



By-law No. 2004-028

"A By-law to Regulate and Control the Tracking and Depositing Mud, Snow and Other Debris on City Streets and Highways"

Originally Passed and Enacted March 8, 2004

Amended by By-law:	Passed On:
Not Amended	

Consolidated Version

Revised and Verified February 12, 2014

Consolidated for Convenience Only

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracies of these by-laws, they are not official versions or legal documents. The original by-laws should be consulted for all interpretations and applications on this subject. For more information or original signed copies of by-laws please contact the City Clerk's Department.

BY-LAW NO. 2004 – 028

THE CORPORATION OF THE CITY OF OWEN SOUND

A BY-LAW TO REGULATE AND CONTROL THE TRACKING AND DEPOSITING MUD, SNOW AND OTHER DEBRIS ON CITY STREETS AND HIGHWAYS

WHEREAS The Corporation of the City of Owen Sound is desirous to regulate and control the tracking and depositing of mud, snow and other debris on the City streets and highways;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

PART 1 – DEFINITIONS

1. For the purpose of this By-law:
 - 1.1 **Boulevard** shall mean that part of the highway between the curb or edge of the roadway and the street line, and in the case of divided highways, also that area between the centre curbs thereof.
 - 1.2 **City** means the Corporation of the City of Owen Sound.
 - 1.3 **Construction** shall mean anything done in the erection, installation, extension or material alteration, demolition or repair of a building, including the installation of building units fabricated or moved from elsewhere, the installation of swimming pools, any site alterations, regarding or work related to the readying of a lot for erection of any building or structure or the installation of services.
 - 1.4 **Damage** when used in this By-law, shall include breaking, cutting, gouging, digging up or removal of any part of a street.
 - 1.5 **Person** shall mean any human being, chartered organization, firm, partnership, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
 - 1.6 **Street** shall mean a road allowance or a line, and includes the travelled portion of the road, grassed area, boulevard, ditch, curb, gutter, sidewalk, and any other structure constructed thereon by the City or with the City's approval.

PART 2 – OBSTRUCTIONS AND ENCUMBRANCES

- 2.1 No person shall obstruct or foul any street within the City by any means whatsoever, with mud, dirt, soil, snow or other debris from private property.
- 2.2 No person shall damage any street within the City by any means whatsoever.
- 2.3 The owner or occupier of lands upon which construction, lot grading or regrading or snow removal is taking place shall take all necessary steps to prevent building materials, waste, snow or soil from being spilled or tracked onto the highway by vehicles or equipment going to or coming from the lands during the course of the said construction, lot grading or regrading or snow removal and the owner or occupier of the said lands shall reimburse the City for any costs incurred by the City in removing such building materials, waste, snow or soil.

PART 3 – NOTICE TO CLEAN UP AND INVOICE

- 3.1 When mud, dirt, soil, snow or other debris originating from a private property is found on a City street, subject to Section 3.2, notice shall be given to an owner of the property from which the material originated to remove the material forthwith. Notice shall be deemed to be given when given to an adult person residing or in care of the property.
- 3.2 If an owner of the property fails to remove the material forthwith, or if an owner of the property cannot be notified immediately, or if the property is vacant or if the material is of a nature, volume or consistency to create an immediate hazard to users of the City street, the Operations Department of the City will forthwith remove the material and invoice the property owner for the expense incurred.
- 3.2.1 The City may recover the expenses incurred by court action or in like manner as taxes.

PART 4 – PENALTIES

4. Any person who contravenes any provisions of this By-law is guilty of an offence, and upon conviction therefore is subject to the penalty set out in the Provincial Offences Act.

PART 5 – ENFORCEMENT

5. This By-law shall be enforced by the Enforcement Officers appointed by the Council of The Corporation of the City of Owen Sound and the Officers of the Owen Sound Police Services.

PART 6 – HEADINGS NOT PART OF THIS BYLAW

6. The headings in the body of this By-law form no part of the By-law but are inserted for convenience of reference only.
7. By-law 1989-132 is hereby repealed.
8. This By-law shall come into full force and effect upon the final passing thereof.

FINALLY PASSED AND ENACTED this 8th day of March, 2004.

Signature on File

Mayor

Signature on File

Clerk