

# **HIGHWAY - STREET**

## **Chapter 801 OBSTRUCTION - HIGHWAY**

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**Article 1  
INTERPRETATION**

**801.1.1 Boulevard - defined**

“boulevard” means the untravelled portion of the highway. By-law 17-78, 6 February, 1978.

**801.1.2 Commissioner - defined**

“Commissioner” means the Commissioner of Engineering and Public Works or his or her authorized deputy or representative. By-law 31-07, 26 February, 2007.

**801.1.3 Council - defined**

“Council” means the Council of The Corporation of the Town of Richmond Hill.

**801.1.4 Hedges and shrubs - defined**

“hedges and shrubs” means any woody perennial plant.

**801.1.5 Highway - defined**

“highway” means a common and public highway and includes a street and a bridge forming part of a highway or on, over or across which a highway passes.

**801.1.6 Person - defined**

“person” includes an individual, corporation, partnership, and the heirs, executors, administrators or other legal representatives to whom the context can apply according to law.

**801.1.7 Town - defined**

“Town” means The Corporation of the Town of Richmond Hill.

**801.1.8 Utility - defined**

“utility” means a water works, sewage works, electrical energy works, street lighting, and natural and artificial gas works and their respective collection and distribution systems in, under and upon a highway.

**Article 2****GENERAL PROVISIONS****801.2.1 Obstruction - encumbrance - on highway - approval**

No person shall place or maintain any obstruction or encumbrance whether permanent or temporary into, over or upon any highway without the approval of the Town. By-law 17-78, 6 February, 1978.

**801.2.2 Dumping - deposit - rubbish - dirt - other - prohibited**

No person shall throw, place or deposit or permit to be thrown, placed or deposited any dirt, filth, glass, paper, handbills, garbage, ashes, rubbish, building materials, the carcass of any animal, or other refuse or material on any highway. By-law 17-78, 6 February, 1978; By-law 227-81, 21 September, 1981.

**801.2.3 Notice - to remove obstruction**

The Commissioner may require the removal of anything referred to in Sections 801.2.1 and 801.2.2, by notice in writing to the person who is responsible for it.

**801.2.4 Failure to remove - obstruction - remedied - procedure**

If the demand set out in Section 801.2.3 for removal is not complied with forthwith in addition to other remedies available to it, the Town may cause the same to be removed and may charge the cost of such removal to the aforesaid person and the said cost may be recovered by action or entered in the Tax Collector’s rolls and recovered in like manner as municipal taxes.

**801.2.5 Access - to property - construction - permit - required**

No person shall construct or reconstruct or cause to be constructed or reconstructed any vehicular or pedestrian access to any property from the travelled portion of a highway across the boulevard without obtaining a permit from the Commissioner.

**801.2.6 Culvert - curb cut - permit - required**

No person shall install or cause to be installed any driveway culvert or driveway curb cut on a highway without first obtaining a permit from the Commissioner.

**801.2.7 Ditch - culvert - on highway - obstruction - prohibited**

No person shall place any obstruction in or obstruct or cause or permit to be obstructed any ditch, gutter, culvert or water course on any highway.

**801.2.8 Discharge - water - liquid - over sidewalk - prohibited**

No person shall discharge water or other liquid or cause or permit water or other liquid to be discharged over or across a sidewalk or boulevard.

**801.2.9 Structure - hedge - other - on highway - permit**

No person shall erect or maintain any structure, fence, hedge or shrub on any highway without first obtaining a permit from the Commissioner.

**801.2.10 Sight lines - utility - obstruction - permit - refused**

No permit for any structure shall be issued where the result will be to obstruct or impede sight lines or block access to any public utility.

**801.2.11 Notice to remove - structures - hedges - other**

All structures, fences, hedges or shrubs shall be at the sole risk and responsibility of the owner who shall remove them at his or her own expense upon receiving ten days prior written notice from the Commissioner.

**801.2.12 Notice to remove - disregarded - remedied - procedure**

If a person fails to remove all structures after receipt of the notice set out in Section 801.2.11, the Town may, in addition to other remedies available to it, cause the same to be removed and may charge the cost of such removal to the aforesaid person and the cost may be recovered by action or entered in the Tax Collector's rolls and recovered in like manner as municipal taxes.

**801.2.13 Projection - encroaching on highway - permit**

No person shall erect or maintain, without first obtaining the permission of the Town, any projections of any kind beyond the main walls of a building if such projections will encroach upon a highway and without restricting the generality of the foregoing, "projections" include air conditioners, cornices, eaves, awnings, containers, awning covers, sills, brackets and other similar obstructions extending beyond the main walls of a building.

**801.2.14 Highway closed - use - removal of signs - prohibited**

No person shall remove any barricade or sign or enter upon or use any highway or part thereof which has been closed to traffic.

**801.2.15 Highway - use - alteration - civic purposes - authority**

Nothing in this Chapter shall prevent the Commissioner from altering, opening or otherwise using any highway for any civic purpose.

**Article 3****CONSTRUCTION - ON HIGHWAY****801.3.1 Excavation - on highway - permit - conditions**

No person shall break, excavate, dig up, tear up or remove soil from any highway or boulevard, or any planking, sidewalk, curbing, pavement or road structure of any sort, forming the surface or body of any highway, for any purpose whatsoever unless he or she first obtains a permit therefor from the Commissioner and the Commissioner may grant such permit on the conditions set out in Sections 801.3.2 through 801.3.5 inclusive.

**801.3.2 Restriction - on completion - direction - Commissioner**

Any work so permitted on any highway or boulevard shall be done under the direction of the Commissioner and the portion of the highway disturbed shall be replaced, relaid and made good to the Commissioner's satisfaction by the person to whom the permit is issued, or alternatively by the Town at the expense of such person.

**801.3.3 Completion - all work - without delay**

Work on any highway or boulevard shall be completed without delay.

**801.3.4 Indemnification - requirement**

The person obtaining a permit shall be responsible for and shall indemnify and save harmless the Town from all damages, claims or demands whatsoever arising out of or in connection with such work.

**801.3.5 Lights - watchmen - safety precautions - required**

The person obtaining a permit shall keep and maintain lights and watchmen, and take such further care and precaution as may be necessary for the protection and safety of the public. By-law 17-78, 6 February, 1978.

**801.3.6 Highway closure**

The person obtaining a permit shall not close the highway or boulevard without the prior approval of the Commissioner to such closure, which shall be effected under the direction of the Commissioner and will be subject to signage requirements and any other conditions to ensure public safety as the Commissioner deems appropriate. For the purposes of this Section the term "Commissioner" does not include the authorized deputy or representative of the Commissioner. By-law 145-08, 14 July, 2008.

**801.3.7 Security deposit - required - calculation**

Every owner of land abutting a curb, sidewalk or paved boulevard on which any building is being erected, altered, repaired or demolished (in this Article hereinafter called "building lot") shall pay to the Town as a deposit a sum of money calculated on the basis of \$60 per foot of the limit of the lot abutting directly on a highway, to a maximum of \$3,000 per lot, at the time when such owner applies for the issuing of a permit certifying to the approval of plans of buildings to be erected, altered, repaired or demolished thereon. By-law 235-89, 19 July, 1989.

**801.3.8 Security deposit - sidewalk - curbing - repair**

The deposit referred to in Section 801.3.6 shall be used to meet the cost of repairing any damage to the sidewalk, curbing or paved boulevard or to any water service box or other service therein caused by the crossing thereof by vehicles delivering materials to or removing materials from the building lot.

**801.3.9 Soil - waste - spilled on road - clean-up cost**

In addition to Section 801.3.7, the deposit may be used to remove any building material, waste or soil which has been spilled or tracked onto the highway by vehicles going to or coming from the building lot.

**801.3.10 Refund - calculation - upon completion**

Upon completion of the erection, alteration, repair or demolition of the building or buildings on the building lot and upon application by the person by whom the deposit was paid, the amount by which the sum deposited exceeds the costs of such repair and removal shall be refunded.

**801.3.11 Driving - over curb - sidewalk - for delivery - deposit**

No owner or occupier of a building lot shall drive a vehicle or permit a vehicle to be driven across any curb, sidewalk or paved boulevard in order to deliver materials to or remove materials from a building lot, without a deposit having first been paid as required by Section 801.3.6. By-law 17-78, 6 February, 1978.

**801.3.12 Storage - on highway - near hydrant - prohibited**

No owner or occupier of a building under construction shall store or permit to be stored building materials, waste or soil upon a highway or within 3.048 metres of a fire hydrant. By-law 227-81, 21 September, 1981.

**801.3.13 Spillage - on highway - prevented**

Every owner and occupier of a building lot shall take all necessary steps to prevent building material, waste or soil from being spilled or tracked onto the highway by vehicles going to or coming from a building lot during the course of the erection, alteration, repair or demolition of a building thereon.

**Article 4**  
**SNOW REMOVAL**

**801.4.1 Sidewalk - from - required**

Every occupant and, in case there is no occupant, the owner of every property fronting or abutting on any highway shall clear away and remove or cause to be cleared away and removed all snow and ice from sidewalks abutting such property, leaving no accumulation, and shall sand or salt the same.

**801.4.2 Building - from - prevention of hazard - requirement**

Every occupant and, in case there is no occupant, the owner of every building fronting or abutting on or erected so near to any highway that snow and ice accumulated thereon would be likely to fall upon any portion of the highway shall prevent such accumulation and if such accumulation should occur, shall remove or cause to be removed such accumulation.

**801.4.3 Building - from - warning - safety - passers by**

Every person while removing such snow and ice, and the person or persons responsible for such removal, shall take due sufficient and proper care and precaution for the warning and safety of persons passing.

**801.4.4 Within sixteen hours - deposit - requirement**

Snow and ice shall be removed within sixteen hours after the cessation of any individual snowfall and shall be deposited in such a way as to not obstruct access to any fire hydrant or any passage onto the highway, and shall not be removed in such a manner as to injure the sidewalk.

**801.4.5 Snow - placed on highway - prohibited**

No person shall place any snow or ice upon any highway.

**801.4.6 Removed - by Town - owner's expense**

In case of default of compliance with Sections 801.4.1 through 801.4.5 inclusive, or any of them, the Town may clear and remove such snow and ice and the expense incurred in so doing may be recovered by action or may be entered in the Tax Collector's rolls and recovered in like manner as municipal taxes.

**801.4.7 Removed - by Town - responsibility not relieved**

The removal of snow or ice by the Town, its servants, agents or employees, shall not relieve any person from responsibility to comply with the provisions of this Chapter or from liability for any penalty for breach of any of the provisions of this Chapter.

**801.4.8 Corporation - liability - not assumed**

This Chapter shall not be alleged as the basis of any claim against the Corporation for damages for any accident on highways including, without limitation, on sidewalks on the highway due to the presence or location thereon of snow or ice, or the fouling or obstruction of the highway in any other manner, nor shall same be pleaded in any action as being an assumption of civil liability by the Town. By-law 17-78, 6 February, 1978.

**Article 5  
OVERSIZE VEHICLES****801.5.1 Oversize vehicles - permits**

Pursuant to section 110 of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, the Commissioner may, upon written application, grant a permit for the use of a highway within the Town by a vehicle or combination of vehicles in excess of the dimensional limits set out in section 109 of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended. For the purposes of this Section the term "Commissioner" does not include the authorized deputy or representative of the Commissioner. By-law 145-08, 14 July, 2008.

**Article 6  
ENFORCEMENT****801.6.1 Fine - for contravention**

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*. By-law 226-93, 28 July, 1993.

**Article 7  
REPEAL****801.7.1 By-laws - previous**

All by-laws contrary to or at variance with this Chapter are hereby repealed. By-law 17-78, 6 February, 1978.