

THE CORPORATION OF THE MUNICIPALITY OF NORTH GRENVILLE

BY-LAW NO. 98-24

A By-Law for the Care of Roads Within the Municipality of North Grenville

WHEREAS sections 11(2) para 6 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the "Act"), authorizes a municipality to pass a by-law respecting the health, safety and well-being of persons;

AND WHEREAS section 11(3) para 1 of the Act, provides that Council may pass bylaws respecting matters within the sphere of jurisdiction of highways, including parking and traffic on highways;

AND WHEREAS section 11(3) para 2 of the Act, provides that Council may pass bylaws respecting matters within the sphere of jurisdiction of transportation systems, other than highways;

AND WHEREAS section 11(3) para 4 of the Act, provides that Council may pass bylaws respecting matters within the sphere of jurisdiction of public utilities;

AND WHEREAS section 128 of the Act, allows a local municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

AND WHEREAS section 429 of the Act, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under that Act;

AND WHEREAS section 434.1(1) of the Act, provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under this Act;

AND WHEREAS Council deems it expedient to regulate and control the use and care of roads in the Municipality;

NOW THEREFORE the Council of the Corporation of the Municipality of North Grenville hereby enacts as follows:

DEFINITIONS

1. In this by-law:

"Administrative Penalty By-law" means the Administrative Penalty By-law of the Municipality, as amended from time to time, or any successor thereof;

"Boulevard" means that part of the highway situated between the curb line and property line of the lot abutting the highway, but does not include a sidewalk, shoulder, or combined facility, if any;

"Council" means the Council of the Municipality of North Grenville;

"County" means the United Counties of Leeds and Grenville;

"County Property" means any land, buildings or chattels owned by the United Counties of Leeds and Grenville which are situated within the confines of the geographic boundaries of the Municipality of North Grenville;

"Designated Provision" means any section of this By-law designated in accordance with section 22;

"Director of Public Works" means the Director of Public Works for the Municipality of North Grenville, or his/her designate;

"Highway" includes a Municipal or County common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof and may also be referred to as a "road allowance";

"Municipality" means the Corporation of the Municipality of North Grenville or the geographic area as the context requires;

"Officer" means a Municipal Law Enforcement Officer appointed by Council to enforce the provisions of by-laws or a Police Officer;

"Roadway" means that part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of the roadways collectively;

"Sidewalk" means that part of a highway set aside by the Municipality for the use of pedestrians;

"Trail" means any area identified in the North Grenville Trail system and designed for the passage and use of recreational activities; and

"Vehicle" includes a motor vehicle, trailer, traction engine, motorized snow vehicle, farm tractor, road-building machine, ATV, UTV, ORV, bicycle, skateboard and any vehicle drawn, propelled or driven by any kind of power, including muscular power.

INTERPRETATION

2. Headings are for reference purposes and shall not affect in any way the meaning or interpretation of the provisions of this by-law.
3. It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.
4. In this by-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.

GENERAL PROHIBITIONS

5. No person shall, unless otherwise authorized by the provisions of this or any other by-law of the Municipality:
 - a. permit oils, chemicals or substances to be deposited or spilled on a highway or trail including such substances deposited as a result of car maintenance activities, car rust prevention measures and the spillage of rust protecting substances and the general spillage of substances from vehicles;
 - b. throw, push, plow, dump or otherwise deposit snow or ice on or across a highway or trail;
 - c. deposit, drop, scatter, store, spill or throw any filth, earth, ashes, manure, leaves, paper, hand bill, advertisement, or any vegetable matter, stone, lime, sand, tin, wood, the carcass of any dead animal, fish or fowl in or upon a highway or trail;
 - d. deposit garbage or recyclable waste on a highway or trail except as permitted by Municipal By-Law;
 - e. encumber or damage a highway or trail by animals, vehicles or other means;
 - f. permit or allow any paper, hand bill, advertisement or any container, whether made of plastic, cardboard or paper, to be blown from private property onto a highway or trail;
 - g. obstruct a drain, gutter or water course along or upon a highway;

- h. place a plank or other material in or over any gutter or ditch for the purposes of making a crossing except for a period of not more than twenty-four (24) hours or otherwise approved by the Municipality;
- i. walk upon, ride, drive or load an animal or move, drive, run or propel a vehicle upon, over or across a newly constructed sidewalk or pavement before it has been opened for use by the public;
- j. set or carry fire on a highway or trail;
- k. operate a vehicle or bicycle along a sidewalk other than an electric personal assistive mobility device used due to a disability or a child under the age of fourteen (14) operating a bicycle along a sidewalk;
- l. operate a motorized vehicle where signs are erected to the effect of prohibiting motorized vehicles on specific trails, or part thereof;
- m. throw, pile, store, or cause any material to be thrown or piled upon a highway, except for the purpose of having it immediately delivered upon adjacent premises, nor shall any person saw or split any cordwood or firewood upon a highway or being the owner of cordwood, firewood or topsoil shall deposit on any highway or permit it to remain thereon for a longer time than is necessary for its immediate removal to the premises adjacent thereto;
- n. place or expose, or cause any merchandise or articles of any kind, to be placed or exposed upon a highway or outside of a building so that the same shall project over any part of a highway unless sufficient space is left unencumbered for the use of pedestrians including the passage of a wheelchair or electric personal assistive mobility device used due to a disability and the merchandise or articles are not creating a nuisance;
- o. move, or cause to be moved a vehicle equipped with cleats, flanges, or tracks on its wheels, or rollers, or any of them, on or along the traveled portion of a highway, except by means of a float, trailer, or other similar device, providing that a vehicle is so equipped including a vehicle for the digging and backfilling of trenches, may be moved directly across the traveled portion of a highway, if a preventative mat has first been laid on the surface of the portion of a highway to be crossed;
- p. spit, urinate, or defecate on any highway or trail;

- q. remove a barricade or notice or enter upon or use a highway or trail temporarily closed under the provisions of this or any Municipal By-Law;
- r. remove or move a barricade, sign or light placed around any excavation in a highway or trail;
- s. erect or maintain any gate or door so that the same shall open or swing outward over any part of a sidewalk or highway or trail;
- t. no owner or occupier of land shall allow any part of a tree, shrub, sapling, hedge or any other plant to extend over or upon any highway, so as to interfere with, impede or endanger persons using the highway;
- u. no owner or operator of a parking station, parking lot, used car lot, automobile service station or mechanical car wash shall permit water used for washing or cleaning a motor vehicle to escape upon, overflow or run across or upon a highway;
- v. break, dig up, destroy or damage the sod or grass of a boulevard or a fence or railing erected and maintained for the protection of the boulevard;
- w. Sell on a highway, without approval of the Municipality, any real or personal property;
- x. erect a fence, construct a wall, or plant a hedge, in, over, or upon a highway or trail.

EXEMPTIONS

- 6. The provisions of Section 5(b) shall not apply to an employee or an agent of the Municipality who is engaged in moving snow or ice, or anyone who has received written approval from the Director of Public Works. The written approval must be presented to an Officer upon request.
- 7. Section 5(c) does not apply to any person putting sand or salt on the icy portions of a highway to reduce the danger of pedestrians falling or to enable a vehicle to use a roadway.
- 8. The provisions of this by-law shall not apply to Municipally sanctioned maintenance activities.

HIGHWAY NAME SIGNS, TRAFFIC SIGNALS & SIGNAGE

9. No person shall pull down, destroy, deface or in any way interfere with any Municipal infrastructure, including but not limited to, any post, surveyor's mark, bench mark, traffic sign, highway name sign, sign board, regulatory sign, traffic signal, traffic cone, or any other traffic control device, affixed, or placed on a highway or trail.

LIGHTING

10. No owner or occupier of property abutting a highway shall permit any flood light to directly or indirectly illuminate a highway without the written approval of the Municipality.

POWERS

11. The Municipality may:
 - a. remove any item, structure or material placed or deposited on a highway or trail contrary to this by-law; and
 - b. send by personal service or by registered mail, a notice to the owner or person responsible for the item, structure or material that the object has been removed at the owner's expense;
12. The Municipality may recover expenses resulting from actions taken in accordance with subsection 11(a) by action, or in like manner as municipal taxes.

TEMPORARY CLOSING OF HIGHWAYS OR TRAILS

13. The Director of Public Works may temporarily close to traffic any highway or trail by reason of any work or improvement being carried out thereon, a Municipally sanctioned community event, or by reason of the condition thereof and the Director of Public Works may cause to be erected or kept thereon, any barricade or notice warning the public that the highway or trail is closed to traffic and no person shall enter upon or use a highway or trail so temporarily closed.
14. Where a highway or part of a highway is closed pursuant to Section 13, the Director of Public Works shall:

- a. provide and keep in repair a temporary alternative route for public use where possible;
- b. provide access to lots abutting the highway; and
- c. erect signs, barricades and other protective and warning devices in accordance with provincial traffic regulations.

HIGHWAY CLEANING & REPAIR

15. The cleaning and repair of all highways shall be performed under the direction of the Director of Public Works.
16. No person hauling earth, sand, stone or other substances on a highway shall so load his vehicle so as to permit damage to a highway or drive the same as to permit or cause the contents thereof to fall, spill or be deposited on a highway.
17. No person in charge of a vehicle shall bring the vehicle or permit it to be brought upon a highway unless there has been reasonable effort to remove from the wheels thereof, all mud, clay, lime, and similar material, or any fertilizer or manure which is likely, if not removed, to cause an obstruction or dangerous condition or nuisance in a highway or cause damage to the surface of the highway.

ICE AND SNOW HAZARD - REMOVAL

18. The owner of a lot having a building, structure or sign situated on it in such a manner as to present a hazard from icicles, ice or snow which may fall from it onto the street, shall remove such icicles, ice or snow from the building, structure or sign by 10:00 a.m.
19. If the owner does not remove such icicles, ice or snow from the building, structure or sign as required by Section 18, such icicles, ice or snow may be removed at the direction of the Municipality without notice to and at the expense of the owner of the land upon which the building, structure or sign is located, and such costs may be recovered by action or by adding the costs to the tax roll and collecting them in the same manner-as municipal taxes.

PENALTIES

20. Any person who contravenes any provision or part of this by-law is guilty of an offence and on conviction is liable to a fine to the maximum allowable under the Provincial Offences Act.

21. When a person has been convicted of an offence under this by-law, any court of competent jurisdiction, may, in addition to any penalty imposed on the person convicted, issue an Order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.
22. Sections 5, 9, 10, 16, 17, and 18 of this By-law are hereby designated as parts of this By-law to which the Administrative Penalty By-law applies.
23. Any person shall, upon issuance of a penalty notice for a contravention of this By-law, in accordance with the Administrative Penalty By-law, be liable to pay an administrative penalty and any administrative fees, in accordance with the Administrative Penalty By-law.
24. All the provisions of this by-law continue to apply in the Provincial Offences Act in addition to the designated provisions of this by-law.
25. Where a person has not paid the administrative penalty within thirty (30) days in accordance with the Administrative Penalty By-law, the Municipality may add the administrative penalty to the tax roll for any property for which the owner or owners are responsible for paying the administrative penalty under Section 23.

ADMINISTRATION AND ENFORCEMENT

26. The provisions of this by-law shall be administered by Public Works with enforcement as required by an officer of the By-Law Services Department or the Ontario Provincial Police.
27. The Clerk of the Municipality of North Grenville is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the by-law and schedule(s) as may be deemed necessary after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.
28. By-Law 9-16 is hereby repealed as of January 2nd, 2025.
29. This by-law shall come into force and effect on January 2nd, 2025.

SHORT TITLE

30. This by-law may be referred to as the "Care of Roads By-Law".

PASSED ON THIS 18TH DAY OF NOVEMBER, 2024




NANCY PECKFORD

Mayor


CHLOE PRESTON

Clerk