

HIGHWAY – STREET
Chapter 801
OBSTRUCTION - HIGHWAY

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**Article 1
INTERPRETATION**

801.1.1 Boulevard - defined

“boulevard” means the untravelled portion of the highway. By-law 17-78, 6 February, 1978.

801.1.2 Commissioner - defined

“Commissioner” means the Commissioner of Community Services, the Commissioner of Environment and Infrastructure, or the Commissioner of Planning and Regulatory Services, or his or her designate. By-law 31-07, 26 February, 2007; By-law 54-10, 25 May, 2010.

801.1.3 Corner lot - defined

“corner lot” means a lot situated at the intersection of, and abutting upon two or more highways provided that the interior angle of the intersection is not more than 135°. By-law 74-09, 9 June, 2009.

801.1.4 Council - defined

“Council” means the Council of The Corporation of the Town of Richmond Hill. By-law 17-78, 6 February, 1978.

801.1.5 Front lot line - defined

“front lot line” means the lot line that divides the lot from a highway provided that, in the case of a corner lot the shorter lot line that abuts a highway shall be deemed to be the front lot line. If both lot lines abutting the highway are equal, the front lot line shall be established by the location of the major access to the dwelling.

801.1.6 Hard landscaping - defined

“hard landscaping” means paving stones, concrete, asphalt, and wooden landscape rail. By-law 74-09, 9 June, 2009.

801.1.7 Hedges and shrubs - defined

“hedges and shrubs” means any woody perennial plant. By-law 17-78, 6 February, 1978.

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801.1.8 Herbaceous plant - defined

“herbaceous plant” means a plant lacking a permanent woody stem. By-law 74-09, 9 June, 2009.

801.1.9 Highway - defined

“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. By-law 17-78, 6 February, 1978.

801.1.10 Obstruction - defined

“obstruction” means any structure or item whatsoever, whether permanent or temporary, and includes, but is in no way limited to, sports equipment, underground electrical infrastructure, sprinkler system, hard landscaping and hedges and shrubs.

801.1.11 Occupant - defined

“occupant” means any lessee, tenant, owner, or any other person in possession of a property, or that person’s agent authorized in writing.

601.1.12 Owner - defined

“owner” means the person having right, title, interest or equity in a property as shown on the records of the land registry office, or that person’s agent authorized in writing. By-law 74-09, 9 June, 2009.

801.1.13 Person - defined

“person” includes an individual, corporation, partnership, and the heirs, executors, administrators or other legal representatives to whom the context can apply according to law. By-law 17-78, 6 February, 1978.

801.1.14 Rear lot line - defined

“rear lot line” means the lot line opposite the front lot line.

801.1.15 Side lot line - defined

“side lot line” means any lot line other than the front lot line or the rear lot line.

801.1.16 Sight triangle - defined

“sight triangle” means a triangular area of land free of buildings or structures located within a corner lot, defined by measuring a horizontal set-back distance, determined in accordance with the most current edition of the *Town of Richmond Hill’s Engineering and Public Works Department- Standards and Specifications Manual*, from the point of intersection of two lateral highway property lines and by joining a straight line between the two points thereby established. By-law 74-09, 9 June, 2009.

801.1.17 Town - defined

“Town” means The Corporation of the Town of Richmond Hill.

801.1.18 Utility - defined

“utility” means a water works, sewage works, electrical energy works, street lighting, and natural and artificial gas works and their respective collection and distribution

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systems in, under and upon a highway. By-law 17-78, 6 February, 1978.

**Article 2
GENERAL PROVISIONS**

801.2.1 Obstruction - encumbrance - on highway – approval

Save and except as otherwise provided in this Chapter, no person shall place or maintain any obstruction within, over or upon any highway with- out first obtaining a permit to do so from the Commissioner and in conformity with any terms and conditions imposed by the Commissioner, in the Commissioner’s sole discretion. A permit application shall be made in accordance with Section 801.3.4. By-law 17-78, 6 February, 1978; By-law 74-09, 9 June, 2009.

801.2.2 Dumping - deposit - rubbish - dirt - other – prohibited

No person shall throw, place or deposit or permit to be thrown, placed or deposited any dirt, filth, glass, paper, handbills, garbage, ashes, rubbish, building materials, the carcass of any animal, or other refuse or material on any highway. By-law 17-78, 6 February, 1978; By-law 227-81, 21 September, 1981.

801.2.3 Notice - to remove obstruction

Save and except for an underground sprinkler system, any other structure that conforms to all the criteria in either Section 801.2.5 (a) or (b), or a herbaceous plant that conforms to all of the criteria in Section 801.2.9 (a) to (f), the Commissioner may require the removal of any obstruction placed or maintained within, over or upon any highway if:

- (a) such obstruction has been placed or maintained without first obtaining a permit from the Commissioner; or
- (b) the placement or maintenance of the obstruction is not in conformity with any or all of the terms or conditions of such permit;

by notice in writing to an occupant, an owner or other person, subject to the presumption set out in Section 801.5.2. By-law, 17-78, 6 February, 1978; By-law 74-09, 9 June, 2009.

801.2.4 Failure to remove - obstruction - remedied - procedure

If the demand set out in Section 801.2.3 for removal is not complied with forthwith in addition to other remedies available to it, the Town may cause the same to be removed and may charge the cost of such removal to the aforesaid person and the said cost may be recovered by action or entered in the Tax Collector’s rolls and recovered in like manner as municipal taxes.

801.2.5 Access - to property - other structure - permit - exceptions

No person shall place or maintain or cause to be placed or maintained any vehicular access to any property from the travelled portion of a highway across the boulevard without obtaining a permit from the Commissioner, or any other obstruction on the boulevard, unless the obstruction is in conformity with all other applicable provisions of this Chapter and it is either an underground water sprinkler system or it is:

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- (a) adjacent to vehicular access and:
 - i) is in the form of hard landscaping;
 - ii) is of a height that matches the grade with the surrounding area;
 - iii) does not exceed 0.30 metres in width; and
 - iv) does not impair drainage; or
- (b) a pedestrian access and:
 - i) is in the form of hard landscaping;
 - ii) is of a height that matches the grade with the surrounding area;
 - iii) does not exceed 1.2 metres in width and is in compliance with all applicable Town by-law, Town policy, or resolution or any provincial or federal regulations or legislation;
 - iv) does not impair drainage; and
 - v) is situated on a corner lot within the side lot line and not, either in whole or in part, within a sight triangle.

For greater certainty, any structure that does not conform to all of the criteria set out in either (a) or (b) of this Section shall not be placed or maintained without first obtaining a permit from the Commissioner, save and except for an underground water sprinkler system, for which no permit shall be required. By-law 17-78, 6 February, 1978; By-law 74-09, 9 June, 2009.

801.2.6 Culvert - curb cut - permit - required

No person shall install or cause to be installed any driveway culvert or driveway curb cut on a highway without first obtaining a permit from the Commissioner.

801.2.7 Ditch - culvert - on highway - obstruction - prohibited

No person shall place any obstruction in or obstruct or cause or permit to be obstructed any ditch, gutter, culvert or water course on any highway.

801.2.8 Discharge - water - liquid - over sidewalk - prohibited

No person shall discharge water or other liquid or cause or permit water or other liquid to be discharged over or across a sidewalk or boulevard. By-law 17-78, 6 February, 1978.

801.2.9 Hedge - shrubs - on highway - permit required - exceptions

No person shall place or maintain any hedges and shrubs on any highway without first obtaining a permit from the Commissioner, unless they are in the form of herbaceous plants that conform to the following criteria:

- (a) such plants are a minimum of 1.5 metres from the curb, a fire hydrant, a regulatory street sign or other above-ground infra- structure;
- (b) the plants are regularly maintained and replaced if they be- come diseased or die;
- (c) the planted areas are kept free of weeds;
- (d) the plants do not impair drainage;
- (e) the plants do not exceed a height of 0.15 metres; and
- (f) the plants have not been identified as invasive species by the Ontario

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Invasive Plants Council such as goutweed, periwinkle, Japanese spurge, lily of the valley, creeping bell flower, soapwort or ribbon grass.

Provided that the low level herbaceous plants conform to the criteria set out in (a) to (f), no permit shall be required for their placement or maintenance. For greater certainty, any herbaceous plants that do not conform to any or all of the criteria set out in (a) to (f) shall not be placed or maintained without first obtaining a permit from the Commissioner. By-law 17-78, 16 February, 1978; By-law 74-09, 9 June, 2009.

801.2.10 Sight lines - utility - obstruction - permit - refused

No permit for any structure shall be issued where the result will be to obstruct or impede sight lines or block access to any public utility. By-law 17-78, 16 February, 1978.

801.2.11 Placement - maintenance - risk of person responsible

Any obstruction placed or maintained, regardless of whether a permit is or is not required and/or issued pursuant to this Chapter, shall be so placed and maintained at the sole risk and responsibility of the person responsible for the placement or maintenance of such obstruction, subject to the presumption set out in Section 801.5.2. By-law 17-78, 16 February 1978; By-law 74-09, 9 June, 2009.

801.2.12 Repealed: By-law 74-09, 9 June, 2009

801.2.13 Projection - encroaching on highway - permit

No person shall erect or maintain, without first obtaining the permission of the Town, any projections of any kind beyond the main walls of a building if such projections will encroach upon a highway and without restricting the generality of the foregoing, "projections" include air conditioners, cornices, eaves, awnings, containers, awning covers, sills, brackets and other similar obstructions extending beyond the main walls of a building.

801.2.14 Highway closed - use - removal of signs - prohibited

No person shall remove any barricade or sign or enter upon or use any highway or part thereof which has been closed to traffic.

801.2.15 Highway - use - alteration - civic purposes - authority

Nothing in this Chapter shall prevent the Commissioner from altering, opening or otherwise using any highway for any civic purpose. By-law 17-78, 16 February, 1978.

801.2.16 Approval of encroachment agreements - Commissioner

The Commissioner shall authorize the Town entering into and executing any encroachment agreements provided for under this Chapter. By-law 74-09, 9 June, 2009.

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**Article 3
CONSTRUCTION - ON HIGHWAY**

801.3.1 Excavation - on highway - permit - conditions

No person shall break, excavate, dig up, tear up or remove soil from any highway or boulevard, or any planking, sidewalk, curbing, pavement or road structure of any sort, forming the surface or body of any highway, for any purpose whatsoever other than;

- (a) to place or maintain an underground water sprinkler system or any other structure that conforms to all of the criteria set out in either Sections 801.2.5 (a) or (b); and/or
- (b) to plant low level herbaceous plants that conform to all of the criteria set out in Sections 801.2.9 (a) to (f);

unless he or she first obtains a permit therefore from the Commissioner and the Commissioner may grant such permit on conditions including those set out in Sections 801.3.2 through 801.3.5, inclusive. By-law 74-09, 9 June, 2009.

801.3.2 Restriction - on completion - direction - Commissioner

Any work so permitted on any highway or boulevard shall be done under the direction of the Commissioner and the portion of the highway disturbed shall be replaced, relaid and made good to the Commissioner's satisfaction by the person to whom the permit is issued, or alternatively by the Town at the expense of such person.

801.3.3 Completion - all work - without delay

Work on any highway or boulevard shall be completed without delay. By-law 17-78, 16 February, 1978.

801.3.4 Indemnification - requirement

A person requiring a permit shall submit an application in a form satisfactory to the Commissioner, along with any applicable application fees for the review of the application as set out in the Town of Richmond Hill Tariff of Fees By-law, in addition to any other terms and conditions imposed by the Commissioner on the granting of a permit under this Chapter, an applicant will be required to enter into an agreement with the Town for the maintenance of the obstruction in a form that is satisfactory to the Commissioner, which shall include a requirement that applicant shall be responsible for the applicable agreement fees as set out in the Town of Richmond Hill Tariff of Fees By-law and indemnify and save harmless the Town from all damages, claims or demands whatsoever arising out of or in connection with the work and/or the obstruction that is placed and/or maintained within, over or upon the highway. By-law 74-09, 9 June, 2009.

801.3.5 Lights - watchmen - safety precautions - required

The person obtaining a permit shall keep and maintain lights and watchmen, and take such further care and precaution as may be necessary for the protection and safety of the public. By-law 17-78, 6 February, 1978.

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801.3.6 Highway closure

The person obtaining a permit shall not close the highway or boulevard without the prior approval of the Commissioner to such closure, which shall be effected under the direction of the Commissioner and will be subject to signage requirements and any other conditions to ensure public safety as the Commissioner deems appropriate. For the purposes of this Section the term “Commissioner” does not include the authorized deputy or representative of the Commissioner. By-law 145-08, 14 July, 2008.

801.3.7 Security deposit - required - calculation

Every owner of land abutting a curb, sidewalk or paved boulevard on which any building is being erected, altered, repaired or demolished (in this Article hereinafter called “building lot”) shall pay to the Town as a deposit a sum of money calculated on the basis of \$60 per foot of the limit of the lot abutting directly on a highway, to a maximum of \$3,000 per lot, at the time when such owner applies for the issuing of a permit certifying to the approval of plans of buildings to be erected, altered, repaired or demolished thereon. By-law 235-89, 19 July, 1989.

801.3.8 Security deposit - sidewalk - curbing - repair

The deposit referred to in Section 801.3.6 shall be used to meet the cost of repairing any damage to the sidewalk, curbing or paved boulevard or to any water service box or other service therein caused by the crossing thereof by vehicles delivering materials to or removing materials from the building lot.

801.3.9 Soil - waste - spilled on road - clean-up cost

In addition to Section 801.3.7, the deposit may be used to remove any building material, waste or soil which has been spilled or tracked onto the highway by vehicles going to or coming from the building lot.

801.3.10 Refund - calculation - upon completion

Upon completion of the erection, alteration, repair or demolition of the building or buildings on the building lot and upon application by the person by whom the deposit was paid, the amount by which the sum deposited exceeds the costs of such repair and removal shall be refunded.

801.3.11 Driving - over curb - sidewalk - for delivery - deposit

No owner or occupier of a building lot shall drive a vehicle or permit a vehicle to be driven across any curb, sidewalk or paved boulevard in order to deliver materials to or remove materials from a building lot, without a deposit having first been paid as required by Section 801.3.6. By-law 17-78, 6 February, 1978.

801.3.12 Storage - on highway - near hydrant - prohibited

No owner or occupier of a building under construction shall store or permit to be stored building materials, waste or soil upon a highway or within 3.048 metres of a fire hydrant. By-law 227-81, 21 September, 1981.

801.3.13 Spillage - on highway - prevented

Every owner and occupier of a building lot shall take all necessary steps to prevent

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building material, waste or soil from being spilled or tracked onto the highway by vehicles going to or coming from a building lot during the course of the erection, alteration, repair or demolition of a building thereon. By-law 17-78, 6 February, 1978.

**Article 4
SNOW REMOVAL**

801.4.1 Sidewalk - from - required

Every occupant of every property fronting or abutting on any highway shall clear away and remove or cause to be cleared away and removed all snow and ice from sidewalks constructed on the boulevard abutting such property, leaving no accumulation, and shall sand or salt the same.

801.4.2 Building - from - prevention of hazard - requirement

Every occupant of every building fronting or abutting on or erected so near to any highway that snow and ice accumulated thereon would be likely to fall upon any portion of the highway shall prevent such accumulation and if such accumulation should occur, shall remove or cause to be removed such accumulation. By-law 17-78, 6 February, 1978; By-law 74-09, 9 June, 2009.

801.4.3 Building - from - warning - safety - passers by

Every person while removing such snow and ice, and the person or persons responsible for such removal, shall take due sufficient and proper care and precaution for the warning and safety of persons passing.

801.4.4 Within sixteen hours - deposit - requirement

Snow and ice shall be removed within sixteen hours after the cessation of any individual snowfall and shall be deposited in such a way as to not obstruct access to any fire hydrant or any passage onto the highway, and shall not be removed in such a manner as to injure the sidewalk.

801.4.5 Snow - placed on highway - prohibited

No person shall place any snow or ice upon any highway.

801.4.6 Removed - by Town - owner's expense

In case of default of compliance with Sections 801.4.1 through 801.4.5 inclusive, or any of them, the Town may clear and remove such snow and ice and the expense incurred in so doing may be recovered by action or may be entered in the Tax Collector's rolls and recovered in like manner as municipal taxes.

801.4.7 Removed - by Town - responsibility not relieved

The removal of snow or ice by the Town, its servants, agents or employees, shall not relieve any person from responsibility to comply with the provisions of this Chapter or from liability for any penalty for breach of any of the provisions of this Chapter.

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801.4.8 Corporation - liability - not assumed

This Chapter shall not be alleged as the basis of any claim against the Corporation for damages for any accident on highways including, without limitation, on sidewalks on the highway due to the presence or location thereon of snow or ice, or the fouling or obstruction of the highway in any other manner, nor shall same be pleaded in any action as being an assumption of civil liability by the Town. By-law 17-78, 6 February, 1978.

**Article 5
OVERSIZE VEHICLES**

801.5.1 Oversize vehicles - permits

Pursuant to section 110 of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, the Commissioner may, upon written application, grant a permit for the use of a highway within the Town by a vehicle or combination of vehicles in excess of the dimensional limits set out in section 109 of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended. For the purposes of this Section the term “Commissioner” does not include the authorized deputy or representative of the Commissioner. By-law 145-08, 14 July, 2008.

801.5.2 Presumption - owner

A contravention of this Chapter on the boulevard adjacent to any private property shall be presumed to have been committed by the owner of that property unless otherwise proven by the owner. By-law 74-09, 9 June, 2009.

**Article 6
ENFORCEMENT**

801.6.1 Fine - for contravention

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*. By-law 226-93, 28 July, 1993.

**Article 7
REPEAL**

801.7.1 By-laws - previous

All by-laws contrary to or at variance with this Chapter are hereby repealed. By-law 17-78, 6 February, 1978.