

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW NO. 84-170

REGULATIONS: (R.1.2.13) A By-law to regulate the moving of structures on the streets of the City of Sault Ste. Marie by a system of permits.

WHEREAS it is deemed advisable to pass a by-law to regulate the moving of structures on the streets of the City of Sault Ste. Marie by a system of permits.

NOW THEREFORE the Municipal Council of the Corporation of the City of Sault Ste. Marie pursuant to section 93 of the *Highway Traffic Act, R.S.O. 1980*, chapter 198 ENACTS AS FOLLOWS:

1. In this By-law:
 - (a) "Building" means a building as defined in The Building Code Act of Ontario;
 - (b) "City" means the Corporation of the City of Sault Ste. Marie;
 - (c) "Chief Building Official" means the Chief Building Official of the City of Sault Ste. Marie;
 - (d) "Commissioner" means the Commissioner of Public Works & Transportation of the City of Sault Ste. Marie;" and any reference in the by-law to "Director" shall be amended accordingly; [Amended by 2010-24]
 - (e) "moving contractor" means a person or persons who carries out the actual moving of a structure on the street of the City of Sault Ste. Marie;
 - (f) "Owner" includes a person or person in lawful possession of a structure that is to be moved on the street of the City of Sault Ste. Marie
 - (g) "person" includes a corporation;
 - (h) "street" includes any highway, road, street, lane, alley, square, place, bridge, thoroughfare or way within the City of Sault Ste. Marie;
 - (i) "structure" includes but is not limited to:
 - a. A building, street tank, steel vessel, pipe, tube fabricated sections, metal or wood frame, bull dozer, crane or any other object carried on a vehicle, which, when measured along with the vehicle or combination of vehicles used in the moving of the structure, which exceeds:
 - I. 2.6 metres in width, or
 - II. 4.15 metres in height, or
 - III. 23.00 metres in length.
 - b. A motor vehicle or vehicle which exceeds
 - I. 2.6 metres in width, or
 - II. 4.15 metres in height or
 - III. 23.00 metres in length.
 - (j) "vehicle" and motor vehicles means a vehicle and motor vehicle as defined in *The Highway Traffic Act of Ontario*.
2. No person shall move or cause to be moved over any street, any structure or wide load except in accordance with this by-law and

- conditions attached to the permit without first obtaining a permit issued through the Building Division.
3. Before any permit may be issued under this by-law, the moving contractor shall present to the Chief Building Official an application form completed to the satisfaction of the Chief Building Official, signed by the moving contractor and by the owner of the structure to be moved. If the structure to be moved is a:
 - (a) Building, the application shall be in such form as approved of from time to time by the Chief Building Official and a description of the structure, its dimensions, and the method and route to be followed in the moving thereof shall be indicated on the application form.
 - (b) Structure other than a building, the application shall be in such form as approved of from time to time by the Chief Building Official and a description of the structure, its dimensions, and the method and route to be followed in the moving thereof shall be indicated on the application form, the Chief Building Official may declare, that any or all of the provisions of this by-law related to the moving of building, shall apply to an application for moving a structure other than a building.
 4.
 - (1) before any permit may be issued under this by-law, except for an annual permit under Section 15, the applicant shall pay an application fee of \$50.00. Further the applicant must deposit with the City an amount sufficient to cover expenses incurred and possible damage that may be caused to City property or the property of any other utility during the move. The amount of such deposit shall be the total of the deposit amounts requested by departments and agencies circulated for approvals under this by-law and shall be refunded to the extent it is not used to pay for expenses incurred or damage to property. [Amended by 2000-22]
 - (2) When moving a structure in the street of the City of Sault Ste. Marie requires a police escort in the opinion of the Sault Ste. Marie Police Service, in addition to the payment of the prescribed fee, the moving contractor and the Owner shall be responsible for paying to the Sault Ste. Marie Police Service all expenses incurred by such Service with respect to such moving. [Amended by 2010-24]
 5. Subject to Sections 7 & 8 of this by-law, upon receipt of the properly completed application form together with the payment of all required fees and deposits, the Chief Building Official shall issue a permit in the form as approved from time to time by the Chief Building Official.
 6. If the structure to be moved is a building and it is to be re-erected within the limits of the City of Sault Ste. Marie, the owner thereof, in addition to all other requirements, shall make application to and obtain from the Chief Building Official a building permit for such re-erection. Such building permit must be obtained before the permit is issued under this by-law and before such building permit may be issued there shall be submitted a site plan satisfactory to the Chief Building Official showing the dimensions of the site onto which such building is to be moved, a foundation plan, location of the building on the proposed site and what the front, side and rear yard setbacks will be when the building is in place.

7. To allow time for the examination of plans and inspection of the structure it is proposed to move, and the route to be used,
 - (a) before any building is moved to a residential zone within the limits of the City of Sault Ste. Marie, or before a structure is moved to a location outside the limits of the City of Sault Ste. Marie, application shall be made to the Chief Building Official at least five (5) full days in advance, not including weekends or public holidays.
 - (b) before any structure is moved to a commercial, industrial or other zone within the limits of the City of Sault Ste. Marie, application shall be made to the Chief Building Official at least fifteen (15) full days in advance;
8. Notwithstanding any of the foregoing provisions, a permit shall not be issued for the moving of a structure, if:
 - (a) In the opinion of the Chief Building Official it cannot be safely moved upon the streets;
 - (b) The proposed moving contractor is, in the opinion of the Chief Building Official incapable of conducting the job safely;
 - (c) In the opinion of the individual or organization whose consent to the move is required the structure is too high, wide or long to be moved over the route proposed;
 - (d) It might cause undue interference with vehicular traffic as determined by the Police Service and the Commissioner, or railroad operations as determined by the appropriate railroad representative; [Amended by 2010-24]
 - (e) The structure is not sufficiently sound to endure the moving as determined by the Chief Building Official;
 - (f) The structure does not and, as relocated, will not conform to the provisions of the Ontario Building Code, or any applicable by-law of the City;
 - (g) In the opinion of the Commissioner, excessive damage would be caused to roads, pavements or other City facilities; [Amended by 2010-24] or
 - (h) In the opinion of the Director of Parks and Recreation of the City, excessive damage may be caused to trees on public property.
9. After consultation with the Chief Building Official, the Sault Ste. Marie Police Service, Union Gas, Great Lakes Power Limited, Brookfield Power, Shaw Cable, PUC Inc., Bell Canada, Algoma Central Railway, Algoma Power and any other companies, utilities or government agencies that the Commissioner may decide upon, the Commissioner shall determine the hours within which a structure shall be moved and designate the streets upon which it shall be moved. [Amended by 2010-24]
10. The moving contractor and the owner shall use the utmost precaution in the moving of a structure, and shall comply with all regulations and restrictions in force from time to time with respect to the moving of structures upon streets and shall assume all liability for any damages or accidents on account of the moving, and shall settle all claims of utility companies or person injured or sustaining loss or damage to

- property by the moving of the structure. Before any permit is issued, the Chief Building Official shall require proof that the moving contractor has a Public Liability and Property Damage Insurance policy in force and covering the proposed moving of such structure, for an amount not less than ONE MILLION DOLLARS (\$1,000,000.00).
11. When the moving is completed, written notice shall be left at the office of the Chief Building Official who shall cause an inspection to be made of the same and after all account and claims are settled satisfactorily, he shall issue a request to the City Treasurer for the return of the balance of the deposit made under Section 4 and Section 15 of the by-law, but in no case shall this balance of the deposit be returned until thirty (30) clear days has lapsed after the said notice has been received.
 12. In the event that the moving contractor and the Owner of the structure have not repaired any damages suffered by reason of the moving of such structure, payment may be made out of the deposit or deposits held by the Chief Building Official to the person injured.
 13. When the time allocated by the permit to move the structure has expired and the moving of the said structure has not been completed, or, if the structure has been left on a city street and causes undue interference with vehicular traffic, as determined by the Commissioner, then the Commissioner shall have the authority to take such action as he deems necessary to remove the said structure from the street and the cost of this moving and all damages resulting therefrom shall be charged against the moving contractor and the Owner of the structure. [Amended by 2010-24]
 14. The moving contract shall notify the Sault Ste. Marie Police Service of the time of the moving of the structure prior to the entry onto any City Street and she shall also be responsible for notifying all of the bodies concerned, including the Sault Ste. Marie Police Service as listed on the application form, at least three working days prior to the proposed moving date so that they may make the necessary arrangements for the care and preservation of their property. [Amended by 2010-24]
 15.
 - (1) An annual permit or permits may be issued to a moving contractor with respect to the moving of structures other than buildings,
 - (2) The following provisions apply to the use of an annual permit, in addition to the foregoing:
 - (a) Any structure to be moved pursuant to the issue of an annual permit under this section shall not exceed 4.7 metres in width or 5.48 metres in height or 25 metres in length; [Amended by 90-11]
 - (b) Any such structure shall be moved over the street or street approved by the Commissioner under clause (e) of this section and not over any other street or streets; [Amended by 2010-24]
 - (c) Any such structure shall be moved at a time acceptable to the Sault Ste. Marie Police Service and the moving contractor shall notify the Sault Ste. Marie Police Service and ascertain the time when the structure may be moved; [Amended by 2010-24]

- (d) The signature of the owner of the structure shall not be required for the issue of an annual permit;
 - (e) The moving contractor shall ascertain from the Commissioner that the street over which it is proposed to move such structure are in suitable condition before each move of a structure. The moving contractor shall deposit with the Chief Building Official such amount as the Commissioner considers necessary to cover possible damage that may be incurred in the moving of the structure. The Commissioner may regulate the route to be followed, or otherwise control or prohibit the moving of such structure for any of the reasons contained in Section 8 of this by-law; [Amended by 2010-24] and
 - (f) The fee for an annual permit shall be FIFTY DOLLARS (\$50.00) for each vehicle to be used for the moving of any such structure.
- (3) Sections 4, 6, 7, 9, and 14 of this by-law do not apply to the issue and use of annual permits.
16. Any person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, shall be liable to a penalty of not more than ONE THOUSAND DOLLARS (\$1,000.00) exclusive of costs, for each offence, and the provisions of the Provincial Offences Act, shall apply to all such penalties.
17. Sections 17 and 18(23) and (24) of By-law 69-150 as amended, of the City of Sault Ste. Marie are repealed.

This By-law comes into force on the day of its final passing.

PASSED in Open Council this 23rd day of July, 1984.

"Don MacGregor"
MAYOR – Don MacGregor

"William Lindsay"
CLERK - William Lindsay