



By-law No. 17-2020 The Boulevard Maintenance and Highway
Obstruction By-law

Consolidated Version Revised and Verified December 22, 2020

Revision History:	Passed On:
17-2020 (Original)	February 25, 2020

Consolidated for Convenience Only

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The Corporation of the Township of Woolwich

By-law No. 17-2020

A By-law to regulate work on boulevards and highways

WHEREAS pursuant to section 8 of the Municipal Act, S.O, 2001, c.25, as amended, the powers of the municipality under that or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS pursuant to subsection 11(2)(6) of the Municipal Act, S.O. 2001, c.25, provides that a municipality may pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS pursuant to subsection 11(2)(8) of the Municipal Act, S.O. 2001, c.25, provides that a municipality may pass by-laws respecting the protection of persons any property;

AND WHEREAS pursuant subsection 11(3) of the Municipal Act, S.O. 2001, c.25, provides that a municipality may pass By-laws respecting highways and boulevards under its jurisdiction;

AND WHEREAS pursuant to subsection 27(1) of the Municipal Act, S.O. 2001, c.25, grants a municipality the power to pass by-laws in respect to highways over which it has jurisdiction;

AND WHEREAS pursuant to subsection 28(2) of the Municipal Act, S.O. 2001, c.25, grants a municipality jurisdiction over all road allowances located in the municipality that were made by the Crown surveyors [subsection 28(2)(a)] and all road allowances, highways, streets and lanes shown on a registered plan of subdivision [subsection 28(2)(b)]

AND WHEREAS pursuant to section 35 of the Municipal Act, S.O. 2001, c.25, grants a municipality the power to pass by-laws removing or restricting the common law right of passage by the public over a highway and the common law right of access to the highway by an owner of land abutting a highway;

AND WHEREAS pursuant to section 128 of the Municipal Act, S.O. 2001, c.25, grants a municipality the power to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council are or could become public nuisances;

AND WHEREAS pursuant to section 425 of the Municipal Act, S.O. 2001, c.25, grants a municipality the power to pass by-laws providing that a person who contravenes a by-law of the municipality is guilty of an offence;

AND WHEREAS pursuant to section 426 of the Municipal Act, S.O. 2001, c.25, no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a by-law passed under this Act;

AND WHEREAS pursuant to section 436 of the Municipal Act, S.O. 2001, c.25, grants a municipality the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine if a by-law, direction, order or condition of licence is being complied with;

AND WHEREAS pursuant to section 446 of the Municipal Act, S.O. 2001, c.25, grants a municipality the authority to direct or require a person to do a matter or thing, and the

municipality may also provide that, in default of it being done by the person or directed or required to do it, the matter or thing shall be done at the person's expense and, the municipality may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

NOW THEREFORE the Council of The Corporation of the Township of Woolwich hereby enacts as follows:

Short Title

1. This by-law shall be known as the "Boulevard Maintenance and Highway Obstruction By-law".

Definitions

2. In this by-law:
 - a. "Back Lot Property" shall mean the portion of a property where the rear is adjacent to a Township or Regional road allowance;
 - b. "Boulevard" means that part of a highway including a sidewalk between the adjacent property line and the edge of the curb, or in cases where there is no curb, between the adjacent property line and that portion of the highway which is travelled or designed to be travelled by vehicles;
 - c. "Damage" means harm or injury to the Highway, including without limitation, harm, injury, disturbance, cracking, gouging or displacement of or to the pavement, curb, Boulevard or sidewalk, other than reasonable wear and tear;
 - d. "Highway" means a "highway" as defined by the Highway Traffic Act, R.S.O. 190, c. H. 8, as amended, and for greater certainty, a Highway includes Boulevards;
 - e. "Interfere" means to alter, block, close, damage, hinder, obstruct or occupy, and "Interfered" and "Interference" shall have corresponding meanings;
 - f. "Maintain" shall mean the action required to sustain a boulevard including but not limited to cutting, watering, removing debris or repairing damage to any driveway located within the boulevard area and "Maintenance" shall have a corresponding meaning;
 - g. "Officer" means a Municipal Law Enforcement Officer as appointed by Council for the enforcement of this By-law;
 - h. "Original Condition" means the condition of the boulevard or highway prior to any alterations being made;
 - i. "Owner" shall mean the lawful Owner of a property, a lessee, tenant, mortgagee in possession of property, or occupant of property;

- j. "Person" shall mean an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent, and their heirs, executors, or legal representatives of such Person to whom the context can apply according to law;
- k. "Sports Equipment" shall mean, including but not limited to, basketball nets, hockey nets, skateboard ramps;
- l. "Township" means the Corporation of the Township of Woolwich and includes, where the context permits, its duly authorized officers, contractors, employees and agents.

General Provisions

- 3. Every Owner shall maintain the Boulevard that abuts that Owner's property in accordance with the requirements of this by-law.
- 4. Every Owner shall maintain grass and/or weeds on any abutting Boulevard to a height not exceeding 20 centimetres.
- 5. No Owner shall permit anything on the Boulevard or Highway that is protruding, sharp, dangerous in any way, or which may otherwise cause damage/injury to a Person or thing.
- 6. No Owner shall permit anything on the Boulevard or sidewalk that impedes snow removal.
- 7. No Owner shall permit anything on the Boulevard that may overflow onto the Highway, sidewalk or adjacent properties.
- 8. No Person shall interfere, hinder, obstruct any Highway within the Township except where permission has been granted by the Director of Infrastructure Services or designate.
- 9. No Person shall install an irrigation system in the Boulevard without written permission from the Director of Infrastructure Services or designate.
- 10. No Person shall injure, damage, interfere with or encumber any tree, shrub, plant, bush or hedge on any Boulevard or sidewalk planted by the Township.
- 11. No Person shall plant any tree on any Boulevard except where permission has been granted by the Director of Infrastructure Services or designate.
- 12. No Person shall leave any unattended Sports Equipment on any Highway, Boulevard or sidewalk.
- 13. No Person shall utilize any Sports Equipment in such a manner as to interfere with or obstruct the passage on any Highway, Boulevard or sidewalk.
- 14. No Person shall mark, deface, wax or damage any curb, sidewalk or any part of a Highway.

15. If the Township is obligated to remove any Sports Equipment from any Boulevard or Highway, where a notice has been issued, the Township shall not be responsible for any damages that may occur to the Sports equipment during its removal.
16. If a Boulevard, where alterations have been made by any homeowner, is damaged by the Township or a contractor hired by the Township in the course of doing any work, the Township or contractor shall not be responsible for any damages and shall only be responsible for restoring the Boulevard back to its Original Condition.

Enforcement

17. An Officer as defined in this By-law is hereby vested with the authority to enforce this By-law.
18. An Officer may require the owner or occupant by notice, sent by registered mail to the owner or occupant of the property, or by posting the notice in a conspicuous place at the subject property or on the sports equipment or by delivering the notice personally to the owner or occupant:
 - a. To clean, clear up or remove from the boulevard or highway any debris, weeds or grass; and/or
 - b. To remove any sports equipment from the boulevard or highway; and/or
 - c. To remove any materials stored on a highway without a permit.
19. A notice mailed to an owner shall be mailed to the address of the owner as shown in the most current tax records and/or on the deed in accordance with the records of the land registry office.
20. Where the owner or occupant fails to comply with a notice issued pursuant to this By-law the Township, in addition to other remedies:
 - a. Shall have the right to carry out the work as required in the notice and for this purpose may, with its servants and agents from time to time, enter in and upon the property;
 - b. Shall have the right to recover the expense of carrying out the work as required in the notice by adding the expense to the tax roll and collecting such expense in the same manner as taxes; and
 - c. Shall not be liable to compensate such owner, occupant or other person having interest in the property by reason of anything done by or on behalf of the Township under the provisions of this By-law.

Penalty and Offence

21. Any person, organization or business who contravenes the provisions of this by-law is guilty of an offense and, upon conviction, is subject to the penalty set out in the Provincial Offences Act.

Conflict

- 22. In the event the provisions of this by-law are inconsistent with the provisions of the Municipal Act, its Regulations or any other Act, the provisions of the Act or Regulation shall prevail.

Terms Severable

- 23. The terms and provisions of this by-law shall be severable and should any term or provision be found by a court of competent jurisdiction to be legally unenforceable, inoperative or invalid, the remainder of the by-law shall continue to be in full force and effect.

Enactment

- 23. This by-law shall come into full force and effect on the date it is passed at which time all by-laws, policies and resolutions that are inconsistent with the provisions of this by-law are hereby repealed insofar as it is necessary to give effect to the provisions of this by-law.

FINALLY PASSED AND ENACTED this 25th day of February 2020.

Signature on file

Mayor

Signature on file

Clerk