

THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY

BY-LAW NO. 96 - 31

**BEING A BY-LAW TO PROHIBIT OR REGULATE THE
OBSTRUCTING OR ENCUMBRANCING OF HIGHWAYS OR
BRIDGES WITHIN THE TOWN OF EAST GWILLIMBURY.**

WHEREAS section 210, paragraph 140 of the Municipal Act, R.S.O. 1990, c.M. 45 authorizes the passing of by-laws to prohibit nuisances and S. 314, paragraph 1, 5 and 6 of the said Act authorizes the passing of by-laws to prohibit or regulate the obstructing encumbering, injuring or fouling of highways or bridges, for prohibiting the throwing, placing, or depositing of dirt, filth, glass, handbills, paper or other rubbish or refuse or the carcass of any animal on any highway or bridge and for prohibiting the obstruction of ditches or culverts upon highways;"

AND WHEREAS the Council of the Corporation of the Town of East Gwillimbury deems it advisable to enact a by-law to bring the restrictions of the Town with respect to the cleanliness and safety of highways, ditches and culverts into conformity with the revisions to the Municipal Act;

NOW THEREFORE, the Council of the Town of East Gwillimbury hereby enacts as follows:

PART 1 DEFINITIONS

In this By-Law:

1. "bridge" means a public bridge structure, and includes a bridge forming part of a highway or on, over or across which a highway passes under the jurisdiction of the Corporation of the Town of East Gwillimbury.
2. "culvert" shall mean a conduit or channel running either parallel to or at an angle to the highway and lying either wholly or partly within the road allowance to provide drainage predominately for the road surface and road base;
3. "ditch" shall mean an excavated or depressed area running parallel to and lying either wholly or partly within the road allowance;
4. "highway" includes the entire right-of-way of a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles;
5. "owner" includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on the persons own account or as agent or trustee of any other person or who would so receive such rent if such land and premises were let, and shall also include a lessee or occupant of the property;
6. "person" includes a firm, a corporation, and the heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to law;

7. "vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power.

PART 2 GENERAL PROVISIONS

1. No person or owner shall obstruct or encumber any highway or bridge without lawful authority.
2. Where a person or owner has without lawful authority, obstructed or encumbered any highway or bridge, said person or owner shall forthwith remove the obstruction or encumbrance.
3. No person or owner shall permit or allow any dirt, filth, glass, handbills, debris, paper or other rubbish or refuse, or the carcass of any animal to be thrown, placed, deposited or let fall on any highway or bridge.
4. No owner of land abutting a highway or bridge shall permit or allow any class of item as mentioned in no. 3 of this part to be tracked or blown from his/her land onto a highway, bridge, ditch or culvert.
5. No person or owner shall use or permit to be used a vehicle on a highway or bridge in such a condition or in such a manner as to permit material being carried by the vehicle, or earth or mud to fall or be tracked onto the highway or bridge.
6. Where material or earth or mud is spilled or tracked onto a highway or bridge by a vehicle going to or coming from land abutting the highway or bridge the owner of that land and/or the person spilling the material or earth or mud shall cause the material, earth or mud to be removed from the highway or bridge forthwith.
7. No person shall throw, place or deposit snow or ice or any class of item as mentioned in no. 3 of this part, on a highway or bridge or in a ditch or in such a manner as to obstruct a culvert.
8. Where snow, ice or any class of item as mentioned in section 3 of this part, is thrown, placed, deposited, from land abutting the highway or bridge, the owner of that land shall forthwith remove the same from the highway, bridge, ditch or culvert.

PART 3 OFFENCES AND PENALTIES

1. In addition to any other person who commits an offence, the owner of any property from which any dirt, filth, glass, handbills, paper, rubbish, debris or refuse or snow or ice or the carcass of any animal is thrown, placed, deposited, tracked or let fall contrary to the provisions of this By-law shall be deemed to commit an offence.
2. In this by-law where any person or owner is directed to do any matter or thing and in default of its being done by the person or owner directed to do it, such matter or thing may be done at his or her expense by the Town of East Gwillimbury and its employees or agents and such expense may be recovered by action or in like manner as municipal taxes.
3. Every person who contravenes any provision of this by-law is on conviction, therefore guilty of an offence and shall be liable to a fine as provided under the Provincial Offences Act.

PART 4 REPEALING SECTION

That By-law numbers #72-21 and 87-92 of the Town of East Gwillimbury are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY TIME THIS 1st DAY OF April 1996.

James Morton
MAYOR

Edna L. King
CLERK-ADMINISTRATOR

The Corporation of the Town of East Gwillimbury

By-law 2024-003

Being a By-law to amend the Encumbrance a Highway By-law

Whereas on the April 1st, 1996 the Municipal Council of the Corporation of the Town of East Gwillimbury (“**Council**”) enacted By-law 96-31 the Encumbrance a Highway By-law; and

Whereas Council deems it appropriate to amend the Encumbrance a Highway By-law 96-31;

Now therefore the Municipal Council of the Corporation of the Town of East Gwillimbury enacts as follows:

1. That Part 1 of By-law 96-31 is amended by inserting the following definition to Section 1 Definition in alphabetical order:

“**Sidewalk**” means the part of the highway specifically set aside or commonly understood to be for pedestrian use, typically consisting of a paved surface but does not include crosswalks, medians, boulevards, shoulders or any part of the sidewalk where cleared snow has been deposited; and

2. That Part 2 be added to the Encumbrance a Highway By-law to include:

9. No person shall throw, place or deposit snow or ice or any class of item as mentioned in No. 3 of this part, on a Sidewalk.

10. Where snow, ice or any class of item as mentioned in No. 3 of this part, is thrown, placed, deposited on a Sidewalk, the owner of the land shall forthwith remove the same from the Sidewalk.

11. No person shall install any above grade obstructions, such as but not limited to; curbing, pipes, structures, stones, retaining walls, decorations, within forty-five (45) centimeters adjacent to any Sidewalk.

3. That this By-law shall come into force and effect on the date of its passing and enactment.

Enacted and passed this 16th day of January, 2024.

A stylized, handwritten signature in black ink, appearing to read 'BJ2'.

Brian Johns, Acting Mayor

A handwritten signature in blue ink, appearing to read 'Tara Lajevardi'.

Tara Lajevardi, Municipal Clerk