

**THE CORPORATION OF THE
TOWNSHIP OF ZORRA**



BY-LAW NO. 50-12

**BEING A BY-LAW TO GOVERN AND REGULATE THE MAINTENANCE,
OCCUPANCY, USE OF, AND OTHER MATTERS PERTAINING TO, THOSE
PORTIONS OF PUBLIC HIGHWAYS UNDER THE JURISDICTION OF THE
TOWNSHIP OF ZORRA KNOWN AS BOULEVARDS.**

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

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

AND WHEREAS Section 9(2) of the Municipal Act, 2001 provides that a by-law under Section 11 respecting a matter may regulate or prohibit respecting the matter, and as part of the power to regulate or prohibit respecting the matter, require persons to do things respecting the matter, provide for a system of licenses, permits, approvals, or registrations respecting the matter and impose conditions as a requirement of obtaining, continuing to hold or renewing a licence, permit, approval or registration

AND WHEREAS Section 30 of the Municipal Act, S.O. 2001 c.25, as amended, provides that a highway is owned by a municipality that has jurisdiction over it subject to any rights reserved by a person who dedicated the highway or any interest in the land held by any other person;

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

AND WHEREAS Section 28(2) of the Municipal Act, S.O. 2001 c.25, as amended, 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 Section 391 of the Municipal Act, 2001 provides that a municipality may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it;

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

PART 1 DEFINITIONS

1.1 For the purpose of interpreting the provisions set forth in this By-Law, the following definitions shall apply:

“Apron” includes that section of a driveway contained within the boulevard.

“Boulevard” means that part of a Highway (whether assumed or unassumed by the Township) between a Street Line and the edge of the curb or, where there is no curb, that

portion of the Highway Road Allowance between the travelled portion to the Street Line. A Boulevard may or may not contain a sidewalk. A boulevard must be in a serviced area of the Township as defined in the Official Plan.

“Cleared” includes the removal of weeds or grass more than 20 centimetres (8 inches) in height.

“County” means the County of Oxford.

“Enforcement Officer” shall mean a by-law enforcement officer of the Township of Zorra.

“Fixture” means any structure or other fixture affixed to the Boulevard including a utility box, newspaper vending box, bench, telephone box, telephone booth, transformer box or vault, telephone, hydro, streetlight, stoplight poles and street sign.

“Fixture Owner” means the owner of a Fixture.

“Grade Height” means the surface of the ground measured at any point, or when associated with an object, plant or other thing, the surface of the ground at the base or bottom of that object, plant or thing.

“Hard Surface” means an area covered in whole or in part with asphalt, concrete, interlocking brick or block, crushed or solid stone, gravel, slag, ground asphalt, wood or any non-porous material.

“Highway” means a common and public Highway, street, avenue, or parkway any part of which is intended for use by the general public for the passage of vehicles and includes the area between the lateral Property lines including any Boulevard.

“Landscaping” means vegetation in the form of lawns, grasses, shrubs, flowers, ornamental plantings, or any combination thereof.

“Maintenance” means 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.

“Owner” means the lawful owner but also includes a lessee, tenant, mortgagee in possession or occupant who appears to have care and control of the property.

“Person” means an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent, and their heirs, executors, or legal representatives of the Person to whom the context can apply according to law.

“Property” means any Land, including the buildings and structures thereon, registered to a person on title in the Land Registry Office or Land Titles Division, as the case may be.

“Refuse” means any 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.

“Repair” means the taking of any action to ensure that the Boulevard area or Fixture conforms to the standards contained in this By-law.

“Restore” means taking action to remove unlawful materials and objects and by planting Landscaping or installing materials and objects in compliance with this By-law.

“Standards” means the standards for Boulevard and Fixture maintenance as prescribed by Section 4.0 of this By-law.

“**Township**” means The Corporation of the Township of Zorra.

“**Township Street**” means a highway under the jurisdiction of the Township.

“**Vehicle**” means an automobile, truck, or other motor vehicle, including farm implement or equipment, motor home, motorized construction equipment, motorcycle, snowmobile, boat, recreational vehicle, aeroplane, trailer and any other device which is capable of being driven propelled or drawn by any kind of power, excluding devices powered solely by means of human or animal effort, such as bicycles, wheelchairs, wagons, carts or skateboards.

PART 2 ADMINISTRATION, INTERPRETATION, ENFORCEMENT

2.1 Short Title

2.1.1 The short title of this By-law shall be the “Boulevard By-law”.

2.2 Scope

2.2.1 This By-law law applies to all Boulevards under the jurisdiction of the Township of Zorra pursuant to the provisions of the Municipal Act, S.O. 2001, c. 25 unless otherwise indicated herein.

2.2.2 The properties outlined in the attached maps - Thamesford (Schedule B) and Embro (Schedule C) shall be exempt from the Boulevard By-law 50-12, as they will be maintained by the Township and/or under the Township’s Grass Cutting Tender.

2.3 Enforcement

2.3.1 Where an Owner fails to comply with any provision set out in this By-law, an Order may be issued by an Officer to the Owner requiring compliance within the timeframe specified in the Order.

2.3.2 If the by-law enforcement officer is satisfied that a contravention of the by-law has occurred, the officer may make an order, known as a Work Order (Schedule “A”), requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land or the fixture owner on which the contravention occurred to do the work to correct the contravention.

2.3.3 An Officer who finds that a Boulevard or a Fixture does not conform to any of the standards prescribed in this By-law may make a Work Order to an Owner or a Fixture Owner:

- (a) Stating the municipal address or the legal description of the Property, a Street Line of which is located immediately adjacent to the subject Boulevard area or, in the case of a Fixture, the municipal address closest to that Fixture;
- (b) Giving reasonable particulars of the Repairs, Restoration or Maintenance to be made to the Boulevard or Fixture;
- (c) a deadline, being a specific date, for compliance with the Work Order; and
- (d) a notice that if the work is not done in compliance with the Work Order by the deadline, the municipality may have the work done at the expense of the owner and the cost of the work may be recovered by adding the amount to the owner’s tax roll.

2.3.4 The Work Order shall either be personally delivered or sent by Regular Mail or Registered Mail to the last known address of the Owner or Fixture Owner, as the case may be. Where an Order is personally delivered it shall be deemed served on the Owner or Fixture Owner immediately. Where a Work Order is mailed it shall be deemed to have been given on the third day after it is mailed.

2.3.5 If the Township is unable to effect service on the owner under section 2.3.4, it

shall place a placard containing the terms of the Work Order in a conspicuous place on the land and may enter on the land for this purpose. The placing of the placard shall be deemed to be sufficient service of the Work Order.

2.3.6 Every Owner and Fixture Owner shall comply with a Work Order issued pursuant to section 2.3.3 of this By-law within the time provided for therein.

2.3.7 Where anything required or directed to be done in accordance with this by-law is not done, the By-law Enforcement Officer or persons designated by the By-law Enforcement Officer for The Corporation of the Township of Zorra, may upon such notice as he deems suitable, do such thing at the expense of the Owner or Fixture Owner and, in so doing, may charge administration fee of 15% of such expense with a minimum fee of \$110.00; and both the expense and fee may be recovered by action or, from an Owner, in like manner as municipal taxes.

2.3.8 Where any of the matters or things are removed in accordance with section 2.3.7 of this by-law the matters or things may be immediately disposed of by the By-law Enforcement Officer with no recourse by the Owner.

2.3.9 A By-law Enforcement Officer designated to perform inspections pursuant to this by-law may at all reasonable times, enter onto land for the purposes of an inspection of the land.

2.3.1.1 Where it becomes necessary to proceed pursuant to section 2.3.7 of this by-law, a By-law Enforcement Officer may enter onto the lands with any person and the appropriate equipment as required to bring the property into compliance with this by-law.

2.4 Penalty

2.4.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence and, upon conviction, is liable to the penalties as prescribed by the Provincial Offences Act, R.S.O 1990, c. P.33.

2.5 Severability

2.5.1 If any provision or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

2.6 Compliance with other By-laws and Regulations

2.6.1 This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the Township or by any governmental authority having jurisdiction to make such restrictions or regulations.

2.6.2 If there is a conflict between a provision of this By-law and a provision of any other Township Bylaw, the provision that establishes the higher standard to protect the health and safety of the public and to maintain clean and tidy conditions on the Highway shall apply.

PART 3 BOULEVARD STANDARDS

3.1.1 Every person may landscape or improve that portion of a Boulevard abutting his/her Property, subject to the regulations contained hereafter:

- (a) No hedge, shrub, tree, planting, post, fence, wall, or any other thing shall be permitted:
 - (i) Where a sidewalk is located on the Boulevard, within 0.6m (2 ft) of either edge of the sidewalk or within 1.2m (4 ft) of the curb or travelled portion of the Highway, or
 - (ii) Where no sidewalk is located on the Boulevard, within 1.8m (6 ft) of

- the curb or travelled portion of the Highway;
 - (iii) Within 6.0 metres of the closest corner of an intersection
- (b) No hedge, shrub, tree planting, post, fence, wall or other thing, exceeding 0.9m (3 ft) in height above the Grade of the Boulevard shall be permitted on any Boulevard;
- (c) Nothing shall be maintained on any Boulevard which is protruding, sharp, dangerous in any way, or which may otherwise injure a Person; and
- (d) No Person shall alter a Boulevard by adding or maintaining any Hard Surface material, in whole or in part, to the surface.

PART 4 BOULEVARD AND FIXTURE MAINTENANCE STANDARDS

4.1.1 Every Owner shall maintain the Boulevard that abuts that Owner's Property (hereinafter called the Abutting Boulevard) in accordance with the requirements of this By-law.

4.1.2 Every Owner shall:

- (a) Clean and Clear the Abutting Boulevard of all debris, waste, refuse and litter;
- (b) Clean and Clear the Abutting Boulevard of any abandoned items, machinery, equipment or other thing;
- (c) Maintain grass and weeds on any Abutting Boulevard at a Height which is not greater than twenty (20) cm [eight (8) in] in Height;
- (d) Maintain the Landscaping on any Abutting Boulevard so that Landscaping materials do not encroach over that portion of an adjacent Highway that is travelled or designed to be travelled by Vehicles, adjacent driveway or sidewalk;
- (e) Subject to Sentence (c) of this Article 4.1.2, maintain all Landscaping on the Boulevard to a height not exceeding 0.9m (3 ft) above the Grade of the Boulevard; and
- (f) Maintain or Restore Landscaping and Hard Surface areas on the Boulevard to the Standards required by this By-law.

4.1.3 Every Fixture Owner shall maintain all Fixtures owned by it in a condition which is free from all defacing marks, tagging and graffiti.

4.1.4 Notwithstanding Articles 3.1.1 and 4.1.2, this By-law shall not be interpreted as preventing or prohibiting:

- (a) The placement or erection of Signs in compliance with the Township and County Sign Bylaws;
- (b) The design, creation and use of a driveway apron, the width and location of which has been approved by the Township;
- (c) The creation and use of Hard Surfaced areas on Boulevards, other than a driveway apron, the width and location of which has been approved by the Township and/or County;
- (d) The creation and use of Hard Surface areas in unique locations which have been approved by the Township and/or County;
- (e) The temporary placement of Refuse for collection in compliance with the standards of the County of Oxford Waste Management Agreement.

- (f) The placement of structures placed or utilized by the Township, the County of Oxford, a Transportation Commission, utilities, Canada Post, or newspaper boxes if approved by the Township; or
- (g) Trees planted on the Boulevard in compliance with the Township's Tree By-law.

PART 5 BOULEVARD DAMAGE

5.1 Damage – Offence

5.1.1 No person shall damage any landscaping, structure, tree, sidewalk or other improvement on any Boulevard. For the purpose of this Article, "Damage" shall include placing any permanent mark or otherwise defacing, tagging or placing graffiti on any structure or other fixture affixed to the Boulevard including a utility box, telephone box, telephone booth, transformer box or vault, telephone, hydro, streetlight, stoplight poles or street sign.

PART 6 ENACTMENT

6.1 Effective Date

This by-law comes into force on the day it is passed.

READ A FIRST AND SECOND TIME THIS 17th day of JULY, 2012.

READ A THIRD TIME AND FINALLY PASSED THIS 17th day of July, 2012.

**MAYOR
MARGARET LUPTON**

**CLERK
KAREN GRAHAM**

**TOWNSHIP OF ZORRA
BY-LAW 50-12
SCHEDULE "A"**



WORK ORDER – Contravention of the By-law
Township of Zorra Boulevard By-law 50-12.

Date issued:

File No.:

Address to which order applies:

Owner Name Street address City, Province Postal Code

Order issued to:

A contravention of Part 4 of the Township of Zorra Boulevard By-law 50-12 is found to exist at the above noted address:

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- **Part 4 - BOULEVARD AND FIXTURE MAINTENANCE STANDARDS**
4.1.1 Every Owner shall maintain the Boulevard that abuts that Owner's Property (hereinafter called the Abutting Boulevard) in accordance with the requirements of this By-law.

Refuse includes but is not limited to:

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This removal will include the cutting of grass/weeds exceeding 20cm (8 inches in height) if applicable.

You are hereby ordered, under the Township of Zorra Boulevard By-law 50-12 to bring this property in to compliance on or before:

<i>Insert here: compliance date (typically 1 week)</i>
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Failure to do so the Corporation of the Township of Zorra (or designate) will cause the property to be brought into compliance in accordance with Part 2 (Sections 2.3.7 and 2.3.8) of By-law 50-12 of the Township of Zorra. The Township may recover the costs incurred by it in doing the work or causing it to be done 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.

Should By-law 50-12 violations occur at this address in the next 12 months, you as the assessed property owner will receive no further notice prior to enforcement action being taken.

By-law Enforcement inspections where required as a result of a failure to remedy a by-law violation by the date of compliance as set out in a written notice/order are subject to a re-inspection fee of \$95.00. This fee will be levied following the re-inspection and is subject to HST.

Order issued by:

Matthew Paul
By-law Enforcement Officer

Amended by By-law 43-21
TOWNSHIP OF ZORRA
BY-LAW 50-12
SCHEDULE "B"



Amended by By-law 43-21
TOWNSHIP OF ZORRA
BY-LAW 50-12
SCHEDULE "C"

