



BY-LAW NO. 2006-0054

A By-law to regulate the crossing of curbs, sidewalks or paved boulevards by vehicles during the erection, alteration, repair or demolition of any building, and to regulate the spillage or tracking onto public streets of building material, waste, or soil during any such erection, alteration, repair or demolition.

WHEREAS the Municipal Act, 2001, S.O. 2001 C.25 Section 27 (1), provides that a municipality may pass by-laws in respect of a highway it has jurisdiction over;

AND WHEREAS the Municipal Act, 2001, S.O.2001 C.25 Section 35, provides that a municipality may pass by-laws removing or restricting the common law right of passage by the public over a highway and the common law right of access to the highway by an owner of land abutting a highway;

AND WHEREAS the Council of the Corporation of the Corporation of the Town of Halton Hills deems it expedient to enact such a by-law;

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

1. The crossing of curbs, sidewalks or boulevards by vehicles delivering materials to or removing materials from lands abutting such highway on which any building or structure is being erected, altered, repaired or demolished shall be located as directed by the Town of Halton Hills Engineering and Public Works Department and in the event of damage to any such curbs, sidewalks or boulevards by such vehicles, the owner or occupier of the abutting lands on which any such building or structure is being erected, altered, repaired or demolished, shall repair any damage done to such curbs, sidewalks or boulevards by such vehicles and place the same in the same condition as they were prior to the commencement of the erection, alteration, repair or demolition of any such building or structure.
2. Refundable Security Deposit
 - a. Upon application for the issuing of a permit certifying to the approval of plans of buildings or structures to be erected, altered, repaired or demolished on such abutting lands, the owner of such abutting lands shall provide a refundable security deposit to the Town of Halton Hills in a sum set out in Schedule "A" attached hereto as a deposit to meet the cost of repairing any damage to the sidewalk, curbing or boulevard or to any water service box, or other service therein caused by the crossing thereof by such vehicles, and the cost of the removal of building material, waste, or soil tracked onto the public streets.
 - b. Notwithstanding the requirements of Section 2 (a), the Director of Engineering and Public Works for the Town of Halton Hills shall only require the aforesaid deposit when he has reason to believe that the proposed erection, alteration, repair or demolition of a building or structure might possibly result in damage to a sidewalk, curb or boulevard or any water service or other municipal service situate abutting the lot for which the deposit is to be paid.
 - c. Notwithstanding the requirements of Section 2 (a), a security deposit is not required for the initial building construction within an un-assumed plan of subdivision. The security lodged in association with the Plan of

Subdivision will be utilized to ensure that the public right-of-way is restored accordingly.

3. The Owner or Occupier of such abutting lands shall take all necessary steps to prevent building material, waste or soil from being spilled or tracked onto the public streets by vehicles going to or coming from the lands during the course of the erection, alteration, repair or demolition and in addition to any penalty otherwise provided by this by-law or by any other law shall be responsible to the Town for the cost of removing such building material, waste, or soil.
4. Upon closing of the building permit issued therefore by the Chief Building Official associated with the erection, alteration, repair or demolition of the building or structure on the lands abutting such sidewalk, curb or 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 repairs and the cost of removing any spillage shall forthwith be refunded.
5. Where any monies paid under Paragraph 2 (a) hereof remain unclaimed for a period of six years, the Treasurer of the Town may cause to be published a notice containing a list of such unclaimed monies, including the name of the depositor and stating that all persons having any claim to any of such monies are required to prove their claims within ninety days from the publication of the notice and upon the expiration of ninety days from the publication of such notice the Treasurer may transfer all of such monies against which no claim has been made to the general funds of the Town, free of and from any and all claims of any kind whatsoever.
6. In the event the deposit paid is insufficient to pay for the satisfactory completion of the aforesaid repairs to curbs, sidewalks, boulevards, water service box, or removal of building material, waste or soil from public streets, the additional cost thereof shall be paid for by the Owner of the abutting lands within thirty days from the date of mailing a statement of the charges and default of such payment shall be added to the tax account and recovered in like manner as municipal taxes.
7. The Community Affairs Committee as appointed by the Mayor for a term to run concurrent with the term of Council shall hear applications for a reduction in the amount of the refundable security deposit of this by-law.
8. Powers of the Community Affairs Committee
 - a. The Committee, upon application of the Owner of any land affected by this by-law, or any person authorized in writing by the Owner, may authorize a reduction in the refundable security provision of this by-law
 - b. The Committee, upon reviewing an application for a reduction, shall consider whether the requested refundable security deposit would impose a financial hardship and the potential for the project to damage public infrastructure during construction.
9. Application and Hearing Process
 - a. The hearing on any application for a reduction in the amount of the refundable security deposit shall be held within forty (40) days after the application is received by the Clerk's Department for the Town.
 - b. Notice of a hearing on an application for a reduction shall be circulated by the Clerk's Department to Public Works and Engineering Department for the purpose of providing comments on any engineering related concerns.
 - c. The hearing of every application shall be held in public, and the Committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the Committee may adjourn the hearing or reserve its decision.

- d. No decision of the Committee on an application is valid unless it is concurred in by the majority of the members of the Committee that heard the application, and the decision of the Committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision.
 - e. Any authority or permission granted by the Community Affairs Committee may be for such time and subject to such terms and conditions as the Community Affairs Committee considers advisable and as are set out in the decision.
 - f. The Clerk's Department shall not later than ten (10) days from the making of the decision send one (1) copy of the decision, (a) to the applicant; (b) to each person who appeared in person or by counsel or by agent at the hearing and who filed with the Clerk's Department a written request for notice of the decision; and Public Works and Engineering Department.
 - g. The applicant or any other person or public body who has an interest in the matter may within twenty (20) days of the making of the decision appeal to the Council against the decision of the Committee by filing with the Town Clerk a notice of appeal setting out the objection to the decision and the reasons in support of the objection.
 - h. The Clerk's Department, upon receipt of a notice of appeal filed in accordance with the provisions of this by-law, shall set a date for Council to hold a hearing on the appeal.
 - i. If within such twenty (20) days no notice of appeal is given, the decision of the Committee shall be forwarded to Council. After considering the decision of the Committee, the Council may thereupon in respect of such application make any decision that it might have made had it conducted the hearing itself.
 - j. The decision of Council regarding an application for a reduction in the amount of the refundable security deposit shall be final and binding.
10. This By-law shall be enforced by the Director of Engineering and Public Works of the Town of Halton Hills, or his designate.
11. Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*.
12. Should any section of this by-law be declared by a court of competent jurisdiction to be ultra vires, the remaining parts shall nevertheless remain valid and binding and shall be read as if the offending section has been struck out.
13. That By-law No. 1993-0173 is hereby repealed.
14. This By-law shall take effect upon the day of its passing.

BY-LAW read and passed by the Council for the Town of Halton Hills this 24th day of April, 2006.

Originally Signed By:

MAYOR – Rick Bonnette

Originally Signed By:

CLERK – Karen Landry

SCHEDULE 'A'
REFUNDABLE SECURITY DEPOSIT

TYPE OF CONSTRUCTION	AMOUNT
Alteration to a single family or semi-detached lot with an existing building (i.e. Additions, swimming pools, decks, etc.)	\$500
Single family or semi-detached undeveloped lot not within an unassumed subdivision (i.e. New house construction)	\$2,000
Industrial, institutional or commercial lot	\$ 30/linear metre of frontage (min \$2,000)
Multiple residential lot	\$ 30/linear metre of frontage (min \$2,000)