



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 372-85

A by-law for prohibiting or regulating the injuring of highways or bridges and for closing temporarily any highway or portion of a highway under the jurisdiction of the City for any period during the construction, repair or improvement of such highway.

WHEREAS pursuant to Subsection 1 of Section 315 of the Municipal Act (R.S.O. 1980, c. 302 as amended) the municipal council may pass by-laws for prohibiting or regulating the obstructing, encumbering, injuring or fouling of highways or bridges;

AND WHEREAS pursuant to paragraph 43 of Section 208 of the Municipal Act (R.S.O. 1980, c. 302, as amended) the municipal council may pass by-laws for closing temporarily any highway or portion of a highway under the jurisdiction of the municipality for any period during the construction, repairing or improvement of any such highway or portion thereof, or of any works under, over, along, across or upon such highway or portion thereof.

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

1. In this by-law,
 - (a) "City" means The Corporation of the City of Brampton;
 - (b) "Commissioner" means the Commissioner of Public Works and Building for the City of Brampton, or a person designated by him;
 - (c) "entrance culvert" means an arched drain or conduit for the passage of water constructed on City land under a driveway or other access point to private lands;
 - (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) "permit holder" means any person to whom a permit has been issued under this by-law;
 - (f) "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; and
 - (g) "working day" means any Monday to Friday inclusive which is not a statutory holiday between 08.30 and 16.30 hours.
2. (1) No person shall commence construction or repair of:
 - (a) an entrance culvert, or
 - (b) any work over, on, under or adjacent to any City highway which is likely to require the temporary closing, obstruction or encumbering of part or all of such highway,

unless and until a permit has been obtained for such purpose from the Commissioner, until signs, barricades

and other safety measures have been provided, and, if necessary, until alternative traffic routes have been established in accordance with the provisions of Section 4 of this by-law.

- (2) All applications for a permit required under subsection 1 of this section shall be made on the forms provided by the Commissioner and shall be accompanied by such other supportive materials as may be required by the Commissioner, and by a non-refundable administration fee of \$50.00. The administration fee shall not be required for members of the Public Utilities Co-ordination Committee.
 - (3) If the work to be undertaken necessitates a temporary highway closure, the applicant for the permit shall take such steps as are reasonable and necessary to advise and accomodate all persons who will be affected by the temporary closure of the highway.
3. (1) (a) If the work to be undertaken does not necessitate a temporary highway closure, an application to the Commissioner for a permit required under section 2, shall be made at least two (2) working days before the date of commencement of the work.
- (b) If the work to be undertaken necessitates a temporary highway closure, an application to the Commissioner for a permit required under section 2 shall be made at least five (5) working days before the date of commencement of the work.
- (2) Notwithstanding the provisions of subsection 1 of this section if the work to be undertaken is required immediately for public health, safety or welfare reasons an application to the Commissioner for a permit required under section 2, shall be made within the first four (4) hours of the first working day after the date of commencement of the work.
4. When a permit has been issued, the permit holder shall, during the course of the work,
- (a) maintain a reasonable safe alternate route for vehicular and pedestrian traffic;
 - (b) provide and maintain reasonable local access routes for all property owners or occupants whose access will be affected by the proposed works;
 - (c) supply, erect and maintain at his own expense all barricades, signs, covers, lights, flagmen and other safety warning devices as may be required by the commissioner to protect the vehicular and pedestrian traffic; and
 - (d) provide and maintain pedestrian traffic routes which are separated from vehicular traffic and the project site in a manner satisfactory to the Commissioner.
5. Where a permit holder fails to comply with any of the provisions of section 4, the Commissioner may perform the works necessary to effect compliance with the section and all costs and expenses incurred thereby shall be borne by the permit holder.
6. If the works to be undertaken cannot be completed by the expiry date set out in the permit, the permit holder shall

make an application to the Commissioner for an extension of time and the application shall be made at least two (2) working days prior to the expiry date set out in the permit.

7. (1) No permit holder shall remove, relocate, conceal from view or interfere with any traffic signs in the course of carrying out the work;
- (2) If a permit holder requires traffic signs to be temporarily removed or relocated he shall request the Commissioner to carry out such removal and all costs thereby incurred shall be borne by the permit holder.
8. All work to be undertaken under a permit issued under this by-law shall be carried out in a manner which is satisfactory to the Commissioner.
9. (1) When a hazardous condition arises during the course of the work undertaken by a permit holder, the permit holder shall immediately notify the Commissioner and any affected utility company of the condition.
- (2) When a hazardous condition arises during the course of the work undertaken by the permit holder, the Commissioner may order the road closed, the work halted or other appropriate remedial action to be taken.
10. The permit holder shall notify the Commissioner immediately when the work undertaken has been completed.
11. (1) Upon completion of the work the permit holder shall restore the highway affected by the work to the condition in which it was immediately prior to the commencement of the work and shall guarantee the workmanship on all the restoration work within the limits of the road allowance for a period of eighteen (18) months from the date of completion of the work.
- (2) Notwithstanding the provisions of subsection 1 the restoration of the highway may be carried out by the City and the permit holder shall reimburse the City for the costs of the restoration.
12. The permit holders shall be responsible for all damages to all existing services when such damages arises out of the work undertaken by the permit holder.
13. Work performed by the City under this by-law shall not relieve the permit holder, or his agents, servants or workmen from any responsibility or any liability arising out of the performance of the work under the permit.
14. Every person who uses a highway or portion of a highway which has been closed to traffic under this by-law, does so at his own risk and the municipality is not liable for any damages sustained by reason of the person using the highway or portion thereof so closed to traffic.
15. The Commissioner may stop any person working if that person is carrying on any work over, on or under any highway without a permit issued under this by-law.
16. (1) Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than \$2,000.00 exclusive of costs.

- (2) Notwithstanding the provisions of subsection 1, a person who without lawful authority uses a highway or portion thereof closed to traffic and protected pursuant to this by-law, and/or who removes or defaces any barricade, device, detour sign or notice placed thereon under this by-law, is guilty of an offence on summary conviction is liable to a penalty of not more than \$50.00 plus costs and is also liable to the City for any damage or injury occasioned by such wrongful use, removal or defacement.

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
LAW DEPT.
BRAMPTON

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