

# ROADS - BRIDGES

## Chapter 614 OPERATIONS - ON CITY ROADS

### CHAPTER INDEX

#### Article 1 SHORT TITLE

614.1.1 Citation

#### Article 2 INTERPRETATION

614.2.1 Area opening - defined  
614.2.2 Bonded contractor - defined  
614.2.3 Boulevard - defined  
614.2.4 Clerk - defined  
614.2.5 Corporation - defined  
614.2.6 Driveway - defined  
614.2.7 Emergency - defined  
614.2.8 Engineer - defined  
614.2.9 Repealed: By-law 117-94, 13 June, 1994  
614.2.10 High volume driveway - defined  
614.2.11 Highway - defined  
614.2.12 Low volume driveway - defined  
614.2.13 Owner - defined  
614.2.14 Person - defined  
614.2.15 Plural - singular  
614.2.16 Present - future - tense  
614.2.17 Road allowance - defined

## OPERATIONS - CITY ROADS

- 614.2.18 Roadway - defined
- 614.2.19 Roadway intersection - defined
- 614.2.20 Shall - defined - mandatory
- 614.2.21 Shoulder - defined
- 614.2.22 Sidewalks - defined
- 614.2.23 Trailer - defined
- 614.2.24 Treasurer - defined
- 614.2.25 Utility - defined
- 614.2.26 Vehicle - defined

### **Article 3 GENERAL PROVISIONS**

- 614.3.1 Application - within City
- 614.3.2 Altering - enlarging - conformity - required
- 614.3.3. Notice - date - of service - receipt
- 614.3.4 Vehicles - crossing - sidewalks - repair by owner
- 614.3.5 Temporary structures - on road allowance - approval
- 614.3.6 Temporary structures - approval - requirements

### **Article 4 GENERAL PROHIBITIONS**

- 614.4.1 Water - discharge - on highways - sidewalks
- 614.4.2 Snow - ice - deposit on highway
- 614.4.3 Watercourse - obstruction
- 614.4.4 Repealed: By-law 117-94, 13 June, 1994
- 614.4.5. Material - adjacent property - on road - sidewalk
- 614.4.6 Material - on road - sidewalk - not prevented
- 614.4.7 Engineer - may remove material - at owner's expense

### **Article 5 HIGHWAY NAME SIGNS - NUMBERING OF BUILDINGS**

- 614.5.1 Signs - erected - maintained - by Engineer

## OPERATIONS - CITY ROADS

- 614.5.2 Highway numbering committee - established
- 614.5.3 Secretary - representative - Clerk's office

### **Article 6 BOULEVARDS**

- 614.6.1 Maintenance - landowner's expense - exception
- 614.6.2 Repealed: By-law 117-94, 13 June, 1994
- 614.6.3 Repealed: By-law 117-94, 13 June, 1994
- 614.6.4 Damage - planted boulevard - prohibited
- 614.6.5 Animal - trailer - vehicle - prohibited
- 614.6.6 Repealed: By-law 117-94, 13 June, 1994
- 614.6.7 Repealed: By-law 117-94, 13 June, 1994

### **Article 7 HIGHWAY - TEMPORARY CLOSING**

- 614.7.1 Closure - while work in progress
- 614.7.2 Alternative route - established - by Engineer
- 614.7.3 Barricades - detour signs - warning device

### **Article 8 SNOW - ICE - HAZARDOUS ACCUMULATION REMOVAL - RESPONSIBILITY**

- 614.8.1 Sidewalks - occupied building - owner - exception
- 614.8.2 Repealed: By-law 120-2004, 21 June, 2004
- 614.8.3 Sidewalks - unoccupied buildings - lots - owner
- 614.8.4 Roofs - occupied buildings - removal by owner
- 614.8.5. Roofs - offices - multiple dwellings - removal by owner
- 614.8.6 Roofs - unoccupied buildings - removal by owner
- 614.8.7 Removal - obstruction - prohibited
- 614.8.8 Repealed: By-law 120-2004, 21 June, 2004
- 614.8.9 Not removed - removal by City - owner's expense

## OPERATIONS - CITY ROADS

### **Article 9 OBSTRUCTING - ENCUMBERING - DAMAGING FOULING - ROADS - DRAINS**

- 614.9.1 General prohibition
- 614.9.2 Obstruction - encumbrances - specific - prohibited
- 614.9.3 Obstruction - removal - owner - responsibility
- 614.9.4 Failure to remove - removal - owner's expense
- 614.9.5 Property line - determination - where required
- 614.9.6 Fouling highways - prohibited

### **Article 10 UTILITY SERVICES**

- 614.10.1 Obstructions - encumbrances - permitted
- 614.10.2 Location - poles - wires - minimum height

### **Article 11 ROAD CUTS - REQUIREMENTS**

- 614.11.1 Exclusion - utilities - where written agreement
- 614.11.2 Excavation - on road - prohibited - exception
- 614.11.3 Proposed work - in accordance - plans - specifications
- 614.11.4 Permission - deviation - plans - specifications
- 614.11.5 Notice of commencement - required - exception
- 614.11.6 Emergency - notification - application - immediate
- 614.11.7 Closure - highway - written consent - required
- 614.11.8 Traffic Control - conformance - City procedures
- 614.11.9 Permittee - notify - other officials - as required
- 614.11.10 Notification - other officials - conditions
- 614.11.11 Notify - utility - interference with installations
- 614.11.12 Utility services affected - permittee - to ascertain
- 614.11.13 Work - executed safely - restoration

## OPERATIONS - CITY ROADS

- 614.11.14 Excavation - sidewalk - curb - driveway - restore
- 614.11.15 Damage to services - notify Engineer

### **Article 12 ROAD CUTS - PERMITS**

- 614.12.1 Written - from Engineer - required
- 614.12.2 Application - to Engineer - form provided
- 614.12.3 Issued - where satisfactory application
- 614.12.4 Expiration - non-commencement
- 614.12.5 Permit - fee
- 614.12.6 Inspection - fee
- 614.12.7 Inspection - more than 1/2 hour - charge - actual cost
- 614.12.8 Transfer - permit - prohibited
- 614.12.9 Work - location - completion
- 614.12.10 Refusal - to issue permit - authority
- 614.12.11 Refusal - appeal - within 60 days - No.2 Committee
- 614.12.12 Appeal decision - final - binding
- 614.12.13 Revocation - permit - conditions
- 614.12.14 Violation - correction - time - Engineer's discretion

### **Article 13 ROAD CUTS - RESTORATION**

- 614.13.1 Notification - permittee - failure to restore
- 614.13.2 Corporation - may restore - at permittee's expense
- 614.13.3 Emergency - Corporation - may restore - protect

### **Article 14 ROAD CUTS - BOND - INSURANCE - REQUIREMENTS**

- 614.14.1 Deposit - by utilities - contractors - exception
- 614.14.2 Amount - determined - by Engineer - minimum
- 614.14.3 Public liability - property damage - minimum coverage

## OPERATIONS - CITY ROADS

614.14.4 Corporation - co-insured

### **Article 15**

#### **USE OF HIGHWAY - BUILDING OPERATIONS**

- 614.15.1 Use - part of highway - permitted
- 614.15.2 Permit - required
- 614.15.3 Permit - terms - specifications
- 614.15.4 Permit - cancelled - default of obligations
- 614.15.5 Fee - paid - before issue
- 614.15.6 Indemnification - of City - before issue
- 614.15.7 Consent - adjoining owner - required
- 614.15.8 Requirements - other
- 614.15.9 Mortar - mixing - prohibited - exception
- 614.15.10 Drains - obstruction - prohibited
- 614.15.11 Nuisance - annoyance - prohibited
- 614.15.12 Warning lights - required
- 614.15.13 Highway - cleared - restored

### **Article 16**

#### **PRINT MEDIA VENDING - DISTRIBUTION BOXES**

- 614.16.1 Permit fee - insurance - list - location - required
- 614.16.2 Box - clean - sanitary
- 614.16.3 Advertising matter - prohibited - exception
- 614.16.4 Maintenance - restoration - vicinity - surrounding

### **Article 17**

#### **PRINT MEDIA VENDING - DISTRIBUTION BOXES - PERMITS**

- 614.17.1 Operation - without permit - prohibited
- 614.17.2 Location - other than specified - prohibited
- 614.17.3 Application - requirements

## OPERATIONS - CITY ROADS

- 614.17.4 Issued - approved - fees paid
- 614.17.5 Duration - 1 year - renewal fee
- 614.17.6 Fee - non-refundable
- 614.17.7 Non-transferable
- 614.17.8 Obstruction - hazard - location - permit revoked
- 614.17.9 Not removed - removal by City - owner's expense
- 614.17.10 Removal - unauthorized box - by Engineer

### **Article 18**

#### **PRINT MEDIA VENDING - DISTRIBUTION BOXES - PROHIBITED**

- 614.18.1 Sidewalks - width - 2 metres - less
- 614.18.2 Within 30 metres - intersection - exception
- 614.18.3 Bus loading areas
- 614.18.4 Within 6 metres - fire hydrant
- 614.18.5 Egress - ingress - obstruction
- 614.18.6 Obstruction - interference - street maintenance
- 614.18.7 Chained - fastened - affixed - without permission

### **Article 19**

#### **DRIVEWAYS - LOCATION - CONSTRUCTION**

- 614.19.1 Alteration - without authorization - prohibited
- 614.19.2 Non-conforming - existing
- 614.19.3 Width - maximum - two-way driveway
- 614.19.4 Size - maximum - one-way driveway
- 614.19.5 Low volume - minimum distance - from intersection
- 614.19.6 High volume - minimum distance - from intersection
- 614.19.7 Angle - at roadway
- 614.19.8 Separation - minimum - low volume - same property
- 614.19.9 One way entrance - exit - clearly marked

## OPERATIONS - CITY ROADS

- 614.19.10 Standards - prescribed - by Engineer
- 614.19.11 City - right - to construct - curbing - sidewalks

### **Article 20 DRIVEWAYS - NUMBER**

- 614.20.1 Low volume - maximum - frontage
- 614.20.2 Low volume - maximum - additional frontage
- 614.20.3 High volume - maximum frontage

### **Article 21 DRIVEWAYS - CONSTRUCTION - ALTERATION - PERMITS**

- 614.21.1 Required - before commencement
- 614.21.2 Application - plans - drawings - submitted
- 614.21.3 Issued - application - conformance
- 614.21.4 Refusal - non-conformance - Engineer
- 614.21.5 Expiration - void - work - incomplete - time limit
- 614.21.6 Fees - non-refundable
- 614.21.7 Residential property - no driveway - no charge
- 614.21.8 Residential property - extension - existing - fee
- 614.21.9 Other - parking lots - driveways - fee
- 614.21.10 Issue - conditional - relocation - utilities
- 614.21.11 Issue - conditional - requirements
- 614.21.12 Refusal - by Engineer - conditions
- 614.21.13 Appeal refusal - within 60 days - No.2 Committee
- 614.21.14 Committee decision - final - binding

### **Article 22 PUMP ISLAND - GASOLINE - DISPENSING UNITS**

- 614.22.1 Distance - to property line - 10 feet - exception



**Article 23**  
**STANDARDS - HIGHER - UPHELD**

- 614.23.1 Prohibited - provisions - other  
614.23.2 Conflict - other by-law - Act - regulation

**Article 24**  
**ENFORCEMENT**

- 614.24.1 Administration - enforcement - by Engineer  
614.24.2 Non-compliance - work done by City - owner's expense  
614.24.3 Expenses - recovery  
614.24.4 Expenses - interest  
614.24.5 Fine - for interference - barricades - detour signs  
614.24.6 Fine - licence suspended - for fouling highway  
614.24.7 Fine - for contravention

**Article 25**  
**REPEAL - ENACTMENT**

- 614.25.1 By-laws - previous  
614.25.2 Effective date

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**Article 1**  
**SHORT TITLE**

**614.1.1 Citation**

This Chapter may be cited as the "Municipal Roads By-law."

**Article 2**  
**INTERPRETATION**

**614.2.1 Area opening - defined**

"area opening" means that part of a public sidewalk which permits access to a building basement or cellar adjacent to the street.

**614.2.2 Bonded contractor - defined**

“bonded contractor” means a contractor who has fulfilled the requirements of Sections 614.14.1 and 614.14.2 of this Chapter pertaining to the provision of a surety bond.

**614.2.3 Boulevard - defined**

“boulevard” means that portion of the road allowance lying between the adjacent property line and the edge of the travelled portion of the highway or the edge of the shoulder, where such exists, furthest from the travelled portion of the highway.

**614.2.4 Clerk - defined**

“Clerk” means the person who may from time to time be appointed by the Council of the Corporation of the City of Brantford to the position of Clerk.

**614.2.5 Corporation - defined**

“Corporation” means the Corporation of the City of Brantford.

**614.2.6 Driveway - defined**

“driveway” means improved land on a highway which provides vehicular access from the roadway to a laneway or a parking space or area on adjacent land, but shall not include sidewalks.

**614.2.7 Emergency - defined**

“emergency” includes any situation which in the opinion of the Engineer may be hazardous to persons or property.

**614.2.8 Engineer - defined**

“Engineer” means the person who may from time to time be appointed by the Council of the Corporation of the City of Brantford to the position of Engineer or his/her duly authorized representative.

**614.2.9 Repealed: By-law 117-94, 13 June, 1994****614.2.10 High volume driveway - defined**

“high-volume driveway” means those driveways for shopping centres, parking lots, and other similar uses as determined and declared by the Engineer whose decision in such matters shall be final.

**614.2.11 Highway - defined**

“highway” means a common or public highway, or any part thereof and includes a street, bridge and any other structure incidental thereto and any part thereof.

**614.2.12 Low volume driveway - defined**

“low volume driveway” means all driveways other than high volume driveways.

**614.2.13 Owner - defined**

“owner” includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on his/her own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and includes the assessed owner and, for the purposes of this Chapter, all persons shown by the records in the Registry Office, or the Land Titles Office, to be the owner in fee simple of the property.

**614.2.14 Person - defined**

“person” includes an individual, an association, a chartered organization, a firm, a partnership or a corporation.

**614.2.15 Plural - singular**

Words in the plural include the single number.

**614.2.16 Present - future - tense**

Words used in the present tense include the future.

**614.2.17 Road allowance - defined**

“road allowance” means all lands defined and/or dedicated as a highway as defined in section 26 of the *Municipal Act, 2001*, and shall include public laneways.

**614.2.18 Roadway - defined**

“roadway” means that part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a road includes two or more separate roadways, the term “roadway” refers to any one roadway separately and not to all of the roadways collectively.

**614.2.19 Roadway intersection - defined**

“roadway intersection” means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more roadways that join one another at an angle, whether or not one roadway crosses the other.

**614.2.20 Shall - defined - mandatory**

In this Chapter the word “shall” is mandatory and not discretionary.

**614.2.21 Shoulder - defined**

“shoulder” means that part of the road immediately adjacent to the travelled portion of the roadway and having a surface which has been improved for the use of vehicles with asphalt, concrete or gravel.

**614.2.22 Sidewalks - defined**

“sidewalks” means that portion of a road allowance between the curb lines or the lateral lines of a roadway and the adjacent property lines, specifically designed and constructed for the use of pedestrians.

**614.2.23 Trailer - defined**

“trailer” includes a camp trailer, collapsible trailer or any other vehicle used to accommodate persons.

**614.2.24 Treasurer - defined**

“Treasurer” means the person who may from time to time be appointed by the Council of the Corporation of the City of Brantford to the position of Treasurer.

**614.2.25 Utility - defined**

“utility” means any public utility and shall include the following; the Public Utilities Commission of the City of Brantford, Bell Canada, Union Gas Ltd., Ontario Hydro and Jarman Cable T.V. By-law 29-78, 13 March, 1978.

**614.2.26 Vehicle - defined**

“vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle, a motorized all-terrain vehicle or the cars of electric, diesel or steam railways running only upon rails. By-law 60-2004, 22 March, 2004.

**Article 3****GENERAL PROVISIONS****614.3.1 Application - within City**

The provisions of this Chapter shall apply to any road allowance, street, highway, avenue, parkway, square, bridge, place or any area intended for the passage of vehicles or the use of the general public within the boundaries of the Corporation of the City of Brantford.

**614.3.2 Altering - enlarging - conformity - required**

No road allowance or any other area specified under Section 614.3.1 shall be altered, enlarged or used within the City of Brantford except in conformity with the provisions of this Chapter or any other by-law of the Corporation.

**614.3.3 Notice - date - of service - receipt**

When any notice or order is required to be served or given under the provisions of this Chapter, the date of service or receipt of such notice or order shall be deemed to be the date upon which:

- (a) the notice or order is delivered for registered mailing at a Post Office in the City of Brantford; or
- (b) the notice or order is personally served upon any person.

**614.3.4 Vehicles - crossing - sidewalks - repair by owner**

Where any person undertakes or causes to be undertaken any construction, alteration or repair, in the course of which it may be necessary to enter upon a property by passing over or upon curbs, gutters, sidewalks or boulevards adjacent to the property with vehicles, machinery or equipment and where, in the opinion of the Engineer damage may occur to such curbs, gutters, sidewalks or boulevards then the owner of such property shall enter into a binding agreement with the Corporation acknowledging the condition of such curbs, gutters, sidewalks and boulevards and undertaking to pay for such repairs as may be found necessary by the Engineer due to the said construction, alteration or repair.

**614.3.5 Temporary structures - on road allowance - approval**

No temporary structure shall be erected or placed and no trailer shall be located on any part of a road allowance within the City of Brantford for more than twenty-four (24) hours without the consent of Council and in giving such approval Council shall have regard to the requirements of the Engineering Department, the Brant County District Health Unit, the Fire Department and the City of Brantford Police Department.

**614.3.6 Temporary structures - approval - requirements**

Without limiting the generality of Section 614.3.5, such approvals shall require proper sanitary facilities, satisfactory arrangements for garbage disposal, protecting against the fire hazard of cooking and heating equipment, location in respect to zoning, damage to property and hazard to traffic.

**Article 4**  
**GENERAL PROHIBITIONS**

**614.4.1 Water - discharge - on highways - sidewalks**

No owner, occupant or other person in control of any premises shall cause or permit water to flow upon, across or along a sidewalk or highway either directly or indirectly from any rain conductor, drainage facility or any other source, in such a manner as to constitute a hazard or nuisance to persons or property.

**614.4.2 Snow - ice - deposit on highway**

Subject to Section 614.8.7 no person when clearing away and removing snow or ice from any parking lot, or from any other private property, whether open to the public or not, shall deposit snow or ice on the sidewalk or the travelled portion of any highway.

**614.4.3 Watercourse - obstruction**

The obstructing of any drain or watercourse is hereby prohibited.

**614.4.4 Repealed: By-law 117-94, 13 June, 1994**

**614.4.5. Material - adjacent property - on road - sidewalk**

The occupant and/or owner having charge, care or control of any house, building or property shall remove, and keep removed all gravel, stone chips, earth and other similar materials from the sidewalk and highway adjacent to such house, building or property.

**614.4.6 Material - on road - sidewalk - not prevented**

The occupant and/or owner having charge, care or control of any house, building or property shall take all precautions necessary to prevent all gravel, stones, chips, earth and other similar materials from entering upon or across any part of any sidewalk or highway, whether by erosion or otherwise and shall forthwith remove and keep removed any and all such material from any part of any sidewalk or highway.

**614.4.7 Engineer - may remove material - at owner's expense**

In default of compliance with the requirements of Sections 614.4.5 and 614.4.6, the Engineer is authorized to clear away and remove such material at the expense of the occupant and/or owner.

### **Article 5**

#### **HIGHWAY NAME SIGNS - NUMBERING OF BUILDINGS**

##### **614.5.1 Signs - erected - maintained - by Engineer**

The Engineer is authorized and directed to erect and maintain highway name signs.

##### **614.5.2 Highway numbering committee - established**

A highway numbering committee shall be established for the numbering and re-numbering of buildings and such committee shall consist of a member from the Engineering Department, the Clerk's office and the Planning Department.

##### **614.5.3 Secretary - representative - Clerk's office**

The representative from the Clerk's office shall be the secretary for the committee.

### **Article 6**

#### **BOULEVARDS**

##### **614.6.1 Maintenance - landowner's expense - exception**

Subject to the provisions of the City of Brantford by-law respecting trees on highways, and subject to the provisions of other by-laws respecting public work and obstructions to the view of drivers at intersections, an owner of land abutting a highway may at his/her own expense maintain any boulevard immediately opposite his/her land, but not so as to unreasonably interfere with or impede public traffic, Such maintenance shall not include the construction or reconstruction and repair of sidewalks and curbs.

##### **614.6.2 Repealed: By-law 117-94, 13 June, 1994**

##### **614.6.3 Repealed: By-law 117-94, 13 June, 1994**

##### **614.6.4 Damage - planted boulevard - prohibited**

No person shall damage any planted boulevard.

##### **614.6.5 Animal - trailer - vehicle - prohibited**

No person shall lead, drive, place or permit any animal, trailer or other vehicle owned by him/her or being in his/her possession or under his/her control upon any boulevard. By-law 29-78, 13 March, 1978.

**614.6.6 Repealed: By-law 117-94, 13 June, 1994**

**614.6.7 Repealed: By-law 117-94, 13 June, 1994**

#### **Article 7**

### **HIGHWAY - TEMPORARY CLOSING**

#### **614.7.1 Closure - while work in progress**

During the construction, repairing or improvement of any highway or portion thereof, the highway or that portion of it being constructed, repaired, or improved may be temporarily closed.

#### **614.7.2 Alternative route - established - by Engineer**

Where a highway or portion thereof is closed, the Engineer shall make provision and keep in repair, a reasonable temporary alternative route for traffic and for all property owners who cannot obtain access to their property by reason of such closing.

#### **614.7.3 Barricades - detour signs - warning device**

While a highway or portion thereof is closed to traffic there shall be erected at the end of the highway or portion thereof, and where an alternative route deviates therefrom, a barricade upon which an adequate warning device shall be exposed and in good working order continuously from sunset until sunrise. By-law 29-78, 13 March, 1978.

#### **Article 8**

### **SNOW - ICE - HAZARDOUS ACCUMULATION REMOVAL - RESPONSIBILITY**

#### **614.8.1 Sidewalks - occupied building - owner**

With respect to every occupied building, including office buildings, buildings of multiple occupancy and government buildings, the owner shall clear away and remove the snow and ice from all public sidewalks on highways in front of, alongside or at the rear of such buildings, as soon as reasonably practicable after every snow fall and in any event, within twenty-four hours. By-law 120-2004, 21 June, 2004.

**614.8.2 Repealed: By-law 120-2004, 21 June, 2004**

#### **614.8.3 Sidewalks - unoccupied buildings - lots - owner**

The owner shall be responsible for the cleaning and removal of all snow and ice from public sidewalks in front of, alongside or at the rear of any unoccupied building or vacant lot or parking lots within twenty-four hours after every snow fall. By-law 29-78, 13 March, 1978.



**614.8.4 Roofs - occupied buildings - removal by owner**

With respect to every occupied building, except office buildings, buildings of multiple occupancy and government buildings, having a roof or other structure from which snow and ice might fall upon any highway or other place to which the public has access, the owner shall clear away and remove the snow and ice from the roof or other structure whenever there is sufficient accumulation which might constitute a hazard to the general public. By-law 29-78, 13 March, 1978; By-law 120-2004, 21 June, 2004.

**614.8.5. Roofs - offices - multiple dwellings - removal by owner**

The owners of office buildings, buildings of multiple occupancy and government buildings having a roof or other structure from which snow and ice might fall shall be responsible for the removal of snow and ice from such roof or other structure whenever there is sufficient accumulation which might constitute a hazard to the general public.

**614.8.6 Roofs - unoccupied buildings - removal by owner**

The owners of every unoccupied building having a roof or other structure from which snow and ice might fall upon any highway or other place to which the public has access shall be responsible for the removal of snow and ice from such roof or other structure whenever there is sufficient accumulation which might constitute a hazard to the general public.

**614.8.7 Removal - obstruction - prohibited**

In the clearing away and removal of snow and ice from sidewalks or roofs or other structures, no snow or ice shall be deposited in such a manner as to obstruct drainage to any drain or sewer, or so as to obstruct access to any fire hydrant, and no snow or ice shall be deposited upon the travelled portion of the highway, except where no reasonable alternative site is available and in no event shall such snow or ice be placed so as to interfere with the safe passage of vehicles, or obstruct the visibility of vehicle operators.

**614.8.8 Repealed: By-law 120-2004, 21 June, 2004**

**614.8.9 Not removed - removal by City - owner's expense**

Notwithstanding the provisions of Sections 614.24.1 through 614.24.4 inclusive, upon the failure of the person required to remove the snow and ice as provided in this Chapter the Engineer in lieu of or in addition to any other remedy provided by the Chapter is authorized to clear away and remove snow and ice at the expense of the owner and in default of payment upon demand, the amount incurred in removal of snow and ice shall be recovered from the owner by action in any competent court or be added by the Clerk to the Collector's roll and collected as municipal taxes against land.

**Article 9****OBSTRUCTING - ENCUMBERING - DAMAGING  
FOULING - ROADS - DRAINS****614.9.1 General prohibition**

Unless otherwise specifically permitted by this Chapter, no person shall obstruct, encumber, damage or foul any road allowance or obstruct any drain, ditch or culvert upon a highway. By-law 29-78, 13 March, 1978.

**614.9.2 Obstruction - encumbrances - specific - prohibited**

Without limiting the generality of the foregoing prohibition, no person shall without lawful authority erect, install, place or maintain or cause or permit the erection, installing, placing or maintaining, of any pole, post, mailbox, mail storage box, newspaper vending box, planter, awning, canopy, marquee, sign, area opening, porch, doorstep, vehicle approach ramp, sidewalk, driveway, or other building, structure or thing either wholly or partly upon, in, under or over a road allowance, or any other thing which may obstruct the said road allowance and no person shall cause or permit the hanging or maintenance of any gate, door or other thing in such a manner as to allow it to swing over any part of a road allowance; further, no person shall break, damage, tear up or remove any planking, pavement, sidewalk, crossing, curbing, median or other road surface from any road allowance.

**614.9.3 Obstruction - removal - owner - responsibility**

Any pole, post, mailbox, mail storage box, newspaper vending box, planter, awning, canopy, marquee, sign, porch, doorstep, vehicle approach ramp, sidewalk, driveway, or other building, structure or thing unlawfully upon, in, under or over a road allowance, either wholly or partly, shall be removed by the owner or occupant of the land in connection with which the same exists, and any area opening, unlawfully in any road allowance, shall be filled up by the owner or occupant of the land in connection with which it exists. By-law 29-78, 13 March, 1978; By-law 117-94, 13 June, 1994.

**614.9.4 Failure to remove - removal - owner's expense**

In default of compliance with Section 614.9.3, any such obstruction or encumbrance may be removed and any such area opening may be filled in by the Engineer, and the road restored to its former condition, all at the expense of the owner or occupant of the land in connection with which such obstruction, encumbrance or area opening exists, and the amount of such expense may be recovered by action or may be added by the Clerk to the Collector's roll against the said land and collected in like manner as municipal taxes. By-law 29-78, 13 March, 1978.

**614.9.5 Property line - determination - where required**

Every person before building, or rebuilding, on his/her property along any public street or place, shall obtain at his/her expense the correct line of the street opposite to and bounding such property from a legally qualified provincial land surveyor where it is necessary and the said person shall file in the Engineer's office plans and data of the said lines when required. By-law 29-78, 13 March, 1978; By-law 117-94, 13 June, 1994.

**614.9.6 Fouling highways - prohibited**

Any person who throws or deposits or causes to be deposited any glass, nails, tacks or scraps of metal or any rubbish, refuse, waste or litter upon, along or adjacent to a highway except in receptacles provided for the purpose, shall at his/her expense remove all such waste or litter and in default of compliance with this provision such waste and litter may be removed by the City and the expenses of such removal may be recovered by action against such person.

**Article 10**  
**UTILITY SERVICES**

**614.10.1 Obstructions - encumbrances - permitted**

Notwithstanding the provisions of this Chapter 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:

- (a) electric light, power, telegraph and telephone poles and wires, and poles and wires for the transmission of electricity across or along any highway or land owned by the municipality;
- (b) poles, towers, wires, cables, amplifiers, and other accessory equipment upon, across, or along any highway or land owned by the municipality, 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, upon and within any poles, towers, pipes, ducts and conduits then erected, constructed or laid down, with the consent of the owner and the body in which is vested the management and control of such poles, towers, pipes, ducts and conduits;
- (c) pipes or conduits for transmitting gasoline, petroleum or petroleum products along, under, in or upon a highway or land owned by the municipality;
- (d) pipes or conduits for enclosing wires for the transmission of electricity under a highway or land owned by the municipality;
- (e) pipes or conduits for transmitting steam, under a highway or land owned by the municipality;

- (f) pipes and other necessary works for the transmission of water, gas or sewage on, in, under, along or across a highway or land owned by the municipality.

**614.10.2 Location - poles - wires - minimum height**

All such poles and towers referred to in Section 614.10.1 shall be located, installed and maintained under the supervision and to the satisfaction of the Engineer, and all such wires shall be placed and maintained at a height of not less than fourteen feet six inches (14'6") under maximum sag conditions.

NOTE: Notwithstanding the above, all such wires shall be so placed and maintained so as to comply with any applicable Provincial or Federal Legislation.

**Article 11**

**ROAD CUTS - REQUIREMENTS**

**614.11.1 Exclusion - utilities - where written agreement**

Nothing in Articles 11, 12, 13 and 14 shall be construed as applying to those public utilities with whom the Corporation has entered into a written agreement concerning road excavations.

**614.11.2 Excavation - on road - prohibited - exception**

No person shall make an excavation upon any road unless such excavation is expressly authorized by the provisions of this Chapter, except in the case of work done by the Corporation.

**614.11.3 Proposed work - in accordance - plans - specifications**

The proposed work shall, wherever possible and/or applicable, be in accordance with the standard plans and specifications as approved by the Engineer.

**614.11.4 Permission - deviation - plans - specifications**

No deviation from the standard plans and specification shall be made without the written permission of the Engineer.

**614.11.5 Notice of commencement - required - exception**

Except in case of emergency, no work shall be commenced without at least forty-eight hours notice in writing to the Engineer, or five (5) weeks notice where a street is proposed to be closed, or the traffic on a heavily travelled street seriously interfered with, and daily reports shall be given to the Engineer of the progress of all such work until its completion including the restoration of the highway.

**614.11.6 Emergency - notification - application - immediate**

In the event of an emergency requiring the cutting of any road allowance notification shall be given immediately to the Engineering Department and an application for a permit shall be made as soon as possible after commencement of the work, namely on the same day, or if too late in the day then within one (1) hour of the opening of the Engineering Department on the next working day.

**614.11.7 Closure - highway - written consent - required**

No person shall close any highway or portion thereto to the passage of vehicles without first having the written consent of the Engineer.

**614.11.8 Traffic Control - conformance - City procedures**

The control of vehicular and pedestrian traffic shall be in accordance with the latest revision of the "City of Brantford Manual Street Barricading Procedures" and all signs, barriers, cones, lights, lanterns etc., used for traffic control, shall conform to the requirements of the said Manual.

**614.11.9 Permittee - notify - other officials - as required**

Where notification of police, fire or P.U.C. or other affected persons is required by this Chapter or any other by-law, Act or Regulation, the permittee shall notify the said persons as required.

**614.11.10 Notification - other officials - conditions**

The permittee is required to notify the Police Department, Fire Department, P.U.C. and the operator of the ambulance service where:

- (a) a highway is to be completely closed to traffic;
- (b) where normal traffic flow on a highway is disrupted.

**614.11.11 Notify - utility - interference with installations**

The permittee shall notify P.U.C., Bell Canada, Union Gas, or any other utility affected when such work may interfere with their installations.

**614.11.12 Utility services affected - permittee - to ascertain**

It shall be the responsibility of the permittee to ascertain the location of all utility services which may be affected by such work.

**614.11.13 Work - executed safely - restoration**

All work to which the provisions of Articles 11, 12, 13 and 14 apply shall be carried out in a workmanlike manner, with all necessary precautions and safety measures being taken for the protection of public and private property, and the public. Upon completion of the work the road allowance shall be restored to the satisfaction of the Engineer and in accordance with the street excavation restoration specifications as approved by the Engineer from time to time.

**614.11.14 Excavation - sidewalk - curb - driveway - restore**

Where an excavation is made in a sidewalk, curb or driveway, the entire section which is disturbed shall be replaced in conformity with the specifications and other requirements of the Corporation.

**614.11.15 Damage to services - notify Engineer**

Where a sewer or catchbasin connection or other service or facility of the Corporation is broken or disturbed, the person responsible for the work shall at once notify the Engineer and shall cause the same to be repaired by a bonded contractor. In the event the said person fails to do the said work as required, the Corporation may do such work and charge the cost thereof to the said person.

**Article 12****ROAD CUTS - PERMITS****614.12.1 Written - from Engineer - required**

A permit in writing from the Engineer is required before cutting of the surface of any road allowance with respect to the removal, installation or replacement of:

- (a) any paving or landscaped area;
- (b) any sidewalk or curb and gutter;
- (c) any sewer connection;
- (d) any pipe or conduit;
- (e) any boring or tunnelling under the road allowance; or
- (f) any other underground work or other work involving the cutting of any surface of the road allowance except as otherwise provided.

**614.12.2 Application - to Engineer - form provided**

Each application for a permit required under Articles 11, 12, 13 and 14, shall be made to the Engineer in writing, on a form provided for this purpose.

**614.12.3 Issued - where satisfactory application**

The Engineer upon receipt of the application will, within a reasonable time issue the permit to any applicant whose application satisfies the requirements of this Chapter or any other applicable by-law. Provided, however, that the Engineer may require the work to be done by boring or tunnelling instead of cutting where, in his/her opinion, this is desirable.

**614.12.4 Expiration - non-commencement**

The work for which a permit has been issued shall commence within three months following the date of the permit; otherwise, the permit is void. By-law 29-78, 13 March, 1978.

**614.12.5 Permit - fee**

For each permit issued a permit fee of \$12 shall be charged.

**614.12.6 Inspection - fee**

Each applicant for a permit will be required to pay a minimum of \$12 for each required inspection by Inspectors. By-law 62-86, 16 March, 1986; By-law 9-94, 17 January, 1994.

**614.12.7 Inspection - more than 1/2 hour - charge - actual cost**

Each inspection requiring an inspector for more than 1/2 hour shall be charged to the applicant on the basis of the actual cost to the Corporation. By-law 62-86, 16 March, 1986.

**614.12.8 Transfer - permit - prohibited**

No permit shall be transferrable.

**614.12.9 Work - location - completion**

Work shall be located and completed in accordance with the terms of the permit issued.

**614.12.10 Refusal - to issue permit - authority**

The Engineer may refuse to grant a permit to any applicant for the following reasons:

- (a) violation of any condition of a permit previously issued to the applicant, or of any provisions of this Chapter applicable to a permit previously issued hereunder;
- (b) non-payment or unduly delayed payment of monies due to the Corporation as a result of inspection, or of any necessary work undertaken by the Corporation, in the course of administering any provision of this Chapter;
- (c) chronic or serious violation of any by-laws or regulations of the Corporation in the past and in any way related to the type of work proposed.



**614.12.11 Refusal - appeal - within 60 days - No.2 Committee**

Subject to the *Statutory Powers Procedure Act* as amended from time to time, any applicant who has been refused a permit and who wishes to appeal such refusal may within sixty days of the date of such refusal apply to the No.2 Committee of Council who shall hear such appeal.

**614.12.12 Appeal decision - final - binding**

The decision of the said Committee shall be final and binding upon the said applicant.

**614.12.13 Revocation - permit - conditions**

Any permit issued pursuant to this Chapter may be revoked by the Engineer upon giving written notice to the permittee for the following reasons:

- (a) a violation of any condition of the permit or of any provision of this Chapter;
- (b) a violation of any provision of any other by-law relating to the work;
- (c) the existence of any condition or the doing of any act constituting or creating a nuisance or endangering the lives or properties of others;
- (d) where the permit has been issued on mistaken, false or misleading information.

**614.12.14 Violation - correction - time - Engineer's discretion**

The Engineer may in his/her absolute discretion grant a period of not more than seven days to correct the violation or condition.

**Article 13****ROAD CUTS - RESTORATION****614.13.1 Notification - permittee - failure to restore**

If the permittee in carrying out any work authorized by a permit issued, shall fail to restore the road allowance within a reasonable time to the satisfaction of the Engineer, the Engineer may give the permittee written notice requiring him/her to restore such road allowance pursuant to the terms thereof within forty-eight hours of receipt by the permittee of such notice.

**614.13.2 Corporation - may restore - at permittee's expense**

In the event of failure to restore the road allowance as required, the Corporation may restore the road allowance and charge the cost of any such restoration to the permittee.

**614.13.3 Emergency - Corporation - may restore - protect**

In the event that the Engineer shall consider the restoration or protection of any excavation to be a matter of emergency, the Corporation may restore such excavation, or alternatively protect any such excavation by barricades and/or lights until the situation is corrected, and the cost of any such work shall be charged to the permittee.

**Article 14****ROAD CUTS - BOND - INSURANCE - REQUIREMENTS****614.14.1 Deposit - by utilities - contractors - exception**

With the exception of work done by the Corporation or its servants, agents or contractors, all work referred to in Section 614.12.1 shall be done only by or under the control of a utility, or by a contractor who has deposited a surety bond or other security and satisfactory to the Treasurer, in such amount as may be deemed sufficient to guarantee:

- (a) the faithful performance of the work authorized by a permit issued pursuant to this Chapter;
- (b) the payment to the Corporation of any monies due or which may become due as a result of any action taken in accordance with the provisions of this Chapter.

**614.14.2 Amount - determined - by Engineer - minimum**

The amount of the surety required shall be determined by the Engineer and shall be not less than two thousand dollars (\$2,000.00).

**614.14.3 Public liability - property damage - minimum coverage**

Each applicant shall, prior to the issuance of a permit, provide the Corporation with proof of public liability insurance for personal injury in the amount of not less than \$1,000,000.00 for each person and each occurrence, and property damage insurance in the amount of not less than \$300,000.00 for each occurrence.

**614.14.4 Corporation - co-insured**

The insurance certificate shall name the Corporation as a co-insured.

**Article 15**  
**USE OF HIGHWAY - BUILDING OPERATIONS**

**614.15.1 Use - part of highway - permitted**

Notwithstanding the provisions of this Chapter prohibiting the obstructing, encumbering, damaging or fouling of highways, the use of a portion of any highway by the owner or occupant of land adjoining such highway during building operations upon such land for the storage of materials for such building or for the erection of hoardings shall not be permitted except in accordance with the provisions of this Section 614.15.2.

**614.15.2 Permit - required**

No person shall use any part of any highway as described in Section 614.15.1 unless and until a permit in writing has been obtained from the Engineer, and no such use shall be made of any part of the highway except in accordance with the terms of the permit, the Ontario Building Code, and all other legislation applicable.

**614.15.3 Permit - terms - specifications**

Every permit shall show what part of what highway may be used, for what part or parts of the day, during what period of time; and no such permit shall be for the use of a greater area of the highway or for a longer period of time than is reasonably necessary, having regard to the safety and convenience of the public as well as the need of the applicant. Every permit shall specify the extent to which such a highway may be used, specify the work to be done, the precautions to be taken by the person using the highway to ensure the safety and convenience of the public and the length of time the permit shall be in force.

**614.15.4 Permit - cancelled - default of obligations**

Every permit shall be subject to cancellation by the Engineer in the event that the permittee is in default of his/her obligations under the terms of this Chapter and/or the permit.

**614.15.5 Fee - paid - before issue**

No permit shall be issued until there has been paid a fee in such amount as may be determined from time to time by the Council.

**614.15.6 Indemnification - of City - before issue**

No permit shall be issued until there has been delivered by the applicant proof of insurance, satisfactory to the Clerk, in such sum as may be required to indemnify and save harmless the Corporation from any and all actions, claims, damages and loss whatsoever, arising from such use of the highway.

**614.15.7 Consent - adjoining owner - required**

Before any permit is given for the use of any part of the highway beyond the limits of the frontage of the applicant, there shall be obtained from the owner of the adjoining lands, in writing, a consent and waiver of all claims against the Corporation of any damages which may result, whether directly or indirectly, from any such use of that part of the highway during the period to be covered by the permit and for a reasonable time thereafter.

**614.15.8 Requirements - other**

Every person making use of any part of a highway during building operations shall be responsible that the requirements set out in Sections 614.15.9 through 614.15.13 inclusive are observed.

**614.15.9 Mortar - mixing - prohibited - exception**

No mortar, concrete or other such substance shall be mixed upon the highway, save upon a platform of wood, iron or other such suitable material and so located and guarded as to give adequate protection both to the highway and to children and the public.

**614.15.10 Drains - obstruction - prohibited**

No material shall be allowed to obstruct the free passage of water in any drain, gutter or watercourse on the highway nor shall any material be allowed to enter any drain, sewer or watercourse.

**614.15.11 Nuisance - annoyance - prohibited**

No unnecessary or unreasonable annoyance to the public shall be caused by reason of the work.

**614.15.12 Warning lights - required**

No building material or other obstructions shall be allowed on a highway without sufficient suitable warning lights and such other safeguards as may be necessary or desirable for the protection of the public.

**614.15.13 Highway - cleared - restored**

All building material and other obstructions and all debris and residue shall be removed from the highway and the same restored to as good a condition as existed at the time of issuance of the permit and such restoration shall be completed on or before the day of expiration of the permit. By-law 29-78, 13 March, 1978.

**Article 16**  
**PRINT MEDIA VENDING - DISTRIBUTION BOXES**

**614.16.1 Permit fee - insurance - list - location - required**

No person shall erect, install, place or maintain a print media vending or distribution box on any road allowance without first complying with the following:

- (a) obtain a permit, at a cost of \$15, for each and every vending and distribution box placed on the public road allowance;
- (b) provide a \$2,000,000 public liability policy of insurance wherein the City of Brantford is an additional named insured and the policy contains a provision for cross-liability;
- (c) provide at the time of each annual payment and from time to time as may be required by the Engineer, an alphabetical street name inventory listing exactly where the vending or distribution boxes are placed and a map of the City, satisfactory to the Engineer, showing the location where each vending or distribution box or boxes are situated. <9%-2> By-law 178-90, 19 November, 1990; By-law 9-94, 17 January, 1994.

**614.16.2 Box - clean - sanitary**

The permit holder shall at all times keep the vending or distribution box in a clean and sanitary condition so that the said box does not constitute a public or private nuisance.

**614.16.3 Advertising matter - prohibited - exception**

The permit holder shall not have any printing or advertising matter on the distribution boxes other than the name of the print media being sold, the name of the publisher and instructions for use of the said box, but shall not, however, preclude the placement of box cards as used by the newspaper industry.

**614.16.4 Maintenance - restoration - vicinity - surrounding**

The permit holder shall maintain the area in the vicinity of the vending or distribution box in a condition satisfactory to the Engineer. In the event that the area in the vicinity of the vending or distribution box becomes eroded due to the utilization by customers, the permit holder will be fully responsible for the complete restoration of the area including resodding to the satisfaction of the Engineer. In the event that the problem re-occurs, the Engineer may request the permit holder to install, at the permit holder's expense, a suitable asphalt pad in the area of the vending or distribution boxes. In the event that the area is occupied by more than one vending or distribution box, the cost of the restoration and/or asphalt pad will be equally proportioned among the permit holders.

**Article 17**  
**PRINT MEDIA VENDING - DISTRIBUTION**  
**BOXES - PERMITS**

**614.17.1 Operation - without permit - prohibited**

No person shall place, operate or maintain a vending or distribution box on any public road allowance without first obtaining a permit to do so.

**614.17.2 Location - other than specified - prohibited**

No permit holder shall place, operate or maintain a vending or distribution box in any location other than the location specified in the permit.

**614.17.3 Application - requirements**

An application for a permit shall be made on the form prescribed by the Engineer and shall be accompanied by a plan showing the proposed location, size and design of the box.

**614.17.4 Issued - approved - fees paid**

No permit shall be issued until the Engineer has approved the proposed location, size and design of the distribution box and the permit fees have been paid. By-law 178-90, 19 November, 1990.

**614.17.5 Duration - 1 year - renewal fee**

A permit shall be valid for one year from date of issue at a cost of \$15 for each vending and distribution box and may be renewed for additional one year periods at a cost of \$15 for each renewal. By-law 178-90, 19 November, 1990; By-law 9-94, 17 January, 1994.

**614.17.6 Fee - non-refundable**

The fee payable for the permit or renewal shall not be refundable in whole or in part.

**614.17.7 Non-transferable**

A permit for a box is not transferable.

**614.17.8 Obstruction - hazard - location - permit revoked**

If in the opinion of the Engineer a print media vending or distribution box is located such that it constitutes a visibility obstruction, safety hazard or physical obstruction for a vehicle driver, vehicle, pedestrian or highway maintenance operation, the Engineer may revoke the permit for the box and the permit shall expire seven days after notice of revocation has been given to the permit holder.

**614.17.9 Not removed - removal by City - owner's expense**

If a permit holder for a vending or distribution box fails to remove the said box following expiration of the permit, the Engineer may remove the box without notice and the permit holder shall pay the cost of removal forthwith upon demand.

**614.17.10 Removal - unauthorized box - by Engineer**

The Engineer may remove, without notice, any vending or distribution box which is located on a public highway and is not authorized by a permit.

**Article 18****PRINT MEDIA VENDING - DISTRIBUTION  
BOXES - PROHIBITED****614.18.1 Sidewalks - width - 2 metres - less**

No vending or distribution box shall be placed on sidewalks having a width of two metres or less.

**614.18.2 Within 30 metres - intersection - exception**

No vending or distribution box shall be placed within thirty metres of an intersection, except at the back of the sidewalk.

**614.18.3 Bus loading areas**

No vending or distribution box shall be placed at bus loading areas.

**614.18.4 Within 6 metres - fire hydrant**

No vending or distribution box shall be placed within six metres of any fire hydrant.

**614.18.5 Egress - ingress - obstruction**

No vending or distribution box shall be placed at or adjacent to pedestrian and/or vehicular egress and ingress locations including ramps and crosswalks so as to obstruct or interfere with egress and ingress.

**614.18.6 Obstruction - interference - street maintenance**

No vending or distribution box shall be placed so as to obstruct or interfere with street maintenance.

**614.18.7 Chained - fastened - affixed - without permission**

No vending or distribution box shall be chained, fastened or affixed to:

- (a) traffic signal poles, lamp posts, street name sign poles, utility poles or parking meters;

- (b) a building, structure or fixture not designed to accommodate vending or distribution boxes, unless prior written permission from the owner of such building, structure or fixture is first obtained. By-law 178-90, 19 November, 1990.

### **Article 19**

#### **DRIVEWAYS - LOCATION - CONSTRUCTION**

##### **614.19.1 Alteration - without authorization - prohibited**

No person shall establish widen or alter any driveway over any part of any boulevard or sidewalk unless such use is expressly authorized by the provisions and requirements of this Chapter.

##### **614.19.2 Non-conforming - existing**

Nothing in this Chapter shall preclude the continuance of the use of driveways already existing in the City of Brantford excepting that:

- (a) the Corporation shall have the right to alter, adjust, reconstruct, improve, or carry out work upon any part of any driveway during the course of construction, reconstruction or improvement projects being carried out on the highway upon which such a driveway exists;
- (b) where in the opinion of the Engineer the use of a driveway in its existing state of repair and/or location constitutes a danger to the public, he/she may require work to be done to bring the said driveway into conformity with this Chapter and the cost thereof shall be borne by the owner of the property abutting the driveway and the City.

##### **614.19.3 Width - maximum - two-way driveway**

- (a) Maximum width of driveway measured perpendicular to the centre line of driveway 30 feet
- (b) Maximum dimension along street line 30 feet
- (c) Maximum width of curb drop measured at the roadway 50 feet

##### **614.19.4 Size - maximum - one-way driveway**

Where a driveway is intended for use in one direction only, (including each half of a divided driveway), the dimensions as shown in Section 614.19.3 shall be reduced by ten feet.

##### **614.19.5 Low volume - minimum distance - from intersection**

For low volume entrances, the following distances shall apply:



- (a) except with the written approval of the Engineer, no driveway shall be located closer than 20 feet measured along the property line from the nearest side of the driveway to the property line of the intersecting highway.

NOTE: Notwithstanding the above, it is recommended that the above distance shall be not less than 30 feet.

- (b) except with the written approval of the Engineer no driveway shall be located closer than 5 feet measured along the curb line from the nearest tangent point of the curb radius at the street intersection to the tangent point of the curb radius at the nearest side of the driveway.

NOTE: Notwithstanding the above it is recommended that the above distance shall be not less than 10 feet.

#### **614.19.6 High volume - minimum distance - from intersection**

For high volume entrances such as shopping centres, large apartment buildings, large industrial centres, large parking lots, the following distances shall apply:

- (a) except with the written approval of the Engineer no driveway shall be located closer than 100 feet measured along the property line from the nearest side of the driveway to the property line of an intersecting minor highway measured at the property line.

NOTE: Notwithstanding the above, it is recommended that the above distance shall be not less than 150 feet.

- (b) except with the written approval of the Engineer no driveway shall be located closer than 200 feet measured along the property line from the nearest side of the driveway to the property line of an intersecting major highway measured at the property line.

NOTE: Notwithstanding the above, it is recommended that the above distance shall be not less than 250 feet.

#### **614.19.7 Angle - at roadway**

The sides of a driveway may meet the roadway at an angle less than ninety (90) degrees, but not less than sixty (60) degrees.

#### **614.19.8 Separation - minimum - low volume - same property**

Except with the written approval of the Engineer, the distance between the two closest sides of low volume driveways serving the same property, measured at the property line shall be a minimum distance of 20 feet.

NOTE: Notwithstanding the above, it is recommended that the above distance shall be not less than 30 feet.

**614.19.9 One way entrance - exit - clearly marked**

Driveways established or used for one way traffic shall be clearly signed as "ENTRANCE" or "EXIT" driveways. Where required by the Engineer, the owner shall mark the driveways in a manner approved by the Engineer.

**614.19.10 Standards - prescribed - by Engineer**

All driveways shall be constructed to the standard prescribed by the Engineer.

**614.19.11 City - right - to construct - curbing - sidewalks**

Nothing in this Chapter shall be deemed to limit the right of the City to construct curbing or sidewalks along any highway or past any existing driveway.

**Article 20  
DRIVEWAYS - NUMBER**

**614.20.1 Low volume - maximum - frontage**

Except with the written approval of the Engineer, no more than two driveways shall be permitted in the first 100 feet of frontage of any parcel of land.

**614.20.2 Low volume - maximum - additional frontage**

Except with the written approval of the Engineer, not more than one driveway shall be permitted for each additional 100 feet of frontage.

**614.20.3 High volume - maximum frontage**

Except with the written approval of the Engineer, no more than one high volume driveway shall be permitted for each 250 feet of frontage.

**Article 21  
DRIVEWAYS - CONSTRUCTION - ALTERATION - PERMITS**

**614.21.1 Required - before commencement**

No person or persons shall construct or cause to be constructed, widened or altered a driveway of any kind without having first obtained a permit for such work.

**614.21.2 Application - plans - drawings - submitted**

Every application for a permit shall be submitted to the Office of the Engineer on a form prescribed for that purpose and shall contain or be accompanied by such plans, drawings and specifications as the Engineer may deem necessary for a complete appraisal of the proposed work.

**614.21.3 Issued - application - conformance**

Where an application for a permit has been made and the proposed work set out in the application conforms with this Chapter, the Engineer shall issue the required permit.

**614.21.4 Refusal - non-conformance - Engineer**

The Engineer shall have the right to refuse to issue a permit for an application which does not conform with this Chapter.

**614.21.5 Expiration - void - work - incomplete - time limit**

Every permit issued by the Engineer shall expire and become null and void if the work authorized by such permit is not completed within three (3) months from the date of issue of the said permit. By-law 29-78, 13 March, 1978.

**614.21.6 Fees - non-refundable**

No permit shall be issued until the fees set out in Sections 614.21.7, 614.21.8 and 614.21.9 shall have been paid to the Treasurer, City Hall, Brantford, Ontario, and there shall be no refund of any fees for any cause.

**614.21.7 Residential property - no driveway - no charge**

For each application for a driveway to a single, semi-detached, tri-plex or four-plex residential unit not presently having a driveway - \$5.00. By-law 62-86, 10 March, 1986; By-law 9-94, 17 January, 1994.

**614.21.8 Residential property - extension - existing - fee**

For each application for a driveway or extension of a driveway to a single, semi-detached, tri-plex or four-plex residential property where such property already has a driveway - \$5.00.

**614.21.9 Other - parking lots - driveways - fee**

For each application for a driveway to all commercial industrial, institutional, multi-family and privately owned parking lots or any driveway other than a residential driveway - \$12.00. By-law 62-86, 10 March, 1986.

**614.21.10 Issue - conditional - relocation - utilities**

The granting of a permit shall be conditional on the permittee paying the full cost of relocating or removing utility poles, hydrants, trees, utility mains, services, curbs, sidewalks, or street furniture of any kind which may have to be relocated or removed by reason of the widening, alteration or construction of a driveway.

**614.21.11 Issue - conditional - requirements**

No permit shall be granted for the construction or alteration of a driveway as described herein unless the permittee has provided the Clerk with an original copy of the following:

- (a) the surety required by Sections 614.14.1 and 614.14.2;
- (b) a Public Liability and Property Damage Insurance Policy as required by Sections 614.14.3 and 614.14.4. By-law 29-78, 13 March, 1978.

**614.21.12 Refusal - by Engineer - conditions**

The Engineer may refuse to grant a permit to any applicant for the following reasons:

- (a) violation of any condition of a permit previously issued to the applicant, or of any provisions of this Chapter applicable to a permit previously issued hereunder;
- (b) non-payment or unduly delayed payment of monies due to the Corporation as a result of inspection, or of any necessary work undertaken by the Corporation, in the course of administering any provision of this Chapter;
- (c) chronic or serious violation of any by-laws or regulations of the Corporation in the past and in any way related to the type of work proposed.

**614.21.13 Appeal refusal - within 60 days - No.2 Committee**

Subject to the *Statutory Powers Procedure Act*, as amended from time to time, any applicant who has been refused a permit and who wishes to appeal such refusal may, within sixty (60) days of the date of such refusal, apply to the No. 2 Committee of Council who shall hear such appeal.

**614.21.14 Committee decision - final - binding**

The decision of the said Committee shall be final and binding upon the said applicant. By-law 152-78, 18 September, 1978.

**Article 22****PUMP ISLAND - GASOLINE - DISPENSING UNITS****614.22.1 Distance - to property line - 10 feet - exception**

Except with the written approval of the Engineer, the distance from the face of pump islands or gasoline dispensing units to the property line shall be not less than 10 feet.

NOTE: Notwithstanding the above, it is recommended that the above distance shall be not less than 15 feet.

**Article 23****STANDARDS - HIGHER - UPHELD****614.23.1 Prohibited - provisions - other**

Nothing in this Chapter shall be so construed as to permit anything which by the provision of any other applicable act or regulation is prohibited.

**614.23.2 Conflict - other by-law - Act - regulation**

Where any conflict exists between this Chapter and any other by-law, act or regulation, the more restrictive regulation or provision shall apply.

**Article 24****ENFORCEMENT****614.24.1 Administration - enforcement - by Engineer**

The administration and enforcement of this Chapter shall be the responsibility of the Engineer.

**614.24.2 Non-compliance - work done by City - owner's expense**

Upon the default of any person to do anything required to be done by that person under this Chapter, the Corporation of the City of Brantford may, upon giving ten (10) days notice, in writing, of its intention to the said person, enter upon the lands affected and do the work or thing required to be done at the expense of the said person.

**614.24.3 Expenses - recovery**

All expenses incurred by the City in doing said works, including but without limiting the generality of the foregoing, materials, labour, equipment, administrative and legal expenses, shall be paid by the said person and may be recovered by action in any competent court.

**614.24.4 Expenses - interest**

The expenses as aforesaid shall bear interest from the date incurred at the rate of 1% per month, until paid.

**614.24.5 Fine - for interference - barricades - detour signs**

Every person who without lawful authority uses a highway or portion thereof so closed to traffic while it is protected in accordance with this Chapter, or who removes or defaces any barricade, device, detour sign or notice placed thereon by lawful authority, is guilty of an offence and on summary conviction is liable to a penalty of not more than \$50 and is also liable to the municipality having jurisdiction for any damage or injury occasioned by such wrongful use, removal or defacement.

**614.24.6 Fine - licence suspended - for fouling highway**

It is a statutory offence under the *Highway Traffic Act* to throw or deposit, or cause to be deposited any glass, nails, tacks or scraps of metal or any rubbish, refuse, waste or litter upon, along, or adjacent to a highway except in receptacles provided for the purpose and the driver of a motor vehicle is liable to have his/her licence suspended for sixty days for this offence, in addition to being liable to a fine. By-law 29-78, 13 March, 1978.

**614.24.7 Fine - for contravention**

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than \$5,000, exclusive of costs and every such fine is recoverable under the *Provincial Offences Act*. By-law 55-92, 23 March, 1992.

## Article 25 REPEAL - ENACTMENT

**614.25.1 By-laws - previous**

The following by-laws are hereby repealed, namely:

- (a) By-law 2355, to provide for the removal of snow and ice, passed on the 12th day of December, 1932;
- (b) By-law 145-65, to make regulations governing the making and restoration of street cuts in the City of Brantford, passed on the 20th day of September, 1965;
- (c) By-law 877, to prevent the obstruction of streets, etc. passed on the 23rd day of April, 1906;
- (d) By-law 3754, relating to trees and boulevards;
- (e) By-law 364, relating to boulevards and shade trees; and
- (f) By-law 288, relating to boulevards.

**614.25.2 Effective date**

This Chapter shall become effective from and after the passing thereof.  
By-law 29-78, 13 March, 1978.