

## **CORPORATION OF THE NATION MUNICIPALITY**

### **BY-LAW NO. 4-2020**

#### **OBSTRUCTION OF HIGHWAYS BY-LAW**

**BEING A BY-LAW** of the Corporation of The Nation Municipality to prohibit and regulate the obstruction or encumbering of highways;

**WHEREAS** Section 8(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, (“Municipal Act, 2001”) provides that the powers of a municipality under any Act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

**WHEREAS** Section 27 (1) of the Municipal Act, 2001, provides that a municipality may pass by-laws in respect of a highway only if it has jurisdiction of the highway;

**WHEREAS** Section 391(1) of the Municipal Act, 2001, provides that a municipality may impose fees or charges on any Person for services or activities provided by the municipality or done on behalf of it;

**WHEREAS** Section 446(1) of the Municipal Act, 2001, If a municipality has the authority under this or any other Act or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person’s expense. 2006, c. 32, Sched. A, s. 184

**WHEREAS** the Corporation of The Nation Municipality deems it expedient to repeal and replace By-laws No. 62-2000, 67-2003 and 12-2014;

**NOW THEREFORE** the Council of the Corporation of The Nation Municipality enacts as follows:

#### **SHORT TITLE**

1. This By-Law may be cited as the “Obstruction of Highways By-Law.”

#### **DEFINITIONS**

2. In this By-Law:
  - a. **“Corporation”** shall mean the Corporation of The Nation Municipality
  - b. **“Council”** shall mean the Council of the Corporation of The Nation Municipality;
  - c. **“Highway”** shall mean all allowances for roads made by Crown surveyors, all highways laid out or established under the authority of any statute, all roads on which public money has been spent for opening them or on which statute labour has been usually performed, all roads dedicated by the owner of the land to public use, all alterations and deviations

of and all bridges over any such allowances for road, highway or road, except in so far as they have been stopped up according to law;

- d. **“Municipal Law Enforcement Officer”** shall mean a Municipal Law Enforcement Officer appointed by Council of the Corporation of The Nation Municipality;
- e. **“Municipality”** shall mean The Nation Municipality;
- f. **“Obstruction”** shall mean obstruct, encumber, damage or foul;
- g. **“Vehicle”** shall mean a motor vehicle, trailer, boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power;

## **GENERAL**

- 3. No person shall Obstruct any Highway by any means whatsoever;
- 4. No person shall park, store or leave any wrecked, dismantled, inoperative or unused vehicle or machinery or any part thereof or unlicensed vehicle where the said vehicle would require a licence under the *Highway Traffic Act, R.S.O. 1990, c. H.8.*
- 5. No person shall store or leave any furnace, water or fuel tank, household furniture, refrigerator, freezer, stove, or similar appliance whether operable or inoperable, or any part thereof on any highway;
- 6. No person shall store or leave any lumber, timber, log, saw dust, wood chips, wood products, cement blocks, construction materials, or demolition materials on any highway;
- 7. No person shall install or store any fence, post, rod, rock or wire on any highway;
- 8. No person shall cause or permit or allow any deposit of mud, earth, manure, hay bales, or any other agricultural by-product on any street, sidewalk or highway;
- 9. No person shall throw, place or deposit on a highway or cause to be thorn, placed or deposited on a highway by any means whatsoever, any earth, dirt, gravel, stone, wood, building material, or other substance, material or object;
- 10. No person shall throw, place or deposit on a highway or cause to be thrown, placed or deposited on a highway by any means whatsoever any paper, containers, whether made of cardboard, paper or plastic; rubbish; refuse; or garbage;
- 11. No person shall cause or permit or allow any snow and ice to be dumped, thrown, placed, pushed or deposited onto any street, sidewalk or highway;
- 12. Subsection (9) shall not apply to a person putting sand or salt on the icy portions of a sidewalk or roadway to reduce the danger of pedestrians falling, or to enable a vehicle to use a roadway;

## **ENFORCEMENT**

- 13. 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, the Highway so that the Highway is brought back to its former condition prior to the Obstruction;
- 14. Where the order described in subsection 10 is not complied with within the time period stipulated therein, the Municipality may remove the Obstruction and repair, as necessary, the Highway and all the costs incurred by the Municipality in undertaking this work shall be expenses owed to the Municipality by the Owner,

Occupant and/or Contractor of property from which the Obstruction comes from, relates to, or was created for;

15. If an Officer determines that an Obstruction of a Highway is, or may create, a hazardous condition to the safety of any Person using the Highway, the Officer may take any action necessary to have the Obstruction immediately removed and the Highway repaired, if necessary, and all costs incurred by the Municipality in undertaking this work shall be expenses owed to the Municipality by the Owner, Occupant and/or Contractor of the property from which the Obstruction comes from, relates to, or was created for.
16. This By-Law shall be enforced by the Municipal Law Enforcement Officers for The Nation Municipality;
17. This By-Law shall come into force on the date of its passing and shall repeal By-Laws #62-2000, 67-2003, 12-2014;

**READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL THIS 27<sup>TH</sup> DAY OF JANUARY 2020.**

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**François St. Amour, Mayor**

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**Josée Brizard, CAO-Clerk**

**SEAL**