

THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 2988-91

BEING A BY-LAW TO REGULATE THE CONSTRUCTION OF CULVERTS UPON  
HIGHWAYS WITHIN THE TOWN OF WHITBY

WHEREAS, Subsection 208(17) of the Municipal Act, R.S.O. 1980, c. 302, provides that by-laws may be passed by the councils of all municipalities for permitting and regulating the size and mode of construction of culverts that cross any drain or watercourse situated on a highway under the jurisdiction of the municipality;

AND WHEREAS, the Council of the Corporation of the Town of Whitby considers it advisable to pass a by-law to regulate the construction of culverts upon highways under the jurisdiction of the said Corporation and to provide for the imposition of a fine on every person who is convicted of an offence under such by-law;

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

DEFINITIONS

1. In this by-law,
  - (a) "Corporation" means the Corporation of the Town of Whitby;
  - (b) "Director of Public Works" means Director of Public Works of the Corporation of the Town of Whitby or his designate; and,
  - (c) "highway" means 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.

GENERAL

2. (1) No person, other than the Corporation, shall construct or cause to be constructed a new culvert or an extension to an existing culvert on any highway under the jurisdiction of the Corporation.
- (2) Every person who wishes to have a new culvert or an extension to an existing culvert constructed on any highway under the jurisdiction of the Corporation shall,

- (a) file with the Director of Public Works an application in the form prescribed by the Corporation;
  - (b) pay to the Corporation at the time of filing the application the prescribed culvert construction fee as set out in this by-law; and,
  - (c) when requested by the Director of Public Works, plant two stakes in the ground indicating the proposed location of the new culvert or culvert extension.
- (3) Despite the information set out in an application for a new culvert or a culvert extension, the exact location, diameter, gauge, length and type of culvert constructed by the Corporation shall be at the sole discretion of the Director of Public Works.
- (4) Upon approval of an application for the construction of a new culvert or a culvert extension by the Director of Public Works, the Corporation shall proceed as expeditiously as possible to complete the culvert construction it being understood that the Corporation shall be under no obligation to undertake or complete any culvert construction during the months of December, January, February, March or April of any calendar year.

**CULVERT CONSTRUCTION FEES**

3. Culvert construction fees shall be as follows:

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| (a) new culverts having a diameter of 450 millimetres or less             | \$1,150.00 for the first six metres or portion thereof plus \$190.00 for each additional metre or portion thereof |
| (b) new culverts having a diameter greater than 450 millimetres           | a prorated fee based upon the fee for a standard culvert having a diameter of 450 millimetres                     |
| (c) extensions of culverts having a diameter of 450 millimetres or less   | \$365.00 for the first 1.5 metres or portion thereof plus \$245.00 for each additional metre or portion thereof   |
| (d) extensions to culverts having a diameter greater than 450 millimetres | a prorated fee based upon the fee for the extension of a standard culvert having a diameter of 450 millimetres    |

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| (e) temporary culverts | \$910.00 for the first six metres or portion thereof plus \$150.00 for each additional metre or portion thereof |
| (f) culvert relocation | fee equal to actual cost  |

PENALTIES

4. 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

5. By-law No. 2815-90 is repealed.

EFFECTIVE DATE

6. The provisions of this by-law shall come into force and take effect the 1st day of May, 1991.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 22ND DAY OF APRIL, A. D., 1991.

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CLERK

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MAYOR