

THE CORPORATION OF THE TOWN OF SMITHS FALLS

By-Law No. 5783-91

A By-law to regulate the use of streets in the Town of Smiths Falls.

OFFICE CONSOLIDATION

This is an office consolidation of the Sign By-law and amendments thereto which has been prepared for convenience only. While every effort has been made to ensure the accuracy of the information contained herein, reference should be made to the original by-law and all amending by-laws for legal purposes.

Whereas Part XVII, Section 210, of the Municipal Act R.S.O. 1980 authorizes Council to pass by-laws to regulate the maintenance of, and safety of persons and/or property upon Town streets.

NOW THEREFORE the Municipal Council of the Corporation of the Town of Smiths Falls enacts as follows:

1. DEFINITIONS

The following definitions shall apply for the purpose of this by-law:

- a) "Boulevards" means all such parts of the streets of the Town between the curb or edge of the roadway and the street line as have been improved by seeding, sodding, or otherwise landscaped either by the Corporation or by any owner or occupant of land in front of whose property such improvement may be made.
- b) "Emergency" means any unforeseen circumstance or occurrence, the existence of which constitutes a clear and immediate danger to people or property.
- c) "Person" includes any individual, partnership, firm, association, utility, corporation and their heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.
- d) "Ramp" means any asphalt or concrete material which is added to the road surface, to provide access to a driveway or entrance.
- e) "Street" shall include the entire width of municipally owned property, commonly called a right-of-way and shall include a common and public highway, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle designed and intended for, or used by the general public for the passage of vehicles. Sidewalks shall be encompassed in this classification.
- f) "Lane" shall mean the entire width of municipally owned property which is below the standard width requirement of a street and is primarily designed and intended for use as an access way to local properties.
- g) "Sidewalk" means that portion of a street which is designed and constructed for the sole use of pedestrian traffic.
- h) "Town" shall mean the Corporation of the Town of Smiths Falls.
- I) "Town Engineer or Engineer" means the person duly appointed by the Municipal Council of the Town of Smiths Falls or his designated representative or inspector.
- j) "Vehicle" shall include a motor vehicle, trailer, traction engine, farm tractor, road building machine, and any vehicle drawn, propelled, or driven by power, including muscular power, but specifically excluding baby carriages, tricycles, bicycles, wheelchairs, carts, express wagons, roller skates, scooters and skate boards.

2. REGULATIONS

- a) No person shall run, draw or push any vehicle upon any sidewalk.
- b) It shall be unlawful for any person or persons riding or propelling any bicycle on any of the public streets to carry any child on said bicycle unless the child is in a child seat designed for that purpose and approved by the Town Police Department. A child shall not be drawn behind a bicycle in any form of a cart or trailer. Furthermore, it shall be unlawful to carry passengers on a bicycle unless that bicycle is specifically designed for multiple riders.
- c) No person shall use the streets or sidewalks for recreational purposes or crowd or shove other foot passengers, so as to create discomfort, disturbance, or confusion.
- d) No person shall distribute any paper, handbills, dodgers, or paper advertisement by scattering, throwing, or dropping the same upon any street.
- e) No person shall transport equipment on Town streets or sidewalks unless that person provides protection for those streets and sidewalks adequate to prevent damage to municipal property. *(By-law No. 5939-93)*
- f) No person shall place or replace any asphalt or concrete ramp on Town property for the purpose of facilitating access to their property. Temporary ramps may be permitted at the discretion of the Town Engineer. *(By-law No. 7237-97)*
- g) To prevent pedestrians from crossing boulevards at the corners of streets or lanes and injuring themselves, or damaging property, the owner or occupant of a premises situated at the intersection of the streets or lanes may erect and if so erected shall maintain a suitable fence or hedge or railing approved by the Engineer, provided that the fence or hedge so erected is at a distance of not less than 10 metres from the intersection of the street limits and shall not obstruct the view of the driver of a vehicle approaching the intersection. *(By-law No. 5939-93)*
- h) No person shall wilfully break, injure, dig up or destroy the sod, grass, fence, hedge or railing on any boulevard except that the owner of a property may, with the permission of the Town Engineer, construct a concrete or asphalt walk or driveway between the Town's sidewalk and a building.
- i) No person shall encumber, obstruct, injure, or foul, by animals, vehicles, debris or other means, any street or boulevard.
- j) No person shall permit a vehicle to remain stopped on any highway (unless in a designated parking zone) on or over a sidewalk, footpath, or within an intersection, pedestrian crossover or crosswalk.
- k) No person shall damage any awning, post, or other erection, legally placed in any public street or place.
- l) No person shall demolish, build or repair a structure adjacent to Town streets without first constructing hoarding of sufficient quality to prevent injury to pedestrians and vehicular traffic as in the Ontario Occupational Health and Safety Act, May 10, 1991, Chapter 321, Section 21 to 26 or amendments thereto. The Contractor shall notify the Engineering Department at least 24 hours in advance of any such construction in order that adequate inspection of provisions for public safety may be made.
 - i) If construction is adjacent to a sidewalk, adequate overhead protection shall be provided so that the sidewalk is not obstructed.
 - ii) If overhead protection is not provided and the sidewalk is obstructed a user fee will be charged.
 - iii) The user fee for such obstruction of the sidewalk shall be as set out in Schedule "A"

attached hereto. (By-law No. 7013-95)

- iv) The person installing the hoarding or overhead protection shall agree to save the Town, its officers, employees, and agents harmless from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of any work performed under said construction project.
- v) The user fee may, with the approval of Council, be changed from time to time.
- m) No person shall construct any building or any part thereof in such a way so as to encroach upon municipal property.
 - i) Where in the opinion of the Town Engineer an encroachment may occur onto Town property, a person intending to undertake a new construction on his/her property shall verify the property boundary through a qualified Ontario Land Surveyor. A copy of the survey plan thus generated shall be submitted by the property owner to the Town's Engineering Department.
 - ii) If a building is erected and projects beyond the municipal property line, the person erecting the building shall remove the building from the Town property. Every twenty-four hours that the building remains on Town property is deemed a separate offence against this By-law.
- n) No person, firm or corporation shall move, or cause to be moved, or assist in moving, any heavy vehicle, load, object or structure in excess of the dimensional limits set out in Section 109, Part VIII of the Highway Traffic Act onto, along or across any street, boulevard or sidewalk in the Town of Smiths Falls unless such person, firm, or corporation obtains a permit from the Town Engineer. Every permit holder shall continue to comply with the requirements and obligations under which the permit was issued. Such permit shall be attached hereto as Schedule "B". The application fee for such permit shall be as set out in Schedule "A" hereto. (By-law No. 7013-95)
- o) No person shall erect a barbed wire fence in the Town of Smiths Falls. Notwithstanding the above, a barbed wire fence may be constructed where in the opinion of the Town Engineer, such is warranted.
- p) No person shall dig up or remove from any public street, park, square, lane, alley or place, any turf, sod, earth, stone, gravel, grass, trees or shrubs without the permissions of the Town Engineer.
- (q) No person shall break, excavate, displace, remove, take up or shift any street, sidewalk, crossing, curbstone, grate or pavement in any street or public place until an Excavation Permit has been obtained from the Corporation of the Town of Smiths Falls. Such a permit will be granted when the applicant complies with the following:

- i) Provides a sketch showing location and proposed area of trench to be excavated or area of land to be affected by the work,
 - ii) Pays to the Town the cost of the cut permit fee, calculated according to the rates set forth in Schedule "A".
 - iii) Submits to the Town Engineer a satisfactory performance bond or a certified cheque in the amount specified which shall guarantee that the applicant will observe all requirements of this by-law. In addition to the foregoing the applicant shall also submit an insurance policy in the amount of \$1,000,000.00 for public liability for bodily injury and property damage. The Town Engineer shall have the authority to decide if one performance policy shall be required for each street cut or if it shall be sufficient to require these to be submitted once a year only.
 - iv) Provides the Town Engineer with written approval for the commencement of the work from the Smiths Falls Water Commission, the Bell Telephone Company of Canada and Ottawa Gas. The Smiths Falls Hydro Commission, Smiths Falls Water Commission, Bell Telephone Company of Canada and Ottawa Gas may be exempt from the above requirements at the discretion of and under conditions imposed by the Town Engineer.
 - v) Notifies the Town Engineer the day before opening cut and further gives 2 hours notice of intention to backfill trench. Notwithstanding the above, all connections and piping shall be inspected by Town forces before being backfilled and all inspections will be done during normal working hours of Town Forces.
- r) No person shall construct an entrance onto any street, boulevard, sidewalk, or public place, or alter any municipal drainage ditch, boulevard or sidewalk or alter, in any way to provide an access from a municipal street to private lands, unless or until an Entrance/Alteration Permit has been obtained from the Corporation of the Town of Smiths Falls. *(By-law No. 7237-97)*
- (s) Any person, firm or corporation that breaks, excavates, displaces, removes takes up or shifts, any street, sidewalk, crossing, curbstone, grate or pavement, or causes any of the foregoing to be done, in any street or public place in the Town, shall observe the following requirements during the execution of the work.
- i) Shall arrange for the removal and/or disposal of all excess materials to an appropriate disposal site.
 - ii) Shall not pile excavated material on Town streets without permission of the Town Engineer.
 - iii) Shall comply with the requirements of all other Town by-laws.
 - iv) Shall maintain access to private properties.
 - v) Shall reduce to a minimum inconveniences to motor traffic and pedestrians by expedition of work and by provisions of temporary bridging if latter is required by Town Engineer.
 - vi) Shall keep open at all times at least half of travelled portion of road where required by Town Engineer.
 - vii) Shall compact backfill in layers to avoid undue subsequent settlement. Provided that if undue settlement occurs at a later date because of poor backfilling, he shall be required to pay additional charge for repair of same.
 - viii) Shall not undertake blasting except under the inspection of all affected utilities and

with the permission of the Town Engineer. All liability for damage caused or created by such blasting shall be the responsibility of the person or company to whom the cut permit is issued.

- ix) Shall have experienced personnel, approved by the Town Engineer, on site during all blasting.
 - x) Shall exclude from backfill -- frozen material, organic matter, rock larger than will pass through a 300 mm ring, silt, mud or clay in fluid state. Where deemed necessary by the Town Engineer, the Contractor shall, at his own expense, replace part or all of the excavated material with sand or crushed stone backfill.
 - xi) Shall fill with approved granular material 600 mm sub-base of maximum 100 mm pit run gravel (Granular "B") and 300 mm base of maximum 19 mm crushed gravel (Granular "A") in travelled portion of road.
 - xii) Shall fill with crushed stone the top 200 mm of trench in road shoulders and gravelled boulevards.
 - xiii) Shall fill with topsoil the top 150 mm of trench in grass boulevard and lawn areas.
 - xiv) Shall remove during and on completion of work, all surplus material and the area shall be cleaned to the satisfaction of the Town Engineer.
 - xv) Shall repair promptly all damage to either Town or private property and shall restore ditches, culverts and driveway entrances to the satisfaction of the Town Engineer.
 - xvi) Shall comply with the requirements of the Town of Smiths Falls, when constructing or connecting a sewer or drain or water service in any street or public place.
 - xvii) Shall comply with the requirements of all appropriate Provincial and Federal legislation.
 - xviii) Any person excavating on a street or part of the road allowance, or using equipment in connection therewith, or equipment on a street or part of the road allowance, in connection with any building or renovations of any building, shall barricade and light such excavations or equipment as the case may be by at least one flashing light, visible in both directions on the street for at least 30 meters, and in addition, shall provide for a reflectorized area, visible also in both directions on such street, which shall be of some florescent material such as scotchlite or some other material.
- t) When a street or part of a street is being repaired, or constructed and where it is necessary and expedient in the judgement of the Town Engineer that such street or part of street be closed for traffic while the work is in progress:
- i) The Contractor shall apply to Council, in writing, for permission to enact such closure.
 - ii) The Contractor shall notify the appropriate Services, Departments and Companies affected by the construction.
 - iii) The Contractor shall place and erect suitable and sufficient barriers along and across the street or part of the street.
 - iv) The Contractor shall post notices that the street or part of the street is closed to traffic.
 - v) The Contractor shall observe all applicable provisions of the Manual of Uniform Traffic Control Devices and the Ontario Provincial Standard Specifications.

- vi) The Contractor shall accept responsibility for site safety and make good any damage resulting from or incidental to his activities.
- vii) No person shall (unless in the case of an emergency) enter upon or travel over or upon any street or part of a street which is closed to traffic unless permission is granted by the Town Engineer.
- u) No unauthorized person shall post any notices, or climb on any public owned street lamp post, telephone pole, street light, or power pole, railing or fence along a street.
- v) No person shall deposit snow, ice, grass cuttings, brush, sand or gravel, leaves or other material onto any sidewalk or street in the Town.
- w) No person shall allow ice or snow to accumulate on the roof or eaves of such buildings in such a manner as to pose a danger to passers-by. Every person while removing or having such snow or ice removed, shall take due care and precaution for the warning and safety of said passers-by. The owner of every such building shall take full onus and that the Corporation of the Town of Smiths Falls shall not be liable for any incident that might occur.

3. CONTRAVENTION

- a) The Town Engineer may order any person in contravention of this by-law to forthwith cease and desist from the contravention and to restore or replace the street, boulevard or sidewalk to its proper condition.
- b) Notwithstanding clause 3(a) and any order issued pursuant thereto, any person violating any of the provisions of this by-law, either by doing any act forbidden or by failing to do any act required by this by-law is guilty of an offence and on conviction shall be liable to a penalty pursuant to the Provincial Offences Act. Set fines may be established for certain offences contained in this by-law. Such set fines shall be established pursuant to the Provincial Offences Act. The Town reserves the right to dispense with the set fine and to seek a higher penalty through the courts if deemed advisable. (By-law No. 7013-95)
- c) Each and every day that this infraction exists may be considered a separate offence under this By-law.
- d) In addition to the above and pursuant to section 326 of the Municipal Act, in default of any matter or thing being done by the person, directed or required to do it, such matter or thing may be done at the person's expense and the Town may recover the expense incurred doing it by action or the same may be recovered in like matter as municipal taxes. (By-law No. 7013-95)

4. SEVERABILITY

- a) The provisions of this by-law are severable. If any provision, section or word is held to be invalid or illegal, such invalidity or illegality shall not affect or impair any of the remaining provisions, sections or words.

5. EFFECTIVE DATE

- a) The provisions of this by-law shall come into force and take effect upon the passing thereof.
- b) By-law No. 3274-64 as amended is hereby rescinded and where the terms of any by-law passed prior to this by-law conflict with this by-law, the terms of this by-law shall prevail.

Read a first and second time this 7th day of October, 1991.

Read a third time and PASSED this 21st day of October, 1991.

Mayor

Clerk

SCHEDULE A TO BY-LAW NO. 5783-91

DEPOSIT/FEE SCHEDULE (BY-LAW 7013-95)

EXCAVATION PERMIT

1. The deposit is refundable in full (less \$20.00 administration charge) upon inspection and approval by Public Works superintendent of the excavation and of its satisfactory reinstatement to the original condition.
2. It is the responsibility of the permit holder to arrange for inspections by Public Works. Reinstatement without adequate inspection at required stages of the project may oblige the permit holder to re-excavate the work. Critical stages of the project are considered to be:
 - i) when the excavation is open and the installation is commencing, prior to being backfilled
 - ii) during placement of asphalt/P.C. concrete/sod

DEPOSIT RATES

1.	Asphalt Roads	\$70.00 m ²
2.	Concrete Roads	\$95.00 m ²
3.	Concrete Sidewalks	\$95.00 m ²
4.	Asphalt Sidewalks	\$50.00 m ²
5.	Concrete Curb	\$50.00 m ²
6.	Concrete Curb & Gutter	\$75.00 m ²
7.	Asphalt Driveway	\$25.00 m ²
8.	Sod	\$70.00 m ²
9.	Sawcut Trimming of Cuts	\$6.25 m ²
10.	Asphalt Overlay (settlement repairs)	\$10.00 m ²

SIDEWALK USE

The user fee shall be calculated at a rate of \$0.80 per square metre per day and shall include roadway obstruction.

OVERSIZE/OVERWEIGHT PERMIT

The oversize/overweight permit application fee shall be \$15.00

SCHEDULE "B" TO
STREET USE BY-LAW NO. 5783-91

TARIFF OF FEES

The following fees associated with Street Use By-law No. 5783-91 are hereby applicable:

1. Entrance / Alteration Permit \$20.00
(Refer to section 2(s) of the by-law)

By-Law No. 5939-93

1. That By-law No. 5783-91 be and the same is hereby amended by:

- 1.1 deleting section 2(g) in its entirety and replacing same with the following:

2(g) “To prevent pedestrians from crossing boulevards at the corners of streets or lanes and injuring themselves, or damaging property, the owner or occupant of a premises situated at the intersection of the streets or lanes may erect and if so erected shall maintain a suitable fence, hedge, railing or other object or vegetation approved by the Engineer, provided that any such item so erected is at a distance of not less than 10 metres from the intersection of the street limits and shall not obstruct the view of the driver of a vehicle approaching the intersection.”

- 1.2 adding the following section 2(e) and renumbering the by-law accordingly;

2(e) “No person shall transport equipment on Town streets or sidewalks unless that person provides protection for those streets and sidewalks adequate to prevent damage to municipal property.”

2. That the provisions of this by-law shall come into force and take effect upon the passing thereof.

Read a first and second time this 17th day of May, 1993.

Read a third time and passed this 17th day of May, 1993.

By-law No. 7237-97

1. That By-law No. 5783-91 be and the same is hereby amended by:

- 1.1 adding a new clause 2(r) as follows:

“2(r) No person shall construct an entrance onto any street, boulevard, sidewalk, or public place, or alter any municipal drainage ditch, boulevard or sidewalk or alter, in any way to provide an access from a municipal street to private lands, unless or until an Entrance/Alteration Permit has been obtained from the Corporation of the Town of Smiths Falls.”

- 1.2 renumbering former clauses 2(r) to 2(v) inclusive to read clauses 2(s) to 2(w) inclusive; and

- 1.3 deleting clause 2(f) in its entirety and replacing same with the following wording:

“2(f) No person shall place or replace any asphalt or concrete ramp on Town property for the purpose of facilitating access to their property. Temporary ramps may be permitted at the discretion of the Town Engineer.”

2. That the schedule attached hereto and entitled Schedule “A” be and the same is hereby appended to By-law No. 5783-91 thereby setting the fee for the issuance of an Entrance/Alteration Permit.

3. That the provisions of this by-law shall come into force and take effect upon the passing thereof.

Read a first and second time this 5th day of May, 1997

Read a third time and passed this 5th day of May, 1997

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