

# Development

## Chapter 258 Deposit - Curb - Sidewalk Boulevard – Repair

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258 Schedule `A' - Deposits

### Article 1 - Interpretation

#### 258.1.1 Chief Building Official - defined

"Chief Building Official" means the person holding the appointment of the Chief Building Official for the Corporation.

#### 258.1.2 Construct - defined

"construct" means to do anything in the erection, installation or extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere and "constructed" and "construction" have a corresponding meaning.

#### 258.1.3 Construction permit - defined

"construction permit" means a written authorization issued by the Chief Building Official for the construction of a building.

#### 258.1.4 Corporation - defined

"Corporation" means The Corporation of the City of Woodstock.

#### 258.1.5 Demolition - defined

"demolition" means the doing of anything in the removal of a building or any material part thereof, and "demolished" has a corresponding meaning.

#### 258.1.6 Demolition permit - defined

"demolition permit" means a written authorization issued by the Chief Building Official for the demolition of a building.

#### 258.1.7 Deposit - defined

"deposit" means a sum of money paid to the Corporation to meet the cost of repairing any damage to the sidewalk, curbing or paved boulevard or to any water service box or to any other service therein caused by vehicles delivering material to, or removing material from a lot on which a building is being construction or demolished.

#### 258.1.8 Engineer - defined

"Engineer" means the person holding the appointment of the Engineer for the Corporation.

#### 258.1.9 Frontage - defined

"frontage" means that part of the limit of a lot abutting any curbing,

sidewalk or paved boulevard of the Corporation.

**258.1.10 Lot - defined**

"lot" means a parcel of land abutting any curbing, sidewalk or paved boulevard, the boundaries of which are on record in the registry office of the land titles division of the County of Oxford.

**258.1.11 Owner - defined**

"owner" means a person who appears as the owner of a lot according to the records of the registry office in the land titles division of the County of Oxford.

**258.1.12 Treasurer - defined**

"Treasurer" means the person holding the appointment of Treasurer for the Corporation.

**258.1.13 Service - defined**

"service" means any improvement of a structural nature or other under taking that is within the jurisdiction of the Corporation or a local board thereof and, without limiting the generality thereof, includes sewers and drains, water lines, electrical distribution system and traffic signal installations.

**258.1.14 Work - defined**

"work" means the erection, alternation, repair or demolition of a building or buildings.

**Article 2 - General Provisions**

**258.2.1 Deposit - by owner - making application**

The owner of a lot abutting any curbing, sidewalk or paved boulevard in the City of Woodstock, upon making application for a construction permit or demolition permit, shall deposit with the Corporation a sum of money in accordance with the provisions of Schedule `A'.

**258.2.2 Vehicle - prohibited from area**

Where the Chief Building Official has determined the size and location of the area or areas to be used by vehicles delivering or removing materials to or from a lot on which any building is being constructed or demolished, no person shall drive or cause to be driven any vehicle delivering or removing materials to or from any such lot on any area or areas other than those determined by the Chief Building Official.

**258.2.3 Precaution - taken by owner - minimize damage**

The owner of a lot abutting any curbing, sidewalk or paved boulevard on which any building is being constructed or demolished shall take

reasonable precautions to minimize damage to such curbing, sidewalk, paved boulevard or to any water service box or other service therein.

**258.2.4 Repair - by owner - within thirty days - after completion**

Where damage has been caused to the curbing, sidewalk, paved boulevard, any water service box or other service by vehicles delivering materials to, or removing materials from a lot upon which a building is being constructed or demolished, the owner shall repair the said damage no later than thirty days following the completion of the construction or demolition of the building.

**258.2.5 Repair - not completed - deposit used**

In the event that such repairs have not been completed within the said thirty days, the Chief Building Official shall apply the money on deposit to meet the cost of repairing the said damage in a manner satisfactory to the Engineer.

**258.2.6 Waste - spilled onto street - prevention**

The owner shall take all necessary steps to prevent building material, waste or soil from being spilled or tracked onto the public street by vehicles going to, or coming from the lot during the period the work is being carried out.

**258.2.7 Waste - spilling onto street - owner responsible**

In the event that any building material, waste or soil is spilled or tacked onto the public streets by vehicles going to, or coming from the lot during the carrying out of the said work, the owner shall be responsible to the Corporation for the costs of removing such building material, waste or soil, and the costs thereof shall be deducted from the deposit.

**258.2.8 Refund - application - upon completion - less cost**

Upon the completion of the construction or demolition of the building, completion and approval of final grading of the property, and upon application by the person who paid the deposit to the Corporation, the said deposit, less the cost of any repairs or removal of building material, waste or soil from the public streets, shall be refunded by the Corporation.

**258.2.9 Deposit - unclaimed - within six years – forfeited**

Where a deposit has been paid in accordance with the provisions of this Chapter and remains unclaimed for a period of six years, the Treasurer for the Corporation shall cause to be published a notice containing a list of unclaimed deposits, including the name of the depositor, and stating that all persons having any claim to such deposits are required to prove their claim within ninety days from the date of publication of the notice and upon

expiration of the ninety days from the publication of such notice, the Treasurer for the Corporation may transfer all deposits against which no claim has been made to the general funds of the Corporation free of, and from any and all claims of any kind whatsoever.

### **Article 3 - Enforcement**

#### **258.3.1 Fine - for contravention**

Every person who contravenes any of the provisions of this Chapter shall be liable, upon conviction, to a penalty not exceeding the sum of \$5,000.00, exclusive of costs, for each offence and such penalty shall be recoverable under the provisions of the *Provincial Offences Act*.

### **Article 4 - Enactment**

#### **258.4.1 Effective date**

This Chapter shall come into force and take effect as of third and final reading of the enabling by-law. By-law 7115-94, March 17, 1994.

**Schedule**  
**Schedule `A' - Deposits**

Where the construction permit  
or demolition permit is for:

The deposit  
payable shall be:

(a) all buildings

\$25 per metre of frontage.

By-law 7115-94, March 17, 1994, Schedule `A'.