

**THE CORPORATION OF THE  
TOWNSHIP OF ZORRA**



**BY-LAW NO. 29-19**

**BEING A BY-LAW TO REGULATE, CONTROL AND PROHIBIT THE OBSTRUCTION, ENCUMBERING, INJURING AND FOULING OF HIGHWAYS AND BRIDGES IN THE TOWNSHIP OF ZORRA AND TO REPEAL BY-LAW 6-95, AS AMENDED.**

**WHEREAS** subsection 10(2) of the *Municipal Act 2001*, S.O. 2001, c. 25, as amended (the "Act") provides that municipalities may pass By-laws respecting public aspects of the municipality, the health, safety and well-being of persons and for the protection of property;

**AND WHEREAS** subsection 11(3) 1 of the Act, provides that a municipality may pass by-laws within the following sphere of jurisdiction: Highways, including parking and traffic on Highways;

**AND WHEREAS** subsection 391(1) of the Act provides that a municipality may pass by-laws imposing fees or charges on any person for services or activities provided by the municipality or done on behalf of it;

**AND WHEREAS** section 429 of the Act authorizes a municipality to establish a system of fines for offences under a By-law of the municipality passed under the Act;

**AND WHEREAS** section 444 of the Act provides that a municipality may make an order to require a person to discontinue contravening a by-law and to do the work required to correct the contravention;

**AND WHEREAS** section 446 of the Act provides that a municipality may proceed to do things at a person's expense which that person is otherwise required to do under a by-law, but has failed to do and the costs incurred by a municipality may be recovered by adding the costs to the tax roll and collecting them in the same manner as taxes;

**AND WHEREAS** the Council of the Corporation of the Township of Zorra desires to repeal and replace the by-law to Regulate, Control and Prohibit the Obstruction, Encumbering, Injuring and Fouling of Highways and Bridges in the Township of Zorra By-law No. 6-95, as amended with this By-law;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ZORRA ENACTS AS FOLLOWS:**

**1. Short Title**

1.1. This By-law shall be known and referred to as the "Township of Zorra Highway Obstruction By-law".

**2. Definitions:**

(a) "**By-law Enforcement Officer(s)**" means a person or persons duly empowered by the Council of the Corporation of the Township of Zorra to enforce the various by-laws of the municipality and to carry into effect the provisions of any Act of

the Legislature of the Province of Ontario to be enforced by the municipality;

- (b) "**Council**" means the Council of the Corporation of the Township of Zorra;
- (c) "**Culvert**" means a structure that allows water to flow under a road, railroad, trail or similar barrier from one side to the other.
- (d) "**Director**" means the Director of Public Works or any person designated to act on their direction;
- (e) "**Handbill**" means any small printed advertisement or other notice distributed by hand.
- (f) "**Headland**" means the area at each end of a planted field in agriculture. It is used for turning around with farm implements during field operations and is the first area to be harvested to minimize crop damage.
- (g) "**Highway**" or "**highways**" means all allowances for roads made by the Crown Surveyors, all highways laid out or established under the authority of any statute, all roads on which public money has been expended for opening them or on which status labour has been usually performed, all roads dedicated by the owner of the land to public uses, and all alterations and deviations of and all bridges over any such allowance for road, highway or road, are common and public highways in the Township of Zorra.
- (h) "**Improved highway**" means a **highway** that has been reconstructed or rebuilt and shall be determined by the Director of Public Works.
- (i) "**Injure**" the highway means irrevocable and lasting damage done to any portion of the highway, including the road allowance, such that the condition and/or structure of the highway is changed.
- (j) "**Leave**" or "**leaving**" means the standing of a vehicle or motor vehicle, whether or not occupied, without permission or for an extended period of time, except when standing temporarily for the loading or unloading of passengers or merchandise;
- (k) "**Obstruct**" means to obstruct, encumber, damage or foul.
- (l) "**Refuse**" means any litter, article, thing, matter, substance or effluent that: has been cast aside, discharged or abandoned or; is discarded from its usual and intended use or; is used up, in whole or in part, or expended or worn out in whole or in part; and shall include domestic waste and industrial waste; and that domestic waste and/ or industrial waste does not cease to be refuse by reason that it may be commercially saleable or recyclable.
- (m) "**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;
- (n) "**Stand**" or "**standing**" means the stopping of a vehicle, whether occupied or not, except for the purpose of and while engaged in the discharging or receiving of passengers or merchandise;
- (o) "**Township**" means the Corporation of the Township of Zorra;
- (p) "**Vehicle**" includes a motor vehicle, motor assisted bicycle, tractor, traction engine, trailer, road building machine and any vehicle drawn, propelled or driven by any kind of power, but does not include a motorized snow vehicle or the cars of an electric/steam railway running only upon rails.

### **3. Enforcement**

3.1. The administration and enforcement of this By-law may be performed by Officers duly appointed and authorized by Council and shall include the following:

- (a) Township of Zorra By-law Enforcement Officer;
- (b) Township of Zorra Director of Public Works; and
- (c) Township of Zorra Public Works Forepersons.

3.1.1. For the purposes of this by-law, each Officer named in section 3.1. shall be deemed to be a 'By-law Enforcement Officer'.

### **4. Highway Obstruction**

4.1. No person shall obstruct any Highway, whereby the obstruction of a Highway includes any one or more of the following:

- (a) Driving or operating vehicles, tractors and farm implements onto any highway from any unauthorized laneways or entrances, including fields.
- (b) Driving across road ditches or using any highway as a "headland" for the turning of vehicles, farm tractors or farm implements.
- (c) Emptying, or unloading, the contents of any such vehicle or farm implement parked or standing, on any highway.
- (d) Committing any act which could injure the highway or obstructing the ditches and culverts of the highway road allowance by plowing or working the soil of the said allowance adjacent to the travelled roadway.
- (e) Leaving or depositing of equipment, motorized equipment other than motorized equipment permitted and licensed under the regulations of the Ministry of Transportation of Ontario, containers, trailers, or any Landscape or Construction Material on a Highway without having obtained the appropriate permission to do so from the Township.
- (f) The cutting, altering, extending, in any manner whatsoever, of a concrete curb, open or contained culvert, culvert overpass, ditch or similar structure or landscape without the approval from the Director of Public Works. All deposits of fill or installation of culverts must be approved by the Director of Public Works. Any installation not authorized by said Director may be removed at the expense of the person or persons installing them without notice.
- (g) The performing of any work on a Highway road allowance under the jurisdiction of the Township without the written approval of the Director of Public Works. This section does not apply to persons authorized to perform work or repairs under a franchise agreement or under any Act of the Legislature of the Province of Ontario or of the Parliament of the Government of Canada.
- (h) The excavation, removal or damage to any portion of a Highway, including sod, trees, light poles, street signs or other objects within the Highway without the permission of the Township to do so.
- (i) Building or maintaining any fence on any highway or placing or depositing any other object or thing calculated to obstruct the Highway or to object or interfere with public-travel thereon, and the Public Works Director is hereby authorized to remove any such obstruction at the cost of the person so placing such item or thing on Highway.

- (j) Planting, growing, cultivating or maintain any field crop on a Highway.
- 4.2. No person shall hinder or obstruct or attempt to hinder or obstruct the Officers in the exercise of his or her powers and performance under this By-law.
- 4.3.1. If an Officer determines that an obstruction of a Highway exists, the Officer may issue an order requiring the Owner, Occupant and/or Contractor of the property from which the obstruction comes from, relates to, or was created for, to discontinue causing the obstruction and to remove the obstruction and repair, as necessary, at the expense of the Owner, Occupant and/or Contractor, so that the Highway is brought back to its former condition prior to the Obstruction. Every owner, occupant and/or Contractor who is issued such an order shall comply.
- 4.3.2. Where the order described in subsection 4.2.1. is not complied with within the time period stipulated therein, the Township may remove the obstruction and repair, as necessary, the Highway and all the costs incurred by the Township in undertaking this work shall be expenses owed to the Township by the Owner, Occupant and/or Contractor of property from which the obstruction comes from, relates to, or was created for. Costs incurred by the Township of Zorra may be recovered by adding the costs to the tax collector's roll and collecting them in the same manner as taxes.

**5. Conflict and Severability**

- 5.1. In the event of any conflict between any provision set forth in this by-law and any other Township regulation, the competing provisions shall be harmonized to the fullest extent possible so as to facilitate the intent and proper effect of the separate areas of regulation.
- 5.2. If any section or portion thereof shall be declared by a court of competent jurisdictions to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the Ordinance. The remainder of the ordinance shall remain in full force and effect.

**6. Penalty**

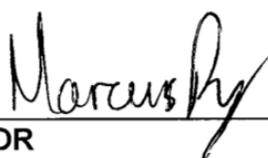
- 6.1. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended (see Schedule "A").

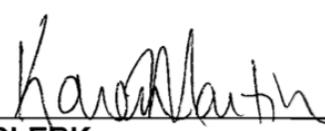
**7. Repeal – Enactment**

- 7.1. That By-law 6-95, amending By-law 32-95 and any other amending by-laws are hereby repealed in entirety.
- 7.2. This By-law shall come into force and take effect from and after the date of final passing thereof.

**READ A FIRST AND SECOND TIME THIS 5th day of JUNE, 2019.**

**READ A THIRD TIME AND FINALLY PASSED TIME THIS 5th day of JUNE, 2019.**

  
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MAYOR  
MARCUS RYAN

  
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CLERK  
KAREN MARTIN

**SCHEDULE "A"**  
**TOWNSHIP OF ZORRA**  
**Township of Zorra Highway Obstruction By-law**  
**FINES**

**Part I Provincial Offences Act**

<b>Item</b>	<b>Short Form Wording</b>	<b>Provision Creating or Defining Offence</b>	<b>Set Fine</b>
1	Obstruct highway – make prohibited entrance.	4.1.(a)	\$500.00
2	Obstruct highway – drive across road ditch or use highway as field “headland”.	4.1.(b)	\$500.00
3	Obstruct highway - emptying or unloading farm implements on a highway.	4.1.(c)	\$500.00
4	Obstruct highway - plowing and/or working highway road allowance.	4.1.(d)	\$500.00
5	Obstruct highway - leaving or depositing equipment without the approval of the Township.	4.1.(e)	\$500.00
6	Obstruct highway – alter curb, culvert, culvert overpass or ditch without authorization.	4.1.(f)	\$500.00
7	Obstruct highway - unauthorized work on a Highway road allowance.	4.1.(g)	\$500.00
8	Obstruct highway - unauthorized excavation, damage or removal of any portion of a Highway.	4.1.(h)	\$500.00
9	Obstructing public travel on a highway using a fence or other object.	4.1.(i)	\$500.00
10	Obstruct highway – plant, grow or cultivate field crops on a highway.	4.1.(j)	\$500.00
11	Obstructing or attempting to obstruct an Officer.	4.2.	\$500.00

The general penalty provision for the offences listed above is Section 6.1 of By-law 29-19, a certified copy of which has been filed.