

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 82-83

BEING A BY-LAW TO PROVIDE FOR THE CONSENT
TO BELL CANADA FOR THE CONSTRUCTION OF ITS
LINES UPON, ALONG, ACROSS AND UNDER HIGHWAYS
AND OTHER PUBLIC PLACES IN THE CITY OF NORTH
BAY.

WHEREAS Bell Canada is empowered by its Special Act of Incorporation, 43 Victoria, Chapter 67 (Can.) and amending Acts, to construct, erect and maintain its line or lines of telecommunications along the sides of and across or under any public highways, streets, bridges, water courses or other such public places or across or under any navigable waters, either wholly in Canada or dividing Canada from any other country, subject to the terms therein set forth;

AND WHEREAS subsection (2) of Section 378 of the Railway Act, R.S.O. 1952, Chapter 234, provides that no telephone line within the legislative authority of the Parliament of Canada shall, except as therein provided, be constructed upon, along, across, or under any highway, square or other public place without the legal consent of the municipality having jurisdiction over such highway, square or public place;

AND WHEREAS Paragraph 108 of subsection (1) of Section 210 of the Municipal Act, R.S.O. 1980, Chapter 302, provides that by-laws may be passed by the councils of local municipalities for regulating, and subject to the Municipal Franchises Act and on such terms and conditions as the Council may deem expedient, for authorizing the erection and maintenance of electric light, power, telegraph and telephone poles and wires across or along any highway or public place;

AND WHEREAS Bell Canada has applied to the Council of The Corporation of the City of North Bay for permission to construct its lines upon the highways, streets, bridges and other public places under the jurisdiction of the said City;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY ENACTS AS FOLLOWS:

1. That pursuant to the provisions of Section 378 (2) of the Railway Act, R.S.O. 1952, Chapter 234, The Corporation of the City of North Bay hereby consents to the construction and maintenance by Bell Canada from time to time hereafter of all such poles, cables, ducts, wires or other structures or equipment in connection therewith, hereinafter called "Plant", as Bell Canada requires for the purposes of its business upon, along, across or under any or all of the streets, highways, squares or other public places within and under the jurisdiction of the City of North Bay, provided, however, that the construction of all such lines and plant by Bell Canada shall be done in accordance with the standards of construction of Bell Canada from time to time in force and effect, provided, however, that the location of all such plant hereafter constructed shall be determined by the City Engineer and any required opening up of the streets, highways, squares or other public places for the construction of poles or for carrying the plant of Bell Canada underground shall be subject to obtaining the consent of the City Engineer and carried out under his supervision. In each such case, the written approval of the City Engineer shall be binding upon The Corporation of the City of North Bay.

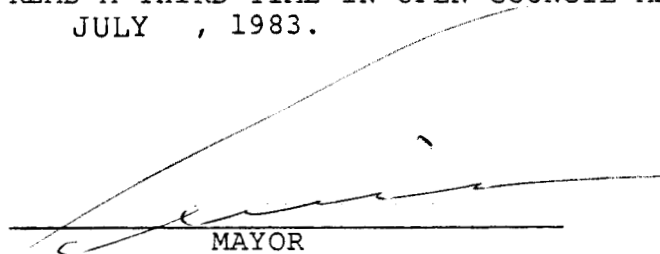
2. That the Clerk of The Corporation of the City of North Bay be and he is hereby authorized and directed to certify from time to time under the seal of the Corporation to Bell Canada the appointment and the name of the City Engineer of the City of North Bay authorized to act under this by-law.

3. In the event that the City Engineer or other properly qualified body or person shall deem it necessary to request the Company to move, alter or rearrange its plant for the purpose of widening, improving or relocating a highway under the jurisdiction of the said City or for any other purpose, the City Engineer may give to Bell Canada an order to do such work as he deems necessary; and he may enter into an agreement with Bell Canada for the payment of the whole or any portion of the cost of the said work by the City of North Bay and any such agreement entered into by the said City Engineer shall be valid and fully binding upon The Corporation of the City of North Bay provided that the amount of the cost to be borne by the City of North Bay under the terms of the said agreement shall not exceed the sum of \$2,500.00.

READ A FIRST TIME IN OPEN COUNCIL THE 27th DAY OF JUNE , 1983.

READ A SECOND TIME IN OPEN COUNCIL THE 11th DAY OF JULY , 1983.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED THIS 11th DAY OF JULY , 1983.


MAYOR


CITY CLERK