

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW NO. 2015-11

A By-law to regulate the establishment of entrances to Township roads, to prohibit or regulate the obstructing, encumbering, damaging or fouling of roads, for prohibiting the construction of ditches or culverts upon roads, to establish boulevard maintenance policies, and to repeal By-law 2002-16.

WHEREAS subsection 8 (1) of *Municipal Act* 2001, S.O. 2001, c.25, as amended (the "Act") provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

WHEREAS subsection 11(2)(6) of the Act provides that a municipality may pass by-laws respecting the health, safety and well-being of persons; and

WHEREAS subsection 11 (2)(8) of the Act provides that a municipality may pass by-laws respecting the protection of persons and property; and

WHEREAS Section 30 of the Act provides that a highway is owned by the 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 subsection 27(1) of the Act grants a municipality the power to pass by-laws in respect of highways over which it has jurisdiction; and

WHEREAS subsection 28(2) of the Act grants a municipality jurisdiction over all road allowances located in the municipality that were made by the Crown surveyors and all road allowances, highways, streets and lanes shown on a registered plan of subdivision; and

WHEREAS the Council of the Corporation of the Township of Essa considers it necessary to pass a by-law governing roads, to establish boulevard maintenance policies, and to repeal By-law No. 2002-16;

NOW THEREFORE the Council of the Corporation of the Township of Essa enacts as follows:

SECTION 1 - TITLE and SCOPE

1.1 Title

This by-law shall be known as "The Township's Roads By-law".

1.2 Scope

This by-law shall apply to all roads within the jurisdiction of the Township

SECTION 2 - DEFINITIONS

For the purposes of this by-law, the definitions and interpretations in this section shall govern:

- 2.1 “*Council*” means the Council of the Corporation of Essa.
- 2.2 “*Manager*” means the Manager of Public Works & Parks as appointed by Council, or authorized designate(s).
- 2.3 “*entrance*” means a public or private roadway, driveway, sidewalk, footpath or easement, gate structure or any facility constructed or used as a means of ingress and egress to and from any road.
- 2.4 “*entrance Commercial*” means an entrance from a commercial or industrial establishment of any kind, and includes an entrance to an apartment house or multiple-family dwelling servicing more than four (4) dwelling units.
- 2.5 “*entrance Residential*” means an entrance from a private residence, a private farm, multiple-family dwelling servicing four (4) or less dwelling units, and is used primarily by the persons living on the property or, in the case of vacant agricultural land, the Owner.
- 2.6 “*fence*” means any enclosure or barrier constructed, placed or grown for the purpose of marking of boundaries, separation, beautification, protection of privacy of lands, buildings, and occupants adjacent to a road, or for any purpose to which the context can apply according to law.
- 2.7 “*pavement*” means a covering with a hard surface and without limiting the generality of the foregoing shall include asphaltic cement, poured concrete, cobble, brick, uni-stone or interlocking stone.
- 2.8 “*person(s)*” means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee=s and heirs, executors, or other legal representative of a person to whom the context can apply according to law.
- 2.9 “*road*” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designated and intended for use by the general public for the passage of vehicles and includes all lands lying within the limits of the road allowance or right-of-way all of which are owned or within the jurisdiction of the Town.
- 2.10 “*road line*” means the limit of the road allowance and is the dividing line between a lot and a road.
- 2.11 “*sidewalk*” means that part of a public street for the use of pedestrians, being exclusively reserved for them and constructed somewhat differently than other portions of the street.
- 2.12 “*sight line*” means a line of clear vision measured from the point of entrance upon the road at a height of 1.05 metres along a road to a point above the centre line of the road at a height of 1.05 metres.
- 2.13 “*sight triangle 3 metre*” means a triangular space that is formed by the intersection of the boundaries of two roads for a corner lot, and a line joining two points that are three (3) metres back from the intersection. Where the two road lines do not intersect at a point, the point of intersection of the projection of the road lines or the intersection of the tangents to the road lines.

- 2.14 “*sight triangle 6 metre*” means a triangular space that is formed by the intersection of the boundaries of two roads of a corner lot, and a line joining two points that are six (6) metres back from the intersection. Where the two road lines do not intersect at a point, the point of intersection of the projection of the road lines or the intersection of the tangents to the road lines.
- 2.15 “*Township*” means the Corporation of the Township of Essa.
- 2.16 “*vehicle*” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicles drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a streetcar.
- 2.17 “*boulevard*” shall mean a strip of planted ground between the property line and the curb on a street or between the property line and the shoulder on a roadway situated on a public road allowance abutting or adjoining private lands.

SECTION 3 - GENERAL PROVISIONS

3.1 Application

3.1.1 The performance of any works within the limits of a road with the exception of the cutting of grass and clearing of debris, requires an application for approval from the Manager.

3.1.2. Every application must be made in form prescribed and provided by the Township.

3.2 Indemnity

Every person, before carrying out any work under a permit on any road, shall provide proof of insurance in an amount as required by the Township against all damages or claims for damage against the Township that may arise as a result of the work.

3.3 Severability

Should any section, subsection, clause, paragraph of the provisions of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not effect the validity of the by-law as a whole or any part thereof, other than the provision of part of the schedule so declared invalid.

3.4 Shall is Mandatory

The word “shall” where used in this by-law must be construed as mandatory.

3.5 Idem

Unless the contrary intention appears in this by-law, words imparting the singular number shall include more persons, parties or things of the same kind than one, and the converse for the purpose of this by-law, words used in the present tense shall include the future.

3.6 Effective Date

This by-law shall take effect and come into force upon and from the date it is finally passed by the Council.

SECTION 4 - PENALTIES

4.1 Penalties

In addition to Section 5, Subsection 5.3 - Failure to Comply or Complete Works, any 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 in the Provincial Offences Act and each day that a breach of this By-law continues shall constitute a separate offence.

SECTION 5 - OBJECTS OR OBSTRUCTIONS**5.1 Removal of Objects or Obstruction**

No one shall build, maintain, place, deposit or plant on a road any object or obstruction. The Township may require the removal of any unauthorized object or obstruction built, maintained, placed, deposited or planted on any road, by the person who deposited or planted the object or obstruction.

5.1.1 For the purpose of this section, "object" or "obstruction" shall include but is not to be limited to any sign, fence, or marker.

5.2 Despite Section 5.1, any object or obstruction built, maintained, placed, deposited or planted on a road which in the opinion of the Public Works Department is considered to be a hazard to vehicular or pedestrian traffic or impedes the flow of water such as to create a potential danger to the public, will be immediately removed by the Township in accordance with the provisions of Section 5.3.

5.3 Failure to Comply or Complete Works

In this by-law, where it is provided that the Township may complete any work required to be done by an owner or person, or may rectify any action of an owner or person which is contrary to this by-law, such work done by the Township shall be completed at the expense of the Owner, and if costs incurred by the Township in completing the works, together with any charges, Section 4.1 damages (including damages for injury) or other expenses payable to the Township arising out of its completing the works are not paid, the same may be recovered by the Township in the same manner as taxes and/or by due process of law.

SECTION 6 - ENTRANCES AND ENTRANCE PERMITS**6.1 Approvals Required****6.1.1 Construct New Entrance**

No person shall construct an entrance or install a culvert pipe or curb cut until the person has applied for, and obtained approval from the Township's Public Works Department.

6.1.2 Entrance Established or Altered Without Permit

Any entrance established or altered contrary to the provisions of this by-law, and for which a permit cannot be issued in compliance with the provisions of this by-law, may be removed and costs recovered by the Township in accordance with the provision of this by-law.

6.1.3 Alter Existing Entrance

No person shall extend or alter an existing entrance until a permit has been applied for, and approval has been obtained from the Township's Public Works Department.

6.1.4 Pavement or Decorative Pavement on Existing Entrance

No person shall pave or apply decorative pavement to that portion of an existing entrance on the road until the person has applied for, and approval has been obtained from the Township's Public Works Department. All work shall be carried out in accordance with the Township's specifications at the expense of the Owner.

Finished surface should not be higher than existing shoulder of road so as not to interfere with winter snow plowing and summer shoulder maintenance. Water from the driveway should be directed away from the road if at all possible. It is the responsibility of the applicant/owner to ensure that no damage occurs to municipal property as a result of the works, however, if damage does occur the applicant/owner could be held liable for repairs.

The Township is in no way responsible or liable for damage to the driveway as a result of standard maintenance operations such as snow plowing, shoulder grading, or roadside grass cutting.

6.1.5 Entrance Use Change

Site Plan approval is required for Commercial entrances. A Residential entrance shall not be used as a Commercial entrance until a permit for a Commercial entrance has been applied for by the property owner, and approval has been obtained from the Township's Public Works Department. If it has been determined that the entrance is being used for Commercial purposes, the owner shall be required to upgrade the entrance to Commercial specifications or remove same if deemed necessary by the Council of the Township of Essa.

6.1.6 Application Fee

Each applicant is required to pay to the Township a non-refundable fee as set out under the Township's current Fee Schedule.

6.1.7 Deposit

The applicant may be required to submit a deposit prior to commencing with the entrance installation if required by the Public Works Department.

6.1.8 Release of Deposit

Upon final acceptance of the completed entrance by the Township, the Township will release the deposit to the applicant.

6.1.9 Expiry of Permit

Works performed under an Entrance Permit must be completed within 12 months of the application date. If the works are not completed to the satisfaction of the Township, the permit becomes void and a new permit must be applied for. An additional payment of a non-refundable fee as set out under the Township's current Fee Schedule is required to cover the costs of processing the application and inspections.

Extension may be granted if the extension is requested prior to the expiry of the Entrance Permit.

6.1.10 Forfeiture of Deposit

If at the end of 12 months from the application date listed on the permit, the works are not completed to the Township's Engineering Standards and the applicant has not been granted an extension as outlined in Section 6.1.9, the applicant forfeits their deposit to the Township and the Township will complete the entrance to the Township's Engineering Standards or will remove the entrance at the discretion of the Public Works Department.

Works performed by the Township under this section shall be performed at no expense to the Township itself. Works exceeding the forfeited deposit amount will be recovered as per Section 5 of this by-law.

6.1.11 Exceptions

New plans of subdivision including those with an urban cross section (e.g. curb and gutter) are exempt from this by-law until such time as final acceptance has been given by the Township in accordance with the Subdivision Agreement.

6.2 Entrance Specifications

6.2.1 Every entrance shall be constructed in accordance with the regulations as set out in the current Township's Engineering Design Standards Manual and the specifications of the Township's Public Works Department as set out in the permit.

6.2.2 No entrance shall be constructed, extended, altered or maintained so as to cause or create any interference with any Municipal utilities.

6.3 Maintenance

6.3.1 The applicant and/or owner of the property which fronts on a Township roadway where drainage ditches are provided, shall be responsible for the maintenance and replacement of their driveway culvert and/or head walls and other end protection. As well, the applicant and/or owner shall be responsible for maintaining the surface of their driveway including any repair costs associated with cracking, heaving or settlement from the road line to the travelled portion of the road.

6.3.2 The Township shall be responsible for the cleaning and flushing of sedimentation which accumulates in the culvert from the drainage ditch.

6.3.3 If a driveway culvert becomes plugged from sedimentation, leaves or debris from the abutting property, the Township shall be responsible for the cleaning and flushing of the sedimentation, leaves, or debris.

6.3.4 If the Township is creating a drainage ditch where there was no previous ditch, the Township shall be responsible for the cost of the driveway culvert. The Township shall install the culvert and provide granular backfill at the Municipality's expense if the culvert is installed while the ditch work is in progress.

6.3.5 The Township shall be responsible for the replacement of a driveway culvert if:

- i) an enlarged size is required to handle ditch flows;
- ii) the driveway needs to be replaced as part of a reconstruction project;
- iii) adjustments are being made to the ditch to permit satisfactory ditch flows.

6.3.6 Reinstatement shall be as follows:

- i) Granular type surfaces shall be reinstated with a granular "A" surface.
- ii) Pavement or decorative pavement type surfaces shall be reinstated with a pavement surface only. Refer to Exhibit "A" (Paving).

6.4 Visibility Requirements

6.4.1 Entranceways in areas where the speed limit is 80 kilometres per hour must be located a minimum of 91 metres (300') from the end of a bridge deck or from its nearest part of the structure which interferes with the clear vision of traffic using the entrance.

6.4.2 In areas where the speed limit is less than 80 kilometres per hour, the location of an entrance to that distance from the bridge or other structure may be less as deemed by the Manager.

6.4.3 Entranceways will not be permitted where favourable vision and grade alignment conditions are not adequate as per sight distance schedule. Entranceways to be constructed on internal streets in new plans of subdivision or existing built up areas of Angus, Baxter, Colwell, Egbert, Ivy, Thornton and Utopia, where speed limits are 50 km/hour, are exempt from the minimum sight distance measurement specified in section 6.4.4 provided adequate sight distance is available as deemed appropriate by the Manager.

6.4.4 Minimum Sight Distances:

<u>Speed Limit</u>	<u>Sight Distances</u>
50 km/hour	120 metres (400 feet)
60 km/hour	140 metres (465 feet)
70 km/hour	160 metres (530 feet)
80 km/hour	180 metres (600 feet)

The distance is measured from the point of the entrance onto the travelled portion of the road at a height of 1.05 metres (3.44') above ground which represents the driver's eye level and 3.0 metres (10') from the edge of pavement and a height of object (roof of vehicle) measured 1.3 metres (4.26') above the road.

6.5 Snow Removal

No snow is to be deposited on or across the road. It is the responsibility of the property owner to maintain their own mail box, and clear the snow back from the mail box. Any fencing which may be an obstruction causing snow drifting on the road is prohibited.

SECTION 7 - TEMPORARY CLOSURE OF ROADS

7.1 The Manager may temporarily close to traffic, any road whenever it becomes necessary by reason of the road's condition, for reconstruction, repairing or improvement, or other statutory authority, provided that:

7.1.1 Where a road or portion of it is closed under this section, the Township shall provide and keep in repair a reasonable temporary alternate route for traffic and for all property owners who cannot obtain access to their property by reason of closing.

7.1.2 While a road or portion of it is closed to traffic, there shall be appropriate signage in accordance with the Manual of Uniform Traffic Control Devices and/or the Ontario Traffic Manual.

7.2 No person shall:

7.2.1 Use a road or portion of a road that is closed to traffic and marked in accordance with Section 7.1.2; or

7.2.2 Remove or deface any barricade, device, detour sign or notice placed under Section 7.1.2.

7.3 Despite any other provisions contained in this by-law, the Township may alter, open, or otherwise use any road for any civic purpose.

SECTION 8 - PRIVATE WORKS ON ROADS - ROAD OCCUPATION PERMIT

- 8.1 No person shall cause or suffer to cause:
- 8.1.1 The removal of any soil, plant material, planking, sidewalk, curbing pavement or any other structure forming part of a road.
 - 8.1.2 The breaking or excavating of any soil, plant material, planking, sidewalk, curbing, pavement or any other structure forming part of a road, including the enclosing of the roadside ditch fronting their property.
 - 8.1.3 The making of any excavation in or under any road for the purpose of building or otherwise.
 - 8.1.4 The placement or erection of garbage boxes, benches or other related appurtenances on a road. Rural mailboxes shall be an exception provided they comply with Canada Post and Township of Essa regulations.
 - 8.1.5 The planting, building, installing or maintaining of fences on any road including part of a worm fence as referred to under Section 314(1) Subsection (4) of the Municipal Act R.S.O. 1990, M.45.

unless the person has applied for, and obtained a permit for road occupation from the Public Works Department.

- 8.2 No person shall cause or suffer to cause the placement, repair or erection of transit systems shelters, bicycle stands, newspaper boxes, temporary signs, billboards, community mailboxes, or utility service, without first having obtained the approval of the Public Works Department, and providing confirmation that all applicable Township requirements are fulfilled.
- 8.3 The Public Works Department shall grant a permit applied for as required under Section 8.1 provided that the application is made in good faith and the applicant agrees to meet all of the following:
- 8.3.1 The work so permitted shall be done under the direction of the Public Works Department.
 - 8.3.2 The portion of the road disturbed shall be replaced and made good to the Town's satisfaction by and at the expense of the person obtaining the permit.
 - 8.3.3 The work shall be completed without delay.
 - 8.3.4 The person obtaining the permit shall further agree to:
 - i) Be responsible for all accidents that may occur to any person or property due to the work; and
 - ii) Keep and maintain all traffic control in accordance with the Manual of Uniform Traffic Control Devices and/or the Ontario Traffic Manual and;
 - iii) Take any other precaution that may in the opinion of the Township, be necessary for the protection and safety of the public; and
 - iv) Comply with all requirements of the Occupational Health and Safety Act, any

other applicable safety legislation and the Township of Essa's Health and Safety Policy and Operational Guidelines manual; and

- v) Furnish evidence of and keep in force until the date of completion of the entire work, a comprehensive policy of public liability and property damage insurance acceptable to the Township, providing insurance coverage in respect of any one accident to the limit as specified in Section 3.2

8.3.5 All works must be completed in accordance with the specifications set out in the permit.

SECTION 9 - DAMAGING, DISCHARGING OR DISCARDING

- 9.1.1 No person shall on any road, throw, place or deposit by any means whatsoever, building materials, dirt, glass, handbills, paper or other rubbish, refuse or garbage, or the carcass of any animal.
- 9.1.2 No person shall:
 - i) Place any obstruction in any ditch, gutter or watercourse on any road, or
 - ii) Obstruct or cause to be obstructed, any ditch, gutter or watercourse on any road.
- 9.1.3 No person shall permit water to be discharged from a pipe on the person's property:
 - i) Over or across a sidewalk, or
 - ii) Directly onto the travelled portion of a road.
- 9.1.4 No person shall, by any means whatsoever, damage or cause the damage of any sort to any road.
- 9.1.5 No person, other than the Township, shall pave, gravel, or apply any other type of surfacing material including decorative pavement, to any part of a road unless it forms part of the works for which the appropriate permit has been approved.
- 9.2 Every occupant or land owner of every house, shop, building, lot or parcel of land, and every person having charge or care of any church, school or public building, shall keep the sidewalks on roads fronting or abutting the premises clean and free from any and all obstructions and other hazards, with exception to snow.
- 9.3 All persons employing or using vehicles entering or leaving any lands for any person, shall immediately remove from the road any rubbish, earth or other material which has fallen from the vehicles.

SECTION 10 – BOULEVARDS

10.1 Property Owner Responsibilities

The owner or occupier of land adjoining the street shall maintain the boulevard at their expense, as follows:

- 10.1.1 Sustain all vegetation planted in the boulevard in a state of healthy and vigorous growth, and maintain the grassed portion of the boulevard at a height not exceeding 20 centimetres (approximately 8 inches).
- 10.1.2 Maintain any municipal permitted encroachments.
- 10.1.3 Maintain in a state of good and proper repair and free of graffiti and posters all encroachments, including fences, retaining walls, stairs and noise attenuation walls that they, or former owners or occupants of the property, constructed on the boulevard appurtenant to the property.
- 10.1.4 Maintain all driveways, parking areas and walkways in a state of good and proper repair.
- 10.1.5 Maintain the boulevard free of litter, rubbish, brush, leaves, lawn trimmings, tree trimmings and noxious weeds as identified by the Noxious Weeds Act.
- 10.1.6 Ensure that driver and pedestrian sight lines at intersections, driveways, sidewalks, walkways, and visibility to all traffic control devices is not restricted by vegetation or other modifications to the boulevard that the property owner or occupant may undertake.
- 10.1.7 Maintain an unobstructed two metre radius around fire hydrants or fire hydrant valves.
- 10.1.8 Ensure adequate intersection turning sight distances by maintaining soft landscaping and other vegetation located in a boulevard at a height of not more than 0.85 metres measured from the travelled portion of the adjoining road.
- 10.1.9 The Manager of Public Works may, if deemed necessary, revise the required height specified in Section 10.1.8 (above) to account for changes in road grade and horizontal alignment.
- 10.1.10 On subdivision streets that have not been assumed by the municipality, the developer shall maintain the boulevards abutting vacant lots, open space blocks, parklands and undeveloped parcels of land in accordance with this Policy.

10.2 Municipal Responsibilities

The responsibility of the owner or occupier of land adjoining the street to maintain the boulevard does not apply to:

- 10.2.1 Medians and traffic islands located in the streets
- 10.2.2 The construction, repair and replacement of sidewalks, retaining walls, culverts and noise attenuation walls constructed by the Township.
- 10.2.3 Public transit stops and transit shelters.
- 10.2.4 Street trees, hedges, shrubs and maintained natural gardens planted by the Township.
- 10.2.5 Where, in the opinion of the Manager of Public Works, damages to a boulevard resulted from a motor vehicle crash.

- 10.2.6 Where, in the opinion of the Manager of Public Works, the property owner or occupier of the adjoining land cannot maintain the boulevard due to steep grades, walls, fences or other constraints. The property owner or occupier of the adjoining land will have to recognize and be aware that the Township will not be cutting the grass or maintaining the boulevard under such constraints.
- 10.2.7 Any sections of boulevards that the Township may decide to maintain as part of its operations to beautify and make a better appearance to the public on approach to or within communities.

10.3 Authority of the Manager of Public Works

The Manager of Public Works may, by giving notice to the owner or the occupier of land adjoining a boulevard pursuant to this Section, require them to:

- 10.3.1 Accommodate work that the Township is undertaking by removing or modifying any encroachment, parking area, driveway, vegetation or landscaping located in a boulevard for which the owner or the occupier of land is responsible.
- 10.3.2 Remove or modify any additions to the boulevard that have been made by the adjoining property owner or the occupier of the adjoining land.
- 10.3.3 Remove or modify any encroachment, driveway or parking area located on the boulevard or trim any vegetation growing or standing on the boulevard where, in the Manager of Public Work's opinion, the safety or convenience of the public so requires, or where any such street work or vegetation may damage the street or interfere with existing or future utility locations and boulevard improvements.
- 10.3.4 Where the owner or occupant fails to undertake the work as required under this Section, the Manager of Public Works may undertake it and restore or repair the boulevard and recover the costs owing from the owner or occupier.

10.4 Using Boulevards for Municipal Purposes

- 10.4.1 Nothing in this By-law shall prevent the Manager of Public Works from altering, opening or otherwise using any boulevard for municipal purposes.

10.5 Clearing Sidewalks and Walkways

- 10.5.1 Every occupant, and, where there is no occupant, the owner of every house, shop, building, lot or parcel of land, and every person having charge or care of any church, school or other public building fronting or abutting on any street where public or private sidewalks and walkways are present, shall sweep and keep the sidewalks and walkways surrounding the premises free from obstruction by vegetation, dirt, dust, litter and other encumbrances that may interfere with the safe and convenient passage of pedestrians.
- 10.5.2 Every owner or occupier of land upon which there is located a building that is used, or intended to be used, for institutional or commercial purposes, shall keep in a state of good repair any portion of the land lying between the building and the street line that is used by the public as a sidewalk or walkway.
- 10.5.3 Where the owner or occupier of land fails to undertake the work required by this section, the Manager of Public Works may undertake it and clear, restore or repair any sidewalk or walkway and recover the costs from the owner or occupier, pursuant to this By-law.

10.6 Municipal Remedial Action

An officer who is satisfied that a person or property is in contravention of this by-law shall, unless otherwise specified in this Section, give written notice to the person, property owner, or occupier of the land requiring them to comply with this Section, at no cost to the Township, within seven (7) days of the date indicated on the notice.

10.7 Impounding Objects and Vehicles on Streets

Unless specified otherwise in this chapter, the Manager of Public Works and/or the Municipal Law Enforcement Officer may, without notice, remove, impound, restrain or immobilize any object, article, vehicle or thing that is placed, stopped, standing or parking on, in or near a street contrary to the provisions of this Section.

10.8 Disposing of Seized Articles

10.8.1 Unless specified otherwise in this Section, the Manager of Public Works and/or the Municipal Law Enforcement Officer shall store any object, article, vehicle or thing that is impounded pursuant to this Article, and shall return the object, article, vehicle or thing to its lawful owner upon the owner paying to the Township the costs of removing and storing the object, article, vehicle or thing.

10.8.2 Unless specified otherwise in this Section, the Manager of Public Works and/or the Municipal Law Enforcement Officer shall dispose of any object, article, vehicle, or thing that remains unclaimed at the expiry of sixty (60) days from the date of seizure, and no person shall be entitled to make any claim in respect of any object, article, vehicle or thing so disposed of.

10.9 Powers and Authority of the Manager of Public Works and Municipal Law Enforcement Officer.**10.9.1 Inspection**

10.9.1.1 An Officer of the Township may enter on land adjoining a street, or portion of the property adjoining a street, excluding a dwelling house, at any reasonable time for the purpose of carrying out an inspection to either determine compliance with this By-law, or an order or direction of the Township or Manager of Public Works and/or the Municipal Law Enforcement Officer or an Order issued according to this By-law.

10.9.1.2 For the purposes of any inspection, the Officer may:

- (a) Require the owner or occupier of the property to produce for inspection any document, articles or things relevant to the inspection;
- (b) Inspect and remove any document, articles or things relevant to the inspection;
- (c) Require information from any person concerning a matter related to the inspection; and
- (d) Alone or in conjunction with a person possessing special or expert knowledge, make examination or take tests, measurements, samples or photographs necessary for the purposes of the inspection.

10.9.2 Power of Entry

- 10.9.2.1 Where a person is directed or required to do a matter or thing under this By-law, in default of it being done by the person directed or required to do it, the Manager of Public Works and/or the Municipal Law Enforcement Officer may, if considered necessary to implement the provisions of this Section, enter upon a property adjoining a street for the purpose of doing the matter or thing and the Township may recover the cost of doing the matter or thing, and may add the cost to the tax roll and collect the costs in the same manner as property taxes.
- 10.9.2.2 The powers of entry of the Manager of Public Works and/or the Municipal Law Enforcement Officer may be exercised by the Roads Supervisor and/or his/her designate.

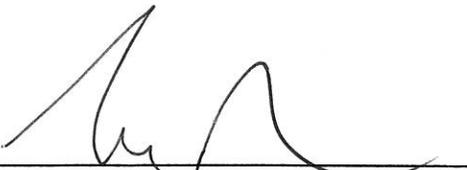
10.9.3 Obstruction

- 10.9.3.1 No person shall represent or cause to be represented that he or she is an owner or occupier of a property if he or she is not; and
- 10.9.3.2 No person shall prevent, hinder, obstruct or interfere, or attempt to prevent, hinder, obstruct or interfere, in any manner, with the Officer's exercise of an activity, power or performance of a duty under this chapter or in the administration or enforcement of this Section.

10.9.4 Limitations on Power of Entry

- 10.9.4.1 The powers of entry under this Section are subject to the provisions of Section 446(2) of the Municipal Act, R.S.O. 2001, c. 25, as amended.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the 4th day of February, 2015.


Terry Dowdall, Mayor


Bonnie Sander, Clerk