

**RURAL MUNICIPALITY OF DUFFERIN**

**By-Law No. 1768**

**Being a by-law to regulate the construction, installation  
and use of private works in highways within the municipality.**

**WHEREAS** Section 232(1) of the Municipal Act provides as follows:

*“A council may pass by-laws for municipal purposes respecting the following matters:  
(e) private works on, over, along or under municipal roads”*

**AND WHEREAS** subsection 232(2) of the Municipal Act provides as follows:

*“Without limiting the generality of subsection (1), a council may in a by-law passed under  
this Division*

*(e) subject to the regulations, provide for a system of licenses, permits or approvals,  
including any or all of the following:*

*(i) establishing fees, and terms for payment of fees, for inspections, licences, permits  
and approvals, including fees related to the cost of regulation,”*

**NOW THEREFORE** the Council of the Rural Municipality of Dufferin in Council assembled enacts as follows:

1. **Title** – This by-law may be referred to as the “**Private Works By-law**”.
2. **Definitions** – In this by-law, unless the context shall otherwise require,

“**Adjoining Lands**” means the lands owned by an applicant for a licence that adjoins or is connected with the Private Work;

“**Council**” means the Council of the Municipality;

“**Highway**” means the portion of public highway that is the location of the Private Work;

“**Private Work**” includes private roadways, crossings, openings, signs or other advertising devices and other structures constructed, erected, installed or maintained on a highway for the use or benefit of owners, or occupants of Adjoining Lands;

“**Chief Administrative Officer**” means the Chief Administrative Officer for the time being of the Municipality.

3. **Prohibition** – No person shall construct, erect, install, maintain or use any Private Work unless a licence for the purpose is issued therefor by the Municipality.

4(1). **Application Required** – The registered owner of the Adjoining Lands, or his authorized agent, shall apply to the Municipality for a licence to maintain a Private Work.

4(2). **Evidence Required** – The applicant shall file with his application, particulars of the proposed Private Work and specifications for its construction, a plan showing the proposed location of the private Work in relation to the Adjoining Lands and the Highway, and, where the application is made by the agent of the registered owner, a letter or other form or authorization satisfactory to the Municipality and signed by the registered owner.

5. **Every licence granted** by the Municipality for the construction, installation, maintenance and use of a Private Work shall

(a) be limited to be held during the pleasure of the Council unless Council shall by by-law otherwise provide;

(b) require the Private Work to be constructed and installed, in conformance with the structural requirements of all by-laws and regulations in force governing applicable building or construction standards and shall be maintained to the satisfaction of the Council;

(c) be subject to such annual or other charge as may be approved by Council .

(d) shall require the applicant to place and maintain, during the continuance of the licence, comprehensive public liability insurance on an occurrence basis against claims for property damage and personal injury, and death suffered by others in an amount to be determined by Council in respect of the Private Work indemnifying and protecting the Municipality as a party assured in respect of the Private Work.

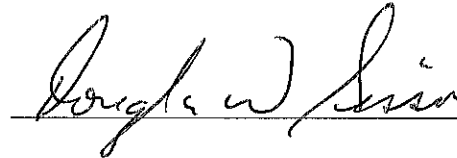
6. No licence shall be assignable by a licensee without the prior approval in writing of the Municipality thereto and, upon the licensee ceasing to be the registered owner of the Adjoining Lands, the licence shall terminate.

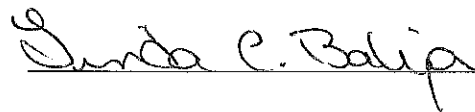
7. The applicant shall, in addition to the annual or other charge referred to in paragraph (c) of Section 5, pay the Municipality its reasonable costs of preparing and processing the required licensing agreement.

8. Any annual or other licence fees or charges and any costs incurred by the Municipality under or pursuant to any licence agreement in respect of a Private Work may be added to the taxes of the Adjoining Lands and may be recovered in like manner as said taxes.

AND FURTHERMORE BE IT RESOLVED that by-law #1617 be and hereby is rescinded.

PASSED AND ENACTED by the Rural Municipality of Dufferin in Council duly assembled this 23rd of June A.D., 2003.

  
Reeve

  
C.A.O.

Read a first time this the 10<sup>th</sup> day of June, 2003.

Read a second time this the 23<sup>rd</sup> day of June, 2003.

Read a third time this the 23rd day of June, 2003.