

## **THE CORPORATION OF THE CITY OF SAULT STE. MARIE**

### **BY-LAW 2008 - 131**

**STREETS:** (S.2.1.) A by-law respecting streets and related matters.

The COUNCIL of The Corporation of the City of Sault Ste. Marie, ENACTS as follows:

#### **SECTION 1**

1. TITLE

This by-law may be cited as “the Sault Ste. Marie Streets By-Law”.

#### **SECTION 2**

2. DEFINITIONS

In this by-law,

- (1) “Boulevard means that part of the street lying between the curb or edge of the roadway and the street line, exclusive of the area covered by a municipal sidewalk; and
  - (a) “Inside Boulevard” means that part of a boulevard lying between a municipal sidewalk and the street line;
  - (b) “Outside Boulevard” means that part of a boulevard lying between a municipal sidewalk and the curb or edge of the roadway;
- (2) “Chief Building Official” means the person so appointed from time to time by the Council (the Chief);
- (3) “Chief of Police” means the Chief of Police of the Police Service of the City;
- (4) “City” means the City of Sault Ste. Marie;
- (5) “Corporation” means The Corporation of the City of Sault Ste. Marie;
- (6) “Council” means the Council of the Corporation;

- (7) “Curb, Depressed” means a curb in the street that has been cut or shaved or has been specifically constructed to facilitate the passage of vehicles from a roadway to a driveway;
- (8) “Driveway” means that part of a street lying between the roadway and the street line, excluding any area covered by a sidewalk, that is used to provide vehicular access between the roadway and the property adjoining the street and including a ramp;
- (9) “Driveway, Low Volume” means a driveway which in the opinion of the Commissioner is or is intended to be used by not more than 100 vehicles per hour;
- (10) “Driveway, High Volume” means a driveway other than a low volume driveway;
- (11) “Lateral” means a service drain and including any connection or intended connection to a sewer;
- (12) “Property Line” means the line dividing two adjacent properties in separate ownership;
- (13) “Ramp” means a sloping platform in a street extending from the curb or roadway to the sidewalk or street limit;
- (14) “Roadway” means that part of a street designed or intended for use by vehicular traffic;
- (15) “Sewer” means any sanitary, storm or combination sewer owned by the Corporation;
- (16) “Sidewalk” means a sidewalk owned and maintained by the Corporation;
- (17) “Sidewalk, Depressed” means a sidewalk that has been specifically constructed and sloped for vehicular access as part of a driveway to facilitate the passage of vehicles from a roadway to private property;
- (18) “Street” includes any common or public highway, road, street, lane, alley, bridge, square, place, thoroughfare or way within the City;
- (19) “Street Line” means the line dividing a property and the street or road allowance.

### **SECTION 3**

#### **3. TEMPORARY CLOSING OF STREETS**

(1) Temporary Closing

The Director of Public Works, or his/her designate, may temporarily close to traffic any street or part of street, whenever it becomes necessary by reason of any work or improvement being carried on thereon, or by reason of the condition therefore, or by reason of any social, recreational, athletic, and community event, or for any other cause deemed sufficient by the said Director, or his/her designate, and may regulate traffic thereon or on any adjacent streets, and may erect and keep thereon any barricade or notice warning the public that such street is closed to traffic, and no person shall remove any such barricade or notice, or enter upon or use a street so temporarily closed. **[amended by By-law 2017-169]**

(2) Alternative Route and Access

Where a street or part thereof is so closed, the Commissioner of Public Works and Transportation shall provide and shall keep in repair a reasonable temporary alternative route for traffic and, where possible, access to all property abutting such street or part thereof.

(3) Manual of Uniform Traffic Control Devices (MUTCD) Book 7

- (a) While a road is so closed to traffic, the Commissioner of Public Works and Transportation shall protect it by erecting or causing to be erected at each end of it, and, where ever an alternative route deviates from it, signs, barricades and other protective and warning devices in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) Book 7.
- (b) While such construction, repairing or improvement of the street or part of the street is being performed by a person acting under an agreement with the Corporation, the reference to the Commissioner of Public Works and Transportation in subsections (2) and (3) of this section 3 shall be deemed to be a reference to such person.

**SECTION 4**4. STREET NAMES AND SIGNS

The Commissioner of Public Works and Transportation is authorized to cause the name of every street within the City to be a fix at the corners thereof and no person not authorized so to do shall so affixed any such name whether it be the correct name or not.

**SECTION 5**5. BOULEVARDS(1) Established

All such portions of the highways as are situate between the curb or edge of the roadway and the nearest street line, exclusive of the area covered by the public sidewalk, are hereby set apart for the purpose of boulevards.

(2) Improvements by Abutting Owners

Subject to any other relevant by-law of the Corporation, an owner of land abutting on a highway may at his own expense maintain in grass, flowers and shrubs, but not trees unless the consent of the Council has first been obtained, that part of any boulevard immediately opposite his land, but not so as unreasonably to confined or impede public traffic or drainage.

(3) Removal of Improvements

No person shall acquire any right or interest in any improvement made on or to a boulevard, as herein provided, as against the Corporation. The Commissioner of Public Works and Transportation may at any time enter on any such boulevard and remove, demolish or otherwise alter or destroy any such improvement when, in his or her opinion, it is in the interest of the Corporation so to do.

(4) Prohibition

No person shall willfully break, injure, dig up or destroy the earth, sod or grass of or in any such boulevard or drive any vehicle on the boulevard, or place or permit anything whatsoever to remain thereon, except as provided by this by-law or any other by-law of the Corporation or as otherwise permitted by law.

(5) Corporation Exempted

Nothing in this by-law contained shall prevent the Commissioner of Public Works and Transportation from altering, opening or otherwise using any boulevard for any civic purpose whatsoever.

## **SECTION 6**

### **6. REMOVAL OF SNOW AND ICE**

(1) From Roofs of Occupied Buildings

With respect to every occupied building having a pitched or other roof from which snow and ice might fall upon any highway or other place to which the public has access, the occupant shall forthwith clear away and remove the snow and ice from the roof whenever there is sufficient accumulation to threaten danger in the event of a thaw.

(2) Recover of Costs from Owner in Case of Default

In default of compliance with the requirements of subsection (1) hereof, the Chief in lieu of or in addition to any other remedy provided by this By-law, may, but is not required to clear away and remove such snow and ice at the expense of the owner, and in default of payment on demand, the amount of the expense incurred in doing it shall be recovered from the said owner by action or in like manner as municipal taxes.

(3) From Roofs of Unoccupied Building

With respect to every unoccupied building having a pitched or other roof from which snow and ice might fall upon any highway or other place to which the public has access, the Chief may, but is not required to clear away and remove, at the expense of the owner of the building, the snow and ice from the roof whenever it has come to his or her attention that there is a dangerous condition.

(4) Recovery from Owner of Cost of Removal

In default of payment on demand, the amount of expense incurred in clearing away and removing snow and ice from the roof of any unoccupied building pursuant to the provisions of subsection (3) hereof shall be recovered by action or in like manner as municipal taxes.

(5) Manner of Removal

In the clearing away and removal of snow and ice from roofs, no snow or ice shall be deposited in such manner as to obstruct drainage to any drain or sewer, or so as to obstruct access to any fire hydrant, and no such snow or ice shall be deposited upon a City sidewalk or on a roadway.

(6) Penalty Preserved

The removal of snow or ice by the Corporation shall not relieve any person from any penalty for a breach of any provisions of this by-law.

**SECTION 7**7. PROJECTIONS INTO STREETS(1) Awnings (Retractable)

No person shall erect or maintain or permit the erection or maintain of any awning over a street unless,

- (a) such awning is not closer than .6 metres (2 ft) to a line drawn vertically upwards from the curb line or the face of a sidewalk.

- (b) such awning is constructed of canvas or other material approved by the Chief and has a metal frame end and is of retractable construction.
- (c) the lowest part of the awning or its awning container, awning cover, roll or bracket is not less than 2.2 m (7.2 ft) above the street or sidewalk.
- (d) such awning does not constitute a danger to any person passing thereunder.
- (e) the owner or person in control of such awning shall agree in writing to indemnify and save harmless the Corporation from all claims, demands, loss, costs, charges and expenses from which the Corporation may sustain, incur or be liable for in consequence of the erection or maintenance of such awning.
- (f) such awning is maintained in good order.
- (g) no object of any nature shall be attached to any such awning.

(2) Canopies and Marquees

No person shall erect or maintain or permit the erection or maintenance of any canopy or marquee to the curb line unless,

- (a) it is a height of not less than 3.0 m (9.8 ft) above the sidewalk or ground.
- (b) the provisions of paragraph (a), (d), (e) and (f) of subsection (1) hereof are complied with in respect of such canopy or marquee, as the case may be.

(3) Gates and Doors

No person shall hang or maintain, or permit the hanging or maintenance of any gate or door in such manner as to swing over a street, sidewalk or footpath.

(4) Steps

No person shall make or maintain, or permit the making or maintenance of any step or steps or other entrance to any basement, cellar, building or premises, whether with or without a moveable trap or door, which shall in any way encroach upon a street.

(5) Construction of Encroachments in Streets Prohibited

No person shall construct or permit the construction over, or maintain or permit the maintenance on or under any part of a street, any building, bridge, tunnel or other structure or part thereof not otherwise authorized by law without having first

obtained the permission of the Council therefore, which permission, if not refused, shall be granted by separate by-law which may provide for the following:

- (a) an agreement by the owners to indemnify the Corporation;
- (b) a plan of survey by an Ontario Land Surveyor at the expense of the applicant;
- (c) the registration of the agreement on the title to the lands served;
- (d) the annual payment by the owner of a sum of money for the use of such part of street so long as the encroachment exists;
- (e) the proper maintenance of such structure in good repair so as to eliminate all dangerous hazards to the public;
- (f) automatic revocation of such permission if the annual payment is not paid as agreed;
- (g) revocation of such permission by the Council at its discretion including revocation for breach of any term of the agreement or a relevant state or by-law;
- (h) removal of such structure by the owner of the lands served upon such permission being revoked or by the Corporation in default at such owner's expense;
- (i) such other provisions as to the Council seem proper in the circumstances.

(6) Refacing Existing Buildings

Encroachment Exceeding 50 Millimetres (2 inches)

An existing building may be permitted by the Council by a separate by-law to encroach or further encroach upon a street to such an extent, exceeding 50 mm (2 inches), as may be necessary to provide for refacing any such building.

(7) Miscellaneous Projections and Encroachments

Notwithstanding the provisions of this by-law to the contrary but subject to the provisions of other applicable statutes and by-laws, the following obstructions, projections and encroachments are permitted during the pleasure of the Council in accordance with the following provisions:

- (a) Sills, brackets, awning containers and awning covers to an extent of not more than 50 mm (2 inches) at least 2.4 m (8 ft) above the ground;

- (b) Cornices of show windows to an extent of not more than 300 mm (12 inches) at least 2.4 m (8 ft) above the ground;
- (c) Eaves and other cornices to an extent of not more than 460 mm (18 inches) at least 3.65 m (12 ft) above the ground;
- (d) Window air conditioners to an extent of not more than 460 mm (18 inches) at least 2.4 m (8 ft) above the ground;
- (e) Benches for the use of the public on the untraveled part of a street, subject to such terms and conditions as may be agreed upon by the Council;
- (f) Height where encroachment extends over a public lane or roadway such encroachment shall be not lower than 4.4 m (14.4 ft) above such lane or roadway.

(8) Poles and Wires over a Street

(a) Permission

Notwithstanding the provisions of this by-law prohibiting the obstructing, encumbering, injuring or fouling of highways, but subject to the provisions of other applicable Acts and by-laws, the following obstructions and encumbrances are permitted upon such terms and conditions as may be agreed upon by the Council:

- (i) electric light and telephone poles and wires, and poles and wires for the transmission of electricity across or along any highway or public place.
- (ii) poles, towers, wires, cables, amplifiers and other accessory equipment upon, across or along any highway or public place for the purpose of transmitting electrical or electric impulses, signals and messages of every nature and kind, including those of alarm and protective systems, radio programs or parts thereof, and television programs or parts thereof, and the placing and maintenance of such equipment and pipes, ducts and conduits for enclosing such equipment, upon and within any poles, towers, pipes, ducts and conduits then erected, constructed or laid down, with the consent of the owner of the body in which is vested the management and control of such poles, towers, pipes, ducts and conduits.

(b) Location of Poles and Height of Wires



All such poles and towers referred to in paragraph (a) shall be located to the satisfaction of the Commissioner of Engineering and Planning, and shall be placed and maintained according to the regulations outlined in the Canadian Electrical Code.

(c) Existing Wires Lacking Required Height

This subsection (8) shall not apply to make illegal or otherwise require to be raised any existing wire that has heretofore erected at a height lower than that prescribed by paragraph (b) thereof, provided however:

- (i) that this exemption terminates upon the Commissioner of Engineering and Planning giving notice to the person to whom any such wire or other apparatus belongs or by whom it is used that in his or her opinion such wire or other apparatus is deemed unsafe or dangerous;
- (ii) that this exemption terminates upon the alteration, repair or replacement of any such wire; and
- (iii) upon receipt of a notice referred to in clause (i) above or upon the happening of any event referred to in clause (ii) above, the person to whom the wire or other apparatus is used, shall forthwith and at his own expense cause such wire or other apparatus to conform to paragraph (b) hereof in all respects.

(9) General Prohibition of Encroachments

Save as herein otherwise provided or as otherwise authorized by law, no person shall erect, place or maintain, or permit the erection, placing or maintenance of any pole, post, wire, pillar, step, fence, awning, sign, poster, notice, building or other structure or part thereof either wholly or partly in, under, over or upon any street or part thereof.

(10) Encroachments to be Removed

Subject to the provisions hereof, the owner or other person in control of any pole, post, wire, pillar, step, fence, awning, sign, poster, notice, building or other structure or part thereof either wholly or partly in, under, over or upon any street or portion thereof is hereby required to remove the same to the extent of encroachment in, under, over or upon the street.

(11) Removal by Corporation in Default

In any event of failure of the owner or other person in control to remove any such encroachment after refusal or revocation of permission of the Council following a demand by mail addressed to the owner at his or her last known address or to the

owner or occupant at the premises in connection with which such encroachment exists, the same shall be removed by the Corporation, and in an emergency the same may be removed by the Corporation without notice, and the cost of any such removal shall be collected by action or in like manner as municipal taxes.

## **SECTION 8**

### **8. EXCAVATION IN STREETS**

#### **(1) Permit Required**

Subject to Section 13, no person shall break, excavate, dig up, tear up, or remove the soil of any street, or any planking, sidewalk, curbing, pavement, boulevard, or road structure of any sort, forming the surface or other part of any street, or make

any excavation in or under any street or sidewalk for the purpose of building or otherwise, unless that person has first obtained an excavation permit from the Commissioner of Engineering and Planning.

#### **(2) Permit/Municipal Consent to Excavate in City Right of Way**

An application for an excavation permit or application for municipal consent to permit utility cuts shall be addressed to and filed with the Commissioner of Engineering and Planning and shall:

- (a) be in writing with such number of copies as the Commissioner of Engineering and Planning shall require; and
- (b) include proof of insurance against public liability for bodily injury and property damage in respect of such work in the minimum amount of \$5,000,000.00; and be endorsed to provide that the policy will not be cancelled, or allowed to lapse without 30 days prior written notice to the City; and
- (c) keep in force all liability insurance policies in respect of such work for a period of twelve (12) months from the date of final completion, and acceptance by the City; and
- (d) be refused by the Commissioner of Engineering and Planning if, in his or her opinion the application is made by a person who is not qualified and equipped to perform the work; and
- (e) a utility company shall submit two (2) drawings showing the location of the proposed excavation including the details of the underground plant for the review and approval by the Commissioner of Engineering and Planning.

(3) Issue of Permits

The Commissioner of Engineering and Planning is authorized to issue an excavation permit when an application has been filed.

(4) Permit Conditions and Regulation of the Work

Excavation permits issued under this section and all work regulated by this section are subject to the following conditions and regulations:

(a) Boring vs. Cutting

No permit or Municipal Consent shall be issued for the cutting of a street where in the opinion of the Commissioner of Engineering and Planning the work ought to be done by boring or tunneling as the case may be.

(b) Description of Work in Permit

The excavation permit or Municipal Consent when issued shall describe the work that is permitted to be done and no person shall perform any such work except in accordance with the conditions and descriptions set forth on the permit, this by-law and any other relevant by-law or Act.

(c) Direction of Work and Repairs by Commissioner of Engineering and Planning

The works so permitted shall be done under the direction of the Commissioner of Engineering and Planning. The part of the street disturbed shall be replaced, re-laid, and made good to his or her satisfaction by the person obtaining such permission. A schedule for the work shall be submitted to the City so that city inspection staff may make arrangements to view some or all of the work.

(d) Duration of Work

The work so permitted shall not continue longer than is absolutely necessary in the opinion of the Commissioner of Engineering and Planning.

(e) Public Liability

The person performing such work shall be responsible for all accidents that may occur to any person or property by reason thereof and agrees to indemnify and save harmless the City from any loss or damage arising out of such excavation work in any manner whatsoever.

(f) Protection and Safety

The Permit holder shall take care and precaution as may be necessary for the protection and safety of the public in accordance with the Occupational Health and Safety Act.

(g) Identification of Firm or Project

The Permittee, while the work is being carried on, shall keep the name of the Utility Company, person, firm or corporation carrying on the work prominently displayed on a signboard erected on the streets surface at the site of the excavation.

(h) Emergency Work

In the case of an emergency, work may commence without a permit and an application for permit shall be made as soon as possible after the commencement of work; namely, on the same day, or if too late in the day, then within one hour of the opening of the Commissioner of Engineering and Planning's Office on the next following day which is not a Saturday, Sunday or other holiday. In any event, notice of the commencement of such work shall be given to the Commissioner of Engineering and Planning forthwith, no matter what the day or time.

(i) Notice of Commencement and Carrying on of Work

Except in case of emergency, no such work shall be commenced without at least forty-eight hours notice in writing to the Commissioner of Engineering and Planning or a full week's notice where a street will have to be closed or the traffic on a heavily traveled street seriously interfered with. For a planned closure of more than three (3) days, approval from City Council is required.

(j) Protection of Utilities and Services

All surfaces, utilities, curbs and gutters, sidewalks, water mains, sewer mains, gas mains and hydro installations, and appurtenances thereto, on, adjacent to or near the work shall be protected from damage and, if damaged, repaired to the satisfaction of the appropriate utility company or the Corporation, as the case may be, at the expense of the permit holder. In case of any such damage the proper utility company or the Corporation, as the case may be, shall be notified forthwith and it shall determine the manner in which and the person by whom the repairs shall be performed.

(k) Record Keeping

All work performed within the City right of way resulting in a change to the City owned infrastructure shall be recorded in the field and detailed as-constructed drawings shall be submitted to the Commissioner of Engineering and Planning. The Drawings shall be in digital and hard copy

format and are to be received within thirty (30) days of completion of the work.

(5) Standards of Construction

Any person, firm or corporation or utility company that breaks, excavates, displaces, removes, takes up or shifts any street, sidewalk, curb, grate, pavement or boulevard, or any part thereof, or causes any of the foregoing to be disturbed to be replaced with new construction in accordance with the Commissioner's specifications and in a manner and condition satisfactory to the Commissioner of Engineering and Planning the following conditions apply:

(a) Excavated Material

Without limiting the generality of the foregoing during the performance of any of the above work described shall not pile excavated material on City streets without permission of the Commissioner of Engineering and Planning.

(b) Private Access

Shall maintain pedestrian access to private properties at all times;

- (1) Shall maintain vehicular access to private properties where possible.
- (2) Emergency vehicle access shall be maintained at all times.

(c) Interference with Traffic

Shall reduce to a minimum any inconvenience to motor traffic and pedestrians by expedition of work and by provision of temporary bridging if the latter is required by the Commissioner of Engineering and Planning.

(d) Part of Street Always Open

Shall keep open at all times at least half of traveled portion of road unless otherwise authorized by the Commissioner of Engineering and Planning.

(e) Remove Surplus Materials

Shall remove, on completion of work, all surplus material and leave the area cleaned in a manner satisfactory to the Commissioner of Engineering and Planning. The applicant shall be responsible for the maintenance of all roads beyond the contract limits that are directly affected by his activities.

(f) Restoration

Shall repair promptly all damage to either City or private property and shall restore ditches, culverts and driveway entrances to Ontario Provincial Standards and to the satisfaction of the Commissioner of Engineering and Planning.

(g) Sidewalk and Ramp Cuts

Where a cut is made in the sidewalk or vehicle approach ramp, the entire section which is cut shall be replaced in conformity with the concrete specifications and other requirements of the City Corporation.

(h) General

All work to which the provisions of this section apply shall be carried out in a proper workmanlike manner, with all proper precautions and safety measures for the protection of the public and private property and of the public, and brought to completion and the highway restore to as good condition as before as expeditiously as possible, all under the direction and supervision of the Commissioner of Engineering and Planning and to his or her satisfaction.

## SECTION 9

### 9. ENCUMBERING OR FOUL STREETS

(1) General Prohibition

No person shall obstruct, encumber, injure or foul any street with any animal, vehicle or other means, or erect, place or maintain any building, fence, post or other structure or thing whatsoever, except as authorized by law or provided by by-law of the Council. Without restricting the generality of the foregoing and for greater particularity, no person shall, save in accordance with a City by-law, obstruct, encumber, injure or foul any street:

(a) Damaging pavement, etc.

By breaking, injuring, tearing up or removing any sidewalk, pavement, curbing, roadway or other surface.

(b) Excavations

By making or maintaining any excavation in or under the same.

(c) Awnings, fences, etc.

By erecting or maintaining any awning, port, sign, fence, wall, post or other erection or thing which shall encroach upon, into or over any street.

(d) Depositing Rubbish

By sweeping, depositing or leaving thereon any dirt, filth, handbill, paper or other rubbish or refuse, or the carcass of any animal.

(e) Bottles, Nails, etc.

By sweeping, depositing or leaving thereon any glass, nails, metal shaving or scraps, bones, bottles or other things dangerous to persons or animals, or liable to cut or otherwise injure bicycle or automobile tires.

(f) Ditches, etc.

By obstructing or causing to be obstructed any ditch, gutter, watercourse or drain.

(g) Depositing Earth, etc.

By throwing, placing, depositing or leaving or permitting to be spilled, blown, deposited or left therein any paper, hay, straw, earth, coal, manure,

offal, shavings or other litter or refuse, animal, vegetable or mineral, either from a vehicle, box, barrel, premises or otherwise; and no person shall load or carry, or permit to be loaded or carried any coal, manure, earth, ashes or other material which is loose, in a garbage box or barrel or vehicle or vessel so constructed or so loaded as to permit any of the contents to spill or drop upon a street.

(h) Depositing goods, etc.

By depositing thereon any box, crate, stone, lumber, lime, earth, slag or any goods, wares or merchandise or any other substance or material.

(i) Nauseous Liquids, etc.

By throwing or discharging or permitting to be thrown or discharged thereon out of or from any dye-house, distillery, brewery, kitchen, factory, workshop, dwelling or other building or premises any foul or nauseous liquid or substance, or dirty water or refuse.

(j) Crossing Sidewalk

By causing any motor vehicle or other vehicle to cross or be upon any sidewalk, save at a regular crossing provided thereon; provided however, that this provision shall not be deemed to prohibit any person from crossing a sidewalk with any vehicle during building operations or for other such reasonable and temporary requirements where there is no

regular crossing, if a temporary crossing has first been provided in accordance with section 12 of this by-law.

(k) Snow and Ice

By throwing, distributing or placing or causing or permitting to be thrown, distributed, or placed on a street or other land of the Corporation any snow or ice.

(l) Fouling

By fouling a street in any other manner.

(m) Removing Earth, etc.

By digging up, taking or carrying away earth, gravel, sand or other material from any street, lane or from any vacant lot belonging to the Corporation, without first obtaining permission from the Council to do so.

(n) Repairs by Corporation

Where any street or part thereof has been injured, fouled, obstructed or otherwise as prohibited by this section the Corporation shall repair such street at the expense of the person who injured, fouled, obstructed or otherwise the same and the expense so incurred shall be recovered by action or in like manner as municipal taxes.

## SECTION 10

### 10. TEMPORARY OCCUPATION OF THE STREET FOR BUILDING OPERATIONS

(1) Street Occupation Permit Required

No person shall occupy any part of a street by placing fence, sidewalk, plant, structure or any building materials of any kind, or any boarding barricade or covered way provided for any building or other by-law without first having applied for and obtained a Street Occupation Permit in writing from the Chief unless such occupation is otherwise authorized by law or by by-law of this City.

(2) Permit Application

An application for a street occupation permit shall be addressed to the Chief and shall:

- (a) be in writing;
- (b) be on such forms as the Chief shall from time to time prescribe;



- (c) to the extent required by the Chief, describe the part of street upon which the use is to be located, the nature of the use and the barriers, barricades, lights and other warning devices to be erected around such part of the street;
  - (d) describe the parts of day and length of time the encroachment is to remain on the street;
  - (e) describe generally the building construction taking place on the abutting lands in conjunction with which the use of a part of street is required;
  - (f) describe the safety precautions and alternative access provisions made for vehicular or pedestrian traffic, as the case may be;
  - (g) set for the names and addresses of the owners of lands abutting the part of a street;
  - (h) be accompanied by the prescribed fee; and
  - (i) such other information as the Chief may require.
- (3) Issue of Street Occupation Permit and Conditions

The Chief is hereby authorized to issue a Street Occupation Permit subject to the following conditions:

(a) To Whom Permit Issued

The permit may be issued only when it is required on behalf of an owner or occupant of land adjoining such portion of a street.

(b) Indemnification Agreement

No permit shall be issued until there has been delivered by the applicant an agreement in a form approved by the City Solicitor, in such sum as may be required, to indemnify and save harmless the City Corporation from any and all actions, claims, damages and loss whatsoever arising from such use of the street.

(c) Description of Street

The permit shall indicate the portion of street to be occupied and the time or times during which it may be occupied, and shall be subject to cancellation at any time without notice by the Chief.

(d) Incontinuous Periods

The permit may, instead of allowing occupation for one continuous period of time or times, provide that it shall be for any certain period or periods of each day during the time the permit is in force.

(e) Compliance with Terms of Permit

No such occupation of a part of a street shall be maintained otherwise than in accordance with the terms and conditions set forth in the Street Occupation Permit all relevant provisions of this by-law and the building by-law, and any other relevant by-law or statute.

(f) Warning Devices

In all cases where material or other obstruction has been placed on a street under the authority of such a permit, the person to whom the permit has been issued shall, if any such material or other obstruction is on the street during the hours between sunset and sunrise, place and maintain during such hours sufficient signs and barricades to the satisfaction of the Chief to warn the public of the obstruction, whether the permit provides for occupation during daylight hours only or not.

(g) Removal of Material After Expiring or Cancellation of Permit

Forthwith, after the expiration of the time for which the permit has been issued, or after cancellation of the permit, the applicant shall, at his own expenses and without notice so to do, remove from the street any fence, barricade, sidewalk, covered way, plant structure or material that has been placed on the street under the permit and restore the street to its condition before same was placed thereon.

(h) Maintenance in Good Repair

The applicant shall keep any fence, barricade, boarding or covered-way neatly painted and maintained in a state of good repair.

(i) Keep Drains Clear

No material or refuse shall be allowed to obstruct the free passage of water in any drain, gutter or watercourse.

(j) Expiring of Permit

Upon the expiry of a Street Occupation Permit no person shall use the part of street as thereby permitted until such permit has been extended or renewed or a new Street Occupation Permit has been obtained.

(k) Fees

Fees charged are set out in the User Fee By-Law 2008-2 as amended or replaced from time to time as set out in the City's User fee By-law as updated from time to time.

## SECTION 11

### 11. DRIVEWAY ENTRANCE CONTROL REGULATIONS

#### (1) Driveway Surfaces

All driveways providing access to a paved roadway that are hereafter constructed, except a driveway to serve a single family duplex or semi-detached dwelling, shall be constructed with a concrete or asphalt surface constructed in a manner to such standards as are approved by the Commissioner of Engineering and Planning. Entrance requirements are noted in Schedule "A".

#### (2) Maintenance

The owner of the property served by any driveway is responsible for the proper maintenance of and repair to such driveway in respect of damage due to natural wear and tear and all other causes except road work performed by the Corporation. It is the owner's responsibility to maintain the driveway entrance to the back of curb or in the case of a rural section to the traveled portion of the road.

#### (3) Culvert Required

No person shall construct a driveway to serve private property abutting a street without first having installed therein a culvert in accordance with Section 13 of this by-law unless such street is provided with a Class "A" pavement.

#### (4) Curb and Sidewalk Cuts – Entrance Permits

(a) No person shall construct a driveway to serve private property abutting street on which the roadway is edged by a raised curb or sidewalk without first applying to the Commissioner of Engineering and Planning for an entrance permit to depress such curb or sidewalk for the full width of the driveway. Upon such request the Commissioner of Engineering and Planning shall cause each depression to be made to specifications approved by him or her. The work must be carried out by a City approved contractor and the applicant must pay the total cost of the sidewalk depression.

(b) In respect of new driveways requiring the construction of curb or sidewalk depression in Residential Zones only;

- (i) Where a curb faced sidewalk depression is required, the owner shall pay the total cost as determined by the Commissioner of Engineering and Planning.
- (ii) Where both a curb depression and a sidewalk depression are required, the owner shall pay the total cost of the curb depression only as determined by the Commissioner of Engineering and Planning.
- (c) In respect of new driveways requiring the construction of curb or sidewalk depression in all other zones, the owner shall pay the total cost of the work as determined by the Commissioner of Engineering and Planning.

(5) Elevation Control

A driveway shall be constructed, improved by paving or maintained so that the top of the surface of the driveway at the street line shall be not more than 12.5 cm (5 inches) above or below the crown of the road or the top of the curb as the case may be except as otherwise specified by the Commissioner.

(6) Driveway Curb Wall

Where a driveway curb is constructed along the length of a driveway the top of such curb shall not be higher than the sidewalk, curb or roadway within .9 m (3 ft) of such sidewalk, curb or roadway as the case may be.

(7) Size of Driveways

(1) Two Way

- (a) Maximum width of driveway measured perpendicular to the centre line of driveway at street line is 9.1 m (30 ft).
- (b) Maximum width of curb cut measured at the roadway is 12.1 m (40 ft). (If the distance from the sidewalk to the roadway is greater than 3 m (10 ft) this dimension may be increased at the discretion of the Commissioner of Engineering and Planning to provide a deceleration area.) Flaring of curb-ramps is not permitted.

(2) One Way

- (a) Where a driveway is intended for use in one direction only (including each half of a divided driveway), the above dimensions shall be reduced by 3.0 m (10 ft).

(8) Location of Driveways

(a) Low Volume Driveways

- (i) Minimum distance from driveway to projected street line: 4.5 m (15 ft). Recommended - 7.6 m (25 ft) or more.
- (ii) Minimum distance from driveways to point of tangency of curb; 4.5 m (15 ft). Recommended - 7.6 m (25 ft) or more.
- (iii) Minimum distance from driveway to sidewalk or crosswalk of intersecting street is 1.5 m (5 ft).
- (iv) Minimum distance from driveway to projected lateral property line, not at a street intersection, measured at roadway edge of sidewalk; 1.5 m (recommended 3.0 or more).
- (v) Clauses (ii) and (iv) do not apply in respect of driveways constructed to serve single family, duplex and semi-detached dwellings.

(b) High Volume Driveways

- (i) Minimum distance from driveway to projected street line of a: minor street is 45 m (150 ft) and a major street is 76 m (250 ft).
- (ii) Minimum distance between high volume driveway is 76m (250 ft).
- (iii) Minimum distance from driveway to projected lateral property line measured at roadway edge is 7.5 m (25 ft).

(9) Site Locations

All driveways shall conform generally to the designs shown on plates 1, 2, 3 and 4 as shown on Schedule "A" attached hereto as follows:

- (a) Driveway control for automobile service stations: Plates 1 and 4;
- (b) Residential, commercial and industrial properties: Plate 2;
- (c) Corner commercial and shopping plaza properties; Plate 3.

(10) Angle at Roadway

Subject to the limitations in this section, the sides 3 above, the sides of a driveway may meet the roadway at an angle less than a right angle but not less than sixty degrees.

(11) Separation

Distance between driveways on same property:

- (a) Measured at curb or roadway edge: Minimum 7.6 m (25 ft);
- (b) Measured at sidewalk: Minimum 1.8 m (6 ft);
- (c) Divided driveways: Minimum 1.8 m (6 ft).

(12) Number of Driveways

Each property shall be limited to the following number of driveways:

- (a) Low volume entrances:
  - (i) up to the first 30.5 m (100 ft) of frontage, not more than two;
  - (ii) for each additional 30.5 m (100 ft), not more than one.

Where special circumstances warrant three driveways may be permitted by the Commissioner of Engineering and Planning in a frontage of 50 m (175 ft).

- (b) High volume entrances:
  - (i) for each 76 m (250 ft) of frontage, not more than one.

(13) Entrance to Driveway

- (a) A low volume driveway may derive its entrance from a roadway by a depressed sidewalk or curb.
- (b) A high volume driveway must have curb return at the driveway – if driveway on a street bounded by curbs.

(14) Discretion and Appeal

The Chief is hereby authorized to alter the requirement of this section when special circumstances arise in which, in his or her professional opinion, is proper so to do. Any person may appeal any such decision to the Council, whose decision thereon is final.

## SECTION 12

### 12. GENERAL REGULATIONS AND CONDUCT OF PERSONS ON STREETS

- (1) Snowballs, Missiles, etc.

No person shall play any game or throw any stone, ball of snow or ice, parcel, bundle, other dangerous missile or any object or thing or use or discharge any bow and arrow, rifle gun, air gun, B.B. gun or any similar gun or rifle into any street or other public place.

(2) Coasting

No person shall coast or toboggan on any street.

(3) Fires, Firecrackers, etc.

No person shall make or light any fire or bonfire or light, set off, or throw any firecracker, squib, serpent or other noisy offensive or dangerous substance or fireworks in any street.

(4) Drainage onto Streets

No person shall permit or cause water from any building or structure including a paved area, owned or occupied by him to escape, overflow or run across or upon any sidewalk.

(5) Surface Water Drainage

Where drains or sewers are available, no owner or other person in control of any building or premises shall allow rain water or other water to be drained or flow, across the public sidewalk abutting the premises. Where drains or sewers are available, all surface water from parking lots and other surfaced area, except for private driveways to one and two family dwellings shall be drained to the catchbasins on the property and thence to the drain or sewer, and water shall not be permitted to run therefrom across sidewalks or onto streets.

(6) Auction Sales on Sidewalks

No person shall sell anything by auction or otherwise upon any street.

(7) Vehicles Crossing Sidewalk

No person shall drive or operate or permit or authorize to be driven or operated any vehicle to cross any curb, sidewalk or paved boulevard to deliver to or remove from abutting land on which any building is being erected, altered, repaired or demolished any material that may cause damage to curb, sidewalk or boulevard.

(a) While any such sidewalk, curb or paved boulevard is so used it shall be protected by planking or timbers not less than 10 cm (4 inches) in thickness

which are securely fastened and chamfered or beveled at the ends for greater safety of pedestrians all in a manner that is approved by the Chief.

- (b) Where any damage is caused to any sidewalk, curb or paved boulevard or to any water service box or other service therein by the crossing thereof by such vehicles, repairs shall be made by the Corporation at the expense of the owner of the land abutting such work and the cost thereof shall be payable to the Corporation forthwith on demand.
- (c) The owner or occupier of such abutting land shall take all necessary steps to prevent building material, waste or soil from being spilled, tracked on to the public streets by vehicles going to or coming from the lands during the
- (d) course of erection, alteration, repair or demolition. In the event of any default, the owner or occupier shall be responsible to the Corporation for the costs incurred by the Corporation in removing any such building material, waste or soil, which costs are payable forthwith on demand to the corporation forthwith.

(8) Climbing or Defacing

No person shall without proper authority climb on or over a railing or fence along any street or climb on any tree on any street or on any post, pole or structure lawfully erected on any street.

(9) Posters, Signs, etc.

- (a) No person shall pull down, damage or deface any signboard or any painted or written notice or other object lawfully affixed in, upon, above or along any street.
- (b) No person shall deface or disfigure any public or private building, wall, fence, railing, sign, monument, post, pole or other property in or adjoining any street by cutting, breaking or daubing with paint or other substance or shall in any other way injure the same.
- (c) No person shall post, nail or attach any poster, dodger, handbill, notice or advertisement on or to any tree or telegraph, telephone, hydro-electric or fire alarm pole or any pole of PUC Inc., or any other pole, object or structure on a street.

(10) Dangerous Articles, etc.

No person shall bring or cause to be brought upon any street or any other public place, any animal, article or material which may be dangerous to others, without taking such measures and precautions as are necessary to ensure that no harm will ensue to any person.



## SECTION 13

### 13. DITCHES, DRAINS, CULVERTS, BRIDGES AND WATERCOURSES

(1) Obstructions Prohibited

No person shall obstruct, alter or interfere with any ditch, culvert, bridge or watercourse in a street or any drain or watercourse in the City.

(2) Culvert and Bridge Construction

Except as provided in this section no person shall construct any culvert or bridge that crosses any drain or watercourse on any highway within the City of Sault Ste. Marie.

(3) Construction of Culverts by City

Upon application being made by or on behalf of an owner of a lot that abuts on a street for the construction of a culvert to cross any drain or watercourse on any highway within the City of Sault Ste. Marie to provide vehicular and pedestrian access to a driveway or garage on such lot the Corporation will construct such culvert at the expense of the applicant and upon the terms and conditions contained in this section. Despite such payment the title to any culvert pipe so installed remains in the City.

(4) Special Provision – Council Approval

Where the construction of a culvert or bridge is desired in circumstances for which no provision is made in subsection 3, no person shall construct such culvert or bridge without first having obtained the consent of the city Council by resolution thereof.

(5) Culvert Specifications

No person shall construct a culvert to provide vehicular access unless such culvert:

- (a) has an inside diameter or at least 400 mm (15 inches) and a length of at least 6 m (20 ft) for a single driveway and 12 m (40 ft) for a double driveway;
- (b) is of a standard corrugated galvanized metal construction; and
- (c) provides a driving surface width of at least 3.6 m (12 ft).

(6) Pedestrian Culvert Specifications

No person shall construct a culvert solely to provide pedestrian access if such culvert:

- (a) has an inside diameter of less than 400 mm (15 inches);
- (b) is not of a standard corrugated galvanized metal construction;
- (c) provides a walking width less than 1.2 m (4 ft) or more than 1.8 m (6 ft).

(7) Charges

Where a culvert is requested and in the opinion of the Commissioner of Engineering and Planning a culvert having an inside diameter not less than 400 mm (15 inches) and not more than 1,200 mm (47 inches) is adequate for such installation, then the following charges shall apply:

- (a) for a single driveway entrance the applicant shall pay for the installation of a new culvert the sum of Three Thousand (\$3,000.00) Dollars and **[Amended by By-law 2017-234]**
- (b) for a single or double driveway entrance if the applicant requests or in the opinion of the Commissioner of Engineering and Planning requires a new culvert having greater length than the minimum the applicant shall pay an additional coupling charge of Two Hundred and Fifty (\$250.00) Dollars and for such additional length at the rate of One Thousand (\$1,000.00) Dollars per lineal meter in increments of 1 meter; and **[Amended by By-law 2017-234]**
- (c) for a double driveway entrance to two separate properties the Applicant shall pay for the installation of a new culvert the sum of Five Thousand (\$5,000.00) Dollars. **[Amended by By-law 2017-234]**
- (d) Where the applicant applied for the installation of an entrance culvert between December 1<sup>st</sup> in any year and April 30<sup>th</sup> of the following year, then the applicant shall pay actual costs as determined by the Commissioner of Engineering and Planning or make such alternate arrangements for temporary access as are considered satisfactory to said Commissioner.

(8) Oversized Culvert or Bridge – Council Approval

Where a bridge or a culvert having a diameter in excess of 1.22 m (48 inches) is requested, or in the opinion of the Commission of Engineering and Planning is required to provide adequate drainage as well as pedestrian or vehicular access to the abutting lot, no person shall construct such culvert or bridge without first having obtained the consent of the City Council by resolution thereof.

(9) Construction of Bridge or Large Culvert by Applicant

Upon application being made and approval given by other authorities (Ministry of Natural Resources, Fisheries and Oceans, Conservation Authority) the City will consider approving the construction of a bridge or culvert within the City's right of way. The applicant must have the design and construction of the bridge approved by a professional engineer. Upon completion of the structure, the City will require a written statement from the engineer that the bridge has been designed and constructed to the required engineering specifications.

(10) Special Cases

- (a) If it is the opinion of the Commissioner of Engineering and Planning that the expense to be incurred in the installation and supply of any culvert having a diameter of less than 1.22 m (48 inches) greatly exceeds that normally incurred in the construction and supply of other culverts of a comparable size, then the Commissioner of Engineering and Planning shall refer such matters to the City Council and no person shall construct such culvert or bridge without first having obtained the consent of the City Council by resolution thereof. This case takes effect when the price of the installation exceeds 100% of the permit culvert price.
- (b) Where five (5) or more culvert installations are required by a Developer, the Developer has the option, subject to approval from the Commissioner of Engineering and Planning, of installing the culverts itself or having the City install them at the City's fixed charges.

(11) Payment of Charges

Every applicant for the installation of a new culvert or bridge to replace an existing culvert or bridge shall first pay to the Corporation on demand the cost thereof as provided herein.

(12) Replacement by City

- (a) The Corporation may replace a bridge or culvert if,
  - (i) it is the opinion of the Commissioner of Engineering and Planning that an existing bridge or culvert is in such condition, whether due to age, deterioration or damage, that it should be replaced; and
  - (ii) written notice of such intention is given to the assessed owner of the lot served by such culvert or bridge.
- (b) Any notice is required to be given by this section is sufficiently given if it is in writing and is delivered to and left with any adult person residing on the premises served by such culvert or bridge or it is mailed by prepaid

first class mail addressed to the owner of the lot served by such culvert or bridge at his or her address as shown on the last revised assessment roll.

- (c) If, in the opinion of the Commissioner of Engineering and Planning, it is necessary in the public interest to remove or replace a bridge or culvert as referred to in this section without giving the notice herein provided, then the Corporation may remove or replace such existing bridge or culvert and except as to the provisions for notice all of the provisions of this by-law apply.
- (d) Upon the replacement of any culvert or bridge as herein provided, the owner of the lot served by such culvert or bridge shall pay to the Corporation on demand the cost thereof.
- (e) In default of payment of the cost required to be paid by this section within thirty days (30) of a demand for payment thereof, such costs may be recovered in like manner as municipal taxes.

(13) Removal of Bridges and Culverts Illegally Constructed

- (a) If any culvert is constructed in contravention of this by-law, the owner of the lot served by such culvert or bridge shall forthwith upon notice by the Commissioner of Engineering and Planning remove such culvert or bridge.
- (b) Any notice required to be given by this section is sufficiently given if it is in writing and mailed by prepaid first class mail addressed to the owner of the lot served by such culvert or bridge at his or her address as shown on the last revised assessment roll.
- (c) If, in the opinion of the Commissioner of Engineering and Planning, it is necessary in the public interest to remove or replace a bridge or culvert as referred to in this section without giving the notice as herein provided, then the Corporation may remove or replace such existing bridge or culvert and except as to the provisions for notice all of the provisions of this by-law apply.
- (d) If such culvert or bridge is not removed within ten (10) days of the date of mailing of such notice then the Commissioner of Engineering and Planning may enter and remove such culvert or bridge at the expense of the Corporation.
- (e) The owner of the lot served by such culvert or bridge shall forthwith on demand pay the costs of the removal of any culvert or bridge removed hereunder to the Corporation.

- (f) In default of payment of the costs required to be paid by this section within thirty days of a demand for payment thereof, such costs may be recovered in like manner as municipal taxes.

(14) Obstruction of Drains, etc.

- (a) If any ditch or culvert upon a street or any drain or watercourse is obstructed the person who obstructed such drain, culvert or watercourse shall forthwith upon notice by the Commissioner of Engineering and Planning remove such obstruction.
- (b) Notice as required by this section is sufficiently given if made in writing and mailed by prepaid first class mail addressed to such person at his or her last known address.
- (c) If such obstruction is not removed within ten (10) days of the date of mailing such notice then the Commissioner of Engineering and Planning may enter and remove such obstruction.
- (d) If in the opinion of the Commissioner of Engineering and Planning, it is necessary in the public interest to remove an obstruction from a ditch, drain, culvert or watercourse without giving the notice as herein provided, or it is impracticable to ascertain by whom such ditch, drain, culvert or watercourse was obstructed, then the Corporation may remove such obstruction and, except as to the provisions for notice, all of the provisions of this by-law apply.
- (e) The person who obstructed such drain, culvert or watercourse shall forthwith on demand pay the costs of the removal of the obstruction to the Corporation.
- (f) In default of payment of the costs required to be paid by this section within thirty (30) days of a demand for payment thereof, such costs may be recovered in like manner as municipal taxes.

## **SECTION 14**

### 14. ADMINISTRATION AND ENFORCEMENT

(1) General

The administration and carrying into effect of the provisions of this by-law shall be the duty and responsibility of the Commissioner of Engineering and Planning, the Chief, the Chief of Police and the members of their respective departments, or any one or more of them.

(2) Enforcement – Repairs

In default of the doings of any matter or thing by any person required by the provisions of this by-law to do it, such matter or thing shall be done by the Corporation at his or her expense, and the expense incurred in doing it shall be recovered by action, or in like manner as municipal taxes or from any deposit made hereunder.

(3) Power to Restrain by Action

Where any provisions of this by-law are contravened, such contravention may, in addition to any other remedy and to any penalty which may be imposed, be restrained by action at the instance of a ratepayer or the City Corporation.

(4) Delegation

Any official upon whom duties or powers are imposed hereby may delegate any such duty or power to any other person employed to act under his or her direction and control and such person while so acting, shall stand in the place and stead of the said first referred to official.

(5) Street Work by Corporation

This by-law shall not restrict the rights and obligations of the Corporation to perform maintenance and construction work in its streets by its servants, agents and contractors.

(6) Attack on By-Law

If any section or sections of this by-law may be found by any Court of Law to be bad, illegal or beyond the power of the Council to enact, such section or sections or parts thereof shall be deemed to be separate and independent there from and to be enacted as such.

(7) Permits

Where any person is authorized to grant or refuse a permit or license hereunder such person shall grant, issue or refuse such license or permit in the name of the Corporation.

**SECTION 15**15. OFFENSE AND PENALTY

Any person who contravenes any of the provisions of this by-law is liable upon conviction therefore to a penalty in accordance with the provisions of the Provincial Offenses Act.

**SECTION 16**

16. SCHEDULE ADOPTED

Schedule "A" attached hereto forms part of By-law 2008-131

**SECTION 17**

17. BY-LAW REPEALED

By-law 69-150 is repealed.

**SECTION 18**

18. EFFECTIVE DATE

This by-law comes into force on the day of its final passing.

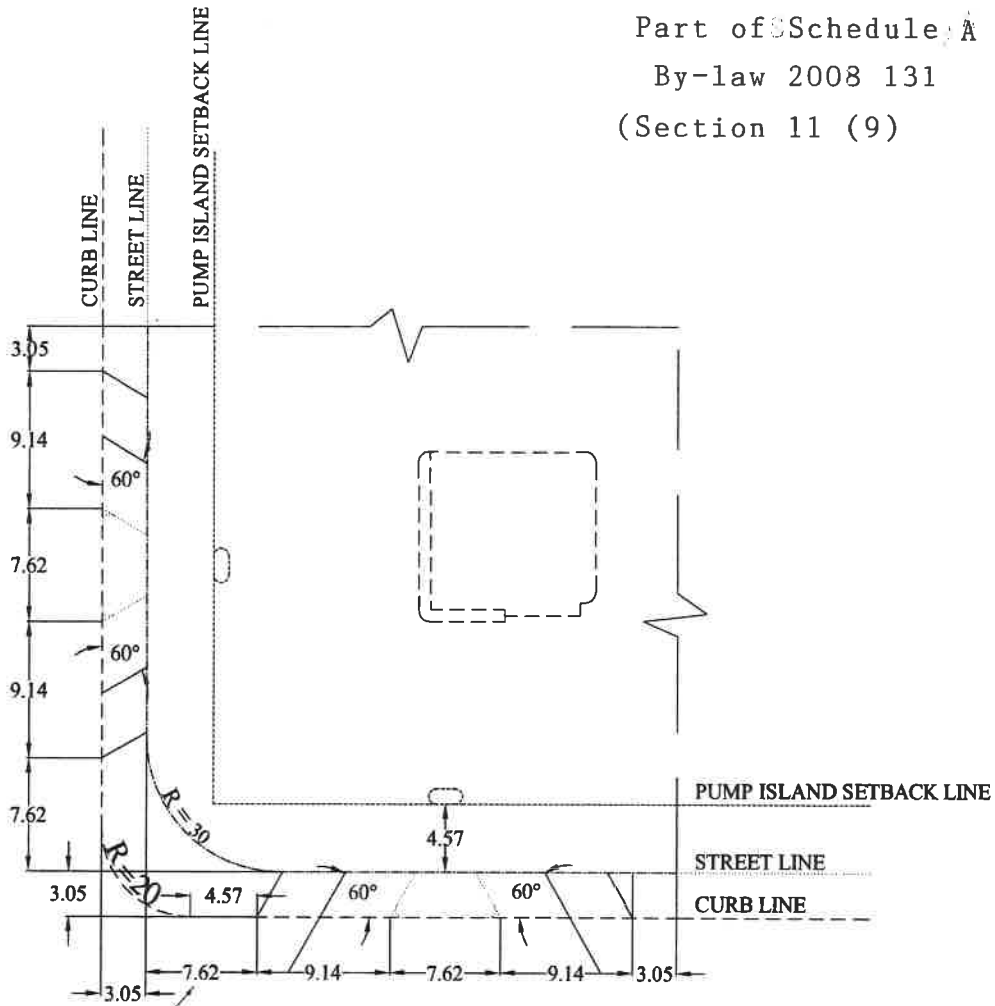
PASSED in open Council this 7<sup>th</sup> day of July, 2008.

"JOHN ROWSWELL"  
MAYOR – JOHN ROWSWELL

"DONNA IRVING"  
CLERK – DONNA IRVING

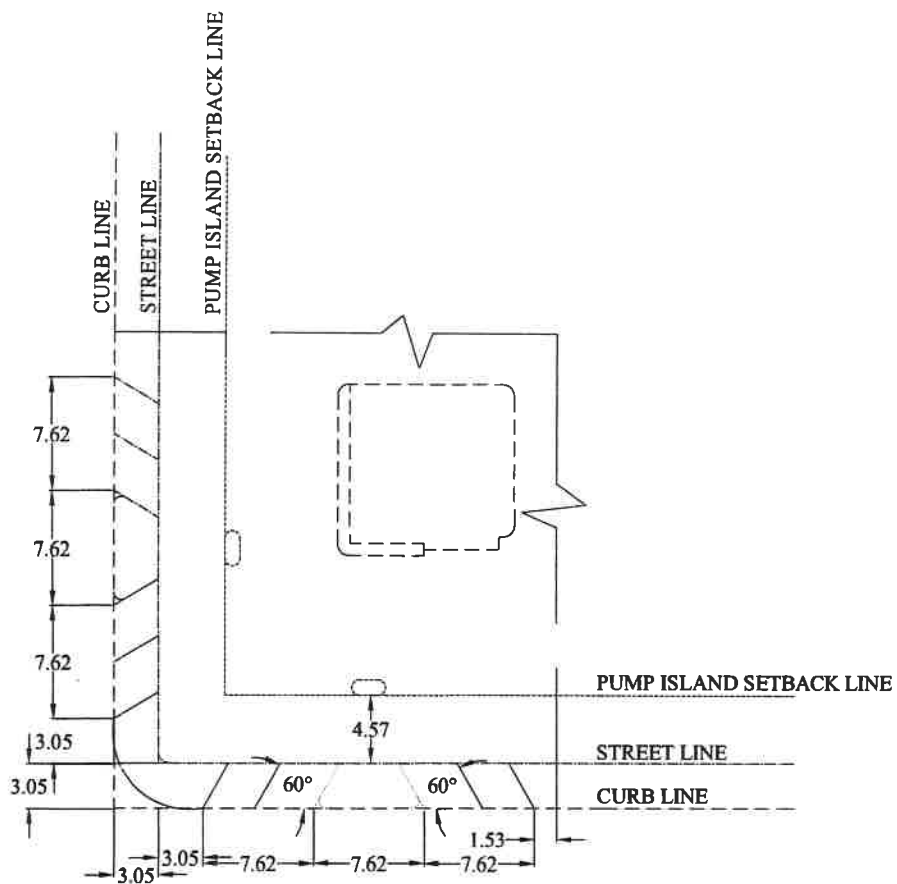
RECOMMENDED CONDITION

Part of Schedule A  
By-law 2008 131  
(Section 11 (9))



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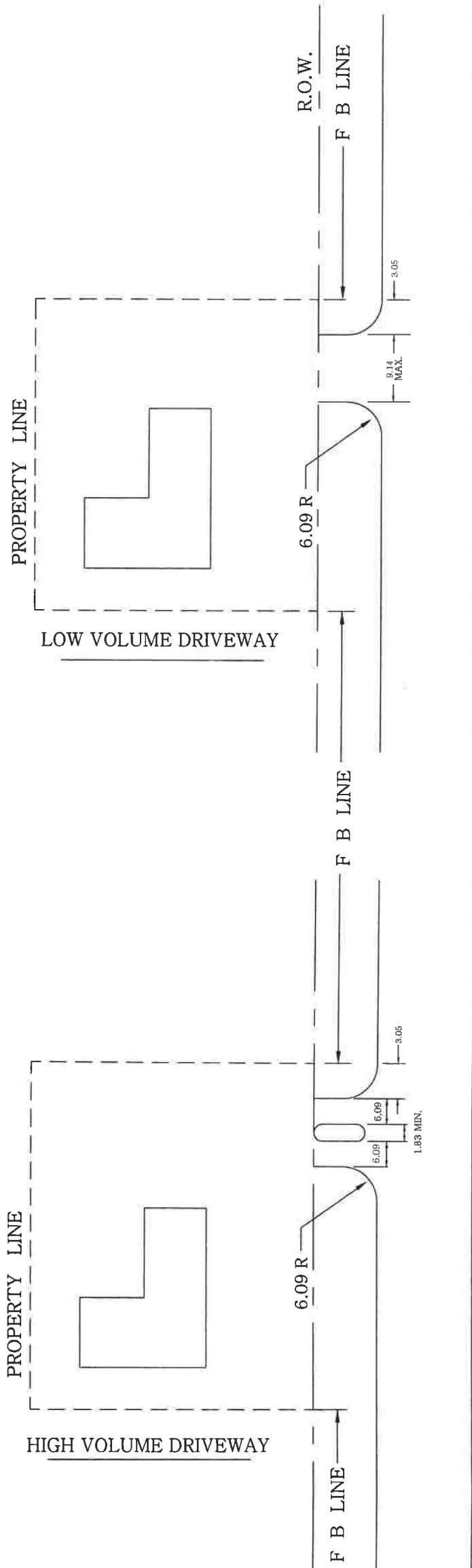
MINIMUM CONDITION



DRIVEWAY CONTROL POLICY  
FOR SERVICE STATIONS

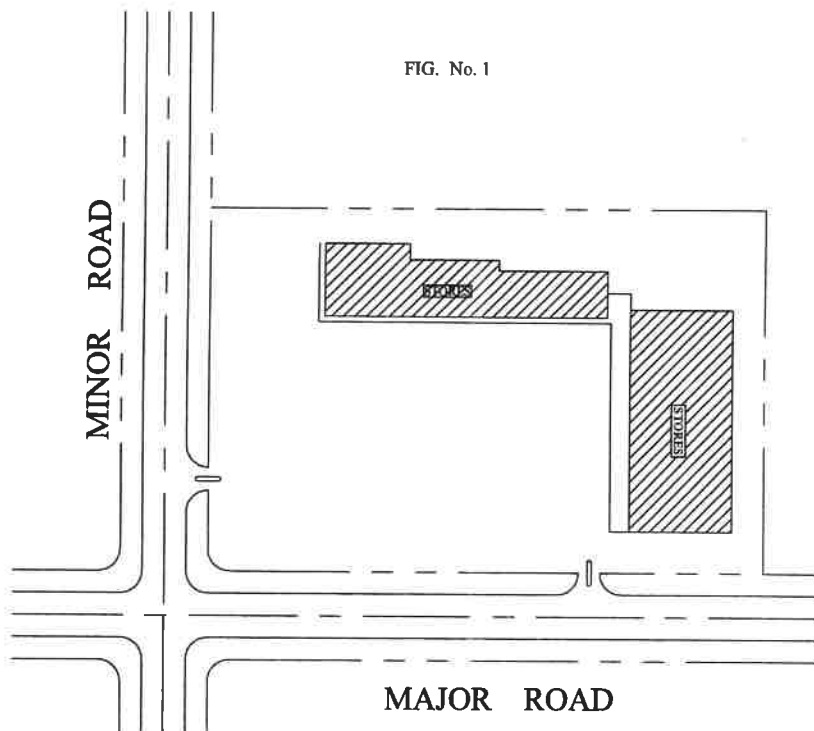
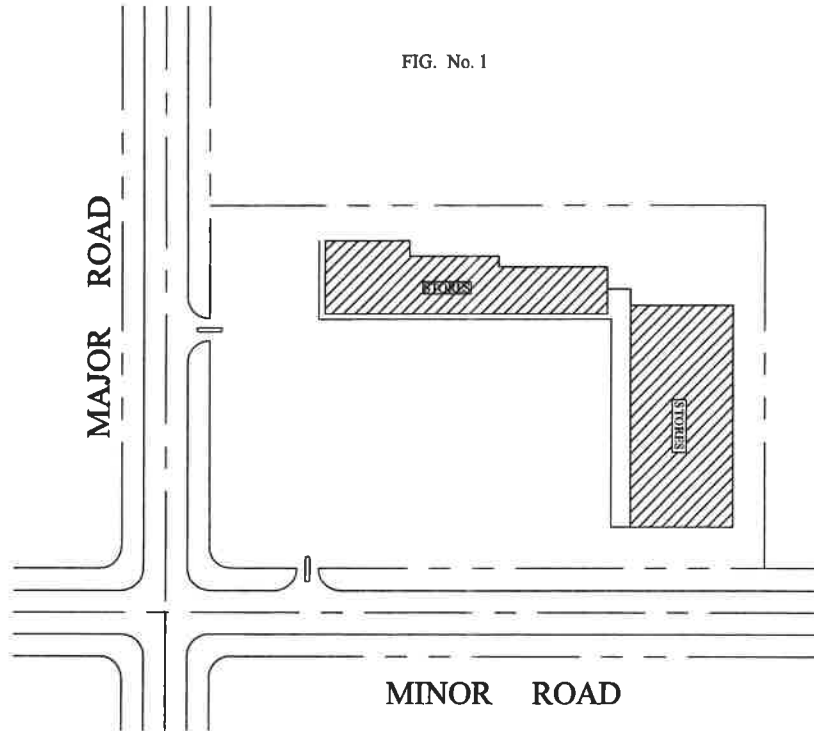


Part of Schedule "A"  
By-law 2008-131  
(Section 11 (9))



APPLICABLE TO RESIDENTIAL, COMMERCIAL OR  
INDUSTRIAL PROPERTIES

Part of Schedule "A"  
By-law 2008-131  
(Section 11 (9))



TYPICAL ACCESS FOR CORNER COMMERCIAL - URBAN

