

THE CORPORATION OF THE MUNICIPALITY OF BAYHAM

BY-LAW NUMBER 2016-097

**BEING A BY-LAW TO REGULATE THE CONSTRUCTION,
ALTERATION OR CHANGE OF ANY PRIVATE OR PUBLIC
ENTRANCE, GATE OR OTHER STRUCTURE OR A FACILITY
THAT PERMITS ACCESS TO A HIGHWAY AND TO PROHIBIT
THE DEPOSIT OF REFUSE AND DEBRIS ON THE SAME**

WHEREAS Council of the Corporation of the Municipality of Bayham deems it expedient and appropriate to regulate Entrances adjacent to Highways and prohibit Refuse and Debris from fouling a Highway;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE
MUNICIPALITY OF BAYHAM ENACTS A BY-LAW AS FOLLOWS:**

SHORT TITLE

**This by-law shall be known and may be cited as the Comprehensive
Road Care, Use and Entrance By-law**

Section 1 - Definitions

For the purpose of this by-law:

- 1.1 “Adjacent Property” shall mean the property abutting a Highway or the Public Lands to which an Entrance is intended to provide access to and from a Highway;
- 1.2 “Building Permit” shall mean a permit issued by the Municipality pursuant to the provisions and regulations of the *Building Code Act, 1992*.
- 1.3 ‘Chief Building Official’ or ‘CBO’ shall mean the Chief Building Official of the Corporation of the Municipality of Bayham.
- 1.4 “Clean” shall mean free of Refuse and Debris, and at the discretion of the Director of Public Works and Operations and/or CBO shall mean to sweep and/or flush the Highway with a mechanical street cleaning vehicle;
- 1.5 “Council” shall mean the Council of the Corporation of the Municipality of Bayham;
- 1.6 ‘County’ shall mean the Corporation of the County of Elgin.

- 1.7 "Curb Cut" shall mean any point at which the curb along a Highway is interrupted or depressed to provide Entrance to an Adjacent Property;
- 1.8 "Curb Line" shall mean the line of the curb, or, where no curb is constructed, the edge of the traveled portion of the Highway;
- 1.9 "Director of Public Works and Operations" shall mean the Director of Public Works and Operations, or designate;
- 1.10 "Entrance" shall mean an area of ingress and egress intended to provide vehicular access to an Adjacent Property from a Highway;
- 1.11 "Entrance Agreement" shall mean an agreement prepared by the Municipality for execution by the Municipality and an Owner as a condition for granting authorization to obtain an Entrance Permit to carry out Land Disturbance activities;
- 1.12 "Entrance Permit" shall mean a permit issued by the Director of Public Works and Operations and/or CBO for an area of ingress and egress intended to provide vehicular access to an Adjacent Property from a Highway;
- 1.13 "Expense" shall mean any and all sums of money actually spent or required to be spent by the Municipality pursuant to any section of this by-law, and shall include but not be limited to all charges, costs, a twenty-five percent (25%) administrative fee, taxes, outlays, legal fees and losses;
- 1.14 "Highway" shall mean a Highway under the jurisdiction of the Municipality and as defined by the *Municipal Act, 2001* and the *Highway Traffic Act, 1990*;
- 1.15 "Land Disturbance" shall mean any man-made change or site alteration to the land surface through excavation, importation, grading and construction activities including removal of trees, vegetation, trenching, filling and grading not in compliance with the issuance of a Building Permit from the Municipality. Land Disturbance shall not include normal farming practices, activities covered under a building permit or any man-made change or site alteration to the land surface through excavation, importation, grading and construction activities including removal of trees, vegetation, trenching, filling and grading for the purpose of lawn dressing, landscaping or adding to flower beds or vegetable gardens, provided that the ground elevation of the lands is not increased by more than ninety (90) centimetres and shall not exceed addition or removal of one hundred fifty (150) cubic metres of land per year.

- 1.16 "Lot" shall mean a parcel or tract of land capable of being conveyed and described in a deed or other legal document which:
- i. is a whole Lot described in accordance with and is within a registered plan of subdivision, other than a registered plan of subdivision which has been deemed by the Municipality not to be a registered plan of subdivision under a by-law passed pursuant to the *Planning Act*;
 - ii. is a legally separated parcel of land in existence on the date of passing of this by-law, and which so continues to the relevant time;
 - iii. has received a final and binding consent to a conveyance pursuant to the *Planning Act*; or
 - iv. is the whole remnant remaining to a (owned) Person after a conveyance has been made with a final and binding consent pursuant to the *Planning Act*, but for the purpose of this clause no parcel or tract of land ceases to be a Lot by reason only of the fact that a part or parts of it has or have been conveyed to the Township, the Region or any municipality; or, Her Majesty in the Right of Ontario, Her Majesty in the Right of Canada; or for the construction of a transmission line as defined in the *Ontario Energy Board Act, 1998*;
- 1.17 "Lot Line" shall mean any boundary of a Lot or the vertical projection thereof;
- 1.18 "Mud Mat" shall mean a grated device placed at an Entrance designed to prevent Refuse and Debris from fouling a Highway;
- 1.19 "Municipality" shall mean the Corporation of the Municipality of Bayham;
- 1.20 "Mutual Entrance" shall mean an Entrance to a Highway that provides shared access to serve separate existing Lots;
- 1.21 "Officer" shall mean a Municipal Law Enforcement Officer, a person authorized by Council with the responsibility for enforcing and administering this by-law as appointed by Municipality of Bayham By-law, or a Police Officer;
- 1.22 "Ontario Provincial Standards Drawings" shall mean standard drawings and construction and material specifications and contract tendering documents for road works jointly owned and produced by the Ministry of Transportation, Ontario (MTO) and the Municipal Engineers Association (MEA);
- 1.23 "Owner" shall include but not be limited to the applicant for an Entrance Permit and a Person who, alone or with others, owns a Lot as described in the most current assessment roll or is a director or officer of a corporation, as prescribed in a corporate profile or assessment roll;

- 1.24 "Person" shall include an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate or a natural person;
- 1.25 "Preventative Mat" shall mean a rubber or similar device which permits a Vehicle equipped with cleats, flanges, or tracks on its wheels or rollers to transport across or on a Highway without fouling or damaging the Highway;
- 1.26 "Public Lands" shall mean lands owned by, leased, licensed to or under the management of the Municipality, and shall include but not be limited to any Highway;
- 1.27 "Refuse" or "Debris" shall include but is not limited to:
- i. animal waste and excrement
 - ii. carcass, hides, bones or feathers of any animal or bird
 - iii. construction and landscaping materials
 - iv. celluloid cuttings,
 - v. material or thing soaked in oil or gasoline
 - vi. domestic waste
 - vii. grass cuttings, leaves and vegetation
 - viii. hay, straw and manure
 - ix. manufacturers/industrial waste
 - x. sawdust and shavings
 - xi. sewage and paper sludge
 - xii. snow and ice
 - xiii. swill, soil, dirt earth or organic material
 - xiv. tree branches or roots
 - xv. wrecked, dismantled, discarded, inoperative or abandoned machinery, Vehicles, trailers, boats and their component parts, and includes Vehicles that appear by reason of their appearance, mechanical condition or lack of current permit plates to be inoperable, and tires;
- 1.28 "Structure" shall mean anything constructed or erected, the use of which requires location on the ground, or attached to something having location on the ground and, without limiting the generality of the forgoing, shall include buildings and motor vehicles;
- 1.29 "Vehicle" shall have the same meaning as defined in *the Highway Traffic Act*, and includes a motor vehicle, trailer, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power.

Section 2 – Refuse and Debris

- 2.1 No Person shall, knowingly or unknowingly, throw, push, plow, place, pile, store, dump or deposit or permit to be thrown, pushed, plowed, placed, piled, stored, dumped or deposited any Refuse or Debris on a Highway.
- 2.2 No Person shall, knowingly or unknowingly, throw, push, plow, place, pile, store, dump or deposit or permit to be thrown, pushed, plowed, placed, piled, stored, dumped or deposited any Refuse or Debris to obstruct or interfere with any culvert or ditch adjacent to a Highway.
- 2.3 No Person shall, knowingly or unknowingly, foul, encumber or damage or permit to be fouled, encumbered or damaged a Highway by animals, Vehicles or other means.
- 2.4 No Person shall, knowingly or unknowingly, obstruct or permit to be obstructed a drain, gutter or water course along or upon a Highway.
- 2.5 No Person shall, knowingly or unknowingly, set or carry or permit to be set or carried fire on a Highway.
- 2.6 No Person shall, knowingly or unknowingly, erect or maintain or permit to be erected or maintained any gate or door so that the same shall open or swing outward over any part of a Highway.
- 2.7 Unless authorized by an over-dimensional permit issued by the Municipality, no Person shall, knowingly or unknowingly, move or permit to be moved any building or structure into, along, or across a Highway.
- 2.8 No Person shall, knowingly or unknowingly, move, or permit to be moved a Vehicle equipped with cleats, flanges, or tracks on its wheels or rollers on or along a Highway, except by means of a float, trailer, or other similar device.
- 2.9 No Person shall, knowingly or unknowingly, move, or permit to be moved a Vehicle equipped with cleats, flanges, or tracks on its wheels or rollers on or along a Highway unless a Preventative Mat has first been laid on the surface of the portion of the Highway to be crossed.
- 2.10 No Person shall, knowingly or unknowingly, pull down, destroy, deface or in any way interfere with, or permit to be pulled down, destroyed, defaced or in any way interfered with, any municipal infrastructure, including but not limited to, any post, surveyor's mark, bench mark, traffic sign, Highway name sign, sign board, regulatory sign, traffic signal, traffic cone, or any other traffic control device that is affixed or placed on a Highway.

- 2.11 No Person carrying out or causing or permitting to be carried out any Land Disturbance shall do so without keeping all Highways, under the jurisdiction of the Municipality, Clean of Refuse, Debris and dust emanating from the Land Disturbance.
- 2.12 No Person carrying out or causing or permitting to be carried out any Land Disturbance shall do so without constructing a Mud Mat, or taking alternate measures as approved by the Municipality to prevent Refuse and Debris from fouling a Highway.

Section 3 – Entrance Permits

- 3.1 No Person shall construct, install, widen or alter or permit to be constructed, installed, widened or altered any Curb Line, Curb Cut or Entrance without first having applied for and obtained an Entrance Permit from the Director of Public Works and Operations and/or CBO pursuant to the provisions of this by-law.
- 3.2 No Person shall construct, install, widen or alter or permit to be constructed, installed, widened or altered any Curb Line, Curb Cut or Entrance except in accordance with the plans, specifications, documents, the Ontario Provincial Standards Drawings, terms and conditions and any other information used as the basis for the issuance of an Entrance Permit from the Director of Public Works and Operations and/or CBO pursuant to the provisions of this by-law.
- 3.3 An Entrance, if permitted by the granting of an Entrance Permit pursuant to the provisions of this by-law, is permitted on a Highway only to provide Entrance to an Adjacent Property and shall not be constructed, installed, widened or altered or permitted to be constructed, installed, widened or altered to perform any other function, including the parking of Vehicles.
- 3.4 Every Entrance Permit shall be Lot specific.
- 3.5 Every Owner of Adjacent Property shall obtain an Entrance Permit for:
- i. construction of a new Entrance;
 - ii. changing the design of an existing Entrance;
 - iii. changing the location of an existing Entrance; or
 - iv. carrying out or causing or permitting to be carried out any Land Disturbance and shall include, but not be limited to any Land Disturbance conducted under a permit system authorized by the Province of Ontario, County or any Conservation Authority.

3.6 The Entrance Permit may:

- i. prohibit the construction, design, alteration and change in use of an Entrance without a valid Entrance Permit;
- ii. refuse to grant, suspend or revoke an Entrance Permit;
- iii. impose conditions, including special conditions as a requirement of obtaining, or continuing to hold an Entrance Permit; or
- iv. impose special conditions on an Entrance Permit in a class that have not been imposed on all of the Entrance Permits in that class in order to obtain, or to continue to hold an Entrance Permit.

3.7 The Director of Public Works and Operations and CBO shall have delegated authority to:

- i. prohibit the construction, design, alteration and change in use of an Entrance without a valid Entrance Permit;
- ii. refuse to grant, suspend or revoke an Entrance Permit;
- iii. impose conditions, including special conditions as a requirement of obtaining, or continuing to hold an Entrance Permit; and
- iv. impose special conditions on an Entrance Permit in a class that have not been imposed on all of the Entrance Permits in that class in order to obtain, or to continue to hold an Entrance Permit.

3.8 The Director of Public Works and Operations and CBO shall consider the following criteria when reviewing applications for Entrance Permits:

- i. public safety;
- ii. protection of the public through the orderly control of traffic movements onto and from Highways, including possible requirements for left and/or right turn lanes;
- iii. providing legal access onto Highways from Adjacent Property;
- iv. required sight distance, safe grade, and alignment conditions for all traffic using the proposed Entrance;
- v. maintaining the orderly flow of the traffic traveling on the Highway;
- vi. no undue interference with the safe movement of through traffic;
- vii. protection of the public investment in the Highway and minimizing Municipality expenditures on the maintenance of Highways and Entrances; and
- viii. reducing future maintenance problems and reconstruction costs of Highways and Entrances.

3.9 Every Owner shall provide in full a complete application at the time the application is submitted or the Director of Public Works and Operations and/or CBO shall not accept the application.

- 3.10 A complete application shall include all of the information required on the application form and the following:
- i. payment of the prescribed Entrance Permit fees set out in Schedule 'A' of this by-law;
 - ii. any other document or information as may be required in any other Section of this by-law; and
 - iii. any other affidavit, document or information as may be requested by the Director of Public Works and Operations and/or CBO.

TERM OF ENTRANCE PERMIT

- 3.11 An Entrance Permit issued with respect to a Lot pursuant to the provisions of this by-law shall be valid until any of the following activities occur on the same Lot:
- i. construction of a new Entrance;
 - ii. changing the design of the existing Entrance;
 - iii. changing the location of the existing Entrance;
 - iv. carrying out or permitting to be carried out any Land Disturbance and shall include, but not be limited to any Land Disturbance conducted under a permit system authorized by the Province of Ontario, County or any Conservation Authority.

- 3.12 An Entrance Permit shall expire six (6) months following the date of issue if the Entrance construction has not commenced. After the expiration of the six (6) month term, a new Entrance Permit shall be obtained before proceeding with work on the Entrance.

ENTRANCE PERMIT FEES

- 3.13 All Entrance Permit fees shall be as set out in Schedule 'A' to this by-law, reflected in the Municipality Fees By-law, and non-refundable.

CONDITIONS FOR ENTRANCE PERMIT ISSUANCE

- 3.14 For every Entrance Permit that is issued, the Owner shall perform and observe the following conditions:
- i. pay the applicable fees;
 - ii. not carry on activities that are in contravention of this by-law or any other Municipal By-law;
 - iii. when required, enter into an Entrance Agreement and pay the applicable fee set out in Schedule 'A' of this by-law, for any Entrance Permit that is issued as a result of Land Disturbance, which shall be in force and effect until said Land Disturbance ends, for which the Entrance Agreement conditions, having regard to the

objectives of Section 3.8 of this by-law, may include but not be limited to:

- a. Letter of Credit;
- b. specified transportation traffic routes;
- c. insurance; and
- d. indemnification.

ENTRANCE PERMIT APPLICATION - SUBJECT TO APPROVAL

3.15 Every Entrance Permit application shall be subject to investigations by and comments or recommendations from such municipal or provincial departments or agencies as the Director of Public Works and Operations and/or CBO deems necessary, or as directed by Council, including but not limited to:

- i. Ontario Provincial Police;
- ii. Municipality of Bayham Fire Department; and
- iii. Municipality of Bayham Public Works and Operations Department.

INCOMPLETE APPLICATION

3.16 An Entrance Permit application that does not comply with the provisions of Section 3.10 shall be deemed incomplete and shall be returned by registered mail to the Owner pursuant to 3.19 of this by-law.

3.17 Every Entrance Permit application that has not received required comments from all municipal or provincial departments or agencies as the Director of Public Works and Operations and/or CBO deems necessary within sixty (60) days from the date of filing of the application, pursuant to Section 3.15 of this by-law, due to the Owner's inability to comply with the requirements to obtain an Entrance Permit pursuant to this by-law, shall be deemed incomplete.

NOTICE

3.18 Every Owner shall notify the Director of Public Works and Operations in writing within ten (10) days of any change in his mailing address and shall be sent to:

Director of Public Works and Operations
Municipality of Bayham
9344 Plank Rd
Straffordville, ON
L9P 1T1

- 3.19 Any notice or request made pursuant to this by-law may be given in writing by registered mail and is effective:
- i. on the date on which a copy is hand delivered to the Person to whom it is addressed; or
 - ii. on the fifth (5th) day after a copy is sent by registered mail to the Person's last known address.
- 3.20 For the purpose of Section 3.19 of this by-law, the Owner's last known address shall be deemed to be that provided pursuant to Section 3.10 of this by-law and may be changed pursuant to Section 3.18 of this by-law.
- 3.21 No Person served with a notice under any section of this by-law shall fail to comply with such notice within the time provided by such notice.

CONTRAVENTION OF OTHER LAWS PROHIBITED

- 3.22 The issuance of an Entrance Permit under this by-law is not intended and shall not be construed as permission or consent by the Municipality for the Owner to contravene or to fail to observe or comply with any law of Canada or Ontario or any other by-law of the Municipality or the County.

REVOCATION OF ENTRANCE PERMIT

- 3.23 The Director of Public Works and Operations and/or CBO may revoke or suspend an Entrance Permit:
- i. which is voluntarily surrendered by the Owner for revocation;
 - ii. at any time when the Owner fails to meet any provision of this by-law; or
 - iii. that was obtained by any mistake, misstatement or misrepresentation.

NOTICE OF ENTRANCE PERMIT REFUSAL, REVOCATION OR SUSPENSION

- 3.24 Where the Director of Public Works and Operations and/or CBO decides to refuse to issue, to revoke or suspend an Entrance Permit, he shall give notice of his decision for refusal, revocation or suspension to the Owner, together with the reason for his decision, pursuant to Section 3.19 of this by-law, as well as to such other Persons, departments, boards, commissions, authorities or agencies as appear to have an interest in the decision.

Section 4 - Entrance Permit - General Provisions

- 4.1 Every Entrance Permit that is issued shall be subject to Sections 2, 3 and Section 4 of this by-law, all of which shall be performed or observed at all times while the Entrance Permit is in force.

- 4.2 The Owner shall notify the Director of Public Works and Operations and/or CBO at least forty-eight (48) hours prior to commencement of any activities pursuant to Section 3.5 of this by-law, authorized by a valid Entrance Permit.
- 4.3 The Owner shall ensure that the construction of the Entrance is in accordance with the requirements of all applicable regulatory agencies having jurisdiction.
- 4.4 No person shall construct, install, widen or modify an entrance without approval of the Municipality.
- 4.5 The Owner shall be bound by the terms and conditions contained in the Entrance Permit and, where applicable, the Entrance Agreement.

Section 5 – Multiple Entrances - Mutual Entrances

- 5.1 Every lot shall be limited to the following number of entrances, namely:
 - i. up to the first 15 metres of lot frontage, not more than one (1) entrance;
 - ii. greater than 15 metres of lot frontage but not more than 30 metres of lot frontage, not more than two (2) entrances with a combined width not exceeding thirty percent (30%) of the lot frontage;
 - iii. for each additional 30 metres of lot frontage, not more than one (1) additional entrance.
- 5.2 Mutual Entrances shall be discouraged due to potential ownership problems and may only be considered at the sole and absolute unfettered discretion of the Director of Public Works and Operations if individual Entrances are not possible due to physical constraints.

Section 6 – Inspection and Maintenance

- 6.1 Upon approval and final inspection by the Director of Public Works and Operations of a culvert installation, within the municipal road allowance, as a component of an Entrance Permit issued pursuant to the provisions of this by-law, the culvert shall become the property of the Municipality and all subsequent maintenance and repairs of the culvert shall be the responsibility of the Municipality, at the discretion of the Municipality.
- 6.2 Every Entrance located on a Highway, within the municipally owned public right of way, shall be maintained in good condition by the Adjacent Property Owner in accordance with Ontario Provincial Standards Drawings at his own expense.
 - i. Condition and compliance is determined at the discretion of the Director of Public Works and Operations.

- 6.3 The Municipality shall maintain only that portion of the Entrance from the traveled portion of the Highway to the outer edge of the Curb Line.
- 6.4 The Director of Public Works and Operations may conduct a field inspection of the Entrance at any time during the application for the Entrance Permit or at any time the Entrance Permit is in force and effect.
- 6.5 The Director of Public Works and Operations may require that modifications or alterations be performed if the installation of the Entrance does not conform to the approved plans and specifications.
- 6.6 In the event of a contravention of any provision of this by-law, in addition to any fine ordered by a court of competent jurisdiction, the Director of Public Works and Operations may provide notice to the Owner requiring, among other things,;
- i. Refuse and Debris be removed from a Highway;
 - ii. a Highway to be Cleaned at the Owner's expense if the fouling is deemed by the Director of Public Works and Operations to be an immediate danger to the health and safety of any Person;
 - iii. the immediate cessation of any Land Disturbance causing fouling of a Highway; or
 - iv. the immediate cessation of any operation causing dust to blow onto a Highway from the Land Disturbance site.
- 6.7 In the event that modifications, alterations, Cleaning, removal or cessation are required, the Director of Public Works and Operations shall provide written notice of the required modifications, alterations, Cleaning, removal or cessation to the Owner pursuant to Section 3.19 of this by-law.
- 6.8 The Owner shall carry out the required modifications, alterations, Cleaning, removal or cessation pursuant to Section 6.7 of this by-law within the time period specified within the written notice and is responsible for the expense of any modifications, alterations, Cleaning, removal or cessation required.
- 6.9 Where the notice in Section 6.7 of this by-law is not complied with within the time period specified within the written notice, the Director of Public Works and Operations shall, on behalf of the Owner, modify, alter, Clean or remove the contravention at the sole cost of the Owner with such Expense to be recovered in full in the manner provided in Section 7 of this by-law.
- 6.10 The Municipality shall maintain and replace from time to time as required, in its discretion, all culverts installed meeting the requirements of this By-law. The maintenance and/or repair of the driving surface is the responsibility of the owner.

Section 7 - Recovery of Expenses

- 7.1 All expenses associated with an Entrance Permit are the responsibility of the Owner. The expenses shall include, but are not limited to, applicable Entrance Permit application fees, Entrance Agreement fees, construction materials and labour, utilities, traffic control devices, layout, surveying, engineering, legal costs and modification, alteration, Cleaning of Entrances or removal of Refuse and Debris.
- 7.2 All expenses incurred by the Municipality as a result of contravention of the General Provisions of this By-law are the responsibility of the Owner and/or offending party. The expenses shall include, but are not limited to, applicable Entrance Permit application fees, Entrance Agreement fees, construction materials and labour, utilities, traffic control devices, layout, surveying, engineering, legal costs and modification, alteration, Cleaning of Entrances or removal of Refuse and Debris.
- 7.3 All Expenses incurred by the Municipality in connection with the enforcement of this by-law shall be paid within thirty (30) days of their billing date, and in the event of failure to pay the entire amount due within said thirty (30) days, at the discretion of the Municipality, the outstanding balance of the invoice may thereafter be added to the tax roll and collected in a like manner as taxes as of the year in which the Expenses were billed.

Section 8 – Existing Entrances, Exceptions and Grandfathering

- 8.1 This by-law shall apply to all Entrances which existed or were created before this by-law was passed.
- 8.2 Existing Entrances to each Lot of record at the time of the passage of this by-law shall be permitted.
- 8.3 This by-law shall not apply so as to prohibit the Municipality, the County, and other provincial, federal and municipal agencies, their agents and employees, and Persons and organizations authorized by them in writing from depositing material upon, or excavating, any Highway within the Municipality, in the course of their normal operations, providing that all appropriate safety precautions are employed.
- 8.4 Section 3.5 i) and Section 3.11 i) of this by-law shall not apply to:
- i. Activities covered under a valid building permit;
 - ii. any minor alterations or repairs to a structure that do not include an excavation or a wet process such as masonry, concrete or plaster;
 - iii. attached or detached garages and carports which does not include an exaction or a wet process such as masonry, concrete or plaster;

- iv. accessory structures and additions to a house where such accessory building or addition does not include an exaction or a wet process such as masonry, concrete or plaster;
 - v. accessory structures and additions less than thirty square metres in building area;
 - vi. porches, sun decks and steps for houses;
 - vii. any advertising pole sign or fascia sign.
 - viii. Normal Farming Practices.
- 8.5 This by-law shall not apply to any development which is subject to a Subdivision Agreement within the Municipality until such time as all curbs, gutters and sidewalks required by the Subdivision Agreement are constructed.
- 8.6 At the discretion of the Director of Public Works and Operations, Section 3 of this by-law shall not apply to any Land Disturbance that is:
- i. subject to Site Alteration Agreement with the Municipality; or
 - ii. authorized under a valid, current Aggregate Extraction Licence issued by, and in compliance with the Ministry of Natural Resources.

Section 9 - Infractions and Penalties

- 9.1 Every Person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to pay a fine or penalty for each offence, exclusive of costs, as provided for in the *Provincial Offences Act*.

Section 10 - Prohibition Order

- 10.1 When a Person has been convicted of an offence under this by-law, the Superior Court of Justice, or any other court of competent jurisdiction, may, in addition to any other penalty imposed on the Person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the Person convicted directed toward the continuation or repetition of the offence.

Section 11 - Administration

- 11.1 Unless otherwise indicated, the administration of this by-law is assigned by Council to the Director of Public Works and Operations and the CBO who may delegate the performance of his functions under this By-law from time to time as occasion requires.
- 11.2 In this by-law, unless the contrary intention is indicated, words used in the singular shall include the plural and words used in the male gender shall include the female gender or vice versa, where applicable.

- 11.3 If there is a conflict between a provision in this by-law and a provision of any other Municipal By-law, the provision that establishes the highest standard to protect the health, safety and welfare of the general public shall apply.

Section 12 - Enforcement

- 12.1 An Officer and/or CBO shall be responsible for the enforcement of this by-law.
- 12.2 No Person shall hinder or obstruct or attempt to hinder or obstruct, any Officer or the Director of Public Works and Operations while exercising any power or performing any duty under this by-law.

Section 13 - Severability

- 13.1 In the event any section or provision of this by-law is held invalid, the remainder of the by-law shall continue in force and effect.
- 13.2 This by-law shall come into full force and effect on the date of its passing by Council.
- 13.3 By-law 2009-046 and 2009-088 shall be repealed in their entirety.

READ a FIRST, SECOND and THIRD TIME and finally passed this 3rd day of November, 2016.



MAYOR



CLERK

Schedule 'A'

COMPREHENSIVE ROAD CARE, USE AND ENTRANCE BY-LAW

BY-LAW 2016-097

<u>ITEM</u>	<u>FEE</u>
Entrance Permit Fee	\$160.00
Entrance Agreement Fee	\$500.00