

BY-LAWNUMBER 106-2010

A BY-LAW PERTAINING TO THE DEPOSIT OF
MONIES TO MEET THE COST OF REPAIRING
ANY DAMAGE TO THE SIDEWALK,
CURBING OR PAVED BOULEYARD IN THE
CITY OF WINDSOR

Passed the 28th day of June, 2010.

WHEREAS the provisions of Section 10 of the *Municipal Act*, R.S.O., 2001, as amended, authorizes single tier municipalities to enact by-laws regulating the obstruction of highways and the crossing of boulevards by vehicles;

NOW THEREFORE the Council of The Corporation of the City of Windsor enacts as follows:

1. In this by-law,
 - (a) **"Chief Building Official"** means the Chief Building Official appointed by City Council for the purposes of enforcement of the Building Code Act, Building Code and this by-law;
 - (b) **"City Treasurer"** means the Treasurer of the Corporation as appointed by City Council;
 - (c) **"City Engineer"** means the City Engineer as appointed by City Council
 - (d) **"construct"** means to do anything in the erection, installation or extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere and "constructed" and "construction" have a corresponding meaning.
 - (e) **"construction permit"** means a written authorization issued by the Chief Building Official for the construction of a building.
 - (f) **"Corporation"** means The Corporation of the City of Windsor.
 - (g) **"demolition"** means the doing of anything in the removal of a building or any material part thereof, and "demolished" has a corresponding meaning.
 - (h) **"demolition permit"** means a written authorization issued by the Chief Building Official for the demolition of a building.
 - (i) **"deposit"** means a sum of money paid to the Corporation to meet the cost of repairing any damage to the sidewalk, curbing or paved boulevard or to any water service box or to any other service therein caused by vehicles delivering material to, or removing material from a lot on which a building is being constructed or demolished.
- (G) **"frontage"** shall mean that part of the limit of a lot abutting upon any curbing, sidewalk or paved boulevard of the Corporation.
- (k) **"lot"** means a parcel of land abutting any curbing, sidewalk or paved boulevard, the boundaries of which are on record in the Land Registry Office for the County of Essex (No. 12).
- (l) **"owner"** means a person who appears as the owner of a lot according to the records of the said Land Registry Office.

- (m) **"service"** means any improvement of a structural nature or other undertaking that is within the jurisdiction of the Corporation or a local board thereof and, without limiting the generality thereof, includes sewers and drains, waterlines, electrical distribution system and traffic signal installations.
- (n) **"work"** means the erection, alteration, repair or demolition of a building or buildings.

2. The owner of a lot abutting any curbing, sidewalk or paved boulevard in the City of Windsor upon making application for a construction permit or demolition permit shall,

- (a) submit a site plan indicating thereon the area proposed to be used by vehicles delivering or removing materials to or from the said lot; and
- (b) deposit with the Corporation a sum of **\$50.00 per metre** of the limit of the lot abutting directly on such curbing, sidewalk or paved boulevard.

3. Where the Chief Building Official has determined the size and location of the area or areas to be used by vehicles delivering or removing materials to or from a lot on which any building is being constructed or demolished, no person shall drive or cause to be driven any vehicle delivering or removing materials to or from any such lot on any area or areas other than those determined by the Chief Building Official.

4. The owner of a lot abutting any curbing, sidewalk or paved boulevard on which any building is being constructed or demolished shall take reasonable precautions to minimize damage to such curbing, sidewalk, paved boulevard or to any other service therein.

5.(1) Where damage has been caused to the curbing, sidewalk, paved boulevard, or other service by vehicles delivering materials to, or removing materials from a lot upon which a building is being constructed or demolished, the owner shall repair the said damage not later than thirty days following the completion of the construction or demolition of the building.

(2) In the event that such repairs have not been completed within the said thirty days, the Chief Building Official shall apply the money on deposit to meet the cost of repairing the said damage in a manner satisfactory to the City Engineer.

6.(1) The owner shall take all necessary steps to prevent building material, waste or soil from being spilled or tracked onto public streets by vehicles going to, or coming from the lot during the period the work is being carried out.

(2) In the event that any building material, waste or soil is spilled or tracked onto the public streets by vehicles going to, or coming from the lot during the carrying out of said work, the owner shall be responsible to the Corporation for the costs of removing such building material, waste or soil, and the costs thereof shall be deducted from the deposit.

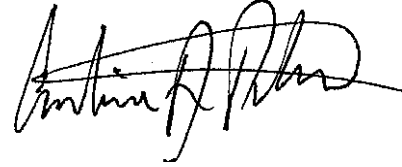
7. Upon the completion of the construction or demolition of the building and upon application by the person who paid the deposit to the Corporation, the said deposit, less the costs the Corporation incurs for any repairs or removal of building material, waste or soil from the public streets, shall be refunded by the Corporation.

8. Where a deposit has been paid in accordance with the provisions of this by-law and remains unclaimed for a period of seven years, the City Treasurer may, at the request of the Chief Building Official, transfer to the general funds of the Corporation all such deposits against which no claim has been made, free of and from any and all claims whatsoever.

9. Every person who contravenes any of the provisions of this by-law is guilty of an offence and, upon conviction pursuant to the provisions of the *Provincial Offences Act* (as amended), is liable to the maximum penalty that may be imposed under the *Provincial Offences Act*.

10. That by-law #7942-1984 is hereby repealed effective August 3, 2010.

11. This by-law shall come into force and take effect August 3, 2010, and will apply to Indemnity deposits paid by Building Permit holders since January 1, 2003.



ACTING MAYOR



DEPUTY CITY CLERK

First Reading	June 28, 2010
Second Reading	June 28, 2010
Third Reading-	June 28, 2010