

BILL.
NO. 40.
1951.

BY - L A W N U M B E R 903

A BY-LAW RESPECTING THE LAYING OR MAINTAINING OF PIPES OR CONDUITS ALONG, UNDER, IN OR UPON HIGHWAYS.

Passed the 15th day of May 1951.

WHEREAS Section 386 (45) of The Municipal Act, R.S.O. 1950, Chapter 243, enables Councils of Municipalities to pass by-laws authorizing any person to lay, use or maintain pipes or conduits for transmitting gasoline, oil, anti-freeze, brine or other similar products along, under, in or upon highways or land owned by the Municipality, and to prescribe the terms and conditions under which the same shall be installed, used or maintained, and for making an annual charge for such privilege:

AND WHEREAS it is deemed expedient to enact such a by-law;

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

1. (a) No person shall lay, use or maintain any pipes or conduits for transmitting gasoline, oil, anti-freeze, brine or other similar products along, under, in or upon any highway or land owned by the Corporation unless and until he has applied for and obtained permission from the Council so to do.

(b) The Council shall not consider any such application without first having received a favourable report with respect thereto from the appropriate Committee of the Council.

2. The person obtaining such permission shall, before laying, using or maintaining such pipes or conduits, secure from the Engineer of the Corporation a permit in writing therefor, and enter into an agreement with the Corporation in form approved by the City Solicitor undertaking and agreeing as follows -

(a) to bear the cost of installation thereof and to carry out the same to the satisfaction of the City Engineer and Fire Chief of the Corporation, and in accordance with the plans therefor approved by the Council;

(b) to indemnify the Corporation from and against all actions, suits, claims and demands and from all loss, costs, charges and expenses that may result from the granting of such permission or the installation, maintenance or use of the said pipes or conduits pursuant thereto;

(c) to pay to the Corporation such annual or other charge for the privilege conferred as may be deemed reasonable;

(d) to maintain such installations at all times in a manner satisfactory to the City Engineer and/or Fire Chief of the Corporation;

(e) to repair, at his own expense, to the satisfaction of the said Engineer, any damage caused to the sidewalk, boulevard or pavement, or to any drains, conduits, wires, pipes or other appurtenances by whomsoever owned, by the installation, maintenance or use of the said pipes or conduits or resulting therefrom in a way whatever;

(f) to alter, remove, change or re-construct the said pipes or conduits, at his own expense, upon notice so to do from the Council of the Corporation, and to thereupon restore the sidewalk and other structures or installations referred to in subsection (a) hereof, to their former condition and location within the time prescribed by such notice, all in a manner satisfactory to the said Engineer, and upon failure to do so, to pay the costs of such closing up and restoration forthwith upon completion thereof if such work is performed by the said Engineer, or at his direction;

(g) that all costs incurred by the Corporation by reason of the said installations may be payable, and payment of them may be enforced in like manner as taxes;

(h) that the covenants, provisions and conditions contained in the agreement shall extend to and be binding upon the heirs, executors, administrators, successors and assigns of the parties thereto;

- (i) to make all necessary arrangements with the Parks Manager of the Corporation where the installation of the said pipes or conduits require the removal of any trees owned by the Corporation.

3. That the Mayor and Clerk of the Corporation are hereby authorized to execute on behalf of the Corporation, and to seal with the seal thereof, all agreements and/or assignments thereof, entered into pursuant to this by-law.

4. All acts, resolutions, matters and things heretofore done, made or performed by the Council of the Corporation, or any of its predecessors, with respect to the exercise of its and their powers under the Municipal Act in regard to the laying, maintaining or using pipes or conduits, as referred to in paragraph 1 hereof, are hereby ratified and confirmed and declared to be and to have been legal, valid and binding for all purposes and upon all persons.

5. 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)

6. This by-law shall come into force and take effect on the day of the final passing thereof.

(signed) A.J. REAUME
Mayor

(S E A L)

(signed) C.V. WATERS
Clerk

First Reading May 15, 1951
Second Reading May 15, 1951
Third Reading May 15, 1951