

**THE CORPORATION OF THE UNITED TOWNSHIPS
OF DYSART, DUDLEY, HARCOURT, GUILFORD,
HARBURN, BRUTON, HAVELOCK, EYRE AND CLYDE**

BY-LAW NO. 2009-29

**BEING A BY-LAW TO IMPOSE FEES AND CHARGES TO RECOVER THE
COSTS OF REPAIRING DAMAGE TO HIGHWAYS OR REMOVING WASTE
MATERIAL THEREON CAUSED BY CONSTRUCTION VEHICLES**

WHEREAS the Corporation of the United Townships of Dysart, Dudley, Harcourt, Guilford, Harburn, Bruton, Havelock, Eyre and Clyde (the "Municipality") may pass by-laws within the Highway sphere of jurisdiction pursuant to Section 11(3) of the Municipal Act, 2001;

AND WHEREAS the Municipality may pass by-laws to impose fees or charges pursuant to Section 319(1) of the said Act;

AND WHEREAS construction vehicles using the highways of the Municipality going to and coming from private property for construction purposes may cause damage to the said highways or leave waste material thereon;

AND WHEREAS the Municipality wishes to impose charges to recover the cost of repairing such damage or removing such waste material;

NOW THEREFORE the Council of the Corporation of the United Townships of Dysart et al enacts as follows:

1. DEFINITIONS

For the purposes of this By-law, the following terms shall have the following meanings:

- 1.1 **"Construction Site"** means lands that abut or are accessed by a Highway on which lands any building is being erected, altered, repaired or demolished for which a building permit is required under the Building Code Act.
- 1.2 **"Construction Vehicle"** includes any self-propelled vehicle delivering materials to or removing materials from a Construction Site and any self-propelled vehicle manufactured, designed, re-designed, converted or re-constructed for a specific use in construction at the Construction Site.
- 1.3 **"Highway"** means any portion of any highway which is owned by, and under the jurisdiction of, the Municipality and to which Section 44 of the Municipal Act, 2001 applies.
- 1.4 **"Municipality"** means the Corporation of the United Townships of Dysart, Dudley, Harcourt, Guilford, Harburn, Bruton, Havelock, Eyre and Clyde.

2. REGULATORY PROVISIONS

- 2.1 The owner and occupier of every Construction Site shall take all necessary steps to prevent building material, waste or soil from being spilled or tracked onto a Highway by Construction Vehicles going to or coming from such Construction Site.

- 2.2 The owner and occupier of every Construction Site shall take all necessary steps to prevent damage to a Highway being used by Construction Vehicles going to or coming from such Construction Site.

3. **CLEANING AND REPAIR OF HIGHWAYS**

- 3.1 The owner of every Construction Site shall pay to the Municipality all costs incurred by the Municipality resulting from a breach by the owner or occupier of such Construction Site of any duties imposed upon such owner or occupier pursuant to Paragraph 2 of this By-law.
- 3.2 The owner of every Construction Site, shall, before the issuance of any building permit for the erection, alteration, repair or demolition of any building thereon, pay a fee in accordance with Schedule "A" attached hereto to meet the cost of inspecting the Highway both before and after it has been used by Construction Vehicles going to or coming from the Construction Site in order to determine whether there has been a breach of any duties imposed upon the owner and occupier of such Construction Site pursuant to Paragraph 2 of this By-law.
- 3.3 Where building material, waste or soil is spilled or tracked onto a Highway by Construction Vehicles going to or coming from a Construction Site or where damage has occurred to a Highway being used by Construction Vehicles going to or coming from a Construction Site the Municipality may clean or repair the Highway and then invoice the owner of such Construction Site for the costs incurred by the Municipality in accordance with Schedule "B" attached hereto by registered mail to the owner's last known address. Such costs may be recovered from the owner as a debt with interest at the rate of 15% per annum calculated for the period commencing 30 days following the date that the invoice is sent by registered mail and ending on the day the costs, including the interest, are paid in full. Any such debt may be added to the tax roll of the Construction Site of the owner if not paid in full within the said 30 day period and collected in the same manner as municipal taxes.

4. **ENFORCEMENT**

- 4.1 Every person who contravenes or fails to comply with any provision of this By-law shall be guilty of an offence and is liable, upon conviction, to the fines and penalties imposed by the Provincial Offences Act.

READ a first, second and third time, signed and the Corporate Seal attached hereto this 14th day of April, 2009.

REEVE: Murray Fearrey

CAO/CLERK: Tammy McKelvey

SCHEDULE 'A' TO BY-LAW NO. 2009-29

The inspection fee required to be paid pursuant to Paragraph 3.2 of this By-law is \$100.00.

SCHEDULE "B" TO BY-LAW 2009-29

1. Surface Repair to Highway at or near entrance to Construction Site - \$300.00.
2. Replacement of culvert at entrance to Construction Site - \$800.00.
3. All other costs to repair and clean – the then current rates charged out for roads equipment of the Municipality and labour costs for municipal employees.