

THE MUNICIPALITY OF CENTRAL MANITOULIN

BY-LAW NUMBER 2010-18

BEING A BY-LAW TO ADOPT A PRIVATE CONSTRUCTION OCCURRING ON MUNICIPAL PROPERTY POLICY TO REGULATE PRIVATE CONSTRUCTION ACTIVITIES ON ALL MUNICIPAL LANDS

WHEREAS Section 208(42) of the Municipal Act authorizes the Council of the Municipality of Central Manitoulin to pass by-laws that regulate activities on Municipal property.

THEREFORE the Council of the Municipality of Central Manitoulin enacts as follows:

1. That we adopt the PRIVATE CONSTRUCTION OCCURRING ON MUNICIPAL PROPERTY POLICY, as per attached Schedules "A" and "A-1" as the required procedure before any private construction begins on Municipal property.
2. Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a maximum fine of \$1000.00.
3.
 - (a) Anyone served in writing of a violation of the provisions of this by-law may voluntarily pay the set fine set out in the notice to the Municipality within fifteen days of service of this notice. In the event that the fine is not voluntarily paid, the fine, exclusive of costs, is recoverable under the Provincial Offenses Act.
 - (b) Notice of violation shall be in a standard form approved by Council and may be served personally or registered mail in which case service shall be deemed to be on the fourth day after mailing.
4. This by-law shall come into force and take effect on the date that it is finally read and passed by the Council of the Municipality of Central Manitoulin.

READ a first and second and third time and passed in open Council on this _____ day of _____, 2010.

Clerk

Reeve

I, _____, Clerk of the Municipality of Central Manitoulin do hereby certify, that the foregoing is a true copy of by-law number 2010-18, passed by the Council of the Municipality of Central Manitoulin at its regular meeting held on the _____ day of _____ 2010.

Clerk

THIS AGREEMENT MADE

BETWEEN:

**THE MUNICIPALITY
OF CENTRAL MANITOULIN**

HEREIN referred to as the Municipality

AND

HEREIN referred to as the Applicant

WHEREAS the applicant has requested permission to install a _____ located within the boundaries of Municipal property described as _____

NOW THEREFORE, the Municipality grants said permission provided that:

1. Application for permission to work on Municipal property must be made and approved prior to beginning any work.
2. The application will contain a site plan showing the proposed location of the installation, a timeline for completion and proof of insurance relieving the Municipality of any liability during the period of construction.
3. The applicant agrees to pay all expenses incurred while making an installation across or on Municipal property and to restore said property to its original condition or better upon completion of installation. (To be approved by Municipality)
4. The applicant agrees that any future expenses for relocation or repair of said installation shall be borne solely by the applicant.
5. The applicant agrees that the Municipality will not be held responsible now or at any time in the future for damage occurring to this installation or any associated connections.
6. The applicant agrees that the installation shall be made within a conduit of sufficient size and type to allow for replacement or repair without further disruption to the travelled portion of the roadway and satisfactory to the Municipality.
7. The location of the installation shall be clearly marked on site and this marking shall be regularly maintained to retain its original condition.
8. The parties agree that the agreement shall be binding upon the parties hereto, and their respective heirs, assigns, executors, administrators and successors.

IN WITNESS WHEREOF the parties hereto have caused their hands and seals to be affixed hereto.

Reeve _____

This is a certified copy of schedule
'A' to By-law 2010-18 .

Clerk/CAO _____

Applicant _____

Reeve _____

Dated this ____ day of _____, _____.

Clerk/CAO _____

Schedule “A-1” to bylaw 2010-18

Private Construction Occurring on Municipal Property Policy

Effective : Upon passing of By-law 2010-18

Not limiting the generality of this policy the installation of Hydro lines, water lines etc. on or across Municipal property will be considered only under the guidelines of this policy. In all cases the Municipality reserves the right to request relocation or removal of such installation should it become necessary , although it is recognized that this will only occur in extraordinary circumstances.

Installation of Hydro, Water lines, etc. across or on Municipal property shall meet the following criteria.

1. Application for permission to work on Municipal property must be made and approved prior to beginning any work.
2. The application will contain a site plan showing the proposed location of the installation , a timeline for completion and proof of insurance relieving the Municipality of any liability during the period of construction.
3. The applicant agrees to pay all expenses incurred while making an installation across or on Municipal property and to restore said property to its original condition or better upon completion of installation. (To be approved by Municipality)
4. The applicant agrees that any future expenses for relocation or repair of said installation shall be borne solely by the applicant.
5. The applicant agrees that the Municipality will not be held responsible now or at any time in the future for damage occurring to this installation or any associated connections.
6. The applicant agrees that the installation shall be made within a conduit of sufficient size and type to allow for replacement or repair without further disruption to the travelled portion of the roadway.
7. The location of the installation shall be clearly marked on site and this marking shall be regularly maintained to retain its original condition.
8. The parties agree that the agreement shall be binding upon the parties hereto, and their respective heirs, assigns, executors, administrators and successors.

This is a certified copy of schedule
“A-1” to By-law 2010-18 .

Reeve_____

Clerk_____