

THE CORPORATION OF THE CITY OF PEMBROKE

BY LAW NUMBER 79-18

**A BY-LAW FOR PROHIBITING THE OBSTRUCTION, ENCUMBERING,
INJURING OR FOULING OF HIGHWAYS WITHIN THE MUNICIPAL
BOUNDARIES OF THE CITY OF PEMBROKE.**

WHEREAS pursuant to Section 460, Subsection 1 of The Municipal Act, R.S.O. 1970 and Amendments thereto, a Corporation is permitted to enact a by-law to prohibit the obstructing, encumbering, injuring or fouling of highways within the municipal boundaries of the City of Pembroke;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF PEMBROKE ENACTS AS FOLLOWS:

1. No person, association or corporation shall deposit any material, including snow or ice, off any private property upon any part of a highway within the municipal boundaries of the City of Pembroke except material placed on City boulevards to the approval of the City Engineer and except as is permitted under a City By-law.
2. All persons or corporations are prohibited from:
 - (a) Placing snow or ice upon the ploughed sections of roads or sidewalks from which the City has removed snow or ice.
 - (b) Placing snow or ice off driveway entrances, or otherwise, upon any street or highway including boulevards on the opposite side of the street to which the person or corporation resides or is located.
 - (c) Placing any material, including snow or ice, upon any part of a street or highway in such manner if, in the opinion of the Chief of the City of Pembroke Police Department, or his designee, such action is fouling, obstructing or encumbering a street or highway.
 - (d) Piling or placing any material, including snow or ice, in such a manner as to obstruct or damage parking meters, highway signs, street name signs, light standards, hydrants, or any other such installation or utility located on a street or highway.
3. No person or corporation shall move or place equipment or material on any part of a street or highway such that damage to the road surface, curbs, municipal services, and/or sidewalks results from their action.

4. If material or equipment, other than snow or ice or that which is permitted by the City Engineer or that which is permitted under a City By-law, is deposited or placed on any part of a street or highway and/or if a hazardous condition is being or has been created and/or if highway signs, street name signs, hydrants, light standards, parking meters or any other such installations are obstructed or damaged and/or if damage to the road surface, municipal services or sidewalks has resulted from the placing or moving of equipment or material, the responsible party shall, at his own expense, on receipt of instruction from the City Engineer, immediately remove such material to the satisfaction of the City Engineer and make restitution to the City from the damage so caused to the Estimate of the City Engineer. On failure to comply with this instruction, the City Engineer may have the equipment or the material, removed and the expense of such work and/or the expense of rectifying any damage caused by non-compliance with this By-law shall be borne by the offending party.
5. If, in the opinion of the Chief of the Pembroke Police Department, or his designee, snow or ice is deposited or placed on any part of a street or highway in a manner to obstruct, encumber or foul the street or highway and/or if a hazardous condition is being or has been created and/or if highway signs, street name signs, hydrants, utility poles, parking meters, sidewalks or any such service or installation are obstructed or damaged, the responsible party shall make restitution to the City of Pembroke for correction, repair or replacement as deemed necessary by and to the estimate of the City Engineer.
6. Any person, corporation, organization or association contravening the provisions of this By-law shall be guilty of an offence and liable upon summary conviction to a penalty of not less than Ten Dollars (\$10.00) and not more than Fifty Dollars (\$50.00), exclusive of costs.
7. Upon conviction of any person, corporation, organization or association for a contravention of any of the provisions of this by-law an order may be made compensating the Corporation in full for any expenses incurred as a result of the offence.
8. By-law 68-24 of the Corporation of the City of Pembroke is hereby repealed.
9. This by-law shall come into force and take effect upon the date of the final passing thereof.

READ A FIRST AND SECOND TIME THIS 6TH DAY OF FEBRUARY, 1979

Mayor

Clerk

READ A THIRD TIME AND PASSED THIS 6TH DAY OF FEBRUARY 1979.

Mayor

Clerk