

THE CORPORATION OF THE TOWN OF FROBISHER BAY

BY-LAW NO. 137

BEING A BY-LAW to preserve, maintain and improve common and public highways within the Town of Frobisher Bay;

AND BEING A BY-LAW to regulate or prohibit the obstruction, encumbering, injuring or fouling of common and public highways within the Town of Frobisher Bay.

WHEREAS Section 161 of the Municipal Ordinance, being Chapter M-15 of the Revised Ordinances of the Northwest Territories, 1974, as amended, provides that Municipalities have jurisdiction, management and control respecting common and public highways and;

WHEREAS the powers of the Municipality to preserve, maintain and improve common and public highways and for preventing or removing any obstruction upon such highways are provided for by Section 169 of the Municipal Ordinance, being Chapter M-15 of the Revised Ordinances of the Northwest Territories, 1974, as amended;

NOWHEREFORE PURSUANT to the provisions of the Municipal Ordinance and notwithstanding any by-laws, sections thereof, resolutions or prior enactments,

THE COUNCIL OF THE TOWN OF FROBISHER BAY, in session duly assembled, enacts as follows:

SHORT TITLE

A. This By-Law may be cited as the "Highway Obstruction By-Law".

PART I

INTERPREATION

B. 1. In this By-Law:

- (a) "Director" means the Director of Engineering, Transportation and Public Works of the Town of Frobisher Bay or any person lawfully acting as his designee;
- (b) "Highway" means any place or way including any structure forming part thereof which the public is ordinarily entitled or permitted to use for the passage of vehicles with or without fee or charge therefor, and includes any common and public highway, road, street, avenue, driveway, laneway, bridge, square or place within the Town of Frobisher Bay;
- (c) "Municipality" means the Municipality of Frobisher Bay.
- (d) "Person" means any person or individual and includes any government, corporation, unincorporated association, partnership, firm, organization or utility company.
- (e) "Sidewalk" includes all such part of a highway as are set aside or improved for the use of pedestrians.

2. Save as herein otherwise provided, the terms and expressions in this By-Law have the same meaning as in the Interpretation Ordinance and the Municipal Ordinance.

PART II

GENERAL PROVISIONS

- C. 1. Without the written permission of the Municipality of Frobisher Bay or unless authorized by the provisions of a by-law of the Municipality, no person shall
 - (a) obstruct, encumber, injure or foul any highway or any drain, ditch or culvert thereupon;

- (b) erect, install, place or maintain, or cause or permit the erection, installing, placing or maintaining, of any pole, post, fence, awning, canopy, marquee, porch, door step, vehicle approach ramp, sidewalk, driveway, structure, material or thing either wholly or partly upon, in, under or over a highway;
 - (c) cause or permit the hanging or maintaining of any gate, door, or other thing in such a manner as to allow it to swing over any part of a highway;
 - (d) foul any highway or cause or permit the fouling thereof by throwing, placing or depositing thereon any dirt, filth, glass, metal, paper, wood, snow, ice, animal carcass, liquid waste, refuse, or other matter or thing, whether spilled from a vehicle or not.
2. (a) On receipt of notice from the Director any, pole, post, fence, awning, canopy, marquee, porch, door step, vehicle approach ramp, sidewalk, driveway, structure, material, or thing either wholly or partly upon, under or over a highway, shall be removed forthwith by the occupant, lessee or owner of the land in connection with which the same exists.
- (b) In default of compliance with Section C(2)(a) above, any such obstruction or encumbrance may be removed, and the road restored to its proper condition, by the Director, all at the expense of the occupant, lessee or owner of the land in connection with which such obstruction or encumbrance exists, and the amount of such expense shall be paid to the Municipality, by the said occupant, lessee or owner forthwith upon demand.

PART III

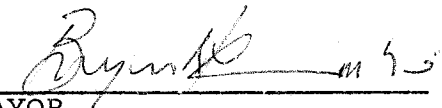
PENALTIES


- D. 1. Every person who violates or fails to comply with the provisions of this By-Law is guilty of an offence and is liable, upon summary conviction, for each offence, to a fine of not less than \$500.00 and not more than \$1,000.00, exclusive of costs;
2. Payments as provided for in Section D (1) above do not constitute a specified penalty and a Magistrate or Justice of the Peace upon conviction for an offence under this By-Law may impose a fine, costs and imprisonment as he may deem appropriate.
3. Nothing in this Section shall:
- (a) prevent any person concerned from exercising his or her right to defend any charge of committing a breach of this By-Law; or
 - (b) prevent any person entitled to do so from laying an information and complaint against any person for committing a breach of this By-Law; or
 - (c) prevent any person from exercising any legal rights that such person may have to lay an information and complaint against any other person (whether such other person has made a payment under the provisions of this By-Law or not) for a breach of any provision of this By-Law.

THIS BY-LAW READ A FIRST TIME this 21 day of May, A.D. 1985 by the Council of the Town of Frobisher Bay, N.W.T.

THIS BY-LAW READ A SECOND TIME this 18 day of June, A.D. 1985 by the Council of the Town of Frobisher Bay, N.W.T.

THIS BY-LAW READ A THIRD AND FINAL TIME this 18 day of June, A.D.
by the Council of the Town of Frobisher Bay, N.W.T.


MAYOR


SECRETARY-MANAGER