

THE CORPORATION OF THE TOWN OF HALTON HILLS

BY-LAW NO. 90-68

A By-law to prohibit the obstruction, encumbering or fouling of highways.

WHEREAS Section 315, Paragraph 1 of The Municipal Act, R.S.O. 1980, Chapter 302, authorizes Council to pass by-laws for prohibiting or regulating the obstructing, encumbering, injuring or fouling of highways;

AND WHEREAS Council deems it necessary and advisable to prohibit the obstruction, encumbering, injuring or fouling of highways;

NOW, THEREFORE, COUNCIL FOR THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

1. In this By-law:

"Highway" means a highway as defined in Section 1 of the Highway Traffic Act, R.S.O. 1980, Chapter 198, and includes a street and a bridge forming part of a highway or on, over or across which a highway passes and includes the whole of a road allowance.

"Sign" means any object or device upon which there is inscribed, painted, affixed, borne or projected any declaration, demonstration, insignia or illustration and, without limiting the generality of the foregoing, includes signs or lettering attached to, supported by or painted directly upon any vehicle, trailer or cycle provided such vehicle, trailer or cycle is being used primarily for sign purposes.

"Suspected Violator" means a person or corporation who has violated Section 2, 3 or 5 of this By-law by performing, causing or permitting the act prohibited thereby, and without limiting the generality of the foregoing, shall include the owner, lessee, tenant, occupant or person in apparent control of the lands upon which or, in the case of an offence upon a highway, immediately to which, the violation occurred; the owner of the offending earth, gravel, sand, snow, ice, refuse, sign, fence, hedge, bush or other material, matter or thing under Section 2, and the owner and operator of the offending vehicle under Section 5.

"Town" means The Corporation of the Town of Halton Hills.

"Town Engineer" means the Town Engineer of the Town and, in addition, includes any persons designated by the Town Engineer to act on his behalf with respect to matters contained in this By-law.

2. No person or corporation shall place, deposit or plant, or cause or permit to be placed, deposited or planted, any earth, gravel, sand, snow, ice, refuse, sign, fence, hedge, tree, bush or other materials, matter or thing on any highway within the boundaries of the Town which will in any way obstruct, encumber, injure or foul any such highway.

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TOWN OF HALTON HILLS
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DEPUTY CLERK

3. No person shall excavate or otherwise damage, injure or deface or cause or permit to be excavated or otherwise damaged, injured or defaced, any highway including any pavement, sod, curbing or other material thereon.
4. Sections 2 and 3 do not apply so as to prohibit the Town, the Regional Municipality of Halton, Halton Hills Hydro, Ontario Hydro, Union Gas Limited, Halton Cable Systems Inc., and other provincial, federal and municipal agencies, their agents and employees, and persons and organizations authorized by them in writing from depositing material upon, or excavating, any highway within the Town, in the course of their normal operations.
5. Any person or corporation employing or using trucks, graders, loaders or other vehicles in any operation which involves the passage of such vehicles to or from any site, whether for building purposes or otherwise, shall at once remove from highway, sidewalks, or from any other public property where the same may be deposited, all earth, rubbish or other material that may fall from such trucks, graders, loaders or other vehicles.
6. Where there has been a violation of Section 2, 3 or 5 of this By-law, the Town Engineer may serve written notice upon the Suspected Violator directing that the violation be remedied within twenty-four (24) hours of the delivery of such notice. In the event that the violation specified in the notice is not remedied within the aforesaid period of time, the Town Engineer may cause the violation to be remedied at the expense of the Suspected Violator. The Town shall not be responsible for any damage which may be sustained by the property of the Suspected Violator.
7. Where the Town Engineer deems a violation of this By-law to constitute a hazard to the public, the Town Engineer may, without notice, cause the violation to be remedied at the expense of the Suspected Violator. The Town shall not be responsible for any damage which may be sustained by the property of the Suspected Violator.
8. Any notice given under this By-law may be given by regular mail or personal delivery. Delivery by regular mail shall be deemed to have been effected three (3) days after mailing.
9. Any fence, sign or other material, matter or thing removed by the Town pursuant to Section 6 or 7 hereof, may be held by the Town for a period of ten (10) days following such removal. If not reclaimed within the aforesaid period, the fence, sign or other matter, material or thing may be disposed of by the Town.


10. The Town may recover its costs of remedying a violation of this By-law by invoicing the Suspected Violator, by instituting court proceedings or in like manner as municipal taxes pursuant to Section 325 of The Municipal Act. The exercise of any one such remedy shall not preclude the exercise of any other available remedy.

11.
Repealed By Bill 92
Chapter 72
Statutes of Ontario 1989
Section 52(8)
December 14, 1989

12. By-law No. 78-54 of The Corporation of the Town of Halton Hills is repealed in its entirety.

BY-LAW read a first, second and third time and finally passed and enacted this 28th day of May, 1990, A. D.


MAYOR


CLERK

