



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 371-85

To prohibit the obstructing, encumbering or fouling of highways and to regulate the crossing of curbing, sidewalks, boulevards and parkland

The Council of The Corporation of the City of Brampton ENACTS as follows:

DEFINITIONS

1. In this by-law:

- (a) "construction" means anything done in the erection, installation, extension or material alteration, demolition or repair of a building and includes the installation of building units fabricated or moved from elsewhere and the installation of swimming pools;
- (b) "City" means The Corporation of the City of Brampton;
- (c) "Commissioner" means the Commissioner of Public Works and Building of The Corporation of the City of Brampton; or a person designated by him;
- (d) "highway" means a common and public highway and includes a street and bridge forming part of a highway or on, over or across which a highway passes;
- (e) "parkland" is as defined in By-law 161-83 as amended; and
- (f) "person" includes a corporation and its successors and assigns.

OBSTRUCTION OF HIGHWAYS, DITCHES AND CULVERTS

- 2. (1) No person shall obstruct or foul any highway under the jurisdiction of the City by any means whatsoever.
- (2) Without limiting the generality of subsection (1), the obstruction or fouling of a highway includes:
 - (a) the building or maintaining of a fence on a highway,
 - (b) the depositing of snow or ice on a highway, and
 - (c) the depositing of large refuse containers or bulk containers on a highways.
- 3. No person shall obstruct a ditch or culvert which is upon a City highway.
- 4. No person shall throw, place, deposit or permit to be blown or escape from premises occupied by him or dropped from a

paper, hand-bills, garbage, ashes, rubbish, the carcass of any animal, or any other refuse or waste material on any highway in the City of Brampton.

5. Any person employing or using trucks, graders or loaders or other vehicles in making excavations for building purposes, and in conveying earth, rubbish or other material from such excavations or from any other place along the public highways of the City, or in any operation involving the passage of such vehicles to and from any site, whether for building purposes or otherwise, shall at once remove from the pavements and sidewalks, or from any public place where the same may be deposited, all earth, rubbish or other material that may fall from the wheels of or from such trucks, graders or loaders, and shall employ and keep employed a sufficient number of sweepers or workmen or use such means as may be necessary to keep all such pavements and sidewalks in a clean condition and free from earth or other material.
6. The Commissioner and/or his representative of the City of Brampton may give to any such person, a notice in writing delivered by hand requiring the removal from such pavements and sidewalks of such earth, rubbish or other material within four hours and notifying such person that in default of compliance with the notice The Corporation of the City of Brampton will perform the work at his expense.
7. In the event that such person does not comply with the direction in the said notice, The Corporation of the City of Brampton may perform the work, or cause it to be done, and the cost thereof may be recovered from such person by court action, or the same may be recovered in like manner as municipal taxes.

CROSSING OF CURBINGS, SIDEWALKS,
BOULEVARDS AND PARKLAND

8. (1) Every person owning land abutting a highway on which land he intends to carry out construction which necessitates the crossing of curbings, sidewalks, grass or paved boulevards shall submit to the Commissioner an application in a form provided by the Commissioner accompanied by a deposit of \$25.00 per linear metre of the lot on which the construction takes place where the lot abuts such curbing, sidewalk or boulevard.
- (2) Where access to the land where construction is to take place is available only by crossing parkland, the owner of the land shall submit to the Commissioner an application in a form provided by the Commissioner accompanied by a deposit calculated as follows:
 - (i) \$2.50 for each square metre of turf area to be crossed;
 - (ii) \$25.00 for each square metre of asphalt park walkway to be crossed;
 - (iii) \$220.00 where the crossing necessitates the removal of part of any fence;
 - (iv) \$120.00 where a curb has to be crossed;
 - (v) \$140.00 where a sidewalk has to be crossed; and
 - (vi) where the crossing may disturb trees or shrubs, an amount to be determined by the Commissioner which represents the replacement cost of any tree or shrub which might be damaged.

- (3) An application required by subsections (1) or (2) shall be accompanied by a non-refundable administration fee of \$50.00.
9. (1) Upon receipt of an application under subsection 8(2), the Commissioner shall determine the location where the parkland crossing shall be permitted.
(2) No person shall drive a construction vehicle or construction equipment across parkland at any location other than one determined by the Commissioner under subsection (1).
10. (1) The owner of the land where construction is to take place shall repair any damage to curbs, sidewalks, paved boulevards or parkland occasioned by a crossing to which subsections 8(1) or 8(2) applies.
(2) In the event that the said owner does not complete the repairs required by subsection (1), the City may complete the repairs and retain from the deposit required by subsections 8(1) and 8(2) an amount equal to the cost of the repairs.
(3) The owner or the occupier of lands upon which construction is taking place as set out in subsections 8(1) and 8(2) shall take all necessary steps to prevent building materials, waste or soil from being spilled or tracked onto the highway by vehicles or equipment going to or coming from the lands during the course of the said construction and the owner or occupier of the said lands shall reimburse the City for any costs incurred by the City in removing such building materials, waste or soil.
(4) The City may recover its costs incurred pursuant to subsection (3) from the deposit required under subsections 8(1) and 8(2).
(5) Where the costs incurred by the City under subsections (2) and (4) exceed the amount of money deposited under subsections 8(1) and 8(2), the excess shall be a debt owing to the City and may be collected in a like manner as municipal taxes.

RETURN OF DEPOSIT MONEY

11. (1) When construction has been completed and the City has not incurred and will not be incurring any costs under subsections 10(2) and 10(3), the City shall, upon application by the person paying the deposit required by subsections 8(1) and 8(2), refund the deposit to that person.
(2) Where the costs incurred or to be incurred by the City under subsections 10(2) and 10(3) are less than the amount of the deposit required by subsections 8(1) and 8(2), the City shall, upon application by the person paying the deposit, refund the difference to that person.
(3) Where any money paid under subsections 8(1) and 8(2) remains unclaimed for a period of six years, the provisions of paragraph 2(b) of section 315 of the Municipal Act (R.S.O. 1980, c. 302, as amended) shall apply.

PENALTIES

12. Any person who contravenes the provisions of this by-law is guilty of an offence, and, upon conviction, is liable to a penalty not to exceed Two Thousand Dollars (\$2,000.00).

REPEAL OF BY-LAWS

13. By-law 61-74 and paragraphs (b), (c), (d) and (e) of subsection 8(4) of By-law 161-83 as amended are hereby repealed.
14. Paragraph (a) of subsection 8(4) of By-law 161-83 as amended, is hereby repealed and the following substituted therefor:

- (4) No person shall operate a motor vehicle in parkland except upon roadways, parking areas or any other area intended for public vehicular use, unless that person has obtained a permit to cross parkland from the Commissioner of Public Works and Building pursuant to By-law .

READ a FIRST, SECOND and THIRD TIME and PASSED in Open Council this 16th day of December, 1985.



Kenneth G. Whillans Mayor



Leonard J. Mikulich Clerk

APPROVED
AS TO FORM
AW DEPT.
BRAMPTON

WCC

DATE 12/16/85

December 16th 19 85



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