

THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 96-74

BEING A BY-LAW TO REGULATE THE CROSSING OF CURBINGS, SIDEWALKS OR PAVED BOULEVARDS BY VEHICLES DELIVERING MATERIALS TO OR REMOVING MATERIALS FROM ABUTTING LANDS ON WHICH ANY BUILDING IS BEING ERECTED, ALTERED, REPAIRED OR DEMOLISHED.

BE IT ENACTED AND IT IS HEREBY ENACTED as a By-law of the

Corporation of the Town of Whitby AS FOLLOWS:

1. DEFINITIONS:

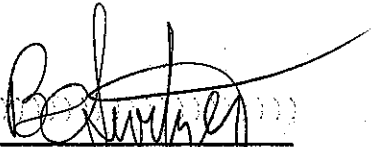
- (a) "Corporation" shall mean the Corporation of the Town of Whitby.
- (b) "Highway" shall mean a common and public highway, and includes a street and a bridge forming part of a highway or on, over or across which a highway passes.
- (c) "Owner" shall mean the owner, tenant, occupant or person in charge or possession of any lands abutting a highway, curbing, sidewalks, or paved boulevards.
- (d) "Treasurer" shall mean the Treasurer of the Corporation.

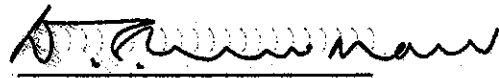
- 2. No vehicle shall cross any curbing, sidewalks, or paved boulevards of the Corporation for the purpose of delivering materials to or removing materials from abutting lands on which any building is being erected, altered, repaired or demolished unless and until a permit certifying to the approval of plans of buildings to be erected, altered, repaired or demolished on such abutting lands has been issued.
- 3. Upon any application for the issuing of a permit certifying to the approval of plans of buildings to be erected, altered, repaired or demolished on any lands abutting curbing, sidewalks, or paved boulevards the owner of such abutting lands shall pay to the Municipality a sum of money not to exceed \$5.00 per foot of the limit of the lot abutting directly on such sidewalks, curbing or boulevards as a deposit to meet the cost of repairing any damage to the sidewalk, curbing or paved boulevard or to any water service box or any other service contained therein caused by crossing thereof of such vehicles.
- 4. Upon completion of the erection, alteration, repair or demolition of the building or buildings abutting such sidewalk, curbing or paved boulevard and upon application by the person by whom the deposit was paid, the amount by which the sum deposited exceeds the cost of such repair shall be forthwith refunded.

5. Where any monies paid under this By-law remain unclaimed for a period of six years the Treasurer may cause to be published a notice containing a list of such unclaimed monies, including the name of the depositor, and saying that all persons having any claim to any of such monies are required to prove their claims within 90 days from the publication of the notice, and, upon the expiration of the 90 days from the publication of such notice, the Treasurer may transfer all such monies against which no claim has been made to the general funds of the Municipality free of and from any and all claims of any kind whatsoever.
6. Without restricting the generality of the foregoing the owner of the abutting lands shall take all necessary steps to prevent building material waste or soil from being spilled or tracked onto the highways by vehicles going to or coming from the lands in the course of the erection, alteration, repair or demolition of any building and, in addition to any penalty imposed by By-law No. 559-71 such owner shall be responsible to the Municipality for the cost of removing such building material, waste or soil and such cost may be deducted from the deposit provided for in this By-law.
7. Notwithstanding any other provisions of this By-law, any person who contravenes any provision of this By-law shall, upon conviction thereof, forfeit and pay at the discretion of the convicting Judge, a penalty of not more than \$1,000.00 exclusive of costs, for each offense.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS

9TH DAY OF JULY, A. D., 1974.


DEPUTY-CLERK


MAYOR

THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 2786-90

BEING A BY-LAW TO PROVIDE FOR THE IMPOSITION OF FINES FOR THE
CONTRAVENTION OF VARIOUS BY-LAWS OF THE CORPORATION OF THE TOWN
OF WHITBY

WHEREAS, Section 321 of the Municipal Act, R.S.O. 1980, c. 302, as amended, provides that by-laws may be passed by the councils of all municipalities for providing that any person who contravenes any by-law of the council passed under the authority of the Municipal Act is guilty of an offence;

AND WHEREAS, Section 62 of the Provincial Offences Act, R.S.O. 1980, C. 400, as amended, provides that except where otherwise expressly provided by law, every person who is convicted of an offence is liable to a fine of not more than \$5,000.00;

AND WHEREAS, the Council of the Corporation of the Town of Whitby considers it desirable to amend the fine provisions of certain by-laws in accordance with the provisions of the Municipal Act and the Provincial Offences Act;

NOW THEREFORE, the Council of the Corporation of the Town of Whitby enacts as follows:

1. The sections, subsections or clauses of the by-laws set out in Schedule "A" to this by-law are revoked and the following substituted therefor:

"Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction thereof is liable to a fine of not more than \$5,000.00, exclusive of costs, which shall be recoverable under the provisions of the Provincial Offences Act and all the provisions of the said Act shall apply to any prosecution for any offence under the provisions of this by-law."

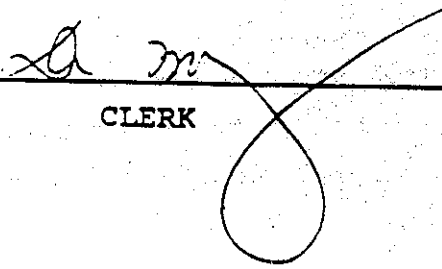
REPEAL OF EXISTING BY-LAWS

2. By-law Nos. 660-78 and 1334-82 are repealed.

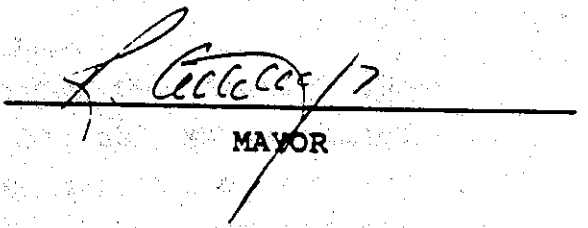
EFFECTIVE DATE

3. The provisions of this by-law shall come into force and take effect on the day Section 18 of the Provincial Penalties Adjustment Act, 1989, comes into force.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 15TH DAY OF JANUARY, A.D., 1990.



CLERK



MAYOR

SCHEDULE "A"

TO

BY-LAW NO. 2786-90

<u>BY-LAW NUMBER</u>	<u>SECTION, SUBSECTION OR CLAUSE NUMBER</u>
258-69, as amended	6
280-69, as amended	5
292-70, as amended	6
326-70, as amended	5
332-70, as amended	11
378-70, as amended	9
559-71	8
661-71, as amended	29
702-72, as amended	10(b)
51-74, as amended	3
96-74, as amended	7
185-75, as amended	22
488-77, as amended	8
749-78, as amended	15
1258-81, as amended	4
1639-84	6
1745-84	11
1846-85, as amended	5
1878-85, as amended	15
1912-85	3(1)

<u>BY-LAW NUMBER</u>	<u>SECTION, SUBSECTION OR CLAUSE NUMBER</u>
2059-86	5(1)
2263-87	10
2617-89	4
2695-89	3