in Section 6.9 of this by-law poses an immediate danger to health and safety or any person passing, notice will be given and if the person owning or person having charge or care of the building fails to comply by the date specified in the notice, the City may complete the work at the owners cost. The costs incurred by the City in completing this work may be added to the tax roll for the adjoining property and the City will collect the amount in the same manner as taxes.

## **7. MOVING STRUCTURES and OVERSIZE or OVERWEIGHT LOADS**

7.1 No person shall use a street to move a vehicle, load, object, building or structure that is in excess of the dimensional limits set out in the Highway Traffic Act or the weight limits set out in the same statute unless a permit has been obtained from the City in accordance with the provisions of the Highway Traffic Act.

7.2 Every application for a permit shall be submitted to the City in the specified form, and the applicant shall be responsible

for paying the application fee to the City and all other applicable amounts, as set out in Schedule "A".

- 7.3 The purpose of the application fee is to cover the costs incurred by the City in reviewing the application, making site inspections, if necessary, and issuing the permit. In the case of an annual permit the fee will also cover occasional visits to the route to ensure no alterations to the route will impact the ability to undertake the move.
- 7.4 If the particular circumstances make it necessary for additional time to be spent on the review of an application, the applicant may be required to pay additional hourly fees, as set out in Schedule "A".
- 7.5 If the particular circumstances make it necessary for the City to escort the vehicle, load, object, building or structure while it is being driven, operated or moved, the applicant may be required to pay additional hourly fees, as set out in Schedule "A".
- 7.6 The City may require an applicant to provide a deposit, bond or other security sufficient to cover the cost of repairing possible damage to a street or other infrastructure.
- 7.7 The City may impose conditions as a requirement of obtaining a permit, including requiring an applicant to enter into an agreement with the City.
- 7.8 A permit will not be issued unless the applicant agrees that the owner, operator or mover of the vehicle, load, object, building or structure is responsible for all damages that may be caused to the street or infrastructure by reason of the driving, operating or moving of the vehicle, load, object, building or structure.
- 7.9 A permit will not be issued unless the applicant agrees that the owner, operator or mover of the vehicle, load, object, building, or structure is responsible for all damages that may be caused to the properties of adjoining owners by

reason of the driving, operating or moving of the vehicle, load, object, building or structure.

- 7.10 A permit will not be issued unless the applicant provides and maintains, at the applicant's expense, liability and property damage insurance, as per section 15 of this by-law.

## **8. OBSTRUCTIONS, REFUSE and DEBRIS**

- 8.1 The owner, occupant or person in charge of every:

1. Commercial property within the Designated Area which adjoins a sidewalk;
2. Building to which the public has access;
3. Place of worship: and
4. Residential property,

Shall keep the adjoining sidewalk free of all obstructions, refuse and debris, except in accordance with Section 7 of by-law 093-2012, or subsequent by-law or amendments thereto, pertaining to Residential Solid Waste Management.

## **9. APPROVAL TO USE OR OCCUPY CITY LANDS**

- 9.1 No person shall, without the prior written approval of the Director of Operations, use any City owned lands to affect construction, repairs or maintenance on private lands. For the purpose of this by-law the word "use" shall include travelling across City lands with any vehicle but shall not include travelling across City lands on foot.
- 9.2 Approval to use City lands, as defined in subsection 9.1 may be granted to any person, firm or company upon application and permit approval. Application to use City lands shall be made on an approved form as shown in Schedule "C" of this by-law.
- 9.3 Approval to use City lands may be given subject to such terms and conditions as may be deemed appropriate and

may include the deposit of money and/or the execution of an agreement to make good any damages.

- 9.3.1 A permit will not be issued for any use or occupancy unless the applicant provides and maintains, at the applicant's expense, liability and property damage insurance, in an amount satisfactory to the City, naming the City as an additional insured in order to protect the City against all liability, and the applicant shall submit proof of such insurance when applying for a permit, if the Director of Operations requires.
- 9.4 No person shall, without the permission of the City and obtaining a permit through application, occupy any street, road allowance or land owned by the City. Daily use fees may apply and are in addition to application and permit fees, as found in Schedule "A".

## **10. BOULEVARD MAINTENANCE/IMPROVEMENTS**

- 10.1 No person owning or occupying lands that front on to or whose side yard(s) abut a boulevard, shall allow such boulevard to be in an unsafe or unkempt condition. Boulevards must be kept in good condition relative to the surrounding area, including but not limited to keeping grass trimmed, free of debris and removal of noxious weeds.
- 10.2 The owner or occupier of land fronting or abutting on a street may improve the boulevard in front of their land by sodding it at their own expense. No person shall confine or impeded traffic, obstruct, bury, unduly expose or damage any utility plant as a result of such improvement. No person shall make any vertical grade change to any boulevard unless approved by the City.
  - 10.2.1 Before any maintenance/improvements commence, locates for underground utilities and application for a permit must be made.

- 10.3 Any maintenance/improvement under subsections 10.1 and 10.2 shall not interfere with, impede or endanger persons using the street, or interfere with the activities or adversely affect the condition or operation of the equipment or facilities of the City or its agents.
- 10.4 No person shall, without legal authority, damage or destroy any tree, shrub or sapling that is located on a boulevard or median.
- 10.5 The owner of a commercial property may construct a private sidewalk between a building on the property and a public sidewalk, provided that the private sidewalk is constructed so as not to obstruct or pose a danger to the safety of persons using the public sidewalk or other parts of the street, or to interfere with the activities or adversely affect the condition or operation of the equipment or facilities of the City or its agents.
- 10.5.1 In order to grant permission of section 10.5, application for permit must be made to the City's Planning Department with sufficient insurance provided as per Section 15 of this by-law, for all work to be completed on City owned property.
- 10.5.2 The initial installation as well as future maintenance and/or requirements for such work shall be at the expense of the owner or occupier. Construction shall be in accordance with current City specifications and regulations, and in compliance with all related workplace safety protocol.
- Any boulevard may be re-occupied by the City at any time without the consent of the owner or occupier of the property abutting thereon.
- 10.6 No person shall operate any motor vehicle on a boulevard, except for the purpose of crossing a boulevard while using a private entrance.

- 10.7 Section 10.6 does not apply to the operation of the equipment and/or vehicles of the City, or its agents, that are performing work, maintenance or responding to an emergency call. Other exception may be granted by the Director of Operations, if required, upon application.

## **11. TEMPORARY STREET CLOSURES**

- 11.1 No person shall close a street for special event purposes without permission to do so by means of a Facility Use Agreement or by resolution of Council (Policy P2013) and/or the City.
- 11.1.1 Permission will only be granted after application for a permit has been granted, applicable fees paid, sufficient insurance has been provided to the City and adequate traffic protection plans, as per Occupational Health and Safety Act, have been approved by the Director of Operations.
- 11.1.2 Additional fees may apply as determined by the City's Fees By-Law, if the provided traffic protection plans that were provided to the City are not sufficient, or are not being followed as required under the Occupational Health and Safety Act.
- 11.1.3 The Director of Operations reserves, at all times, the ability to enforce a stop work order, Schedule "B", and revoke a permit if all parameters in subsection 11.1.1 are not followed and up to date.
- 11.2 No person shall temporarily close to traffic any street or part of any street without approval of the Director of Operations. Such approval shall be subject to requirements or controls as prescribed by the Director of Operations.
- 11.3 The Director of Operations may temporarily close to traffic any street whenever the same may become necessary by reason of any work or improvement being carried out

thereon or by reason of the condition thereof, and the Director of Operations may cause to be erected or kept thereon any barricade or notice warning the public that the street is closed to traffic.

- 11.3.1 No person shall, without lawful authority, use a street or portion of a street that has been temporarily closed for construction, repair or improvement project or for any other purpose.
- 11.3.2 No person shall, without the authorization of the Director of Operations, remove or deface any barricade, flashing light, warning device, detour sign or other device from a street or portion of a street that has been closed temporarily for a construction, repair or improvement project or for any other purpose.
- 11.4 All temporary street closures must, before happening, be reported to the Brockville Police Department, Brockville Fire Dispatch and all other emergency services, as to not affect emergency response times, with the approximate start time and completion time of the temporary street closure.

## **12. ENTRANCES**

- 12.1 No person owning or occupying land abutting on a street shall construct a sidewalk or roadway across a boulevard to provide a means of access unless, application to the City, and approval by Planning Department or City Clerk is granted. The initial installation as well as future maintenance and/or requirements for such work shall be at the expense of the property owner or occupier. Construction shall be in accordance with current City specifications and regulations and all applicable safety protocol.
  - 12.1.1 Adequate insurance, as specified in section 15 of this by-law, must be provided to the City for any work done on City property, as well as sufficient and adequate traffic protection plan as specified by the Occupational Health and Safety Act.

In granting approval, the City may, at their sole discretion, attach such conditions as may be necessary to restrict unauthorized access to the site or to prevent damage, hazard or nuisance to the public.

- 12.2 No person shall install or construct or cause to be installed or constructed a culvert on any street without prior application for permit and approval from the City. Installation shall be in accordance with current City specifications and regulation and follow all applicable safety protocol.

### **13. STREET EXCAVATIONS**

#### **13.1 Regulations**

- 13.1.1 No person shall make any tunnel or excavation on any street without first procuring an Excavation Permit, Schedule "E" for such work from the City for a fee.
- 13.1.2 Any Utility maintaining pipes, lines or other underground facilities in or under the surface of any street may proceed with an opening without an Excavation Permit when emergency circumstances demand the work be done immediately provided the Permit could not reasonably have been obtained beforehand. The Utility shall thereafter apply for a permit on the first regular business day on which the office of Ontario One Call is open for business and said Permit shall be retroactive to the date on which the work was begun.
- 13.1.3 Locates of all City owned facilities must be obtained by the Utility before an emergency excavation can begin, as outlined in subsection 13.1.2.

13.1.4 Any damage, cut or removal of pavement under permit shall be charged a Pavement Degradation Fee, as per schedule "A".

13.1.5 In no case shall any excavation or temporary repair made by a Permittee be considered to be in the charge or care of the City, its officers or employees, except in the exercise of the police power when it is necessary to protect life and property.

## 13.2 **Excavation Permit**

### 13.2.1 Submittals

Any person making application for an Excavation Permit shall supply:

13.2.1.1 A Certificate of Insurance and Workers Compensation Board Certificate of Clearance as required under Section 15 of this by-law.

13.2.1.2 A list, when required by the City, of property owner and tenants of all properties abutting the area where the proposed work is to be performed.

13.2.1.3 An approved plan showing the work proceed to be performed under the Permit.

13.2.1.4 The applicable permit fee (as per Schedule "A")

### 13.2.2 Permit Restrictions

13.2.2.1 Permits are not transferable from one person to another.

### 13.2.3 Permit Revocation

An Excavation Permit may be revoked by the City after oral or written notice to the Permittee for:

13.2.3.1 Violation of any condition of the Permit or of any provision of this or other applicable by-law

13.2.3.2 Violation of any provision of any statute relating to the work; or

13.2.3.3 Existence of any condition or the doing of any act constituting or creating a nuisance or endangering the lives or properties of others.

When a Permit has been revoked and the work authorized by the Permit has not been completed, the City, or authorized agent, may complete the work as may be necessary to satisfactorily restore the street. All expenses incurred by the City shall be recovered from the Permittee.

13.2.3.4 An Excavation Permit shall expire after sixty (60) days from the date the permit is issued or shall be terminated if work authorized by the permit holder has not commenced within twenty (20) calendar days of permit issuance.

## 13.3 **Excavation Restrictions**

Any work carried out under authority of an Excavation Permit shall be subject to the following restrictions.

13.3.1 Streets and driveways shall be directional bored under, unless approval is obtained from the Director of Engineering & Infrastructure to do otherwise. Directional boring must be done at a

minimum depth, as decided by the Director of Engineering & Infrastructure.

- 13.3.2 Work undertaken shall not be of an amount or quantity greater than, or at a location other than, that specified in the Permit.
- 13.3.3 No open excavation in any street shall extend beyond the centerline of a street before being backfilled and the surface of the street temporarily restored.
- 13.3.4 No more than 15 metres measure longitudinally shall be opened in any street at any one time by permit holders.
- 13.3.5 Work authorized by a Permit shall be performed between the hours of 7:00 A.M. and 3:30 P.M., Monday to Friday, unless otherwise authorized by the City. The City may restrict the work to be carried out to a specific date and time.
- 13.3.6 No open excavation of roadway surfaces that have been overlaid or reconstructed during the preceding five (5) year period shall be permitted, other than the emergency maintenance of existing underground infrastructure, unless approval is obtained from the City.
- 13.3.7 Restrictions as to the size and type of equipment to be used may be specified by the Director of Operations.
- 13.3.8 The designation of routes upon which materials and equipment may be transported may be specified by the Director of Operations.
- 13.3.9 The place and manner of disposal of excavated materials may be specified by the City.

- 13.3.10 Other restrictions that the City may deem to be necessary to prevent damage, hazard or nuisance to public or private property may be specified.

#### 13.4 **Excavation Requirements**

Any work carried out under authority of an Excavation Permit shall be subject to the following requirements and every person shall comply with said requirements.

- 13.4.1 Daylighting shall be required when directional boring is to cross the City's utilities that are outside of the roadway, such as, but not limited to watermain, storm sewer, sanitary sewer, and private services. Prior to the crossing of City or private utilities, the Director of Operations shall be contacted 24 hours in advance.
- 13.4.2 All utility facilities shall be exposed sufficiently ahead of trench excavation work to avoid damage to those facilities and to permit their relocation, if necessary.
- 13.4.3 All utilities encountered shall be protected as required by the Utility Authority.
- 13.4.4 When work performed interferes with the established drainage system of any street, provision shall be made to provide proper drainage to the satisfaction of the City.
- 13.4.5 When any construction or excavation material is caused to roll, flow or wash upon any street, it shall be removed from the street immediately. In the event of non-compliance, the City may have it removed and the cost incurred shall be paid by the Permittee.
- 13.4.6 Water free from contaminants from any excavation shall be discharged directly into a catch basin or other storm water drainage

structure, or as directed by the Director of Operations. It shall not be discharged into a sanitary sewage system.

- 13.4.7 When required by the City, all snow and ice on the road allowance and/or sidewalk in the area of excavation shall be removed. In the event of non-compliance, the Director of Operations may have it removed and the cost incurred shall be paid by the Permittee.
- 13.4.8 All signs, delineators, barricades and flashing lights shall be supplied and placed by the Permittee in accordance with the Ministry of Transportation (MTO) manual and Occupational Health and Safety Act.
- 13.4.9 Flagging for traffic control shall be supplied by the Permittee and shall be in conformance with the procedure outlined in the Occupational Health and Safety Act, and regulations for Construction Projects.
- 13.4.10 Access to private driveways shall be provided and maintained except when active construction operations prohibit such access. If access is prohibited, owners and occupants affected must be notified ahead of time. Access must be provided at all times to fire hydrants.
- 13.4.11 If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, the Permittee shall keep a passageway of at least the sidewalk width open adjacent to such sidewalk line.
- 13.4.12 Any survey marker, bar or benchmark disturbed by the Permittee shall be properly reinstated by an Ontario Land Surveyor at the expense of the Permittee.

- 13.4.13 Requirements for traffic control may be specified by the City.
- 13.4.14 Requirements for dust control, the cleaning of streets, the prevention of noise and other nuisances offensive or injurious to the neighbourhood, the general public or any portion thereof, may be specified by the Director of Operations. If the work to be undertaken by the Permittee will affect the use of properties abutting or adjoining the project, the Permittee shall notify, in writing, the affected property owners and/or tenants of the proposed work to be done and shall provide a copy of such notice to the Director of Operations.
- 13.4.15 If the work to be undertaken by the Permittee adversely affects the flow of vehicular traffic, in the opinion of the City, the Permittee shall notify the Police, Fire and Ambulance Authorities. Such notifications shall state the nature of the work to be done, proposed beginning and completion dates and location of such project.
- 13.4.16 All excavations shall be backfilled and restored according to current City standards and specifications for reinstatement of trenches, Schedule "D" of this by-law.
- 13.4.17 The Permittee shall carry out and be responsible for the maintenance of temporary surface repairs as per current City standards and specifications for reinstatement of trenches, Schedule "D" of this by-law.
- 13.4.18 Final surface restoration, of any concrete surface, shall be completed by October 31<sup>st</sup>, of the year in which excavations occurred or the restoration shall be deemed a temporary repair. If, deemed a temporary repair by the Director of

Operations, final surface restoration shall be complete after May 15<sup>th</sup> of the following year.

- 13.4.19 Final surface restoration of any sidewalk or roadway shall be completed by October 31<sup>st</sup> of the year in which excavations occurred. In the event final restoration cannot be completed before this date, a hard surface of hot mix asphalt, interlock paving stone or a temporary concrete surface, as per Schedule "D" is required until final surface restoration shall be completed after May 15<sup>th</sup> of the following year.

Final surface restoration may be performed directly by the City or as otherwise approved by the Director of Operations.

- 13.4.20 Other requirements that the Director of Operations deems necessary may be specified.

Please note that all areas disturbed during construction are to be restored to current standards or better within **thirty (30)** days of completion of the work described in the Permit or **thirty (30) days** after the expiration of the Permit. This may include but is not limited to placement of topsoil, sod, granular material, asphalt, and concrete. If areas disturbed by this work are not restored within this time frame, the City of Brockville reserves the right to restore the site to current standards on behalf of the Permittee. The Permittee will be invoiced upon completion of the restoration by The City of Brockville or designate, for all materials, installation, labour, administration and applicable taxes.

### 13.5 **Additional Utility Requirements**

#### 13.5.1 Submittals

- 13.5.1.1 Within one hundred and twenty (120) days after the adoption of this by-law,

a map or set of maps, each drawn to metric scale of not greater than (1:500), showing the location, size, and description of all underground plant, shall be supplied. Should said final drawings be produced on a C.A.D.D. drafting system or Geographic Information Systems, each Utility Authority shall provide to the City a copy of the data in a format usable by the City.

13.5.1.1.1 City's current C.A.D.D. system: 2020 AutoCAD Civil 3D

13.5.1.1.2 Geographic Information Systems: ARCGIS Pro 2.3

13.5.1.2 Within thirty (30) days after the first day of January of each and every year, each Utility Authority shall file with the Director of Operations a corrected map, set of maps, or, C.A.D.D. drafting or Geographic Information Systems, each drawn to scale as above, showing such plant, including all alterations or additions made during the precious year.

13.5.1.3 Each map, set of maps or C.A.D.D. drafting system or Geographic Information Systems filed pursuant to the provisions of this article shall show in detail the location of all such facilities abandoned subsequent to the filing of the preceding map, set of maps or C.A.D.D. drafting system or Geographic Information Systems.

13.5.1.4 Each utility, if required by the Director of Operations, upon this by-law being enacted, shall pay an Execution of Agreement Fee as well as an Annual Municipal Access Agreement Fee, as per Schedule "A" of this by-law.

#### 13.5.2 Abandoned Utilities

13.5.2.1 When the City plans to pave or improve streets in which there are abandoned facilities, the Owner of such facilities shall be notified to remove them if, in the opinion of the Director of Operations, their removal is in the best interest of the City. If the Owner should refuse to remove such facilities, the City shall remove the abandoned facilities and the Owner shall reimburse the City for such removal. Each Utility Authority shall file the following information with the Director of Operations.

### 13.6 **Inspections**

#### 13.6.1 General

13.6.1.1 The City shall make inspections of all work authorized by permit, as is deemed necessary. The City is empowered to provide a full-time Inspector at the Permittees expense, if the work to be performed is of a nature that a full-time Inspector is deemed necessary to ensure compliance with the provisions of this by-law.

13.6.1.2 Inspections that are required to take place at times other than between

7:00 A.M. to 3:30 P.M., Monday to Friday, shall be carried out at the expense of the Permittee.

#### 13.6.2 Notification

13.6.2.1 The City must be notified by the Permittee four (4) hours prior to backfilling and no backfilling shall commence prior to the City's Inspector being present.

13.6.3 It is a requirement that any utility company undertaking any boring under a City Street, at its cost, shall provide the City with a video inspection report of the sewer mains in the area of the boring, after completion, within the calendar year in which the work takes place.

13.6.4 In emergency circumstances, where sufficient time has not been available for the utility company to produce the said video inspection report, the City of Brockville may undertake this work. The costs incurred will be paid by the utility company that completed the boring.

### 13.7 **Deficiencies**

13.7.1 If any deficiency occurs within a period of eighteen (18) months from the date of completion of the permanent restoration, any expense incurred by the City in correcting such deficiency shall be paid by the Permittee, expenses shall be calculated based on Schedule "A". An acceptance certificate shall be issued by the Director of Operations at the expiration of the eighteen (18) month period.

13.7.2 If, upon final completion, a final restoration is deemed as deficient or a deficiency occurs within eighteen (18) months as per Subsection 13.7.1

above, a permit extension fee and reinspection fee shall be charged at such time and charged for each subsequent inspection required until work is satisfactorily completed. At the time said work is deemed satisfactory by the Director of Operations, a new eighteen (18) month period shall begin before an acceptance certificate shall be granted, as per Subsection 13.7.1

#### **13.8 Repair Costs Schedule – Schedule “A”**

13.8.1 The City is authorized to establish an annual Repair Costs Schedule for labour, materials and such other expenses as may be incurred for meeting the requirements of this by-law. The schedule shall be open to public inspection in the office of the Director of Operations upon demand as Schedule “A”.

13.8.2 The decision of the Director of Operations as to the cost of any work done or repairs made by the City or under their direction, pursuant to the provisions of this by-law, shall be final and conclusive as to such cost.

### **14. VANDALISM**

14.1 No person shall remove or deface any regulatory, warning, information or directional sign, traffic cone or other traffic control devices, affixed or placed in any street.

14.2 No person shall climb any lamp post or climb, break, peel, or cut, debark or deface any tree, sapling or shrub growth in any street.

### **15. LIABILITY INSURANCE AND WORKERS COMPENSATION BOARD CLEARANCE REQUIREMENTS**

15.1 No person shall undertake any work on or to a street without providing to the City Certificate of Insurance. The

certificate of Insurance requirement will reflect the following:

15.1.1 Commercial General Liability Insurance issued on an occurrence basis for an amount of not less than five million dollars (\$5,000,000.00) per occurrence/five million dollars (\$5,000,000.00) annual aggregate for any negligent acts or omissions relating to the obligations under agreement. Such insurance shall include, but is not limited to, bodily injury and property damage including loss of use; personal injury; contractual liability; premises, property & operations; non-owned automobile; broad-form property damage; owners & contractors protective; occurrence property damage; products; broad form completed operations; employees as Additional Insured(s); contingent employers liability; tenants legal liability; cross liability and severability of interest clause. Coverage shall not contain any exclusions with respect to explosions, collapse and underground property damage hazards.

15.1.1.1 Such insurance shall add the Corporation of the City of Brockville as an additional Insured subject to a waiver of subrogation. This insurance shall be non-contributing with and apply as primary and not as excess of any insurance available to the City

15.1.2 Automobile Liability Insurance with respect to owned or leased vehicles used directly or indirectly in the performance of the contract covering liability for bodily injury, death, and damage to property, with a limit of not less than five million dollars (\$5,000,000.00) inclusive for each and every loss.

- 15.1.3 A certificate of clearance from the Workers Compensation Board naming the City as the principal.

NOTE: The City may request this Certificate to be resubmitted at future dates until the completion of the associated work. These requirements may, at the sole discretion of the City, be waived in whole or in part depending upon the nature of the work and such other matters as the City may deem relevant.

## **16. STOP WORK ORDER**

- 16.1 Failure to comply with any or all of the regulations of this by-law may cause the City at their sole discretion to issue a Stop Work Order. If a Stop Work Order is issued, work shall not be permitted to recommence until the requirements, as stated by the City, have been complied with in all respects. The form of the Stop Work Order is shown in Schedule "B" of this by-law

## **17. REMEDIAL ACTION OR REPAIRS**

- 17.1 The City of Brockville may undertake or cause to be undertaken such remedial or repair works as, in the opinion of the Director of Operations, are necessary to rectify any noncompliance or violation of the provisions of this by-law. Expenses shall be calculated based on Schedule "A".

## **18. RECOVERY OF COSTS**

- 18.1 Where the City of Brockville undertakes or causes to be undertaken work or works to remedy any violation of this by-law, the City of Brockville may recover the expense incurred by such action, or the expense may be recovered in like manner of taxes in accordance with Section 398 of the Municipal Act. Expenses shall be calculated based on Schedule "A" of this by-law.

- 18.1.1 The fees and other amounts set out in Schedule "A" are in affect for the duration of 2021 only and, on the first day of January of 2022 or

thereafter within each year and each subsequent year, the fees and amounts that were in effect during the previous year will be increased by the rate of inflation.

## **19. PENALTY FOR VIOLATION**

- 19.1 Every person who contravenes any of the provisions of this by-law or any regulations and specifications adopted thereunder is guilty of an offence and on conviction is liable to a fine of not more than One Hundred Thousand Dollars (\$100,000.00) for the offence, together with costs of prosecution. However, a special fine may exceed this, as per Section 429 of the Municipal Act.
- 19.2 In the case of a continuing offence, for each day or part of a day that the offence continues a fine of not more than Ten Thousand Dollars (\$10,000.00) for the offence, together with costs of prosecution, is applicable. However, despite section 19.1, the total of all the daily fines for the offence is not limited to One Hundred Thousand Dollars (\$100,000.00), as per Section 429 of the Municipal Act.
- 19.3 In the case of a multiple offence, for each offence included in the multiple offence, a fine of not more than Ten Thousand Dollars (\$10,000.00) for the offence, together with costs of prosecution, is applicable. However, despite section 19.1, the total of all fines for each included offence is not limited to One Hundred Thousand Dollars (\$100,000.00), as per Section 429 of the Municipal Act.
  - 19.3.1 Multiple offence is defined as an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of a by-law.
- 19.4 Fines are recoverable under the Provincial Offences Act. Each day that a violation exists, after notice in writing shall have been served by the Director of Operations, shall constitute a separate offence as per section 19.2 and section 19.3.

## **20. SEVERABILITY**

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

## **21. ASSUMPTION OF RISK**

- 21.1 The possibility of injury exists when using any City street, for any purpose, particularly during or after events of precipitation. Any person using a street, for any purpose, is responsible for determining the obvious and inherent risk associated and thus conducting themselves in a safe manner. Pursuant to the Municipal Act 2001, Ontario Regulation 239/02, Minimum Maintenance Standards for Municipal Highways and clause 44 of the Municipal Act, the City shall maintain a state or repair that is reasonable in the circumstance. People who choose to use any street are assuming any and all risks associated with that decision and are waiving any and all claims against the City.


## **22. SHORT TITLE**

This by-law may be referred to as the "Care and Use of Streets By-law".

## **SCHEDULES**

Schedules "A", "B", "C", "D" and "E" attached hereto form part of this By-law

Given Under the Seal of the  
Corporation of the City of Brockville  
and passed this 22<sup>nd</sup>, day of March, 2022

  
\_\_\_\_\_  
Mayor  
\_\_\_\_\_  
City Clerk

**Schedule "A"**

**Repair Costs**

All costs will be charged on a labour, materials, installation, equipment, administration, and applicable taxes basis at the time the work is completed by City staff or designate.

**Excavation Permit**

Application for Permit	\$85.00
Note: Initial inspection fee is included	
Permit Extensions for Unfinished Restorations	\$85.00
Reinspection Fee	\$175.00

**Signs/Historical Markers**

Application for Permit	\$85.00
Provision of Sign	Amount of costs incurred by the City
Installation/Maintenance	Amount of costs incurred by the City
Annual Fee	Nil

**Dumpsters/Scaffolding/Other Encroachments**

Application for Permit	\$85.00
Daily Occupancy Fee	\$30.00
Daily Metered Parking Fee	As set out in by-law number 119-89 or
subsequent by-law or amendments thereto.	
Encroachment Agreement	\$200.00

**Additional Fees**

Management Staff	\$135.00 per hour
Other Staff	\$85.00 per hour

**Movement of Structures & Oversize or Overweight Loads**

Application for Permit	\$85.00
Escort Fees	\$105.00 per hour, per person
Annual Permit Application Fee	\$400.00

**Banners**

Application for Permit	\$85.00
Provision of Banner	Amount of costs incurred by the City
Installation/Maintenance	\$950.00

**Road Closure**

Closure Fee	\$226.50 plus applicable labour, materials, installation and equipment.
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### **Pavement Degradation Fee**

The City shall be paid for each occurrence that a paved surface is damaged, cut or removed as part of Permit Work. The Pavement Degradation charge is to recover the cost of pavement degradation caused by utility road cuts. The Pavement Condition ratings are based on the latest City Pavement Conditions survey results. Rating "1" being paved road in excellent condition and Rating "5" being a paved road in very poor condition.

Pavement Condition Rating "1"	\$52.75
Pavement Condition Rating "2"	\$42.80
Pavement Condition Rating "3"	\$32.45
Pavement Condition Rating "4"	\$21.30
Pavement Condition Rating "5"	\$12.50

### **Annual Municipal Access Agreement Fee**

The Utility shall pay Five Thousand Seven Hundred and Fifty Dollars (\$5,750.00) to the City annually. These fees are in place to offset staff (training, education, administration, and processing), equipment location approval for new utility construction projects and any legal consultant time.

### **Execution of Agreement Fee**

The utility shall pay Ten Thousand Dollars (\$10,000.00) to the City upon execution of this By-law, of which may be used by the City at any time to correct a breach by the utility with respect to the installation of the Equipment or any other breach of this by-law.

### **Municipal Consent (MC) – Company Design Plan Submission Approvals**

The utility shall pay Zero Dollars (\$0.00) to the City for the issuance of a MC for the purpose of being proposed in an approved location for purposed Equipment by the Director of Operations. It is understood that the Annual Fee provides compensation for City administration of MC's.

**Note: The fees and amounts set out in Schedule "A" are in effect for the duration of 2021 only and, on the first day of January of 2022 or thereafter within the year and of each subsequent year, the fees and amounts that were in effect during the previous year will be increased by the rate of inflation.**

**All fee and amount increases yearly will be established and available as per by-law 025-2021, General Fees and Service Charges, or subsequent by-law or amendments thereto, pertaining to Fees and Service Charges.**

**Fees and charges as per Section 390 and 391 of the Municipal Act.**

**SCHEDULE "B"**  
**Office of the City Engineer**

**Stop Work Order**

Date \_\_\_\_\_

Firm name: \_\_\_\_\_

Address: \_\_\_\_\_

Project: \_\_\_\_\_

Project address: \_\_\_\_\_

\_\_\_\_\_

I hereby order all work stopped on this project due to one or more of the following reasons:

Violation of City By-law no. : \_\_\_\_\_

Other  
reasons: \_\_\_\_\_

\_\_\_\_\_

—

\_\_\_\_\_

—

EFFECTIVE DATE:

\_\_\_\_\_

\_\_\_\_\_  
City Inspector

NOTE: Be advised that any person or firm failing to obey the above order is guilty of an offence and liable to a fine as established by this By-law and amendments thereto. This stop work order shall be in full effect when served upon any person violating this By-law.

**SCHEDULE "C"**  
**APPLICATION TO CROSS CITY-OWNED LANDS TO**  
**EFFECT CONSTRUCTION, REPAIR OR**  
**MAINTENANCE ON PRIVATE LANDS**

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Application no.: \_\_\_\_\_  
Date: \_\_\_\_\_  
Ref: building \_\_\_\_\_ permit #:

Applicant: \_\_\_\_\_  
Address: \_\_\_\_\_  
Postal  
code: \_\_\_\_\_  
Telephone no.: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Location of City \_\_\_\_\_  
Lands To Be \_\_\_\_\_  
Crossed: \_\_\_\_\_

Address of Private Lands: \_\_\_\_\_  
Where Construction/Maintenance/Repair To Take Place: \_\_\_\_\_

Type of Vehicles To \_\_\_\_\_  
Cross City-Owned Lands: \_\_\_\_\_ Finish Date:

Start Date: \_\_\_\_\_

Liability Insurance Certificate Required: \_\_\_\_\_

Workers' Compensation Certificate Required: \_\_\_\_\_

Deposit required: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

Permission is hereby granted for the above crossing for the period as stipulated.

\_\_\_\_\_  
City Engineer/Designate

## **SCHEDULE “D”**

### **Specifications & Standards for Reinstatement of Trenches**

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#### **1. Bedding**

As specified in City of Brockville Standard

- 300 mm compacted granular “A” for manhole and catch basin
- Detail 1 – concrete sidewalk details
- Detail 2 – watermain/service bedding details
- Detail 3 – pipe bedding
- Detail 4 – typical house connection
- OPSD 802.010 – flexible pipe embedment/backfill
- Detail 5 – hydrant/valve installation

Granular “A” shall conform to OPSS 1010

#### **2. Cover**

As specified in City of Brockville Standards

- Details 1-5, OPSD 802.010

Granular “A” and select subgrade material shall conform to OPSS 1010

#### **3. Backfill**

Shall conform to OPS5.MUNP.401 – trenching, backfilling and compacting

All trenches shall be backfilled, below roadway granular bases, with selected native material which is free from frozen lumps, ashes, refuse, vegetable or organic material, rocks and boulders over 150mm in any dimension or other deleterious materials.

If native excavated material is determined to be unacceptable, backfill material shall be one of the following as determined by the Director of Operations and/or their designate:

- Imported selected material, granular material or unshrinkable fill conforming to OPSS.MUNI.1359

Granular material shall conform to OPSS 1010

City of Brockville Standards

- Details 2,3,4
- OPSS 1359
- OPSS 1010

#### 4. Granular Base

Granular base shall be reinstated to match the existing types and depths prior to the excavation taking place. In general, the granular base shall consist of:

a) Roadway Surfaces

Minimum 300mm compacted granular "B" Type II and 150mm of compacted granular "A". On major arterial and collector roads the granular "B" Type II depth could vary from 300mm to 450mm.

b) Asphalt Driveways

150mm of compacted granular "A"

c) Concrete Driveways

150mm of compacted granular "A"

d) Concrete or Asphalt Sidewalks

150mm of compacted granular "A"

e) Concrete or Asphalt Curbs or Curb & Gutter

150mm of compacted granular "A"

Granular "A" and granular "B" Type II shall conform to OPSS 1010

Granular "B" type II shall be compacted with equipment capable of doing the work. Compaction equipment shall be approved by the Director of Operations before being used.

City of Brockville Standards:

- Detail 1
- OPSD Volume 3, Division 6 – Curbs and Gutters

#### 5. Cutting of Asphalt or Concrete Surfaces

Prior to any excavation taking place in an area with an asphalt or concrete surface, the edges are to be thoroughly saw cut to ensure easy separation of the surface and shall be saw cut in a straight line.

• Asphalt Roads

Asphalt surfaced roads shall be reinstated to match the existing types and depths of asphalt or the area prior to the excavating taking place. In general the asphalt base shall consist of:

- 50mm of HL4 or HL8 base course asphalt
- 40mm of HL3 surface course asphalt

On major arterial and collector roads a third layer of 50mm or HL4 or HL8 base course asphalt may be required to match the existing asphalt depth.

- Asphalt Boulevards and Driveways

Asphalt boulevards and driveway shall be reinstated with 50mm of HL3 in accordance with OPSS.Muni 310

All joints are to be painted with SS-1 emulsion. All material shall conform to OPSS 1103

Construction shall conform to OPSS 310

- Concrete Roads and Driveways

Concrete surfaces shall be reinstated to match the existing thickness of the area before excavation takes place. However, in no instance shall the concrete driving surface be less than:

- 150mm thick for roads
- 125mm thick for driveways

All materials shall conform to OPSS 350.05

All construction shall conform to OPSS 350.07

- Concrete Sidewalks

As specified in the City of Brockville Standards:

Detail 1

Only full bays of concrete sidewalks will be permitted to be removed.

All materials shall conform to OPSS 351.05

All construction shall conform to OPSS 351.07

- Asphalt Sidewalks

50mm of compacted HL3 shall be used. Longitudinal excavations will only be permitted if full width of sidewalk is removed and replaced.

All materials shall conform to OPSS 1150

All equipment shall conform to OPSS 311.06

All construction shall conform to OPSS 311.07

- Concrete Curb or Concrete Curb and Gutter

As specified in OPSD volume 3, Division 6 – Curbs and Gutters

All materials shall conform to OPSS 353.05

All construction shall conform to OPSS 353.07

- Asphalt Curb

Cross section of new curb to be same as end of existing curb.

All materials shall conform to OPSS 312.05

All construction shall conform to OPSS 312.07 with the exception that OPSS 312.06.01 may be omitted for lengths less than 30m.

- Paving Stones

Minimum of 20-30mm of compacted stone dust bed

All areas containing paving stones affected or damaged by construction shall be repaired by a contractor experienced in this work and approved by the Director of Operations.

- Topsoil and Sodding

Work shall be carried out in accordance with OPSS 802 and OPSS 803.

Topsoil and sod shall be placed to a grade to match existing ground or as directed by the Engineer.

Sod shall be properly keyed into existing grass grade so that there shall be no overlap of sod on existing grass. All sodded areas shall be smooth and free of any variances in grade. There shall be no visible gaps present between pieces of sod placed. The top of the placed sod shall be installed and remain flush with all adjacent hard surfaces.

Topsoil shall be imported and placed to a minimum compacted depth of 100mm. Nursery Sod shall meet the current requirements of the Ontario Sod Growers Association for No. 1 Kentucky Bluegrass Fine Fescue Sod and shall be cut to a minimum of 20mm thick.

The permit holder shall apply water as required to promote healthy growth and one application of insecticide treatment 30 days after installation.

- Compaction

All granular material shall be compacted to 100% maximum dry density as per OPSS 501 and 314.

All earth shall be compacted to 95% of the maximum depths of 300mm before being compacted.

Hot laid asphalt shall be laid in maximum 50mm lifts compacted to minimum 96% compaction as per OPSS 310. In no instance shall the surface course of asphalt be laid thinner than 40mm compacted thickness.

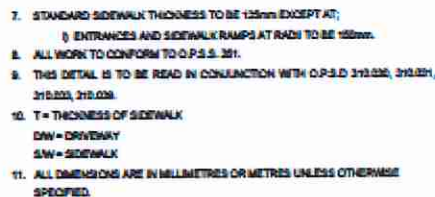
Temporary cold mix asphalt reinstated shall be compacted to 100% density.

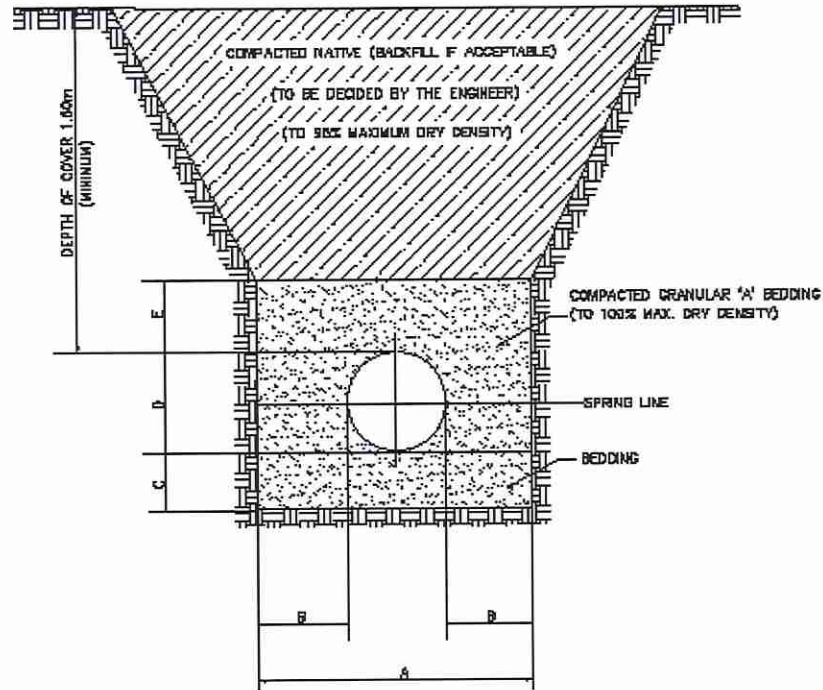
- Temporary Surface Repairs

Any asphalt, paving stones, or concrete surface removed or damaged shall be temporarily repaired with cold patch asphalt mix until final surface restoration can take place.

**List Index**  
**Summary of Ontario Provincial Standard Specification**

<u>NO.</u>	<u>Construction Specifications For:</u>
310	Hot Mix, Hot Laid Asphaltic Concrete, Hot Mix Patching
311	Asphalt Curb & Gutter Systems & Asphalt Surfacing of Existing Gutters
314	Construction Specifications for Granular Base
350	Concrete Pavement, Concrete Base
351	Concrete Sidewalk
353	Concrete Curb & Gutter Systems
401	Trenching, Backfilling & Compacting
501	Compacting
514	Trenching, Backfilling & Compacting
802	Topsoil
803	Sod
1010	Aggregates – Granular A, B, C, D, 16mm Crushed Type B, & Select Subgrade Material
1103	Emulsified Asphalt
1150	Hot Mix, Hot Laid Asphaltic Concrete
1359	Material Specifications for Unshrinkable Backfill





WATERMANS			
SIZE OF PIPE	100 TO 300	GREATER THAN 300	ALL
A	"D1" + "D2" + 1200	"D1" + "D2" + 1200	800 MIN
B	300 MIN	300 MIN	150 MIN
C	150	150	150
D	O.D. OF PIPE	O.D. OF PIPE	O.D. OF PIPE
E	300 MIN	300 MIN	300 MIN

**NOTES:**

1. ALL EXCAVATIONS AND SLOPES ARE TO BE IN COMPLIANCE WITH THE HEALTH AND SAFETY ACT
2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS OTHERWISE SPECIFIED
3. WHERE NATIVE BACKFILL IS NOT ACCEPTABLE, THE BACKFILL SHALL BE IMPORTED
4. COMPACT BEDDING, SPRING LINE AND COVER MATERIAL AS REQUIRED TO ACHIEVE 100% (MAX. DRY DENSITY)

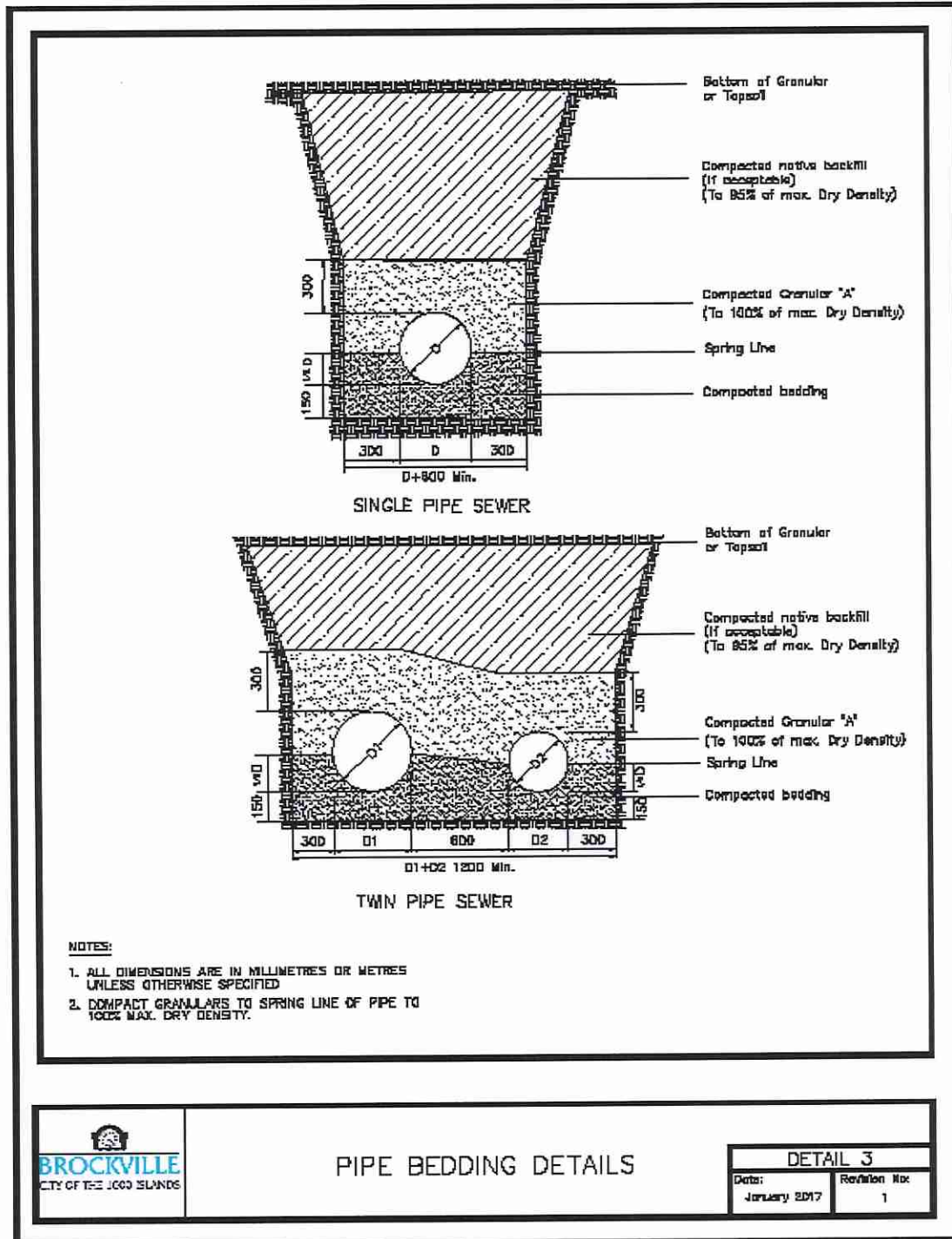


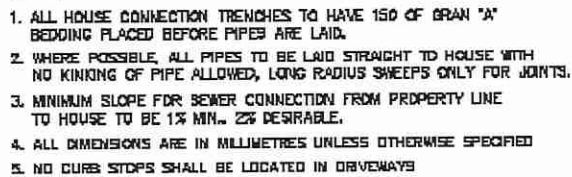
**WATERMAIN AND WATER SERVICES  
(BEDDING DETAILS)**

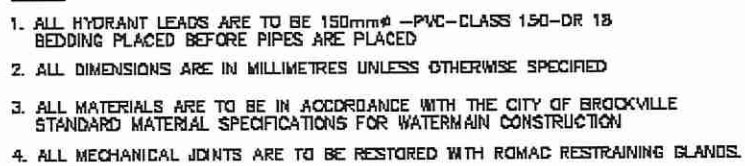
**DETAIL 2**

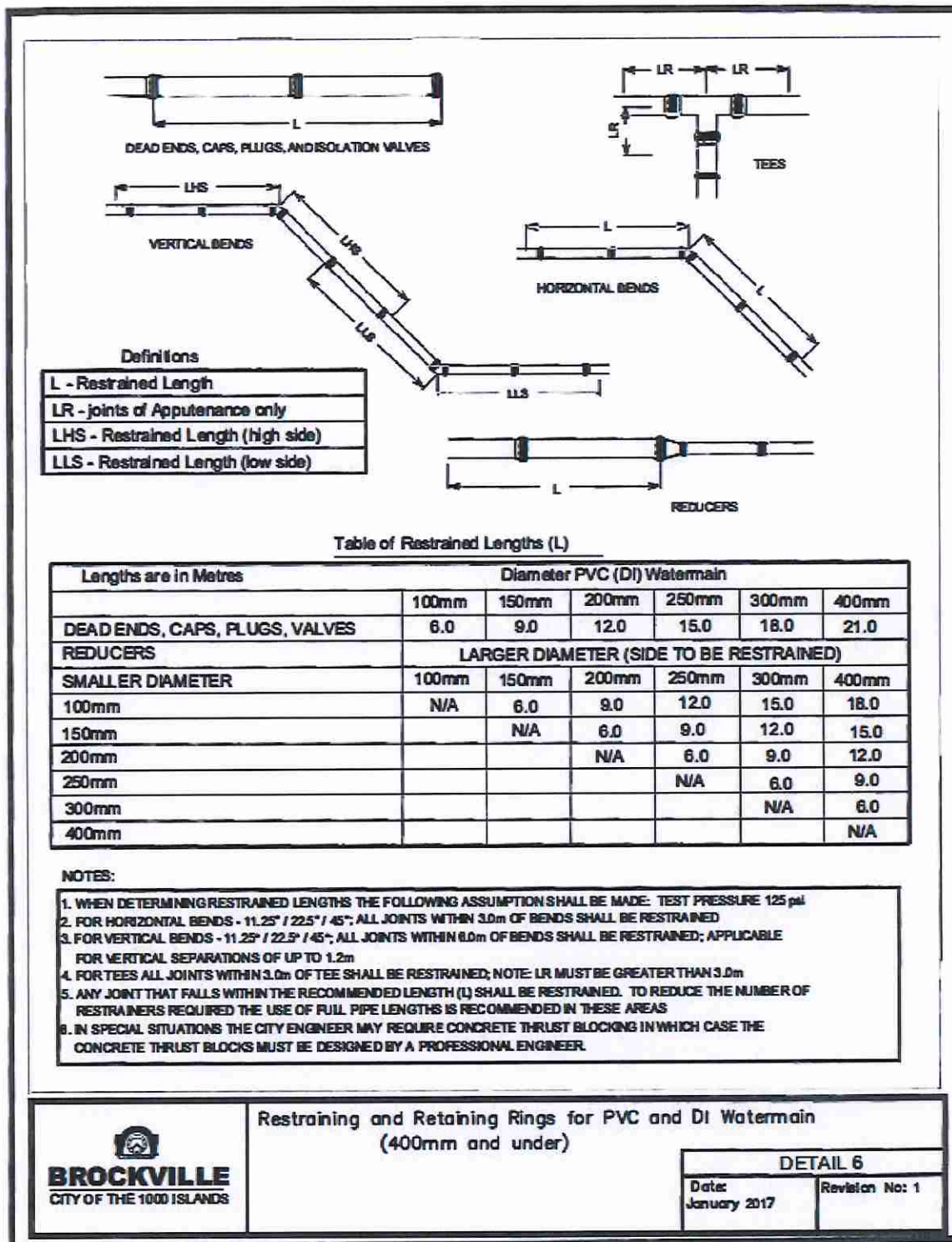
Date:  
January 2017

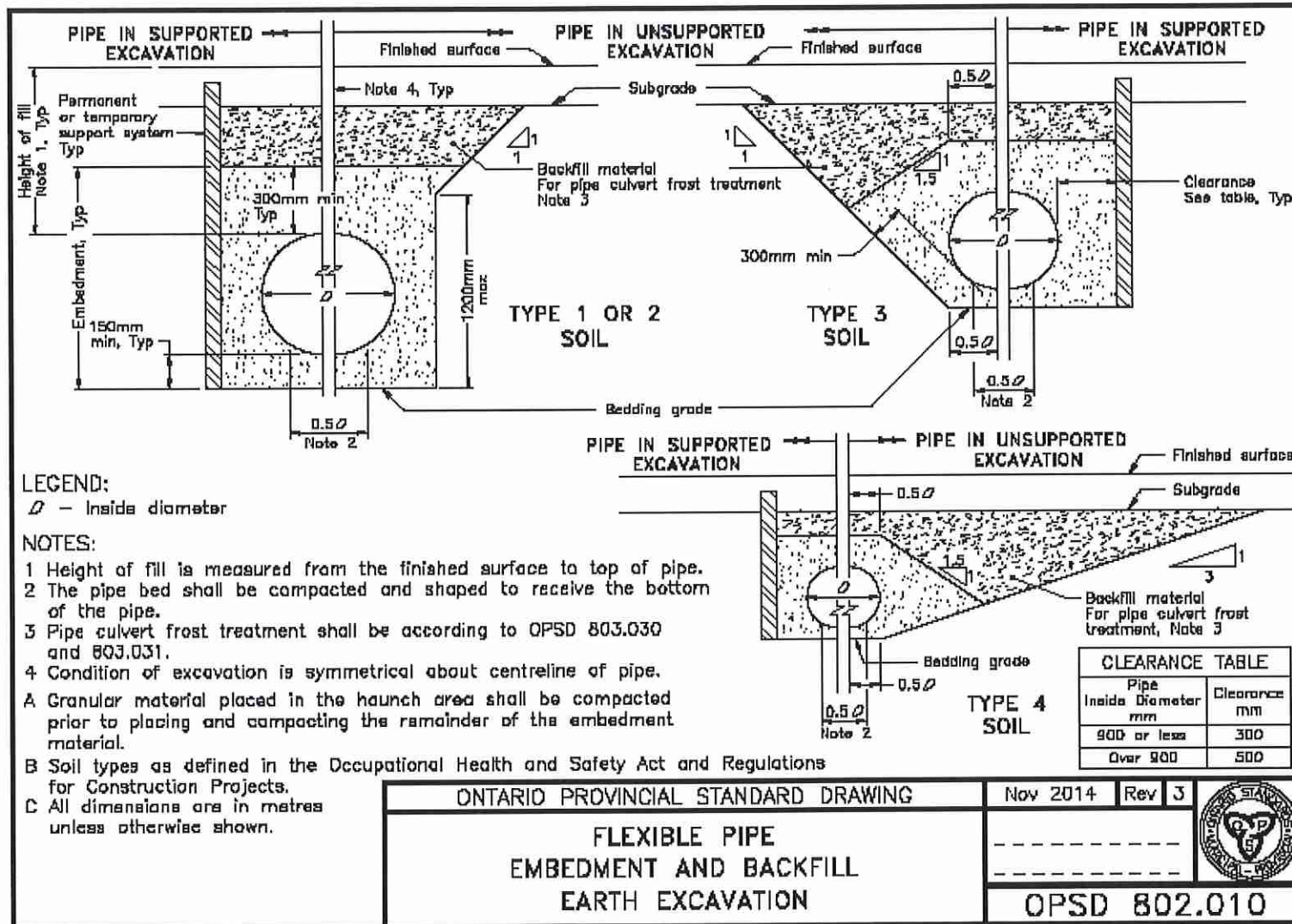
Revision No:  
1











**Schedule "E"**  
**Excavation Permit**



**CITY OF BROCKVILLE**  
**EXCAVATION PERMIT**

**APPLICANT INFORMATION**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Tel No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_

City: \_\_\_\_\_

Reference Location St p: # \_\_\_\_\_

Municipal Consent: # \_\_\_\_\_

Miscellaneous: \_\_\_\_\_

Permit No.: 0072

Date Issued: \_\_\_\_\_

Permit Fee: \$ \_\_\_\_\_

Permission is hereby granted under provisions of  
By-Law # 024-22 to carry out the following work:

Work Description: \_\_\_\_\_

Work Location: \_\_\_\_\_

**PROPOSED SURFACE RESTORATION  
REQUIRED DUE TO WORK**

**HARD SURFACES**

(asphalt/concrete, etc.)

Type

Size

Type	Size
_____	_____
_____	_____
_____	_____
_____	_____

**SOFT SURFACES**

(soil)

Type

Size

Type	Size
_____	_____
_____	_____
_____	_____
_____	_____

**ACTUAL SURFACE RESTORATION  
REQUIRED DUE TO WORK**

**HARD SURFACES**

(asphalt/concrete, etc.)

Type

Size

Type	Size
_____	_____
_____	_____
_____	_____
_____	_____

**SOFT SURFACES**

(soil)

Type

Size

Type	Size
_____	_____
_____	_____
_____	_____
_____	_____

**APPLICANT SIGNATURE**

Applicant Signature

Applicant, please print

City Engineer/Designate

In consideration of the issuance of this permit the applicant agrees to carry out all restoration required to the satisfaction of the City Engineer or his designate, or assumes the cost of such work as deemed by the City Engineer or designate. On signing this application, the applicant agrees to save the City, its officers, employees, and agents harmless from any and all costs, damages and liabilities which may accrue or be deemed to accrue by reason of any work performed under this permit.

Permit shall be terminated if no work commences within twenty (20) calendar days of permit issuance.

**City of Brockville**  
**Part 1 Provincial Offences Act**  
**By-law 024-2022 Care and Use of Streets**

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fines
1.	Cause damage to Streets without approval	2.1	\$300.00
2.	Deposit debris on street	2.2	\$300.00
3.	Tracking debris from construction / demolition site	2.4	\$300.00
4.	Cause damage to light standard, hydrant or other object on a street	2.7	\$300.00
5.	Posting notices, signs or advertisements on poles / trees or print anything on the street without approval	2.8	\$300.00
6.	Pump or discharge rainwater, downspouts or any other water source onto street	2.9	\$300.00
7.	Polluting / fouling streets by a vehicle animal or other means	2.12	\$300.00
8.	Failure to remove animal feces left on a street	2.13	\$300.00
9.	Allowing a tree / shrub to encroach over or upon any street	3.4	\$300.00
10.	Erecting scaffolding or placing material or goods on any street without permit	3.5	\$300.00
11.	Placing a dumpster or any other object or equipment on the street without permit	3.6	\$300.00
12.	Placing snow or ice on streets	6.4	\$300.00
13.	Use a street to move over dimensional loads and structures	7.1	\$300.00
14.	Failure to keep sidewalk free of obstructions and refuse	8.1	\$300.00
15.	Boulevard improvements that impede or endanger persons using the street	10.3	\$300.00
16.	Street closures without permission	11.1	\$300.00
17.	Incorrectly expose the underground pipes, utilities and cables during excavation	13.4	\$300.00

Note: The general penalty provisions for the offences listed above is section 19 of Bylaw 024-2022, a certified copy of which has been filed.

*The fine amounts listed above have been approved by the Reginald Senior Justice Panel. June 1/22 W. V. W. Reginald Senior Justice*

## ***PROVINCIAL OFFENCES ACT***

### **Part I**

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 024-2022, of the City of Brockville attached hereto is the set fine for that offence. This Order is to take effect on June 2, 2022.

Dated at Ottawa, this 2<sup>nd</sup> day of June 2022.

ELECTRONIC SIGNATURE:

*W. Vincent Clifford*

W. Vincent Clifford  
Regional Senior Justice  
Ontario Court of Justice  
East Region