

**The Corporation of the  
Town of Arnprior**

**By-law Number 6586-16**

A by-law of the Corporation of the Town of Arnprior to regulate the use and care of roads.

**Whereas** Section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides broad authority to enable municipalities to govern their affairs as considered appropriate and to enhance the municipality's ability to respond to municipal issues;

**Therefore** the Council of the Corporation of the Town of Arnprior enacts as follows:

**Definitions**

1. In this by-law:

**"boulevard"** means all parts of a highway save and except the roadway, shoulder or sidewalk;

**"debris"** means any article, thing or matter that has been cast aside or discarded or abandoned, whether of any value or not, or that has been used up in whole or in part, or expended, or worn out in whole or in part;

Without restricting the generality of the foregoing, debris may include:

- i) garbage, rubbish, junk or litter.
- ii) excessive accumulations or piles of grass clippings, tree and garden cuttings, brush and leaves which are not part of a horticultural or composting process;
- iii) unusable containers such as crockery, dishes, glassware, bottles, plastic containers and cans;
- iv) discarded paper, paper products, cardboard, clothing;
- v) discarded weighty or bulky materials such as stoves, refrigerators and other such appliances, furniture, furnace parts, pipes, water or fuel tanks;
- vi) any unused, abandoned, dismantled or inoperative vehicle;
- vii) any wrecked, dismantled, discarded vehicle or automotive parts or accessories, mechanical parts, unmounted or mounted tires, accessories or adjuncts to any vehicle or mechanical equipment;
- viii) any all-terrain vehicle, motor home, motorized snow vehicle, motorized recreational vehicle or camper, traction engine, farm or lawn tractor, road-building machine or a vehicle drawn, propelled or driven by any kind of power, including horse power or manpower, boat, watercraft or trailer or part thereof, which is in a wrecked, discarded, dismantled, inoperative or

- abandoned condition unless it is necessary for the operation of a business lawfully situated on the property;
- ix) broken concrete or asphalt pavement, patio/sidewalk slabs, unusable building materials;
  - x) discarded, unused or waste materials resulting from or as part of construction, alteration, repair or demolition of any building or structure, or old or decayed lumber;
  - xi) any refuse or debris, or any other materials, objects or conditions that may create a health, fire or accident hazard;
  - xii) dilapidated, collapsed or partially constructed structures which are not currently under construction or repair;
  - xiii) discarded, dead, diseased, decayed or damaged trees or brush not neatly stacked and intended for use for heating purposes;

**“Director”** means the Director of Public Works of the Town of Arnprior or authorized representative;

**“highway”** means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway, and except as otherwise provided, includes a portion of a highway; and includes the area between the lateral property lines thereof;

**“notice”** means a notice as set out in Appendix “A” of this Bylaw;

**“officer”** means a Municipal Law Enforcement Officer appointed by Council of the Town of Arnprior, an agent and/or his or her designate assigned the responsibility for enforcing and administering this by-law;

**“order”** means an order as set out in Appendix “B” of this By-law;

**“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 Town for the use of pedestrians;

**“Town”** means the municipal corporation of the Town of Arnprior or the geographic area as the context requires; and

**“vehicle”** means an automobile, motorcycle, motor assisted bicycle, traction engine, farm tractor or farm machinery, road building machine, construction vehicle, bulldozer, backhoe, excavator, grader, asphalter, earth mover, compactor, crane, lift, skid steer, generator, welder, street car or other vehicle running only on rails, motorized snow vehicle, off road vehicle, trailer, boat, bicycle, or any vehicle drawn, propelled or driven by any kind of power, including but not limited to mechanical power, muscular power or wind power.

## **Interpretation**

2. (1) Headings are for reference purposes and shall not affect in any way the meaning or interpretation of the provisions of this by-law.
- (2) 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.
- (3) In this by-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.

## **General Prohibitions**

3. (1) No person shall, unless otherwise authorized by the provisions of this or any other by-law of the Town,
  - a. deposit, store, spill or throw any debris or refuse, vegetable matter, stone, lime, sand, tin, wood, the carcass of any dead animal, fish or fowl, in or upon a highway;
  - b. Deposit snow or ice onto a roadway;
  - c. permit oils, chemicals or substances to be deposited or spilled on a highway 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;
  - d. encumber or damage a highway by animals, vehicles or other means;
  - e. permit debris to be blown from private property onto a highway;
  - f. obstruct a drain, gutter or water course along or upon a highway;
  - g. 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 24 hours;
  - h. damage a sidewalk;
  - i. set or carry fire on a highway;
  - j. cause any material to be stored upon a highway, except for the purpose of having it immediately delivered upon adjacent premises;

- k. store 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 the highway; provided that this paragraph shall not prevent the use of part of a sidewalk for not more than 12 hours at any one time for the taking in, or delivery of merchandise or other articles, if sufficient space is left encumbered for the use of pedestrians, and the merchandise or articles are removed there from without unnecessary delay, or prevent the Town from granting written permission to any person to construct platforms across drains, gutters, or water courses on any highways for facilitating the reception or delivery of merchandise or other articles, provided however, the Town may withdraw any permission so granted whenever it is shown that a nuisance has thereby been established;
  - l. sell on the highway, without approval of the Town, any real or personal property;
  - m. operate a vehicle equipped with cleats, flanges, or tracks on its wheels, or rollers, or any of them, on or along the traveled portion of the 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 the highway, if a preventative mat has first been laid on the surface of the portion of the highway to be crossed, provided however that this paragraph shall not apply when a vehicle is operating with the written permission of the Director;
  - n. urinate or defecate on any highway;
  - o. remove a barricade or notice or enter upon or use a highway that is closed under the provisions of this or any Town by-law;
  - p. remove or move a barricade, sign or light placed around any excavation on a highway;
  - q. erect or maintain any gate or door so that the same shall open or swing outward over any part of a sidewalk or highway;
  - r. move or cause any building or structure to be moved into, along, or across a highway without having been approved under a Town by-law.
- (2) 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.
- (3) 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.

- (4) No person shall break, dig up, destroy or damage the sod or grass of a boulevard, or a tree, or a fence or railing erected and maintained for the protection of the boulevard, unless permitted to do so by the Town.
- (5) No person, other than the Town, shall erect a fence, construct a wall, or plant a hedge, in, over, or upon a highway.

### **Exemptions**

- 4. (1) The provisions of Section 3, paragraph (b) shall not apply to an employee or an agent of the Town who is engaged in moving snow or ice.
- (2) The provisions of Section 3, paragraph (1) i shall not apply to fires made by plumbers, tinsmiths, welders or other tradesmen engaged in the repair or construction of a building or structure or utility situated upon or under a highway or sidewalk provided that such operations are in the charge of a competent person, and the fires are controlled to prevent discharge of any sparks or embers which may endanger any person or property.
- (3) Section 3 paragraph (a) 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.

### **General Requirements**

- 5. (1) The owner of land zoned residential shall cut the grass and weeds on the boulevard abutting the owner's land, whenever the growth of grass or weeds is out of character with the surrounding environment.
- (2) The owner of land shall clear away and remove garbage or other debris from the boulevard abutting the owner's land.
- (3) The Owner of a building shall be responsible to remove any snow or ice from the roof of the building which constitutes a hazard to pedestrians or vehicles by reason of its proximity to sidewalks or roadways.
- (4) When the owner of the land has not met the requirements of this by-law, the officer may notify the owner, tenant or occupant, or other person responsible for the maintenance of the property, using the Notice of Violation in the form of Appendix "A" attached hereto, directing that the property be made to comply with the provisions of the by-law within a defined period of time, but not less than 72 (seventy-two) hours from the date of the Notice.

Said Notice shall be sent by registered mail to the last known address as shown on the last revised assessment rolls of the municipality or delivered personally to the owner, tenant or occupant or person responsible for the property.

- (5) (a) If an owner, tenant or occupant, or other person responsible for the maintenance of the property fails to comply with the provisions of the Notice given under subsection (4), the officer may order that the work be done at the expense of the owner, tenant or occupant. An Order to Comply in the form as set out in Appendix "B" to this by-law shall be sent by registered mail to the last known address as shown on the last revised assessment rolls of the municipality or delivered personally to the owner, tenant or occupant or person responsible for the property.
  - (b) Anyone named in an ORDER, who fails to comply with an ORDER TO COMPLY, as directed, is guilty of an offence under this by-law and the Town may cause the property to be repaired or brought into compliance with the Order and the expense incurred may be recovered by civil action or by adding the costs to the tax roll and collecting them in the same manner as taxes, pursuant to Section 446(3) of the Municipal Act, SO 2001, c. 25, as amended.
- (6) In the case of a health, safety or fire hazard, an officer may order that the hazard be removed forthwith without the Notice as described in Section 5(5) being completed.
- (7) In the event an officer is unable to serve a Notice and/or Order by registered mail or personally, the Notice and/or Order may be posted in a conspicuous place on the property, and the placing of the Notice and/or Order shall be deemed to be sufficient service of the Notice and/or Order on the property owner.

### **Highway Name Signs, Traffic Signals and Signage**

6. 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.

### **Lighting**

7. (1) 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 Director.

- (2) No person shall erect or place private driveway lighting, address/name posts, or reflectors on a highway without the permission of the Director.

### **Powers of the Director/Town**

9. The Director may:

- (a) remove any item, structure or material placed or deposited on a highway contrary to this by-law; and
- (b) send a notice by registered mail to the owner or person responsible for the item, structure or material that the object has been removed at the owner's expense;

The Town may:

- (a) recover expenses resulting from actions taken in accordance with subsection 9 (a) by action, or in like manner as municipal taxes.

### **Temporary Closing of Highways**

11. The Director may temporarily close to traffic any highway by reason of any work or improvement being carried out thereon or by reason of the condition thereof and the Director may cause to be erected or kept thereon, any barricade or notice warning the public that the highway is closed to traffic and no person shall enter upon or use a highway so temporarily closed.

### **Highway Cleaning and Repair**

12. No person hauling earth, sand, stone or other substances on a highway shall so load his vehicle or drive the same as to permit or cause the contents thereof to fall, spill or be deposited on a highway, or cause damage to a highway.
13. No person in charge of a vehicle shall bring the vehicle, or permit it to be brought upon a highway unless there has been removed from the wheels thereof as completely as is reasonably practicable, 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.

### **Administration and Enforcement**

- 14.(a) This by-law shall be administered and enforced by the designated Municipal By-law Enforcement Officers of the Town of Arnprior.

- (b) Pursuant to Section 435(1) and 436 (1) & (2) of the Municipal Act, SO 2001, c.25 as amended, a By-law Enforcement Officer of the Town of Arnprior or any person acting under his direction, may at all reasonable times, upon producing proper identification, enter and inspect any property to determine whether or not the provisions of this by-law are being complied with.
- (c) No person shall obstruct or attempt to obstruct an Officer or a person acting under the Officer's instruction, in the exercise of his duties.

### **Penalties**

- 15.(1) Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a fine not to exceed the limits of the Provincial Offences Act., R. S. O. 1990, c. P. 33 as amended.
- (2) A person who is convicted of an offence under this by-law is liable, for each day or part of a day that the offence continues, to a minimum fine of \$500.00 and a maximum fine of \$10,000.00 and the total of all of the daily fines for the offence is not limited to \$100,000.00 as provided for in subsection 429(3)2 of the Municipal Act, 2001, S.O 2001, c.25, as amended.

### **Short Title**

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

Enacted and Passed this 9th day of May, 2016.



Mayor David Reid



Maureen Spratt, Clerk

### **NOTE : To Persons Served With An Order To Comply**

If an owner, tenant or occupant, or other person responsible for the contravention of a provision in By-law 6586-16 fails to comply with the provisions of the Notice of Violation, the officer may order that the work be done at the expense of the owner, tenant or occupant, or other person responsible for the contravention. An **Order to Comply** shall be sent by registered mail to the last known address as shown on the last revised assessment rolls of the municipality or delivered personally to the owner, tenant or occupant or person responsible for the contravention.

Anyone named in an **Order to Comply**, who fails to comply with an **Order to Comply**, as directed, is guilty of an offence under the Use and Care of Roads Bylaw and the Town may cause the property to be repaired or brought into compliance with the **Order to Comply** and the expense incurred may be recovered by civil action or by adding the costs to the tax roll and collecting them in the same manner as taxes, pursuant to Section 446(3) of the Municipal Act, SO 2001, c. 25, as amended. The municipality has the option to apply a reasonable administration fee to this process should it be necessary.

In the case of a health, safety or fire hazard, an officer may order that the hazard be removed forthwith without the Notice of Violation being completed.

In the event an officer is unable to serve a Notice of Violation and/or Order to Comply by registered mail or personally, the Notice of Violation and/or Order to Comply may be posted in a conspicuous place on the property, and the placing of the Notice of Violation and/or Order to Comply shall be deemed to be sufficient service of the Notice of Violation and/or Order to Comply on the property owner.





**APPENDIX 'A' By-law 6586-16  
Town of Arnprior  
Use and Care of Roads By-law**

**NOTICE OF VIOLATION**

DATE ISSUED: \_\_\_\_\_  
ISSUED TO: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

REFERENCE: \_\_\_\_\_, Arnprior, On.

An inspection has revealed that a provision or provisions of a municipal by-law is being contravened. You are hereby directed to correct the following violation(s) within \_\_\_\_\_ days/hours. Charges MAY be forthcoming if the violation is not corrected within the time shown above. This Notice DOES NOT authorize continuance of the violation(s).

Municipal By-law	Violation

If you wish to discuss this matter further with the officer, please contact the undersigned at (613) 809-7048.

Officer Name and Signature: \_\_\_\_\_

Date and Time: \_\_\_\_\_





ARNPRIOR  
- WHERE THE RIVERS MEET -

**Appendix 'B'**  
**to By-law No. 6586-16**  
**Use and Care of Roads By-law**

**ORDER TO COMPLY**

DATE ISSUED: \_\_\_\_\_  
ISSUED TO: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

REFERENCE: \_\_\_\_\_, Arnprior, On.

An inspection has revealed that a provision or provisions of a municipal by-law is being contravened. You are hereby directed to correct the following violation(s) within \_\_\_\_\_ days/hours. Charges MAY be forthcoming if the violation is not corrected within the time shown above. This Order DOES NOT authorize continuance of the violation(s).

Municipal By-law	Violation(s)

If you wish to discuss this matter further with the officer, please contact the undersigned at (613) 809 - 7048.

Officer Name and Signature: \_\_\_\_\_ / \_\_\_\_\_

Date and Time: \_\_\_\_\_

