

THE CORPORATION OF THE TOWNSHIP OF ZORRA

BY-LAW No. 6-95

(Amended by by-law 32-95)

Being a by-law to regulate, control and prohibit the obstruction, encumbering, injuring and fouling of highways and bridges in the Township of Zorra.

WHEREAS pursuant to Section 314 of The MUNICIPAL ACT, R.S.O. 1990, Chapter M.45, and amendments thereto, the councils of all municipalities may pass by-laws for, among other things: ". . . for prohibiting or regulating the obstructing, encumbering, injuring or fouling of highways or bridges . . . and for prohibiting the building or maintaining of fences on any highway or the placing or depositing of firewood or any other thing calculated to obstruct it or to obstruct or interfere with public travel on it, on any highway or bridge, and for requiring the removal of them by the person by whom the same are or were so built, maintained, placed or deposited . . . 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.";

THEREFORE BE IT NOW AND HEREWITH ENACTED by the Council of the Corporation of the Township of Zorra that:

1. INTERPRETATION

(1) In this by-law

- (a) "by-law enforcement officer(s)" means a person or persons duly empowered by the Council of the Corporation of the Township of Zorra to enforce the various by-laws of the municipality and to carry into effect the provisions of any Act of the Legislature of the Province of Ontario to be enforced by the municipality;
- (b) "Embros" refers to that area of the Township of Zorra designated as Ward 6, being the former Village of Embros;
- (c) "highway" includes 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;
- (d) "intersection" means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of two or more highways that join one another at an angle, whether or not one highway crosses the other;
- (e) "Minister" means the Minister of the Ontario Ministry of Transportation or its successor agency;
- (f) "Ministry" means the Ontario Ministry of Transportation or its successor agency;
- (g) "motor vehicle" includes, but is not necessarily limited to, an automobile, truck, tractor, motorcycle or any other vehicle propelled or driven by other than muscular power;
- (h) "park" or "parking" means the standing of a vehicle or motor vehicle, whether or not occupied, except when standing temporarily for the loading or unloading of passengers or merchandise;
- (i) "pedestrian crossover" means any portion of a roadway, designated by municipal by-law, at an intersection or elsewhere, distinctly indicated for pedestrian crossing by signs on the surface of the roadway as prescribed by regulation under the Highway Traffic Act;

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- (j) "police officer" means a member of the Ontario Provincial Police or a member of a successor law enforcement agency;
 - (k) "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;
 - (l) "stand" or "standing" means the stopping of a vehicle, whether occupied or not, except for the purpose of and while engaged in the discharging or receiving of passengers or merchandise;
 - (m) "stop" or "stopping", when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a constable or other police officer or of a traffic control sign or signal;
 - (n) "official sign" means a sign approved by the Ministry of Transportation or its successor agency;
 - (o) "traffic control signal" means any device, manually or electrically or mechanically operated for the regulation or control of traffic;
 - (p) "Thamesford" refers to that area of the Township of Zorra designated as Ward 2 and includes all of the former Police Village of Thamesford;
 - (q) "Township" means the Corporation of the Township of Zorra;
 - (r) "tractor" means a farm tractor, or any other self-powered crawler type machinery;
 - (s) "U-turn" means the turning of a vehicle within a highway so as to proceed in the opposite direction;
 - (t) "vehicle" includes a motor vehicle, motor assisted bicycle, tractor, traction engine, trailer, road building machine and any vehicle drawn, propelled or driven by any kind of power, but does not include a motorized snow vehicle or the cars of an electric or steam railway running only upon rails;
 - (u) "Zoning By-law" means By-law Number 53-1980, as amended, or its successor by-law, being a restricted area by-law governing and regulating land use within the Township.
- (2) Where any expression of time occurs, or where any hour or other period of time is stated, the time referred to shall be the time currently in effect within the time zone commonly referred to as the 'Eastern Time Zone'.

2. ENFORCEMENT OF BY-LAW

Those Officers duly appointed and authorized to enforce the provisions of this by-law shall include the following:-

- a) Township of Zorra By-law Enforcement Officer;
- b) Township of Zorra Public Works Superintendent;
- c) Township of Zorra Public Works Forepersons;

and, for the purposes of this by-law, each shall be deemed to be a 'By-law Enforcement Officer'.

3. OBSTRUCTION, BUILDINGS, FENCES, PLANTERS, DEBRIS and WORKING ON THE HIGHWAY ROAD ALLOWANCE:

- (1) Except from established laneways or entrances, all persons are prohibited from driving or operating vehicles, tractors and farm implements onto any highway from fields or other private property or from driving across road ditches or using any highway as a "headland" for the turning of vehicles, farm tractors and farm implements or emptying, or unloading, the contents of any such vehicle or farm implement parked or standing on any highway, or committing any act which could injure the highway road allowance, including the roadway, or obstructing the ditches and culverts of the highway road allowance by plowing or working the soil of the said allowance adjacent to the travelled roadway.
- (2) No person shall throw, place or deposit any dirt, stone, filth, glass, handbills, paper, other rubbish or refuse, or the carcass of any animal on any highway or bridge.
- (3) No person shall build or maintain any fence on any highway or place or deposit any firewood or other object or thing calculated to obstruct the highway or to obstruct or interfere with public travel thereon, and the Public Works Superintendent of the Township is hereby authorized to remove any such obstruction at the cost of the person so placing such item or thing on a highway.
- (4) No person or persons shall obstruct any highway or bridge by placing or pushing snow or ice onto the highway road allowance.
- (5) No person shall obstruct any ditch or culvert upon any highway. All deposits of fill or installation of culverts must be approved by the Public Works Superintendent. Any installation not authorized by the said Public Works Superintendent may be removed at the expense of the person or persons so installing them without notice.
- (6) No person shall plant, grow, cultivate or maintain any crop on a highway road allowance.
- (7) No person shall perform any work on a highway road allowance under the jurisdiction of the Township without the written approval of the Public Works Superintendent. This section does not apply to persons authorized to perform work or repairs under a franchise agreement or under any Act of the Legislature of the Province of Ontario or of the Parliament of the Government of Canada.

4. PLANTING, TRIMMING AND REMOVAL OF TREES

- (1) No person shall plant any tree, bush or shrub upon a highway without the prior approval of the Public Works Superintendent and any such tree, bush or shrub so planted may be removed where such is deemed necessary for public safety, maintenance and upkeep of the highway.
- (2) The Public Works Superintendent is hereby authorized to approve and to supervise the planting of any trees on any highway road allowance, and the trimming of trees planted upon private property and where the branches extend over a highway road allowance, and is further authorized to remove any decayed or damaged trees which in his opinion pose a hazard to public safety.
- (3) No person shall attach any handbill, sign, fence or other thing to a tree located on any highway, or public place, except with the consent of the Public Works Superintendent notwithstanding that such attachment would not injure or destroy the tree.

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4. PLANTING, TRIMMING AND REMOVAL OF TREES continued . . .

- (4) No person shall remove or cut down or injure any tree growing upon a highway except with the written permission of the Public Works Superintendent.
- (5) Any person who ties or fastens any animal to, or injures or destroys a tree growing upon the highway, or who suffers or permits any animal in his charge to injure or destroy such tree, or who cuts down or removes any such tree contrary to this by-law, is guilty of an offence.

5. ENFORCEMENT PROVISIONS:

- (1) Any person or persons who contravenes any provision of this by-law is guilty of an offence and upon conviction therefor shall be subject to a fine not exceeding ONE THOUSAND (\$1,000.00) DOLLARS for each offence, exclusive of costs, and such fine shall be recoverable under the provisions of The PROVINCIAL OFFENCES ACT, R.S.O. 1990 or its successor Act.
- (2) Clause 5(1) herein notwithstanding, the duly appointed enforcement officer may serve an "Offence Notice" or "Notice of Violation" on the offending party or parties providing for a voluntary payment of a fine of One Hundred (\$100.00) Dollars for each offence if paid out of Court; or an amount fixed and approved by the Provincial Chief Judge, inclusive of costs, if the charge proceeds under Part I of The PROVINCIAL OFFENCES ACT.

Striken by Clause (c) of by-law 32-95

6. BY-LAWS REPEALED or AMENDED:

Any other by-law, the provisions of which are not consistent with those set forth herein be and the same are herewith amended or repealed in whole or in part as the case may be. The foregoing notwithstanding, by-laws numbered 3-1983 and 26-1987 be and the same are hereby repealed.

7. CITATION:

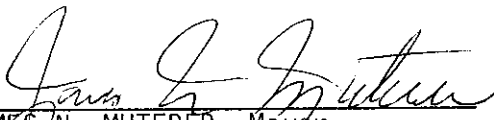
This by-law may be cited as the "ZORRA HIGHWAY PROTECTION BY-LAW".

8. COMING INTO FORCE:

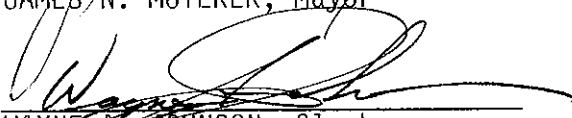
The provisions of this by-law take full force and effect on the date of passing and shall so continue until either amended or repealed.

Read a FIRST & SECOND time this 20th day of JANUARY , 1995

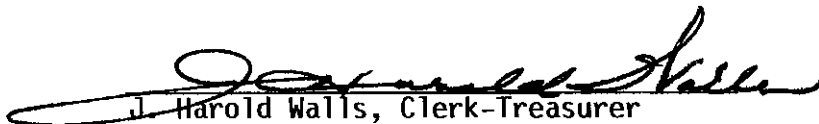
Read a THIRD time & PASSED this 20th day of JANUARY , 1995


JAMES N. MUTERER, Mayor

S E A L


WAYNE B. JOHNSON, Clerk

APPROVED by the County of Oxford this 8th day of February , 1995


J. Harold Walls, Clerk-Treasurer

SCHEDULE OF OFFENCES & FINES

BY-LAW No. 6-95 (Striken by by-law 32-95)

SCHEDULE OF FINES - VOLUNTARY PAYMENT OUT OF COURT:

Pursuant to subsection 2, Section 5 of By-law Number **6-95**, of the Corporation of the Township of Zorra, the following is a schedule of fines voluntarily payable, out of Court, for offences committed under this by-law, being:-

SCHEDULE OF OFFENCES & FINES:-

OFFENCE	BY-LAW SECTION	VOLUNTARILY PAYABLE WITHIN 5 DAYS
1. Prohibited entrance onto a highway.	3(1)	\$ 100.00
2. Driving across road ditch.	3(1)	100.00
3. Using highway as a field "headland".	3(1)	100.00
4. Emptying or unloading farm implements on a highway.	3(1)	100.00
5. Plowing and/or working highway road allowance.	3(1)	100.00
6. Littering on a highway or bridge.	3(2)	100.00
7. Obstructing a highway.	3(3)	100.00
8. Obstructing public travel on a highway.	3(3)	100.00
9. Obstructing a highway by placing or pushing snow thereon.	3(4)	100.00
10. Obstructing a highway ditch or culvert.	3(5)	100.00
11. Planting, growing, cultivating field crops on a highway.	3(6)	100.00
12. Unauthorized work on a highway road allowance.	3(7)	100.00
13. Unauthorized planting of trees, shrubs or bush on a highway.	4(1)	100.00
14. Unauthorized placement of placards on highway road allowance.	4(3)	100.00
15. Unauthorized cutting, removal or injuring a tree on a highway.	4(4)	100.00
16. Tying any animal to a tree on a highway.	4(5)	100.00