

CORPORATION OF THE TOWNSHIP OF WARWICK

BY-LAW NO. 123 OF 2017

Being a by-law to regulate the moving of buildings, structures or part thereof and oversize hauling on the streets and roads in the Township of Warwick

WHEREAS Section 9 of the Municipal Act, R.S.O. 2001, C.25 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS Section 110 (1) of the Highway Traffic Act, R.S.O. 1990, Chapter H.8 authorizes a municipality to grant a permit for moving of heavy vehicles, loads, objects or structures in excess of the dimension limits set out in Section 109 or the weight limits set out in Part VIII of the Highway Traffic Act;

NOW THEREFORE the Council of the Corporation of the Township of Warwick hereby enacts as follows:

1. The provisions of this by-law shall apply to the moving of any building, structure, or part thereof, and any oversize hauling, on any road or street within the boundaries of Township of Warwick and over which the Council of the Corporation of the Township of Warwick has jurisdiction.
2. Oversize hauling for the purposes of this by-law shall mean heavy vehicles, loads, objects or structures in excess of the dimensional limits prescribed in the latest revision of the Highway Traffic Act, R.S.O. 1990.
3. No building, structure, or part thereof or oversize items shall be moved on any road or street within the boundaries of the Township of Warwick except in compliance with the terms of this by-law.
4. Should any section, clause or provision of this by-law be held by a Court of competent jurisdiction to be invalid, the validity of the remainder of this by-law shall not be affected.
5. Any person who violates any provision of this by-law may be prosecuted under the Provisions of the Provincial Offences Act, and will be subject to the penalties as set out therein.
6. Before any building, structure, or part thereof or oversize hauling is moved on any street or road within the boundaries of the Township of Warwick the owner or the

moving contractor of the building, structure, or part thereof proposed to be moved shall first apply for and obtain a permit to be issued by the Township of Warwick.

7. Each application for a permit shall be made in writing, as per format indicated in Schedule "A", and submitted to the Clerk of the Township of Warwick and shall set out, among other things, a description of the building, structure, or part thereof to be moved, its dimensions, method of moving, its present location, the proposed destination, the streets and roads proposed to be used in the moving and any bridge located on the proposed route.
8. The Public Works Manager of the Township of Warwick shall review and approve all permit applications.
9. Moves are restricted to daylight hours only on weekdays. Permits will not be issued for weekends or statutory holidays.
10. The applicant for a permit shall obtain approval from all utility companies (Hydro One, Bluewater Power, Bell Canada, Brooke Telecom) or other companies interested in wires or other appliances over, along, or upon roads or streets of the proposed route and shall at all times meet the requirements as may be imposed by the said companies. Such approvals shall be submitted with the application for permit as evidence thereof.
11. The fee for a moving permit shall be Four Hundred Dollars (\$400.00) and shall be submitted to the Clerk at the time the application for permit is submitted. This fee is non-refundable.
12. The applicant for a permit shall deposit with the Clerk, at the time the application is submitted, a certified cheque in the amount of Eleven Thousand Dollars (\$11,000.00). Said cheque shall be held by the Corporation of the Township of Warwick as a deposit towards repair of damage that may be caused to any road, street or bridge in the course of the moving and to ensure the completion of all repairs to the relocated house / building and the landscaping of the grounds where the relocation is taking place are completed. The municipality retains the right to collect or sue for damages, beyond the amount of the deposit, to any road, street or bridge.
13. The owner, operator or mover shall use the utmost precaution in the moving of such building, structure, or part thereof and is responsible for all damages that may be caused to the highway by reason of the driving, operating or moving of the building, structure, or part thereof.

14. Upon completion of the moving, the owner or contractor shall notify the Public Works Manager of the Township of Warwick who shall inspect the streets, roads and bridges used in the moving, estimate any damages that have occurred and furnish the Clerk of the Municipality with a statement of the same.
15. Where damages have occurred, the deposit of the applicant shall be applied to the costs of the repair and the balance, if any, shall be refunded.
16. Where no damages have occurred, the deposit of the applicant shall be forthwith refunded.
17. That Schedule "A" and "B" attached hereto shall form part of this by-law.
18. That all other by-laws in reference to the moving or relocating of buildings / structures and oversize hauling is hereby repealed.
19. That this by-law shall come into force and take effect on the final passing thereof.

READ A FIRST AND SECOND TIME THIS 6th DAY OF November, 2017.

READ A THIRD TIME AND FINALLY PASSED THIS 6th DAY OF November, 2017.

Mayor – Todd Case

Administrator/Clerk – Amanda Gubbels