

STREETS AND SIDEWALKS

Chapter 231

STREETS AND SIDEWALKS

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[HISTORY: Articles I through V adopted by the Municipal Council of the Corporation of the Borough of Etobicoke as indicated in article histories. Article IIA adopted by the Municipal Council of the Corporation of the City of Etobicoke as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Local improvement assessments — See Ch. 59.
Sale of Christmas trees along streets — See Ch. 106.
Use of reworks in streets — See Ch. 137.
Placement of garbage receptacles — See Ch. 149, Art. II.
Newspaper dispensing boxes on streets — See Ch. 171, Art. I.
Parking — See Ch. 183.
Front yard parking permits — See Ch. 183, Art. III.
Snow and ice removal — See Ch. 223.

Operation of snow vehicles on streets — See Ch. 225.

Traffic — See Ch. 240.

Unattended vehicles on streets — See Ch. 248.

ARTICLE I

Cleaning of Streets and Collection of Wastes [Adopted 1968-02-12 by By-Law No. 552]

§ 231-1. Definitions.

For the purpose of this article, the following words shall have the meanings given herein:

ASHES — The solid residue of any household fuel after such fuel has been consumed by fire, and tins, bottles, metals, crockery and glass.

DWELLING — Any building or place occupied or used as a place of abode, other than a hotel, restaurant, apartment house, tenement or building, in which more than two families dwell, abide or live, or which contains more than two separate places, dwelling, abode or living.

GARBAGE — Household table and kitchen waste, either animal or vegetable, discarded paper products, newsprint, magazines, wearing apparel, floor sweepings, being such matter capable of consumption by fire. But in the case of any hotel, restaurant or apartment house with restaurant in connection, “garbage” shall mean table and kitchen waste consisting of animal and vegetable matter only, with which no other waste product or material shall be mixed.

HOUSEHOLDER — Any owner, occupant, lessee or tenant or any person in charge of any dwelling, hotel, restaurant, apartment house, building, public institution or other premises.

MANUFACTURERS’ AND TRADE WASTE — Any abandoned, condemned or rejected product or by-product, builders’ and contractors’ refuse, the stock of any

wholesale or retail merchant or fruit-and-vegetable dealer and garage and service station waste.

RECEPTACLE — A covered, watertight container not more than 30 inches high or 18 inches wide and shall not weigh more than 50 pounds when full. Receptacles which are smaller at the top than at the bottom, such as five-gallon paint cans, shall not be used. In addition to the above receptacles, the term “receptacles” shall include a tubular receptacle not more than 26 inches by 36 inches made of not less than one-and five-tenths-mil opaque plastic with a one-fourth-inch bar heat-sealed in the bottom thereof and closed with paper and-wire reinforced ties, not weighing more than 50 pounds when full.

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RUBBISH — Household litter, trash, grass cuttings, lawn rakings, shrubbery prunings and discarded garden roots and plants.

STREET — Any public highway, road, street, lane, alley, square, place, thoroughfare or way within the limits of the Corporation of the Borough of Etobicoke.

§ 231-2. Responsibility. [Amended 1976-05-10 by By-Law No. 3840]

The duty of providing for the cleaning of all public streets, lanes, alleys and thoroughfares in the borough and the collection and disposal of ashes, garbage and rubbish shall be under the direction of the Commissioner of Works.

§ 231-3. Equipment to be provided. [Amended 1976-05-10 by By-Law No. 3840]

The Council shall provide, for the public purposes of the Department of Roads, all necessary automotive equipment, garage, shops, buildings, incinerators, labour and supplies, which shall be under, and subject to, the order and direction of the Commissioner of Works. Such equipment and labour shall be employed when and where required for the cleaning of all streets and the collection and disposal of ashes, garbage and rubbish, as defined in § 231-1 of this chapter, within the limits of the Borough of Etobicoke, except as herein otherwise provided.

§ 231-4. Size and covering of vehicles conveying trash.

All vehicles used for the conveyance of garbage, ashes, rubbish, cinders, earth, sand, gravel, stone, coal, waste paper, lime, chemicals or other materials which are loose and might drop upon the streets shall have bodies of such size and construction and shall be loaded in such manner that the contents thereof shall not extend higher than the top of such bodies, so as to prevent their contents dropping upon the streets; and all such vehicles used for the conveyance of garbage, ashes, rubbish, waste paper or other

such light material which may be readily disturbed by vehicle traffic or wind shall be covered by a tarpaulin of adequate size, so fastened down around the edges as to prevent any of the contents falling upon the street.

§ 231-5. Cleaning of fouled streets and sidewalks. [Amended 1991-12-09 by By-Law No. 1991-220]

- A. All persons employing or using trucks, graders, loaders or any other vehicles causing the tracking and depositing of mud, dust, dirt, silt, debris or other materials from any source including excavations, improved or unimproved surfaces or any other place along the public highway of the City of Etobicoke, shall at once remove from the adjacent pavements and sidewalks or any public place where the same may be deposited all mud, dust, dirt, silt, debris, earth, rubbish or other material that may fall from the wheels of or from such trucks, graders, loaders or any other vehicles and shall employ and keep employed a sufficient number of sweepers or workmen, or use such means as may be necessary, to keep all such pavements and sidewalks in a clean condition and free from mud, dust, dirt, silt, debris, earth, rubbish or any other material.
- B. If the tracking and depositing of mud, dust, dirt, silt, debris or materials from any of the sources referred to in Subsection A herein is not cleaned by the persons employing or using trucks, graders, loaders, or any other vehicles, then the Works Department may keep all such adjacent pavements and sidewalks or any public place where the aforesaid materials have been deposited in a clean condition and free from mud, dust, dirt, silt, debris, earth, rubbish or any other material and the expenses thereby incurred by the City of Etobicoke may be recovered from the persons employing or using the trucks, graders, loaders or any other vehicles, in like manner as municipal taxes.

§ 231-6. Conveyance of offensive wastes.

No person shall convey through the streets any swill, offensive or organic matter whatever except in properly covered metallic receptacles, or in vehicles covered with canvas or tarpaulin, so fastened down around the edges as to prevent any of the contents falling upon the streets and to protect the same from flies and to control, as far as possible, the escape of any offensive odours therefrom.

§ 231-7. Cleaning of sidewalks. [Amended 1976-05-10 by By-Law No. 3840]

Every occupant and, in case there is no occupant, the owner of every house, shop, building, lot or parcel of land and every person having charge or care of any church, school or other public building, fronting or abutting on any street where the sidewalks are paved, shall cleanly sweep and keep free from obstruction by

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dirt, dust and other incumbrances the sidewalks in front of and about his premises.¹

§ 231-8. Articles not to be placed on streets.² [Amended 1984-12-10 by By-Law No. 1984-268; 1995-08-18 by By-Law No. 1995-159]

No person shall place or permit to be placed or remain on or in any street any article or thing except as herein expressly authorized.

§ 231-9. Collection schedule.

Not more than two (2) collections per week shall be furnished any dwelling, apartment house, building, public institution or other premises.

§ 231-10. Permit for manufacturers' and trade waste.

The Department of Roads shall not collect manufacturers' and trade waste as herein defined. This material shall be conveyed to the point of disposal by and at the expense of the consignee or owner of such material, after securing a permit from the Department of Roads.

§ 231-11. Duty to assist Commissioner of Works. [Amended 1976-05-10 by By-Law No. 3840]

It shall be the duty of all officers, servants, workmen and agents of the corporation to give all possible aid and assistance in their power to the Commissioner of Works in the carrying out of the provisions of this Article.

¹ Editor's Note: See also Ch. 223, Snow and Ice.

² Editor's Note: See also Ch. 215, Signs.

§ 231-12. Decisions of Commissioner. [Amended 1976-05-10 by By-Law No. 3840]

The decision of the Commissioner of Works shall be final as to the quantities and class of material to be removed and also as to whether or not a receptacle or the placing of same meets the requirements of the Department.

§ 231-13. Penalties for offences. [Amended 1976-05-10 by By-Law No. 3840; 1981-11-30 by By-Law No. 1981-348]

Any person convicted of a breach of any of the provisions of this Article shall forfeit and pay, at the discretion of the court, a penalty of not less than twenty-five dollars (\$25.) and not exceeding the sum of two thousand dollars (\$2,000.), exclusive of costs, for each such offence.

§ 231-14. Enforcement. [Amended 1976-05-10 by By-Law No. 3840]

The enforcement of this Article shall be under the direction of the Commissioner of Works.

§ 231-15. Health law amended.

Sections 4, 5, 6, 19 and 20 of the by-law set out as Schedule B of the Public Health Act are hereby amended insofar as is necessary to give effect hereto.

§ 231-16. When effective.

This Article shall take effect upon the approval of the Minister of Health.³

³ Editor's Note: By-Law No. 552 was approved by the Minister of Health 1968-01-15.

§ 231-17. Works Department. [Added 1974-06-24 by By-Law No. 3200]

Where reference in this Article is made to the "Road Commissioner" and/or "Roads Department," it shall mean "Commissioner of Works" or "Works Department."

ARTICLE II
Street Closings and Excavations
[Adopted 1975-07-14 as By-Law No. 3627]

§ 231-18. Terms defined; authority.

In this Article, unless otherwise expressly stated:

- A. The word "street" wherever used shall mean and include any public highway, sidewalk, road, street, lane, alley, square, place, thoroughfare or way within the Borough of Etobicoke.
- B. When any authority is conferred on the Commissioner of Works, the same may be exercised by any employee of the Works Department authorized thereto by the Commissioner of Works.

§ 231-19. Temporary street closings.

The Commissioner of Works may temporarily close to traffic any street whenever the same becomes necessary by reason of any construction, repairing or improvement being carried on thereon or by reason of the condition thereof or for any other cause deemed sufficient by the said Commissioner of Works and may erect and keep thereon any barricade or notice warning the public that such street is closed to traffic, and no person shall remove any such barricade or notice or enter upon or use a street so temporarily closed.

§ 231-20. Excavation permit required; conditions.

No person shall break, excavate, dig up, tear up or remove the soil of any street or any planking, sidewalk, curbing, pavement or road structure of any sort forming the surface of any street or make any excavation in or under any street for the purpose of the building or otherwise, unless he obtains a permit so to do from the Commissioner of Works, and the Commissioner of Works may grant such permission on the following conditions:

- A. **[Amended 1987-11-02 by By-Law No. 1987-207]** That the works so permitted shall be done under the direction of the Commissioner of Works and the portion of street shall be replaced and restored, subject to the following conditions and specifications:
- (1) Unshrinkable fill shall be used as backfill in all excavations across paved roads, paved boulevards, paved driveways and sidewalks. Clean fill, compacted to a minimum of ninety-five per cent (95%) Standard Proctor ASTM D-698 shall be used in all other excavations.
 - (2) Temporary surface reinstatement across paved and concrete surface areas shall consist of fifty (50) millimetres compacted thickness of HL3 asphalt.
 - (3) Unshrinkable fill and HL3 asphalt shall conform to the City of Etobicoke's current specifications.
 - (4) All expenses incurred, including the final reinstatement, shall be the responsibility of the person or persons obtaining the permission.
- B. That the work so permitted shall not continue longer than is absolutely necessary in the opinion of the Commissioner of Works.
- C. That the person obtaining such permission shall be responsible for all accidents that may occur to any person or property by reason thereof and shall supply, keep and maintain signs, lights and watchmen and take

such further care and precaution as may be necessary for the protection and safety of the public.

- D. That where the Commissioner of Works is to arrange for the work to be done under the provisions of this article, the person obtaining the permission for the installation of such works shall deposit with the Borough Treasurer, in advance, the estimated cost of the work as determined by the Commissioner of Works.
- E. That the Commissioner of Works or his representative has the authority to stop anyone working on the borough road allowance without a permit.

§ 231-21. Penalties for offences. [Amended 1977-05-09 by By-Law No. 4092; 1981-11-30 by By-Law No. 1981-348]

Any person convicted of a breach of any of the provisions of this article shall forfeit and pay a penalty not exceeding the sum of \$2,000, exclusive of costs, for each offence.

**ARTICLE IIA
Temporary Closures of Streets for Special Events
[Adopted 1996-04-01 by By-Law No. 1996-51]**

§ 231-21.1. Definitions.

In this article, unless otherwise expressly stated the following terms shall have the meanings indicated:

CITY — The Corporation of the City of Etobicoke.

CITY ROAD — A road under the jurisdiction of the Corporation of the City of Etobicoke.

COMMISSIONER — The Commissioner of Works for the City of Etobicoke or his delegate.

SPECIAL EVENT — A social, recreational, community or athletic event.

§ 231-21.2. Temporary occupation or use of city roads; permit required; fee.

- A. The Commissioner may by permit authorize special events on city roads, and the Commissioner may authorize the closure of any city road to vehicular traffic for a period not longer than 24 hours for the purpose of any such special event, provided that:
- (1) The Commissioner approves the date, time, location and duration of the special event;
 - (2) An application for a special event permit is filed with the Commissioner at least two weeks prior to the date of the special event;
 - (3) The applicant shall supply with the application for special event permit written proof that a majority of the occupiers and owners of property abutting the special event site and whose access would be affected by the staging of the event have consented to same;
 - (4) If required by the Commissioner, the applicant shall provide liability insurance in the amount of \$2,000,000, or such larger amount as the Commissioner may deem appropriate, covering the special event and with an insurer satisfactory to the City Treasurer, naming as an additional insured the city;
 - (5) If required by the Commissioner, the applicant shall obtain from each participant a release, waiver and indemnity from any and all claims resulting from participation in the special event, in a form approved by the City Solicitor;
 - (6) The applicant shall reimburse the city for any costs incurred or revenues lost by the city as a result of the holding of the event;
 - (7) The applicant shall pay the cost of providing all signs, delineators and other traffic control measures,

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including pay duty officers required to assist with traffic movement during the special event as deemed necessary by the Commissioner; and

- (8) If required by the Commissioner, the applicant shall in writing agree to indemnify and save harmless the city, its respective agents, officials, servants, elected and appointed officials from all claims and expenses arising out of the special event.

B. Prior to the issuance of a special event permit the applicant shall pay the Commissioner a permit fee of \$50.

§ 231.21.3. Penalties for offences.

Any person convicted of a breach of any of the provisions of this article shall forfeit and pay a penalty not exceeding the sum of \$2,000, exclusive of costs, for each offence.

ARTICLE III

Obstructions and Encumbrances¹
[Adopted 1977-12-19 by By-Law No. 4300]

§ 231-22. Placing of articles on streets or sidewalks prohibited. [Amended 1984-12-1910 by By-Law No. 1984-268; 1995-08-18 by By-Law No. 1995-159]

No person shall place or permit to be placed or remain on or in any street, sidewalk or untravelled portion of road allowance any article or thing except as expressly permitted in this article or any other by-law of the Corporation of the City of Etobicoke.

¹ Editor's Note: See also Ch. 215, Signs.

§ 231-23. Display of merchandise restricted. [Amended 1985-07-29 by By-Law No. 1985-193; 1992-05-11 by By-Law No. 1992-94]

No person shall place, expose for sale or sell by retail any goods, wares, merchandise, confections, foodstuffs or articles of any kind on any street, sidewalk or untravelled portion of road allowance in any public park or other public place within the Corporation of the City of Etobicoke, except as may be permitted under this article or any other by-law of the Corporation of the City of Etobicoke.

§ 231-23.1. Restriction on foodstuffs. [Added 2007-07-19 by By-Law No. 877-2007]

No person shall place, expose for sale or sell by retail any foodstuffs on any street, sidewalk or untravelled portion of road allowance, including in a public park or public place, from a street food vending cart as defined in Ontario Regulation 562 under the Health Protection and Promotion Act² except those that were permitted under Ontario Regulation 562 made under the Health Protection and Promotion Act as of July 16, 2007.

§ 231-23.2. Permitting healthier foodstuffs. [Added 2008-12-03 by By-Law No. 1315-2008]

Despite § 231-23.1, persons operating a street food vending cart under Municipal Code Chapter 738, Street Food, Healthier shall be permitted to place, expose for sale or sell by retail additional foodstuffs as permitted under that chapter.

§ 231-24. Licences.

The Council of the Corporation of the Borough of Etobicoke may, in its discretion, upon the application of an abutting owner, lessee, tenant or occupant or any person in charge of any

² Editor's Note: See R.S.O. 1990 c. H.7.

building or lands used for commercial or industrial purposes, grant a licence for the usage of sidewalks or untravelled portions of road allowances which abut the lands of the applicant, provided that applications of a minor nature for a period not exceeding one week may be approved by the Commissioner of Works of the Corporation of the Borough of Etobicoke. Notwithstanding the above, only two licences will be issued per property, per annum.

§ 231-25. Indemnification.

No licence shall be issued pursuant to § 231-24 of this article unless and until the applicant has agreed in writing to indemnify and save harmless the Corporation of the Borough of Etobicoke and the Municipality of Metropolitan Toronto from any and all actions, causes of action, claims, damages or loss howsoever arising from approval of the use of the said lands or anything done or neglected to be done in connection with the said use. Such indemnification as required in this section may include the giving of a bond if required in the discretion of the Council of the Corporation of the Borough of Etobicoke or the Commissioner of Works of the said borough, as the case may be.

§ 231-26. Penalties for offences. [Added 1978-03-13 by By-Law No. 1978-60; amended 1981-11-30 by By-Law No. 1981-348]

Every person who contravenes any of the provisions of this article is guilty of an offence and, on conviction, is liable to a fine not exceeding \$2,000, exclusive of costs, for each offence.

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ARTICLE IV

Sidewalk Repair Deposits**[Adopted 1978-07-04 by By-Law No. 1978-203]****§ 231-27. Collection of deposit; amount. [Amended 1991-03-04 by By-Law No. 1991-46; 1995-04-03 by By-Law No. 1995-66]**

Where buildings are being erected, altered, repaired or demolished, the Commissioner of Works or Building Commissioner of the Corporation of the City of Etobicoke shall, upon the application of a permit for such erection, alteration, repair or demolition, collect from the applicant a sum of money based upon a deposit of \$10 per foot of the limit of the lot abutting directly on a sidewalk, curb or boulevard. Notwithstanding, the minimum deposit will be \$500. The said sum shall be held as a deposit to meet the cost of repairing any damage to the sidewalk, pavement, curbing, ditch or boulevard or to any other service caused by the crossing thereof by vehicles engaged in the work for which the permit has been applied. A permit fee of \$40 will be charged on each application. This fee is non-refundable.

§ 231-28. Additional fees. [Amended 2000-10-05 by By-Law No. 798-2000]

In addition to the deposit referred to in § 231-27, and prior to the construction of, or alteration to, any driveway that will provide vehicle access to a public road, the owner of the property or his or her representative shall pay the following permit fee(s):

- A. Commercial or industrial or residential lots with more than 10 dwelling units: \$520 per driveway access, plus the actual cost of construction or alteration to the driveway(s), including the cost of new curbing, culverts, culvert extensions or extra-depth sidewalk sections (dependant on the number of sidewalk bays).

- B. Residential lots of less than ten dwelling units in total: \$60 per driveway access, plus the actual cost of construction or alteration to the driveway(s), including the cost of new curbing, culverts, culvert extensions or extra-depth sidewalk sections (dependant on the number of sidewalk bays).
- C. The fees herein shall automatically increase on the first day of January in each year by the percentage increase in the All Items Index of the Consumer Price Index (not seasonally adjusted) for the Toronto Census Metropolitan Area, published by Statistics Canada, during the twelve-month period ending on October 1 in the year immediately preceding the rate increase date.

§ 231-29. Refund.

Upon the completion of the erection, alteration, repair or demolition of the building or buildings on lands abutting such sidewalk, curbing or boulevard and upon the application by the person by whom the deposit was paid or his duly authorized agent, the amount by which the sum deposited exceeds the costs of such repairs shall forthwith be refunded.

§ 231-30. Unclaimed monies.

Where any monies paid under this article remain unclaimed for a period of six years, the Municipal Treasurer may cause to be published a notice containing a list of such unclaimed monies, including the name of the depositor, and stating that all persons having any claim to any of such monies are required to prove their claims within 90 days from the publication of such notice. The Treasurer may transfer all of such monies against which no claim has been made to the general funds of the municipality free of and from any and all claims of any kind whatsoever.

§ 231-31. Site maintenance; removal of wastes.

The owner or occupier of land where a building or buildings are being erected, altered, repaired or demolished shall take all necessary steps to prevent building material, waste or soil from being spilled or tracked onto a public street or highway by vehicles going to or coming from the said lands during the course of the erection, alteration, repair or demolition. The said owner or occupier shall be responsible to the Corporation of the Borough of Etobicoke for the cost of removing such building material, wastes or soil, and such cost may be deducted from the deposit referred to in § 231-27 above.

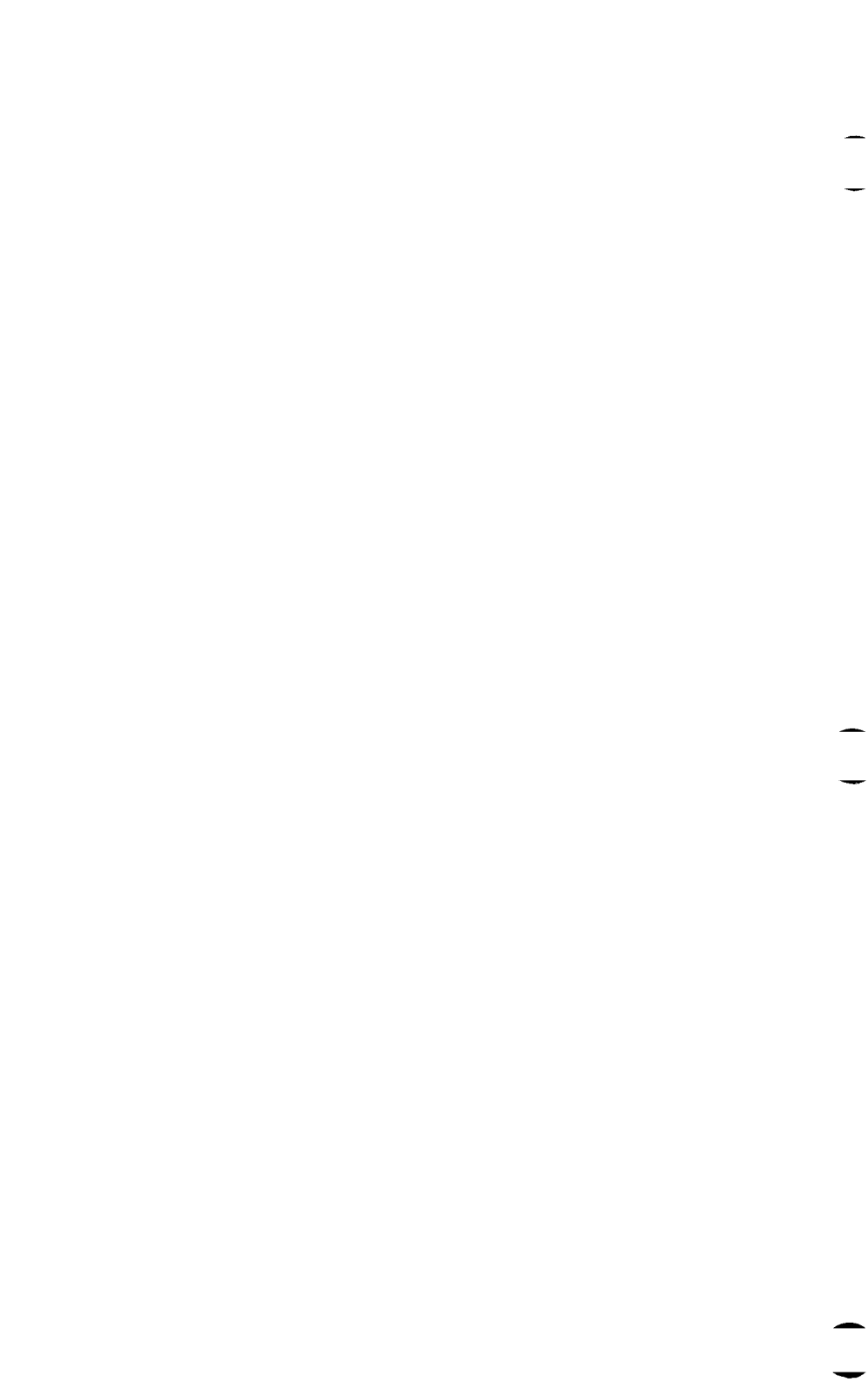
§ 231-32. Penalties for offences. [Amended 1981-11-30 by By-Law No. 1981-348]

In addition to any other costs or damages for which owners or occupiers may be liable pursuant to this article, every person who contravenes any of the provisions of this article is guilty of an offence and, on conviction, is liable to a fine not exceeding \$2,000, exclusive of costs, for each offence.

ARTICLE V**Construction of Culverts****[Adopted 1976-06-07 by By-Law No. 3853]****§ 231-33. Ditches deemed to be watercourses.**

For the purpose of this article, all ditches along the sides of the travelled portion of highways shall be deemed watercourses.

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§ 231-34. Obstruction of drains or watercourses prohibited.

No person, firm or corporation shall obstruct any drain or watercourse in the borough.

§ 231-35. Construction of culverts for driveway entrances.

For the purpose of permitting ingress to and egress from private property, corrugated metal culverts, of sufficient strength as in the opinion of the Commissioner of Works will carry the anticipated loads, may be constructed on the public highway to cross the ditch at the side of the travelled portion of the highway by the owner or occupant of the abutting lands for the purpose of maintaining or constructing a private driveway or entrance to the private property.

§ 231-36. Size.

All culverts to be so installed shall be of such a size and length, in the opinion of the Commissioner of Works, to permit the free passage of surface-water carried in the ditch and to prevent earth or other refuse falling therein or blocking the passage; but in no case shall the said culverts be less than ten (10) inches in diameter.

§ 231-37. Other types and designs.

The Commissioner of Works may permit the installation or construction of culverts or bridges of other types and designs than corrugated metal if, in his opinion, they are of the equivalent or greater strength than corrugated metal.

§ 231-38. Installation by Commissioner; rate.

The Commissioner of Works is hereby authorized to install corrugated metal culverts, of such size and length as he deems advisable, on the request of any owner or occupant of lands adjacent to any public highway upon receipt of payment in advance

therefor at rates to be established each year, based on current costs, to cover expenses incurred.

§ 231-39. Maintenance.

After the installation of any approved culvert, either by the owner, occupant or Commissioner of Works, the said culvert pipe itself shall be maintained by the borough, but the surface of the private driveway or entrance shall be maintained by the owner of the adjacent property at his own expense.

§ 231-40. Penalties for offences. [Amended 1977-05-09 by By-Law No. 4092']

Any person, firm or corporation convicted of a breach of any of the provisions of this Article shall forfeit and pay a penalty not exceeding the sum of two thousand dollars (\$2,000.), exclusive of costs, for each offence.

⁷ Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II.