

CHAPTER 9 - STREETS

Council: Jan. 6, 1969
Minister: Feb. 19, 1969

CARE OF STREETS

1. In this by-law or Chapter the expression "Committee" means committee on streets.
2. The Public streets, lanes, highways and thoroughfares of the Town of Middleton shall be under the care and custody of the Street Committee. If any person shall break, bark, remove, root up, or otherwise destroy or damage the whole or part of any tree, sapling, or shrub planted for ornament or growing on any street or highway of the Town without permission of the said Committee, he shall forfeit for every such tree, sapling, or shrub so by him broken, barked, rooted up, or otherwise destroyed or damaged in whole or in part, a sum not exceeding ten dollars and in default of payment thereof he shall be liable to imprisonment for a period not exceeding one month for such penalty. Any person found committing a breach of this section is liable to arrest on view by any Peace Officer.
4. Any person proposing to set out any shade or ornamental trees on any street, road, lane, sidewalk, or other public place of the Town, shall apply to the Committee on Streets for the location of the same.
5. Owners or occupiers of buildings, along the line of sidewalks or foot paths on the streets of the Town shall not allow water to pour, drip, or fall from the roofs or eaves of said buildings, or from any projection thereof, upon said sidewalks or foot paths, but shall so conduct the said water that it shall not fall thereon, under a penalty not exceeding ten dollars for each offence, and in default of payment thereof to be imprisoned for a period of not exceeding twenty days.
6. All gates or doors opening upon the sidewalks or other foot paths of the Town must be so constructed as not to swing outwardly across such sidewalks or foot paths or any part thereof. The occupants of premises on which violation of this by-law is permitted shall be liable on summary conviction to a penalty not exceeding four dollars, and in default of payment thereof to imprisonment for a period not exceeding ten days. Ten days will be allowed offenders after each conviction to comply with this by-law, and every ten days neglect thereof do to comply; shall be considered as a new offence.

Care of Streets Cont'd.

7. The use of barbed wire for fences along the lines of the streets or sidewalks of the Town is prohibited. Owners or occupiers of premises whereon a violation of this by-law is permitted shall be liable to the same penalty and in default of payment to the same imprisonment as is attached to the violation of the next preceeding section of this Chapter. Ten days shall be allowed after such conviction to comply with this by-law, and every ten days neglect thereafter so to comply shall be considered a new offence.

8. It shall not be lawful for any person or persons to post, stick, paint, stamp, or otherwise affix or cause to be posted, stuck, stamped, painted or otherwise affixed, any bill, poster, notice or advertisement on any property of the Town or any telegraph, telephone, electric light, or other post or pole, fence or Town building standing on or near any public street in the Town, without permission of the street committee, nor on any tree within the limits of any of the streets of the Town, under a penalty not exceeding ten dollars for each offence and in default of payment to imprisonment for a period not exceeding thirty days.

9. No telegraph, telephone or electric light pole shall be erected within the Town limits without the consent of the Committee on Streets, which committee shall locate the same, having the regard to public convenience and safety. The committee on streets may impose such terms as to the class of pole, the painting of same and otherwise, as such committee may deem advisable. Any person violating the provisions of this section shall be liable to a penalty not exceeding ten dollars for each forty-eight hours the said post or pole shall be allowed to remain unchanged with regard to its position, unremoved, or not straightened after such notice to remove, straighten or replace, and in default of payment to imprisonment for a period not exceeding twenty days.

10. No person shall erect any verandah, bay window, porch sign, awning, fence or other projecting over any sidewalk or street in the Town, without making application in writing to the committee on streets and obtaining permission therefor, subject to such conditions as the said committee may impose. Every such projection now or hereafter erected over any sidewalk or street shall be removed by the owner or lessee of the premises out from which the same is built or projects within forty-eight hours after notice from the Committee on streets so to do, and in default of such order being complied with, the committee on streets may remove the same at the expense of such owner or lessee, who shall be liable therefor as a private debt to the Town, and such owner or lessee shall also be liable to a penalty for each offence against this section not exceeding five dollars and in default of payment thereof, to imprisonment for a period not exceeding ten days. Twenty days shall be allowed offenders after each conviction to comply with this by-law, and every twenty days neglect thereafter so to comply shall be considered a new offence.

11. No person shall throw, cast, or put into, or cause to be put into, or dropped in, or on, any street or public place in the Town, any stone, nails, tacks, glass, iron, or other metal whatsoever, except by leave of the Superintendent of, or the Committee on Streets, and any person violating the provisions of this Section shall forfeit and pay a sum not less than two dollars and not more than ten dollars for each offence, and in default of immediate payment shall be liable to imprisonment for a period not exceeding one month.

Care of Streets Cont'd.

12. Where any sidewalk has been partly covered with sod, the occupier of the premises adjoining such sidewalk, or if the property is not occupied, the owner thereof, shall keep that part of the sidewalk immediately adjoining such premises so sodded close clipped, clean and in good repair. He shall also keep neatly cut the grass and weeds growing on that portion of the public street or side path which immediately adjoins or is continuous to such premises. If such person shall neglect to comply with any order of the Superintendent of Streets, requiring such person to comply with this by-law within twenty-four hours after such notice shall have been served upon such person, personally, or left upon the said premises, he shall forfeit and pay a sum not exceeding five dollars as a penalty, and in default of immediate payment shall be liable to imprisonment for a period not exceeding ten days.
13. No person shall wash any windows adjacent to any sidewalk in the Town or sprinkle any sidewalk with water after nine o'clock in the morning, and no occupier of any house or building shall permit the same to be done.
14. Every person who violates the provision of the next preceding Section, shall for each offence, forfeit and pay as a penalty a sum not exceeding five dollars, and in default of payment shall be liable to imprisonment for a period not exceeding ten days.
15. Whenever any sidewalk has been broken or otherwise injured in consequence of the erection of any building or any repairs to a building, the Superintendent of Streets may serve notice in writing upon the owner of the building, requiring him to repair such injury within forty-eight hours from such time, the Superintendent may cause the same to be done at the expense of the owner, and the cost thereof may be recovered by the Town in action.
16. No person shall dump, unload, deposit, or move any coal, or heavy article upon any concrete or asphalt sidewalk, unless such sidewalk has been first protected by boards not less than one inch thick, and placed close together over the surface where such coal or heavy article is to be deposited.
17. Every occupier of any premise shall keep the sidewalks and gutter in front of the same free from dirt and nuisance of every description.
18. No person shall distribute any handbills, or other papers by scattering the same on any street.
19. No person shall cart or transport in any way on any street any sand, earth, dirt, manure, hay, straw, or rubbish, or any loose fluid or semi-fluid in such a manner that any portion of the same may be spilled or scattered on the street.
20. No person shall draw on any street, any timber or other article in such a way that the same, or any part thereof drags on the street.
21. No person in any building or premises shall permit water to be discharged or to escape or percolate there from otherwise than by a properly constructed drain or conduit discharging into a public sewer or into the gutter of the street.
22. No person shall on any street raise or hoist any goods into any door or window of any upper storey, or lower, or throw down any goods from such door or window.

Care of Streets Cont'd.

23. No person shall shake, riddle, mix with sand, or otherwise prepare lime on any street except by permission in writing from the Superintendent of Streets.

24. No person shall throw any shingles, boards, slates, sand, gravel, tar, or other material whatsoever from any roof or scaffolding upon any street, but the same shall be lowered in chutes, or by tackle, in such manner as not to affect the safety and convenience of the public.

25. No person shall construct across any drain, gutter or water course on any street a bridge of any description without having first obtained a permit in writing from the Superintendent of Streets, specifying the nature of the bridge and terms and conditions on which the same may be constructed. A permit to construct any such bridge may be refused in any case in which a curb and gutter have been placed in front of the premises intended to be reached by the bridge, and any bridge at any time constructed may be directed by the Superintendent to be removed when a curb and gutter have been so placed.

26. Every person who contravenes or fails to comply with any of the next eleven preceding Sections, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 shall be liable to a penalty not exceeding twenty dollars and in default of payment to imprisonment for a period not exceeding one month.

REMOVING OF BUILDINGS

27. Any person desirous of moving a building upon or over any of the public streets in the Town shall make application for such privilege in form "A" in this Chapter provided, addressed to the Mayor and Street Committee, which forms shall be provided by the Town Clerk and therein shall be stated the place from, and the place to which it is proposed to move such building, and the estimated number of days that the same will be upon such streets, and such application shall be accompanied by a deposit of a sum equal and fees chargeable on granting the privilege of such removal based on the said estimated number of days mentioned, in such application, which fees for each day or portion of a day on which such building shall be upon any public street or streets shall be as follows, not less than five dollars nor more than ten dollars in discretion of the Council.

28. Upon receiving such application and deposit and upon the application entering into a bond to the Town in the form "B" in this Chapter provided with one or more sureties to be approved by the Chairman of the Street Committee in the sum \$300. the Town shall issue such applicants permit to move such building over the street or streets in such application mentioned during the period estimated therein.

29. Such permit may be extended by the Mayor or Street Committee for such number of days as the applicant may find necessary beyond those mentioned therein by endorsing such expended time on such original permit and signing the same provided however, that such applicant shall first deposit a further sum with the Town Clerk equal to the fees payable in respect to the number of additional days for which he requires such extension based upon the tariff chargeable therefor under Section 27, of this Chapter, as though the extended number of days had been added to, and included in the original application.

Removing of Buildings Cont'd.

30. If any building for the removal of which a permit has been granted as heretofore mentioned shall be, or remain upon any public street of the Town for any day or portion of a day beyond the period mentioned in such permit or extension thereof, the applicant shall be considered as having the same without the permission of the Mayor or Street Committee, and shall be liable to the penalty and punishment mentioned in Section 182 of the Town's Incorporation Act for moving buildings without permission.

FORM "A"

To the Mayor and Council of the Town of Middleton.

Gentlemen:

Application is hereby made by the undersigned for permission to move that certain building occupied by _____ as a _____ from its present site on _____ Street upon, across and over the following public streets of the Town that is to say _____ to a new site on _____ Street where it is proposed to place the same.

Size of building.

Number of storeys.

Estimated number of days on streets.

Herewith is deposited \$ _____ to cover fees payable for estimated number of days required by Town by-laws.

Dated this _____ day of _____ A.D. 19 _____

FORM "B"

Know all men by these present that _____ are held and firmly bound unto the Town of Middleton in the penal sum of five hundred dollars to be paid to the said Town for which payment to be well and truly made we bind ourselves and each of us by himself our and every _____ of our heirs, executors and administrators firmly by these presents sealed without seals and dated this _____ day of _____ in the year of our Lord one thousand nine hundred and _____.

Whereas the above bounden _____ hath obtained permission of Town Council of the said Town to move a certain building recently occupied as a _____ upon, over and across _____ Streets to _____ in said Town, he paying the Town Treasurer the sum of \$ _____ for such permission and having entered into the following agreements embodied to these presents, that is to say, that he the said _____ will continually from day to day with due despatch and without unnecessary delay in the moving of the said building that for each and every day or portion of a day beyond five that the said building shall be actually upon the said streets or any part thereof after the work of moving has begun, he will pay to the said Town the sum of \$ _____ that he will at his own expense, but under the direction of the Street Committee restore, mend, renew, repair, and replace all telegraph, telephone, electric light and fire alarm wires, poles or other apparatus connected therewith which it has been found necessary to remove or in anyway interfere with in order to facilitate the progress of the said building along, to, or over said street or which by accident or design, he or his workmen have removed, defaced, displaced, or injured: that he will replace and repair each and every of the said wire, poles, and other apparatus immediately after

Form "B" Cont'd.

the said building shall have passed thereunder. That he will obtain the consent of the telephone and electric company or either of them in case it is necessary to cut their wires or any of them before doing so, and do so under their direction; that he will further at his own expense and under the direction of the said Street Committee forthwith repair all holes or other injury that may be occasioned on said street by the moving of the same; that in default of his forthwith complying with the direction of the said street committee regarding any of the foregoing conditions and agreements, he will pay the Town all costs and charges to which the Town may be put by making through its servants any repairs of replacing said wires, poles and other apparatus, repairing said holes or removing said debris; that he will indemnify and save harmless the said Town from all damages and the costs and charges incidental thereto which the Town may incur or for which it may be held liable to any person or property by the moving of the said building, or any action or thing done or taken for the purpose of facilitating the moving of the said building or otherwise, whether the said injury be owing to the negligence of the said _____, his servants, agent, or contractor or otherwise, this provision to include injuries to horses, carriages or carts or teams lawfully upon the said street, but not to be limited to such injuries, and from the costs of all suits which may be entered against the Town by any person or persons complaining that the moving of the said building upon, and over the said street has occasioned him or them some injury. To which agreement and every and each part and term thereof the said _____ has by the execution of these presents declared assent.

Now the conditions of this obligation is such that if the said _____ shall well and truly keep and perform all and singular the terms of the said agreement above recited, then these presents shall be void, otherwise to remain in full force, effect and virtue.

SIGNED, SEALED AND DELIVERED
in the presence of

REMOVAL OF SNOW AND ICE

31. Every person who owns or occupies a house, shop, store, office, hall, stable or other building or parcel of land situate on adjacent to or adjoining that part of the Town of Middleton on which there is laid permanent concrete sidewalks, shall within four hours from the cessation of every fall of snow, clear away all snow, ice, slush or dirt from off that portion of the sidewalk or footpath which passes immediately in front of or in contiguous to the side of the street, whereon such person's buildings, land or premises is situated or to which the same is adjacent as aforesaid, provided always that such fall of snow not have ceased before two o'clock p.m. then it shall be sufficient if such snow, ice, slush or dirt be cleared away on or before ten o'clock in the forenoon of the following day.

32. Any person who shall neglect to comply with the provisions of the next preceding Sections shall be liable to a penalty of not less than one, or more than five dollars for each offence, and in default of payment may be imprisoned for a period of not exceeding thirty days and if such neglect shall continue for twenty-four hours after the snow shall have ceased falling, the street committee or the Superintendent of Streets may cause said sidewalks or footpath to be cleared at the expense of such owner, occupier or person

Removal of Snow and Ice Cont'd.

in charge or control, and such expense shall become and be a charge upon the premises in respect to which it was incurred and shall become and be a special rate upon such premises and may be recovered and collected in like manner as other Town rates are recovered and collected.

33. Every owner or occupier of any house, barn, stable, shop, store, office or other building, whatever, built close to the line of any public street, lane or thoroughfare of the Town, shall at all times during the winter season keep the roofs, eaves, and other projections thereof, clear from snow and ice.

34. No person shall permit icicles to accumulate on the eaves or gutters of any building owned or occupied by him so as to become dangerous to persons passing on the street.

35. Any person violating the provisions of the next two preceding Sections shall for each offence forfeit and pay a sum not less than two dollars and not more than ten dollars, and in default of immediate payment shall be imprisoned for a period not exceeding thirty days. Every twenty-four hours the snow or ice accumulates on the roof, eaves or other projections of any such building is allowed to remain after notice by the Superintendent of, or Committee on Streets, to the owner or occupier thereof, requiring its removal shall constitute a distinct and separate offence against this by-law.

SEWERS

1935 Sections 36 & 37 repealed February 19, 1969 and replaced by the "By-law relating to Sewers and Sewage in the Town of Middleton." See Chapter 9B.

OPENING IN STREETS

38. Every person to whom any permit is granted to make any opening or excavation in any street shall first deposit with the Clerk the sum of five dollars the receipt for which shall be delivered to the Chairman of the committee before the permit is issued. Such deposit shall be retained as a guarantee that the applicant will properly perform and complete the work for which the permit is granted and keep the surface of the street when such work is done in good condition to the satisfaction of the Superintendent of Streets for six months from the date of the permit. If the Superintendent of Streets is of the opinion that the work is not being properly performed, or the surface of the street not kept in good condition he may without notice to the applicant perform such work in respect to the streets as he considers necessary and the cost of any work so done by the Superintendent of Streets shall be deducted by him from the amount deposited and the balance (if any) returned to the owner at the end of six months. If the cost of such work exceeds the amount deposited, the balance may be recovered from the applicant by the Town by action.

39. The Chairman of the Committee may issue for a case of emergency an emergency permit, which shall permit excavation to be made on such conditions as the Chairman of the Committee specifies in the permit.

Opening In Streets Cont'd.

40. Every excavation under a sidewalk shall, after one week's notice to that effect given by the Superintendent of Streets be closed and filled up, with the owner or occupier of the premises abutting on such sidewalks and if not so closed and filled up within ten days after such notice, may be closed and filled up by the Superintendent of Streets at the expense of the owner or occupier.
41. Every person obtaining a permit to make any excavation or opening in or near any street, shall at night sufficiently and continuously light the same, and shall in addition enclose or secure the same by a fence or barrier at least three feet in height and sufficient to protect the public from injury.
42. No person shall make any permanent excavation under the surface of any street, the moveable covering of which extends further into the street than a line three feet from the street line, and then only by permission in writing from the committee and on such conditions as are specified in the permit, provided however, that coal hole tops may be located near the curb and that transparent coverings used for the purpose of lighting only permanently secured, may extend five feet from the street line.
43. No person shall build or place any moveable trap or do or in any street for the purpose of entrance to a cellar, or other premises without first obtaining the permission of the Committee on Streets.
44. No person shall make any opening in any street for the purpose of a coal hole or other receptacle or for light or air or for entrance to any building or other purpose whatsoever, without a permit from the committee upon the terms set out and such permit shall be exhibited on request of any police officer or to any other person authorized by the Superintendent of Streets in writing to demand inspection of the permit.
45. The committee may upon the application of any person construct any coal hole, grating or other aperture in any sidewalk in such manner and of such material as it deems suitable and the cost thereof shall be paid by the applicant.
46. No person shall place or maintain a grating in any street unless the location plan and material thereof have been approved by the committee.
47. No person shall maintain any entrance to any property by steps descending immediately from or near to a street unless the same is securely guarded.
48. Every owner or occupier of any building having connected therewith any aperture in any street shall keep such aperture securely covered or guarded in such a manner and with such material as the Superintendent of Streets directs, and every such cover or guard shall be constantly kept on a level with the sidewalk and in good repair, and every such aperture shall be kept closed except when in immediate use and such use shall only be in the daytime and such aperture when open shall be in charge of some competent person to warn passers by.

Opening In Streets Cont'd.

49. If any such owner or occupier fails to keep any such aperture securely guarded and in good repair and level with the sidewalk the committee may at its option close the said aperture or may put the same in good repair and the cost of so doing may be recovered from him by the Town by action, and in addition thereto he shall be liable to a penalty as hereinafter provided.

50. Every person who contravenes or fails to comply with any of the foregoing Sections in respect to openings in streets, numbered 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48 and 49 shall be liable to a penalty not exceeding twenty dollars and in default of payment to imprisonment for a period not exceeding thirty days.

OBSTRUCTIONS ON STREETS

51. Except as by "The Town's Incorporated Act" or by this by-law otherwise provided no person shall place or cause to be placed, any encumbrance upon any street, whereby the public are prevented from the free and uninterrupted use of the same.

52. The committee may temporarily close any street or part thereof while any work is being done thereon or when it is advisable for other reasons to close the same and may for that purpose erect bars or other impediments to traffic.

53. Whenever the Committee puts up any bars or fences to close any streets for any purpose, no person shall interfere with the same or travel or attempt to travel or drive any vehicle along the street, so closed without permission of the Superintendent of Streets, and every person who so travels or attempts to travel or drive any vehicle, shall be liable to penalty as hereinafter provided.

54. Any person may by permission of the Committee place on any street, materials for buildings and erect an enclosure to protect the same, and may continue such enclosure for such period as the committee directs. Every person placing such material or erecting such enclosure without such permission or otherwise than as herein directed or continuing the same for a longer period than herein directed or continuing the same for a longer period than herein prescribed or after being directed to remove the same be liable to a penalty as hereinafter provided.

55. Every person receiving a permit to occupy a part of a street for building purposes or for repairing any building or making any excavation, or for any other purpose, shall provide a safe and convenient passage around, under or over the obstruction so placed, and shall be responsible for any injury sustained by any person in consequence of his neglect so to do, and shall at any time when requested by the Superintendent of Streets, exhibit his permit to make such obstruction or excavation.

56. Any person may by permission of the committee erect a scaffolding for repairing and building or other purpose connected with any building. Such permission shall be in writing and shall specify the terms and conditions on which it may be continued. Any person who erects any scaffolding without having first obtained such permission or otherwise than as is therein directed or continues the same for a longer period than is therein prescribed or after being directed to remove the same shall be liable to a penalty as hereinafter provided.

Obstructions On Streets Cont'd.

57. No person shall place upon any street for sale or show any goods, wares or merchandise or any sign board or advertising board.

58. No person shall place or suspend or expose from any building any goods, wares or merchandise so that the same shall extend from the wall of such building more than six inches toward or into any street.

59. No person shall place on any street any articles, or permit the same to remain thereon so as to obstruct the free passage of such street for a longer period than is necessary to remove the same, or from any building or premises fronting on such street.

60. Every person who contravenes or fails to comply with any of the foregoing Sections 51 to 59 inclusive in respect to the obstructions on streets shall be liable to a penalty not exceeding twenty dollars and in default of payment to imprisonment not exceeding thirty days.

Addition to Chapter 9 STREETS

Council - Sept. 2, 1980

Minister - Sept. 16, 1980

61. (1) No person shall construct a driveway entrance for access onto a public street without first receiving a permit from the Office of the Town Clerk and Treasurer. The permit shall be issued in conformity with the recommendations of the Superintendent of Streets for the Town.

(2) Driveway permits for new construction shall be filed along with the building permit application.

(3)

- (a) The minimum driveway width shall be 6.1 metres (20 feet) total width shall not exceed 12.2 metres (40 feet).
- (b) A permit fee of \$175 shall be payable at the time of issuance of the permit for the 20 foot driveway.
- (c) The total cost to supply and/or install any width of driveway in excess of the 6.1 metres (20 foot) covered by the permit fee, shall be for the account of the applicant, including the costs of a second driveway for the same lot.

*Approved by
M. J. J. J.
Sept 23*

(4)

- (a) Piping shall be of either concrete pipe Bell and Spigot type or corrugated metal, as determined by the works superintendent and shall have a minimum inside diameter of .38 metres (15 inches).
- (b) Placement of the driveway shall be determined by the works superintendent in consultation with the lot owner, however shall not be located closer than 15 metres (49.25 feet) of the limits of the rights-of-way of a street intersection, and shall not interfere with the proper function of other municipal services.

(5) The Town shall install the driveway at the Town's cost, excepting that all costs involved in the installation in excess of the width for which the permit fee provides, shall be for the account of the applicant.

(6) Driveway culverts in need of repair or replacement because of normal deterioration or damaged as a result of Town operations, shall be replaced at the expense of the Town.

61. (7) Asphalt replacement on the driveway shall be at the expense of the property owner excepting when replacement is necessary as a result of Town operations.

62. (1) The Town shall be responsible to clean culverts and ditches as part of the Town's storm drainage program.

(2) Property owners shall not fill ditches in front of their properties.

(3) The Town may fill ditches on streets where a proper storm sewer system exists and when such action will not result in ponding of water or cause damage to the street.

(4) Where ditching is installed by the Town on a developed street, the Town shall provide driveway culvert installations of either single or double width in accordance with usage, without permit fee, excepting that costs of additional construction and approved shall be for the account of the property owner.

PAVING OF DRIVEWAY APRONS

63. (1) The property owner shall be responsible for pavement costs incurred for paving driveway aprons from the lot line to the paved surface of the travelled portion of the street.

(2) Paving beyond the location of any driveway culvert or sidewalk to the travelled portion of the street shall be asphalt only and shall not be carried out without first receiving written permission from the Town.

(3) The property owner shall be responsible for all future maintenance of driveway aprons except where damage is incurred as a result of Town operations.

(4) Portions of driveway aprons involved in asphalt street widening to sidewalks or to curb and gutter installations shall be at the expense of the Town as part of the street widening project.

64. Every person who contravenes or fails to comply with any of the foregoing Sections 61 to 63 inclusive shall be liable to a minimum penalty of \$25 and not exceeding a maximum penalty of \$75 and in default of payment to imprisonment not exceeding seven (7) days.