

BILL.
NO. 55
1960.

BY-LAW NUMBER 2119

A BY-LAW TO PERMIT CERTAIN PROJECTIONS BEYOND THE MAIN WALLS OF BUILDINGS TO ENCROACH UPON A HIGHWAY.

Passed the 18th day of April 1960.

WHEREAS it is deemed expedient to exercise the authority contained in paragraph 97 of Section 388 (1) of The Municipal Act, R.S.O. 1950, Chapter 243 as amended for permitting window air-conditioners, cornices, eaves, awning containers, awning covers, sills, brackets and other similar projections beyond the main walls of buildings to encroach upon a highway at a height of not less than eight feet (8') above the grade thereof established by the Corporation;

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

1. No person shall construct, maintain or erect any window air-conditioners, cornices, eaves, awning containers, awning covers, sills, brackets and other similar projections beyond the main walls of buildings to encroach upon any highway in the City of Windsor unless a permit for any such projections has been obtained from the Building Commissioner of The Corporation of the City of Windsor.

2. The bottom of every such projection shall be at a height of not less than eight feet (8') above the grade of any such highway established by the Corporation.

3. No such projection shall be permitted which interferes or obstructs in any way pedestrian or vehicular traffic on any such highway.

4. Every applicant for a permit shall deliver to the Building Commissioner a drawing showing the exact location and details of any such projection and the application for a permit shall set out the name of the owner of the building, the municipal address of the building, and the legal description of the lands upon which such building is situate.

5. The Building Commissioner shall keep a record of every such application and every permit issued.

6. On obtaining such permit the licensee shall before constructing, erecting, maintaining or using any such projection execute an agreement with the Corporation in form approved by the solicitor of the Corporation agreeing -

(a) to indemnify the Corporation from and against all actions, suits, claims and demands and from all loss, costs, charges and expense that may result from the granting of such permit or the construction, erection, maintenance or use of any such projection pursuant thereto.

(b) to maintain any such projection at all times in a manner satisfactory to the Building Commissioner of The Corporation of the City of Windsor.

(c) that the covenants, provisions and conditions contained in the agreement shall extend to and be binding upon the heirs, executor, administrators, successors and assigns of the licensee.

(d) to discontinue and remove any such projection upon demand at the direction of the Council of The Corporation of the City of Windsor within the time prescribed in such notice and upon his failure so to do to pay the costs of such removal upon completion thereof if such work is performed by the said Building Commissioner or his agents.

7. The Council of The Corporation of the City of Windsor may revoke any permit granted pursuant to this by-law and notify the licensee forthwith to remove the said any such projection and upon the failure of the licensee to comply with the said notice within two (2) weeks from the date thereof the said Building Commissioner and or his agents may remove any such projection and the cost of such removal shall be paid by the licensee upon demand.

8. Every person who contravenes any of the provisions of this by-law (Chapter) is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than Five Thousand Dollars (\$5,000), exclusive of costs and every such fine is recoverable under the Provincial Offences Act. (amended B/L 10277, May 22/90).

9. This by-law shall come into force on the day of the final passing thereof.

(signed) M. PATRICK
Mayor

(S E A L)

(signed) J.B. ADAMAC
Clerk

First Reading April 18, 1960
Second Reading April 18, 1960
Third Reading April 18 1960