

# THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

## BY-LAW NUMBER 28 OF 2005

Being a By-law to provide for the Regulation of Streets within the Municipality of Lambton Shores

The Municipal Council of the Corporation of the Municipality of Lambton Shores enacts as follows:

### *Part 1 Definitions*

In this by-law:

**"By-law Enforcement Officer"** shall mean a person duly appointed by the Corporation of the Municipality of Lambton Shores for the purpose of enforcing or carrying out the provisions of Municipal by-laws.

**"Deposit"** shall mean to throw or place.

**"Director of Community Services"** shall mean the person appointed by the Council to the position of Director of Community Services and any employee of the Municipality of Lambton Shores who acts at the direction of the Director of Community Services.

**"Municipality"** shall mean the Corporation of the Municipality of Lambton Shores.

**"Obstruct"** shall mean to block or interfere with or fill with obstacles.

**"Public Nuisance"** shall include, but not be limited to, urinating in public, shouting or yelling or loitering in a public place.

**"Roadway"** shall mean the portion of a highway or street which is improved for the travel of motor vehicles.

**"Road Works"** shall mean the physical improvements which have been made to a street including pavement, curbs, signs, gutters, trees, culverts, treated and graded surfaces, walls, sidewalks, utility apparatus, ditches and swales.

**"Sidewalk"** shall mean a walk or raised path or that portion of a street between the curb line or edge of pavement or the lateral line of a roadway and the adjacent property line, primarily intended for the use of pedestrians.

**"Snow"** includes ice and slush.

**"Street or Highway or Road"** are all used interchangeably and shall include a common and public highway, street, avenue, boulevard, bridge, crescent, cul-de-sac, court, parkway, driveway, square, place, shoulder, bridge, viaduct, or trestle, or the like, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

**"Sales by retail"** includes but is not limited to sales conducted from a refreshment stand or vehicle.

*Part 2*  
*PROHIBITED MATTERS*

**2. Prohibited Matters relating to Streets and Sidewalks**

No person shall (either by himself or by permitting others or by any means) without lawful authority:

- a) obstruct any street or sidewalk;
- b) place or construct any object or structure on, under or over a street or sidewalk;
- c) deposit any dirt, rubbish, glass, tires, rubbish or refuse on a street or sidewalk;
- d) create or cause a public nuisance or a public safety issue on a street or sidewalk, or within 3 (three) metres of a street or sidewalk by fire, water, vapour, noise or any means whatsoever;
- e) conduct any activity which interferes with public travel or use of a street or sidewalk.
- f) obstruct a ditch or culvert on any street.
- g) deposit any snow or ice from private property onto a street or sidewalk.

**3. Use of Streets and Sidewalks for the Sale or Display of Goods**

3.1 No person shall allow the display and sale of goods from private property to interfere with the flow of pedestrian traffic on a sidewalk, or vehicular traffic on a street or public highway.

**4. Deposit against Damage**

4.1 No person shall move heavy vehicles, loads, objects or structures in excess of the dimensions set out in the Highway Traffic Act on any roads or streets within the Municipality without first obtaining a permit from the Municipality for the moving of such vehicle, load, object or structure and providing a deposit against damage in the amount set out in Schedule "C" to this by-law. The deposit will be returned once it has been confirmed that damage did not occur.

4.2 Every person who applies for a building permit may be required to pay a road bond/deposit in the amount set out in Schedule "C" to this by-law to cover the cost of any damage to the road that may occur as a result of the construction. The road bond will be returned once it has been confirmed that damage did not occur as a result of the construction.

**5. Projections over street -removal by owner**

5.1 No person shall erect or allow to be erected any structure or thing which projects into or over a street without lawful authority. Any such structure or thing that projects into or over a street without lawful authority shall be removed by the owner of the land in connection with which it exists immediately after receiving notice from the Municipality to do so.

5.2 In default of such person removing same, the Municipality shall cause the same to be removed and such person shall, upon demand, pay to the Municipality the cost of such removal. If the structure or thing removed by the Municipality is to be returned, the owner may be entitled to redeem it, upon producing appropriate identification and receipt of payment of the cost of removal and storage fees if applicable.

## **6. Removal of a fence or structure obstructing travel**

6.1 No person shall obstruct any public highway or sidewalk by erecting, locating or placing thereon any fence, structures or encroachments. Any obstruction, including, but not limited to a fence, barricade or other thing which obstructs a street or interferes with public travel on it shall be removed by the person by whom the same has been built, maintained, placed or deposited.

6.2 In default of such person removing same, the Municipality shall cause the same to be removed and such person shall, upon demand, pay to the Municipality the cost of such removal. If the structure or thing removed by the Municipality is to be returned, the owner may be entitled to redeem, upon producing appropriate identification and receipt of payment of the cost of removal and storage fees if applicable.

## **7. Authorized use of Streets under agreement**

7.1 It shall be lawful for use to be made of a street pursuant to permission granted under a statute, by the Council under a by-law, resolution or agreement.

7.2 All authority conferred under this by-law is subject to the condition that each person who exercises a right to use a street in the manner provided is liable to any person who consequently suffers injury or loss and shall indemnify the Municipality of Lambton Shores from all such claims and actions.

## **8. Closing of Roads by the Municipality**

8.1 The Municipality may close any street to public travel for the purpose of repairing or improving it, or for the purpose of installing road works if a reasonable temporary alternative route for traffic and local access is provided.

8.2 When a street is closed to public travel for the purpose of repairing or improving it, or for the purpose of installing road works, there will be erected and maintained at each end of the portion of the street to be closed:

- (a) A detour sign and barricade;
- (b) A notice that the street is closed to traffic; and
- (c) A warning device which is in good working order for use between sunset and sunrise.

8.3 Every person who uses a street, or portion of a street so closed to traffic does so at his own risk.

8.4 Every person who without lawful authority uses a street, or portion of a street which has been closed to traffic in the manner provided above, or who removes or defaces any barricade, device, detour sign or notice, is guilty of an offence and is also liable for any damage or injury occasioned by such wrongful use, removal or defacement.

## **9. Removal of Snow and Icicles from a building or structure when hazardous**

9.1 The owner of a lot having a building, structure, or sign situated on it in such a manner as to represent a hazard from icicles, ice, or snow which may fall from it onto the street or sidewalk shall remove such icicles, ice, or snow from the building, structure or sign by 10 a.m. on any day which is not a holiday as defined in the Retail Business Holidays Act.

9.2 If the owner does not remove such icicles, ice or snow from the building, structure or sign as required by section 9.1, such icicles, ice or snow may be removed at the direction of the Municipality without notice to and at the expense of the owner of the land upon which the building, structure or sign is located, and such costs may be recovered by action or by adding the costs to the tax roll and collecting them in the same manner as municipal taxes.

## **10. Penalty Section**

10.1 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided in the Provincial Offences Act.

10.2 The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

## **11. Force and Effect**

This by-law comes into force and effect on the date of the final passing.

## **12. Previous By-laws Repealed**

All by-laws listed in Schedule "B" of this by-law are repealed as of the final passing of this by-law.

Read a first and second time this 2nd day of May, 2005

"MAYOR-J. C. Ivey"

"CLERK - Carol McKenzie"

Read a third time and finally passed this 6<sup>th</sup> day of June, 2005

## SUMMARY OF SCHEDULES

### Schedule "A" of By-law 28 of 2005

Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided in the Provincial Offences Act.

### Schedule "8" of By-law 28 of 2005

The following by-laws providing for the regulating of streets are hereby repealed as of the final passing of By-law 28 of 2005:

Lambton Shores: By-law 34-2004

Bosanquet: By-law 20-1999

Forest: By-law 18a-1975 By-law 56-1981

### Schedule "C" of By-law 28 of 2005

Deposits Required

For moving heavy loads: \$5,000.00

Road bond: \$1,500.00

Suggested Fines for Infraction \$105.00

The Corporation of the Municipality of Lambton Shores

Part II Provincial Offences Act

**Title: Regulation of Streets By-law**

Table 1

<b>ITEM</b>	<b>SHORT FORM WORDING</b>	<b>OFFENCE CREATING PROVISION OR DEFINING OFFENCE</b>	<b>SET FINE SUGGESTED</b>
1	Obstruct any street or Sidewalk	Section 2.a	\$ 105.00
2	Place, construct any object or structure on, under or over a street or sidewalk	Section 2.b	\$ 105.00
3	Deposit dirt, rubbish, snow, ice or refuse on a street or sidewalk	Section 2.c	\$ 105.00
4	Create or cause a public nuisance on a street or sidewalk	Section 2.d	\$ 105.00
5	Interfere with public travel or use of a street or sidewalk	Section 2.e	\$ 105.00
6	Obstruct any ditch or culvert	Section 2.f	\$ 105.00

The penalty provision for the offence indicated above is Section 10.1 of By-law 28 of 2005, a certified copy of which has been filed

The Corporation of the Municipality of Lambton Shores

Part I Provincial Offences Act By-law 28 of 2005

Table 2

<b>ITEM</b>	<b>SHORT FORM WORDING</b>	<b>OFFENCE CREATNG PROVISION OR DEFINING OFFENCE</b>	<b>SET FINE SUGGESTION</b>
1	Obstruct any street or Sidewalk	Section 2.a	\$ 100.00
2	Place, construct any object or structure on, under or over a street or sidewalk	Section 2.b	\$ 100.00

ITEM	SHORT FORM WORDING	OFFENCE CREATNG PROVISION OR DEFINING OFFENCE	SET FINE SUGGESTION
3	Deposit dirt, rubbish, snow, ice or refuse on a street or sidewalk	Section 2.c	\$ 100.00
4	Create or cause a public nuisance on a street or sidewalk	Section 2.d	\$ 100.00
5	Interfere with public travel or use of a street or sidewalk	Section 2.e	\$ 100.00
6	Obstruct any ditch or culvert	Section 2.f	\$ 100.00
7	Deposit snow or ice from private property onto a street or sidewalk	Section 2.g	\$ 100.00

The penalty provision for the offence indicated above is Section 10.1 of By-law 28 of 2005, a certified copy of which has been filed.