

THE CORPORATION OF
THE TOWNSHIP OF SOUTH-WEST OXFORD
By-Law No. 12-2011

A By-Law to Regulate or Prohibit
Various Uses or Activities on Highways
and Road Allowances in the Township
of South-West Oxford

WHEREAS the Municipal Act, S.O. 2001, c.25, PART 2, Section 11 (3) 1 provides that a lower-tier municipality may pass by-laws, subject to the rules set out in subsection (4), respecting Highways, including parking and traffic on highways;

THEREFORE the Council of the Corporation of the Township of South-West Oxford enacts as follows:

1.0 SHORT TITLE

1.1 This By-Law shall be cited as the "Protection of Highways By-Law".

2.0 DEFINITIONS

In this by-law

2.1 "Established entrance" means an entrance onto a highway that in the opinion of the Township Works Superintendent does not adversely affect the highway or drainage of the highway or result in a hazardous situation for traffic using the highway or an entrance for which a permit has been issued by the Township.

2.2 "highway" includes a common and public highway and road allowance, 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;

2.3 "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;

2.4 "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;

2.5 "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;

- 2.6 "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;
- 2.7 "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 signals;
- 2.8 "Township" means the Corporation of the Township of South-West Oxford; "tractor" means a farm tractor, or any other self-powered crawler type machinery;
- 2.9 "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.

3.0 ENTERING ONTO OR WORKING ON HIGHWAYS

- 3.1 Except from established entrances, no person shall drive or operate vehicles, tractors and farm implements onto any highway from a field or other private property.
- 3.2 No person shall drive or operate vehicles, tractors and farm implements across a road, ditch or use any highway as a "headland" for the turning of vehicles, farm tractors and farm implements.
- 3.3 No person shall empty or unload the contents of a vehicle, farm tractor or farm implement parked or standing on a highway.
- 3.4 No person shall commit any act which could injure a highway road allowance, including the roadway.
- 3.5 No person shall obstruct the ditches and culverts of a highway road allowance.

- 3.6 No person shall plow or work on the soil of a road allowance adjacent to the travelled roadway.
- 3.7 No person shall plant, grow, cultivate or maintain any crop on a highway road allowance.
- 3.8 No person shall perform any work on a highway road allowance under the jurisdiction of the Township without the written approval of the 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.

4.0 OBSTRUCTION OF HIGHWAYS

- 4.1 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.
- 4.2 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 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.
- 4.3 No person shall obstruct any highway or bridge by placing or pushing snow or ice onto the highway road allowance.

5.0 TREES ON HIGHWAYS

- 5.1 No person shall tie or fasten any animal to a tree growing upon a highway, or suffer or permit any animal in his or her charge to injure or destroy such tree.
- 5.2 No person shall plant any tree, bush or shrub upon a highway without the prior approval of the 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.
- 5.3 The 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 where the branches

extend over a highway road allowance, and is further authorized to remove any decayed or damaged tree or trees which in his opinion pose a hazard to public safety.

- 5.4 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 Works Superintendent notwithstanding that such attachment would not injure or destroy the tree.
- 5.5 No person shall remove or cut down or injure any tree growing upon a highway except with the written permission of the Works Superintendent.
- 5.6 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 or her 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.

6.0 TIME OF DAY

- 6.1 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.'

7.0 ENFORCEMENT OF BY-LAW

- 7.1 Those Officers duty appointed and authorized to enforce the Provisions of this by-law shall include the following:
 - 7.1.1 Township of South-West Oxford By-Law Enforcement Officer;
 - 7.1.2 Township of South-West Oxford Works Superintendent;
 - 7.1.3 Township of South-West Oxford Works Foreman;

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

8.0 PENALTY

- 8.1 Any person who contravenes this by-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act, R.S.O. 1990, as amended*.

9.0 SEVERABILITY

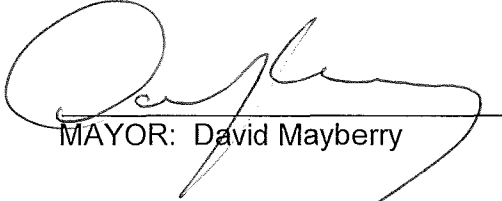
- 9.1 In the event that any of the provisions of this by-law are deemed ultra vires by any Court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

10.0 EFFECTIVE DATE

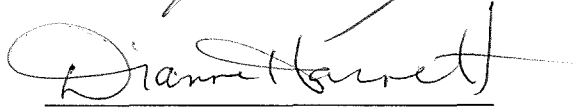
This by-law shall come into force and effect on the date of the final passing hereof.

READ a First and Second time this 8th day of March, 2011.

READ a Third Time and finally passed this 8th day of March, 2011.



MAYOR: David Mayberry



Acting Clerk: Dianne Harnett