

BY-LAW NO. 97-83

**A BY-LAW OF THE MUNICIPALITY OF BLACKS HARBOUR
RESPECTING DRIVEWAY CULVERTS**

BE IT ENACTED by the Council of the Municipality of Blacks Harbour as follows:

"DRIVEWAY" in this By-Law is defined as "a private roadway used to provide access from a road, street or highway to abutting lands".

- (1) This By-Law applies to the installation or replacement of any water drainage structure within the right-of-ways of the Village of Blacks Harbour.**
- (2) The term replacement when used in this By-Law shall include alterations, extensions and enlargements. As per Section 7.**
- (3) No person or company, except the Village of Blacks Harbour, shall place, cause to be placed, erect or cause to be erected any water drainage structure including a culvert or bridge upon or under any lands within any road right-of-ways within the Village of Blacks Harbour.**
- (4) A landowner must, by written application, apply to the Manager of the Village of Blacks Harbour to request that a water drainage structure be installed or replaced.**
- (5) Upon receipt of an application for the installation or replacement of a water drainage structure the Foreman of Public Works shall assess the diameter and lengths required and shall inform the applicant of the estimated expense to be charged. Expenses to include wages, freight and current suppliers costs of materials.**
- (6) All applications for the installation or replacement of a water drainage structure shall be made 30 days in advance of the required date to allow the Village to schedule the work.**
- (7) Extensions to any water drainage structure covered by this By-Law shall be performed by applications as per Section 4. Such extensions will not be permitted to cause the total structure length to exceed 40% of the lot frontage or 12.6 meters, whichever occurs first.**

(8) In the event that an existing structure is deemed unsafe or unfit for drainage purposes the Foreman of Public Works will notify the affected landowner of the work and expense required and for this case only, a term of 30 days will be allowed for payment, in default the expenses will be assessed to the property.

(9) All fees for work as per Section 5 and 7 of this By-Law shall be set by resolution of Blacks Harbour Village Council from time to time.

(10) The replacement, alteration or enlargement of any existing drainage structure made necessary by a scheduled public works project shall not incur any expense to the land owner affected.

(11) All work covered by this By-Law shall be performed solely by the Village of Blacks Harbour employees, servants, agents or hired contractor and responsibility as to sizing diameters and lengths shall rest solely with the Village of Blacks Harbour.

(12) Any and all fees to be assessed shall be paid in full prior to such work proceeding;

(13) Any person who violates any provisions of this By-Law shall upon conviction, be liable for a penalty of not less than Ten Dollars (\$10.00) and not more than One Hundred Dollars (\$100.00) and in default thereof to imprisonment for a period not to exceed ten days.

This By-law comes into force on the date of final passing thereof.

READ FIRST TIME BY TITLE: April 16, 1997

READ SECOND TIME BY TITLE: June 18, 1997

READ THIRD TIME IN ITS ENTIRELY AND ENACTED: July 16, 1997

Deanna Hunter

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CLERK

Kenneth Hooper

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MAYOR