



# **The Municipal Corporation of the Town of Fort Erie**

## **By-law No. 52-2020**

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### **Being a By-law to Amend the Highway Occupancy Policy By-law No. 120-2015 (Administrative Penalty)**

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**Whereas** By-law No. 120-2015 was passed by the Municipal Council of the Town of Fort Erie on September 28, 2015 to adopt a Policy to regulate the use, alteration and occupancy of Highways (the "Policy") through a permit system with respect to construction on private properties necessitating the occupation of a portion of a highway (road allowance); and

**Whereas** the purpose of the permit system under the Policy is to:

- a) determine whether a proposed highway occupation is necessary;
- b) ensure highway occupancy is carried out in a safe manner;
- c) ensure that activities are coordinated to minimize public impact; and
- d) ensure Town infrastructure is protected from damage, and if damage occurs, is remediated to the satisfaction of the Town; and

**Whereas** By-law No. 111-2019 was passed by the Municipal Council of the Town of Fort Erie on July 15, 2019 to establish a system for Administrative Penalties; and

**Whereas** the Policy does not currently provide for an Administrative Penalty for those who use a highway in a manner which restricts access, disrupts or impedes vehicular and/or pedestrian traffic, requires placement of materials and/or equipment of any kind on the highway, without obtaining a permit and otherwise not complying with any part of the Policy; and

**Whereas** it has become evident that highways are being used, altered and occupied without permits being obtained to ensure that the purpose of the Policy is achieved; and

**Whereas** it is deemed desirable to implement an Administrative Penalty for non-compliance with the Policy; and

**Now therefore** the Municipal Council of The Corporation of theTown of Fort Erie enacts as follows:

1. **That** By-law No. 120-2015 is amended by inserting the following subsection immediately following Subsection 7.1:

"7.2 Every person who contravenes any provision of this Policy is liable to pay an Administrative Penalty in the amount of Three Hundred Dollars (\$300.00) in the manner and in accordance with By-law No. 111-2019, as amended or replaced from time to time, which establishes a system for Administrative Penalties."

- 2. That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 8th day of June, 2020.**

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Mayor

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Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 52-2020 of the said Town. Given under my hand and the seal of the said Corporation, this                      day of                      , 20   .

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