

THE CORPORATION OF THE TOWN OF ESPANOLA

BYLAW NO. 1029/93

BEING A BYLAW OF THE CORPORATION OF THE
TOWN OF ESPANOLA TO REGULATE THE INSTALLATION
OF CULVERTS AND DRIVEWAYS

WHEREAS Section 314.6 of the Municipal Act of the Province of Ontario, being Chapter M45, Revised Statutes of Ontario 1990 empowers Councils of all Municipalities to pass bylaws and Subsection 6 prohibits the obstruction of ditches and culverts upon highways, therefore;

THE COUNCIL OF THE CORPORATION OF THE TOWN OF ESPANOLA enacts as follows:

1. DEFINITIONS:

"Highway" shall mean a common and public highway as defined in Section 1 (1) of the Highway Traffic Act.

"Occupant" shall mean that person who has care and control of the lands and premises abutting a highway or any part thereof or who is in physical possession of the same and shall include a contractor or builder who is performing work thereon.

"Owner" shall mean the registered owner of the lands or premises abutting a highway.

- 2) No person shall install a private driveway either in;
granular material, asphalt, concrete or interlocking stones
abutting the Town of Espanola municipal highway, sidewalk or
curb without;
 - a) the prior approval in writing of the Public Works
Superintendent;
 - b) the application form be completed and the
prescribed fee being paid.
- 3) No person shall dig a ditch or install a culvert on any
highway in the Town of Espanola without;
 - a) the prior approval in writing of the Public Works
Superintendent;
 - b) the application form be completed and the
prescribed fee being paid.
- 4) The owner or occupant of any land or building, abutting or
adjacent to any highway, shall at all times maintain the
property so owned or occupied by him in such a condition that
no dirt, fill or obstruction of any kind whatsoever shall
escape to or be permitted to remain on any highway in the Town
of Espanola.
- 5) In the event that such dirt, fill or obstruction does escape
to or remains on any highway, the owner or occupant shall
forthwith and without delay whatsoever remove such dirt, fill
or obstruction and, in default of removal, notwithstanding the
penalty provided herein, upon 24 hours written notice by the
Town to the said owner or occupant, the Town may perform the
required work at the owner's or occupant's expense and recover
the expenses incurred in like manner as municipal taxes to be
levied against such owner or occupant.
- 6) Schedule "A" being the application form for the installation
of culverts and driveways and Schedule "B" being the tariff of
fee are hereby considered as part of this bylaw.

- 7) Any person violating the provisions of this bylaw shall be subject to a penalty, exclusive of costs, and such penalty shall be recoverable under Part I of the Provincial Offences Act.
- 8) The Municipality shall not be held responsible for any damage, alteration or removal that may result from any actions by the Municipality, its forces or agents, during maintenance or construction activities.
- 9) The Municipality may at it's own discretion register the home owner's permit against title at the Lands Registry Office.

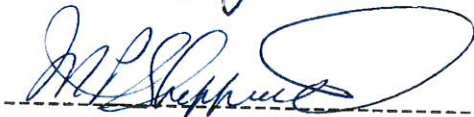
Read a First, Second Time in Open Council on the Fourteenth day of December, 1993.


R. Hagan, Mayor


M.P. Sheppard, Clerk
Treasurer/Administrator

Read a Third Time and passed in Open Council on January 11, 1994.


R. Hagan, Mayor


M.P. Sheppard, Clerk
Treasurer/Administrator