

By-law 2011-219

A By-law of the City of Greater Sudbury to Regulate the Fouling, Obstruction, Use and Care of Roads

WHEREAS the City of Greater Sudbury wishes to regulate the fouling, obstruction, use and care of highways within the City of Greater Sudbury;

NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY HEREBY ENACTS AS FOLLOWS:

PART 1 – INTERPRETATION / APPLICATION

Definitions

1. In this By-law:

“boulevard” means all parts of a highway save and except the roadway, shoulder or sidewalk or that area between the centre curbs of divided highways;

“By-law Enforcement Officer” means a member of any police service with jurisdiction in the City, or any person appointed by the Council for the City of Greater Sudbury for the enforcement of municipal by-laws, including this By-law;

“City” means the municipal corporation of the City of Greater Sudbury or the geographic area within the limits of the City of Greater Sudbury, as the context requires;

“General Manager” means the General Manager of Community Infrastructure and includes his or her authorized representative or representatives;

“highway” means a common and public highway, street, avenue, parkway, laneway, driveway, square, place, and includes any bridge, trestle, viaduct or other structure forming part of the highway, designed and intended for, or used by, the general public for the passage of vehicles and except as otherwise provided, includes a portion of a highway; and includes the area between the lateral property lines thereof;

“owner” includes the person holding registered title to land and the person for the time being managing or receiving the rent or paying the municipal taxes on the land in question, whether on his, her or its own account or as agent or trustee of any other person or who would so receive the rent if such were let, and shall also include a lessee or occupant of the land. Where the person holding registered title to land is a condominium corporation, the owner is the corporation and not its members;

“person” includes any individual, firm, partnership, association, corporation, company or organization of any kind;

“private entrance” means an improved surface within a highway used or intended for use for vehicular access to and from private property adjacent to the highway;

“roadway” means that part of a highway that is improved, designed or intended for vehicular traffic, but does not include the shoulder, and, where a highway includes two or more separated roadways, the term “roadway” refers to any one roadway separately and not to all of the roadways collectively;

“shoulder” means that part of a highway immediately adjacent to the roadway and having a surface which has been improved for the use of vehicles with asphalt, concrete or gravel;

“sidewalk” means all parts of a highway set aside by the City for the use of pedestrians or used by the general public for the passage of pedestrians; and

“vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car.

Interpretation.

2.-(1) Whenever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.

(2) References to items in the plural include the singular, as applicable.

(3) The words “include”, “including” and “includes” are not to be read as limiting the phrases or descriptions that precede them.

(4) Headings are inserted for ease of reference only and are not to be used as interpretation aids.

(5) Specific references to laws in the By-law are printed in italic font and are meant to refer to the current laws applicable with the Province of Ontario as at the time the By-law was enacted, as they are amended from time to time.

(6) Any reference to periods of time, stated in numbers of days, shall be deemed applicable on the first business day after a Sunday or Statutory holiday if the expiration of the time period occurs on a Sunday or Statutory holiday.

(7) The obligations imposed by this By-law are in addition to obligation otherwise imposed by law or by contract.

Severability / Conflict

3.-(1) If any section, subsection, part or parts of this By-law is declared by any court of law to be bad, illegal or ultra vires, such section, subsection, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

(2) Nothing in this By-law relieves any person from complying with any provision of any Federal or Provincial legislation or any other By-law of the City.

(3) Where a provision of this By-law conflicts with the provisions of another By-law in force in the City, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

Application / Limitation / Administration

4.-(1) This By-law shall apply to all highways that are under the jurisdiction or joint jurisdiction of the City and to all persons using those highways.

(2) Despite Subsection 4(1), nothing in this By-law shall prohibit any activity:

- (a) which is expressly permitted under the authority of any other By-law in effect in the City and conducted in accordance with that By-law; or
- (b) undertaken by City employees, contractors or agents in the course of an authorized City activity; or
- (c) authorized by agreement with the City, and conducted in accordance with the agreement; or
- (d) permitted under a form of Road Occupancy Permit, Road Closure Permit or Private Entrance Permit issued by the City and undertaken or conducted in accordance with the Road Occupancy Permit, Road Closure Permit or Private Entrance Permit as the case may be.

(3) Nothing in this By-law prohibits an owner, at his or her own risk:

- (a) from planting and maintaining a grassed area upon the portion of the

- highway which abuts his property that is not occupied by roadworks; or
- (b) from maintaining and caring for the grassy portion of a boulevard contiguous to his property provided the activities on the boulevard do not obstruct or pose a danger to the safety of persons using the boulevard or other parts of the highway or interfere with the activities or adversely affect the condition or operation of the equipment or facilities of the City, its contractors or agents or utility companies.

(4) This By-law shall be administered by the General Manager who is delegated the authority to make decisions, set conditions, sign agreements on behalf of the City and take such other steps are assigned to the General Manager by this By-law.

PART 2 - FOULING

Earth, Dirt, Gravel, Building Material Etc.

5.-(1) No person shall throw, place or deposit on a highway or cause to be thrown, placed or deposited on a highway by any means whatsoever, any earth, dirt, gravel, stone, wood, building material, or other substance, material or object.

(2) Subsection 5(1) shall not apply to a person putting sand or salt on the icy portions of a sidewalk or roadway to reduce the danger of pedestrians falling, or to enable a vehicle to use a roadway.

(3) Subsection 5(1) shall not apply to any wood, soil, construction material or other object, thing or material, deposited on a highway provided:

- (a) it is deposited for the purpose of having it immediately delivered to an abutting property; and
- (b) it is deposited in a location which does not obstruct the roadway or sidewalk; and
- (c) its is removed from the highway within 24 hours of deposit.

(4) No owner of property shall fail to have any wood, soil, construction materials or other object, thing or material delivered or deposited on the highway abutting the owner's property pursuant to subsection 5(3) removed onto the owner's property within 24 hours of the deposit onto the highway.

No Litter

6.-(1) No person shall throw, place or deposit on a highway or cause to be thrown, placed or deposited on a highway by any means whatsoever any: paper; containers, whether made of cardboard, paper or plastic; rubbish; refuse; or garbage.

(2) Subsection 6(1) shall not apply to a person depositing any rubbish, refuse, garbage, paper or containers in a waste receptacle which was provided for this purpose on a sidewalk or boulevard by or with the authorization of the General Manager.

Fouling - Animal, Vehicle, Etc.

7. No person shall damage, pollute or foul, or cause, authorize or permit the damage, pollution or fouling of a highway by a vehicle, by an animal or by any other means.

Ice or Snow - General

8.-(1) No person shall throw, push, plow, dump or otherwise deposit any snow or ice on any highway or part thereof, by any means whatsoever, regardless of whether the snow or ice has been removed from an adjoining property, a private entrance, or a sidewalk.

(2) No person shall authorize or direct the throwing, pushing, plowing, dumping or other depositing of any snow or ice on any highway or part thereof, by any means whatsoever, regardless of whether the snow or ice has been removed from an adjoining property, a private entrance or a sidewalk.

(3) Despite Subsections 8(1) and 8(2), if so authorized in writing by the General Manager, a person may deposit snow or ice in such location and in such manner on a sidewalk, boulevard or shoulder as authorized or directed by the General Manager.

(4) No person shall move snow within the highway or authorize or cause the moving of snow within the highway such that the snow:

- (a) encroaches on the cleared portion of the roadway or the sidewalk; or
- (b) interferes with sight lines of vehicles entering the roadway from a private driveway or at an intersection;
- (c) interferes with the safe movement of vehicular and pedestrian traffic on the highway;
- (d) obstructs a fire hydrant; or
- (e) is moved from one side of the cleared portion of the highway to the other side of the highway.

Downtown Core

9.-(1) No owner of private property abutting a portion of a highway listed in Schedule A, shall fail to:

- (a) remove or cause to be removed, snow from that portion of the sidewalk that is contiguous to the owner's property line;
- (b) remove or cause to be removed, ice from that portion of the sidewalk that is contiguous to the owner's property line;
- (c) take such action as is necessary in the circumstances to prevent the sidewalk contiguous to the owner's property from becoming slippery or from remaining in a slippery condition; or
- (d) remove icicles, snow or ice from a building located in whole or in part on the owner's property, from the roof of that building, any sign, awning or other projection from that building, where the icicles, snow or ice may pose an immediate danger to the health or safety of any person using the highway abutting the owner's property, or any part thereof.

(2) Subsection 9(1) shall not apply on any day which is a holiday as defined in the *Retail Business Holidays Act*, R.S.O. 1990, c. R. 30.

(3) Notwithstanding Section 8, where an owner is required under Subsection 9(1) to remove snow or ice from a sidewalk and there is no land within the highway which is not being used for the purposes of sidewalk or roadway, such snow and ice may be deposited upon so much of the sidewalk nearest to the roadway as is reasonably necessary for the purpose, but not in such a way as to obstruct access to any fire hydrant or to obstruct passage to the roadway.

(4) Notwithstanding Subsection 9(1), no owner shall remove snow or ice or direct or cause the removal of snow or ice from a sidewalk in such a manner as to damage the sidewalk.

PART 3 * OBSTRUCTIONS / ENCROACHMENTS / PROJECTIONS

Activity - Interferes with Travel /Use/ Safety

10.-(1) No person shall engage in conduct or an activity or authorize or cause or permit the continuation of conduct or an activity by persons under his control or influence which:

- (a) obstructs or interferes with public travel on a roadway;
- (b) obstructs or interferes with the use of a sidewalk by pedestrians;
- (c) obstructs or interferes with the use of a highway or any part thereof for its intended purpose; or

- (d) poses a danger to the safety of a person or persons using the highway or any part thereof.

(2) No person shall place or erect or cause or authorize to be placed or erected, or permit the continued placement or erection of any object, thing or structure on a highway or any part thereof which:

- (a) obstructs or interferes with or the use of which obstructs or interferes with, public travel on a roadway;
- (b) obstructs or interferes with or the use of which obstructs or interferes with, the use of a highway or any part thereof for its intended purpose; or
- (c) poses a danger or the use of which poses a danger, to the safety of a person or persons using the highway or any part thereof.

Encroachment / Projections etc.

11.-(1) Subject to 11(3), no owner of land abutting a highway shall place, erect or construct or cause or authorize to be placed, erected or constructed, or permit the continuing presence of any fence, wall, retaining wall, light fixture, awning, address or name post, sign, reflector, door, gate, steps, landscaping feature, mail box, shed or other structure or thing in a location which:

- (a) is in whole or in part on a highway or any part thereof;
- (b) encroaches onto or over a highway or any part thereof;
- (c) projects over a highway or any part thereof; or
- (d) swings or opens over a sidewalk or roadway or part thereof.

(2) The owner of land abutting a highway may apply to the General Manager for approval of an existing or future encroachment of the type described in Subsection 11(1), by application in writing in the form required by the General Manager from time to time, which is signed by the applicant and supported by such information and supporting documents as the General Manager may require to investigate the request and make a determination.

(3) Upon receipt of a fully complete application, where the General Manager in his or her discretion determines that the encroachment otherwise prohibited under Subsection 11(1) may occur safely and does not unduly interfere with the use of the highway or part affected, the General Manager is delegated the authority to approve the encroachment on terms and conditions established by the General Manager and may execute on behalf of the City, an agreement with the applicant, setting out the extent of variance from this By-law and the terms on which the variance from Subsection 11(1) of this By-law is authorized by the agreement.

(4) While the agreement entered into pursuant to Subsection 11(3) is in effect and the applicant is in compliance with the terms of the agreement, the applicant shall not be subject to prosecution for non-compliance with this By-law to the extent of the variance authorized in the agreement.

(5) Whether or not set out in the written agreement, all such agreements shall be subject to each of the following conditions:

- (a) that the encroachment not exceed that described in the agreement;
- (b) the applicant remove the structure or other encroachment at his or her own cost, upon written request of the General Manager;
- (c) that if the applicant fails to remove the structure or other encroachment in accordance with the direction of the General Manager, the City's authorized employees, contractors or agents may enter onto the property to remove same, all at the cost of the applicant and without liability to the City, its employees, agents or contractors;
- (d) that the applicant use the highway or part thereof at his own risk;
- (e) that the owner is liable to any person who consequently suffers injury or loss and shall indemnify the City from all such claims and actions;
- (f) that the agreement may be terminated by the General Manager; and
- (g) such other terms and conditions as the General Manager may establish in the circumstances.

(6) No owner of land abutting a highway who has written consent of the General Manager, or entered into an agreement pursuant to Section 11 shall:

- (a) fail to comply with the written consent or agreement; or
- (b) fail to produce the written consent or agreement upon request of the By-law Enforcement Officer.

PART 4 - CARE OF THE HIGHWAY

Grass/Plants

12. No person shall damage, destroy, dig up or remove or cause or authorize the damage, destruction, digging up or removal of any grass, turf, sod, earth, shrub or plan from any part of a highway or from any planter located on or above the highway.

Poles, Highway Signs, Lights, etc

13.-(1) No person shall damage, pull down, destroy, remove, deface or in any way interfere with or cause or authorize another to damage, pull down, destroy, remove, deface or in any way interfere with:

- (a) any sign affixed or placed on a highway under the authority of a City By-law or the General Manager including without limitation, any highway name sign, regulatory sign, information sign or traffic sign;
- (b) any traffic control device affixed or placed on a highway, including with out limitation, any traffic signal, traffic cone or barricade;
- (c) any evidence of the limit of a highway or any part thereof, including without limitation, any post, surveyor's peg or bench mark;
- (d) any pole, light standard, hydrant or other object lawfully on the highway;
- (e) any retaining wall, fence or other structure lawfully on the highway; or
- (f) any transit shelter or authorized street furniture located on any part of a highway.

(2) No owner of a property abutting a highway shall permit any flood light to directly or indirectly illuminate a highway without the written approval of the General Manager.

(3) Every person who acts contrary to Subsection 13(1) or 13(2) shall, in addition to any other remedy or offence hereunder, be liable for any damage or injury occasioned by or resulting from that person's action.

Sidewalks - Damage

14.-(1) No person shall move, drive, run or propel a vehicle or cause or authorize a vehicle to be moved, driven, run or propelled upon, over or across a newly constructed sidewalk or roadway before it has been opened for use by the public.

(2) No person shall walk or run upon, over or across or permit an animal to walk or run upon, over or across a newly constructed sidewalk or roadway before it has been opened for use by the public.

(3) No person shall print, draw or otherwise make any mark or cause or authorize another to print, draw or otherwise make a mark on a sidewalk or roadway unless authorized to do so by the General Manager.

(4) No person shall dig up, damage, destroy or cause or authorize another to dig up, damage or destroy a sidewalk.

(5) No person shall alter or cause another to alter the surface of a sidewalk in any way.

Boulevards, Etc

15.-(1) No person shall break, dig up, destroy, damage, remove or cause or authorize to be broken, dug up, destroyed, damaged or removed:

- (a) the asphalt, concrete or other hard surface of a boulevard;
- (b) a fence or a railing erected and maintained for the protection of a boulevard; or
- (c) a curb.

(2) Nothing contained in this By-law shall prevent the General Manager from altering, opening or otherwise using any boulevard for any civic purpose.

Vehicles with Cleats etc

16.-(1) No person shall move or cause to be moved a vehicle equipped with cleats, flanges, or tracks on its wheels or rollers, or any of them, on or along the roadway except:

- (a) by means of a float, trailer or other similar device; or
- (b) directly across the highway and over a protective mat laid on the surface of the portion of the highway being crossed; or
- (c) where the vehicle is equipped with protective pads over the cleats, flanges or tracks and the protective pads are of a type designed to prevent damage to the surface of highway.

(2) Despite Subsection 16(1) a person may apply to the General Manager for consent to operate a vehicle contrary to Subsection 16(1) by submitting a written request in the form required by the General Manager and providing such information and supporting documents as the General Manager may require to investigate the request and make a determination.

(3) The General Manager is delegated the authority to:

- (a) refuse the application for consent, where in the opinion of the General Manager, the roadway cannot be adequately protected from damage; or
- (b) issue a written consent to permit an applicant to operate one or more specified vehicles equipped with cleats, flanges, or tracks on its wheels or rollers, on a specified portion of a highway during a specified period of time, and on such conditions as are set out in the written consent of the General Manager.

(4) No person who has written consent of the General Manager to move or cause a vehicle to be moved on a highway contrary to Subsection 16(1), shall fail to:

- (a) move or cause or authorize the vehicle to be moved in accordance with the written consent; or
- (b) produce the written permission upon request of a By-law Enforcement Officer.

(5) A person who has written consent of the General Manager to operate a vehicle contrary to Subsection 16(1) is nevertheless responsible for all damages of whatsoever nature that may be caused by reason of the driving, operating or moving of any such vehicle.

Debris from Trucks

17.-(1) No person employing, using or operating a vehicle to haul earth, sand, stone, snow, ice, rubbish or other substances on a highway shall:

- (a) fail to cover the load or fail to cause the load to be covered in a manner which prevents the escape of any part of the contents from the box of the vehicle onto a highway; or
- (b) load the vehicle or cause the vehicle to be loaded in a manner which causes or permits the contents or any part thereof to fall, spill or be deposited on a highway; or
- (c) employ, use or operate the vehicle in a manner which causes or permits the contents or any part thereof to fall, spill or be deposited on a highway.

(2) No person employing, using or operating a vehicle shall bring the vehicle or cause or authorize the vehicle to be brought upon a highway unless the person has removed or caused or directed to be removed, as completely as reasonably practicable in the circumstances, all mud, clay, lime, oil, sand, gravel, fertilizer, manure or other such material from the wheels of the vehicle.

(3) No person employing, using or operating a vehicle, shall fail to forthwith remove or cause to be removed from the highway, any contents which may fall from the vehicle or any mud, clay, lime, oil, sand, gravel, fertilizer, manure or other material which falls from the wheels of the vehicle, which may cause or result in:

- (a) an obstruction, dangerous condition or nuisance on the highway; or
- (b) damage to the surface of the highway.

(4) Subsection 17(3) shall not relieve the person from any obligation to secure any necessary Road Occupancy Permit or Road Closure Permit which may be required under the City's By-law to Regulate Road Occupancy, Including Road Cuts, Temporary Closure and Sidewalk Cafes then in effect.

No Water, Oil Etc. to Drain on Highway

18.-(1) No owner or operator of a parking station, parking lot, used car lot, automobile service station or mechanical car wash shall cause, permit or authorize water used for washing or cleaning a motor vehicle to escape upon, overflow or run across or upon a highway or part thereof.

(2) No owner of property shall cause or permit oil, chemicals or other substances to drain or escape or overflow from the owner's property or from a vehicle on the owner's property onto or upon or across a highway or part thereof.

(3) No person shall fail to maintain his vehicle in such a condition that gas, oil, fluids, chemicals or other substances do not escape from the vehicle onto the highway.

PART 5 - DRAIN

19-(1) For the purposes of this Section 19:

"alter" means any act that has the effect of changing the grade of the land including, but not limited to the placement or removal of fill, topsoil, gravel, crushed stone, pavement, interlock, fencing or a retaining wall;

"drain" means a culvert, drain, open ditch, rain water leader, watercourse, sewer, swale or storm sewer within a highway, designed or intended to carry and/or accept rain, ground, surface or subsurface water or any of them, or parts thereof, and includes appurtenances such as manholes and catchbasins;

"obstruct" means any act or inaction that has the effect of preventing or hindering the proper function of a Drain including, but not limited to the placement, dumping or removal of fill or topsoil, or altering the grade of the land by any means including but not limited to, landscaping, pavement, interlock, fencing, or retaining wall; and

"obstruction" means any object which prevents or hinders proper functioning of a drain including, but not limited to the placement, dumping or removal of fill or topsoil, or altering the grade of the land by any means including, but not limited to, landscaping, pavement, interlock, fencing or retaining wall.

(2) No owner of property shall cause or allow the continued drainage of water from the owner's property into a drain within the limits of the highway, unless in accordance with a lot

grading agreement entered into with the City and registered on title to the owner's property, or in accordance with a drainage easement or approved drainage plan.

(3) No owner of property shall, or shall permit or authorize any person to alter, fill, block, interfere with, obstruct or cause or contribute to the obstruction of a drain within the limits of a highway, or to the lot grade such that the flow of storm rain, ground, surface or subsurface water is increased, impaired or deviates from the existing drainage pattern or approved grading and drainage pattern.

(4) No person shall place or cause to be placed, a plank or other material or object in or over any ditch for the purposes of making a crossing except for a period of not more than 24 hours.

(5) No person shall fill in, cover in or cover over any drain or cause any drain to be filled in, covered in or covered over except in accordance with written authorization of the General Manager.

(6) Where a drain has been filled in, covered in or covered over, the owner of the property on which the drain was located shall be deemed to have filled in, covered in or covered over the drain; or, where the drain which was filled in, covered in, or covered over, is located on a highway or other property owned by the City, the owner of the property abutting the highway or other land owned by the City shall be deemed to have filled in, covered in or covered over the drain; even if the filling in, covering in or covering over occurred before the person become the owner of the property.

PART 6 - ORDERS AND REMEDIAL ACTION

Order to Discontinue Activity / Work Order / Remediation

20.-(1) If the General Manager is satisfied that a contravention of this By-law has occurred, the General Manager may make an order requiring the person who contravened this By-law or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity. The order shall set out reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred and the date by which there must be compliance with the order.

(2) If the General Manager is satisfied that a contravention of this By-law has occurred, the General Manager may make an order requiring the person who contravened this By-law or who

caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to do work to correct the contravention. The order shall set out reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred, the date by which the work must be done and provide that where the requirements of the Order have not been complied with, the City may cause the work to be done at the person's expense.

(3) Pursuant to subsection 445(3) of the *Municipal Act, 2001*, as amended, an order pursuant to subsection 20(2) may require the work to be done even though the facts which constitute the contravention of the by-law were present before this By-law making them a contravention came into force.

(4) Where a Order has been sent requiring a person to do a matter or thing, and where such Order provided that in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and where the requirements of the notice have not been complied with, the General Manager may cause the work to be done at the expense of the person directed or required to do it.

(5) The City may enter upon the land of an owner in default at any reasonable time for the purposes of Subsection 20(4).

(6) The City may recover all costs of doing a matter or thing from the person directed or required to do it by action, or by adding to the tax roll for the property and collecting the costs in the same manner as property taxes.

(7) The costs include interest calculated at a rate of 15% calculated for the period commencing on the day the City incurs the costs and ending on the day the costs, including the interest are paid in full.

(8) Every person who is served with an order under this By-law shall comply with the requirements of the order within the time period specified in the order.

(9) An Order made under Subsection 20(1) or 20(2) may be delivered in person or in the case of an owner, mailed to the person at the address shown for the owner in the assessment tax roll for the property.

Attendance Fee

20.1-(1) Enforcement fees shall be payable in accordance with the provisions of the User Fees By-law then in effect.

- (2) Any fee payable pursuant to subsection 20.1(1) shall be in addition to:
- (a) any fine levied upon conviction of an offence under this By-law; and
 - (b) any costs incurred for remediation.

(3) No fee payable pursuant to subsection 20.1(1) shall be waived or cease to be payable in the event that no charge is laid or a charge that is laid does not lead to a conviction.

PART 7 - ENFORCEMENT

Enforcement - No Obstruction Etc.

21.-(1) This By-law may be enforced by any By-law Enforcement Officer.

(2) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-law.

Offence

22.-(1) Every person who contravenes any of the provisions of this By-law and any director or officer of a corporation who concurs in such contravention is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*.

(2) For the purposes of Subsection 22(1), each day on which a person contravenes any of the provisions of this By-law shall be deemed to constitute a separate offence under this By-law.

(3) The levying and payment of any fine as provided for under the *Provincial Offences Act* shall not relieve a person from the necessity of paying any costs or charges for which such person is liable under this By-law.

(4) The making of a false or intentionally misleading statement or representation in any agreement or request for permission provided for by this By-law shall be deemed to be a violation of the provisions of this By-law.

(5) An offence and subsequent conviction under this By-law pursuant to the *Provincial Offences Act*, R.S.O. 1990, c. P. 33 or the *Municipal Act, 2001*, shall not be deemed in any way to preclude the City from issuing a separate legal proceeding to recover charges, costs and expenses incurred by the City and which may be recovered in a Court of competent jurisdiction.

Prohibition Order

23. When a person has been convicted of an offence under this By-law, the Ontario Court (Provincial Division), or any court of competent jurisdiction thereafter may, in addition to any

other penalty imposed on the person convicted, issue an order prohibiting the continuation of the offence or doing of any act or thing by the person convicted directed towards the continuation of the offence.

Confidential Information

24.-(1) All information submitted to and collected by the City, will, except as otherwise provided in this Section, be available for disclosure to the public in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 (MFIPPA).

(2) In the event that any person in submitting information to the City or to the General Manager in any form, as required under this By-law, where such information is confidential or proprietary or otherwise may be exempt from disclosure under the MFIPPA, the person submitting the information shall so identify that information upon its submission to the City or the General Manager and shall provide sufficient details as to the reason for its purported exemption from disclosure.

PART 8 - GENERAL

Short Title

25. This Bylaw may be referred to as the “Road Fouling By-law”.

Schedule

26. Schedule A attached hereto is incorporated into and forms a part of this By-law.

Repeals

27.-(1) Each of the following By-laws and all amendments thereto are hereby repealed:

- (a) By-law 86-20 of the former Town of Capreol;
- (b) By-laws 624, 59-7, 62-12, 82-16, 98-26 of the former Town of Nickel Centre;
- (c) By-law 396 of the former Township of McKim;
- (d) By-laws 1123, 73-76, 80-32, and 97-187 of the former the City of Sudbury;
- (e) By-laws 461, 46, 68-67, 72-287, 66-48, 59-20, 97-03, of the former the Town of Valley East;
- (f) By-laws 97-01, 81-34, 94-2, and 97-39 of the former Town of Rayside-Balfour;
- (g) By-laws 6-65 and 96-495 of the former Town of Walden; and
- (h) By-laws 73-204, 74-19, 75-249, 76-117 and 97-54A of the former Regional Municipality of Sudbury.

- (2) Where a by-law is repealed by this By-law, the repeal does not:
- (a) affect the previous operation of any by-law so repealed;
 - (b) affect any right, privilege, obligation or liability acquired, accrued, accruing, or incurred under the by-law so repealed;
 - (c) affect any offence committed against any by-law so repealed or any penalty or forfeiture or punishment incurred in respect thereof; or
 - (d) affect any investigation, legal proceeding or remedy in respect of such privilege, obligation, liability, penalty, forfeiture or punishment.

28.-(1) Where a By-law of a former local municipality of the Regional Municipality of Sudbury is repealed by this By-law, the repeal does not revive any By-law not in force or existing at the time of which the repeal takes effect

(2) The repeal of a By-law under Section 27 hereof shall not be deemed to involve a declaration that the by-law repealed was considered by Council of the City of Greater Sudbury to have been previously in force.

(2) The repeal of a By-law under Section 27 hereof shall not be deemed to involve a declaration that the by-law repealed was considered by Council of the City of Greater Sudbury to have been previously in force.

Enactment

29. This By-law shall come into force and take effect immediately upon the final passing thereof.

READ AND PASSED IN OPEN COUNCIL this 12th day of October, 2011

_____ Mayor

_____ Clerk

SCHEDULE A TO BY-LAW 2011-219

The provisions of Section 9 apply to the highways identified in Column A on the sides identified on Column B, from the point identified in Column C to the point identified in Column D

Column A Street	Column B Side	Column C From	Column D To
Elm Street East and West	North	Lansdowne Street	Notre Dame Avenue
Elm Street East and West	South	Extension of Lansdowne Street	Notre Dame Avenue
Durham Street North and South	Both	Beech Street	Elgin Street
Larch street	Both	Elgin Street	Notre Dame Avenue
Cedar Street	Both	Elgin Street	Notre Dame Avenue
Lisgar Street	Both	Elm Street	Larch Street
Elgin Street North and South	Both	St. Anne Road	Minto Street
Elgin Street North and South	West	Beech Street	Cedar Street

UNOFFICIAL
CONSOLIDATED
VERSION TO JULY 2020