

**BY - LAW NUMBER 1699**

**A BY-LAW TO PERMIT BUILDING-REFACING ENCROACHMENTS UPON THE HIGHWAYS OF THE CORPORATION.**

Passed the 3rd day of September 1957.

**“WHEREAS** Paragraph 94 of Section 379 of the Municipal Act (R.S.O. 1960, Chapter 249, as amended by 1962-63 Statutes of Ontario, Chapter 87, Section 16 (4) authorizes the Council of the Corporation to pass by-laws for permitting existing to encroach or further encroach upon a highway to such extent, not exceeding Four Inches (4”), as may be necessary to provide for refacing any such building;” (Subst. Clause B/L 3188, February 27/67).

**AND WHEREAS** it is deemed expedient to permit such encroachments under the terms and conditions herein set forth;

**THEREFORE,** the Municipal Council of The Corporation of the City of Windsor enacts as follows-

1. (1) Where an application supported by the documents and fee required by section 2 hereof is made by, or with the consent of the owner of a building, the Building Commissioner of the Corporation is authorized to issue a permit for the encroachment or further encroachment of the building upon a highway or highways of the Corporation to such extent, not exceeding four inches, as may be necessary to provide for refacing any such building.( amended B/L 3188, February 27/67).

(2) **“Building”** for the purpose of this by-law includes any building presently or hereafter erected so long as the same has been used, and at the time of application for encroachment hereunder, is being used in compliance with the Zoning By-Law of the City of Windsor in force and effect.

2. Every application to the Building Commissioner under Section 1 shall be accompanied by the following:

(a) A plan of survey certified by an Ontario Land Surveyor clearly indicating the location of the building, the extent and limits of existing encroachments and the extent and limits of the proposed building-refacing encroachment.

(b) Specifications of the refacing materials to be employed and of the manner in which such materials are proposed to be fixed to the face of the building.

(c) An initial fee of \$20.00 which shall include the charge for the proposed encroachment for the remainder of the calendar year in which the application is approved.

(d) An agreement in form satisfactory to the City Solicitor, executed by the owner of the building,

(1) to pay to the Treasurer of the Corporation an annual fee of \$1.00 in respect of the refacing encroachment payable annually in advance commencing on The first day of January in the year following the year in which the application is approved.

(2) to indemnify the Corporation against any loss which it may suffer by reason of the existence of the encroachment upon the highway or highways.

3. Nothing in this by-law shall be construed to relieve an applicant hereunder from the obligation to obtain all necessary permits for the work of refacing required by other by-laws of the City of Windsor, and to pay the fees prescribed for such permits.

4. This by-law shall come into force and take effect on the day of the final passing thereof.

(signed) M. PATRICK  
Mayor

(S E A L)

(signed) J. B. ADAMAC  
Clerk

First Reading     September 3, 1957  
Second Reading     September 3, 1957  
Third Reading     September 3, 1957