

THE CORPORATION OF THE TOWNSHIP OF HILTON

BY-LAW NO. 1530-26

Being a by-law to regulate the use and care of roads within
the Corporation of the Township of Hilton.

WHEREAS Section 5(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that the powers of a municipality shall be exercised by its council;

AND WHEREAS Sections 8 and 11 of the *Municipal Act, 2001* authorize municipalities to pass by-laws respecting highways and to regulate matters within municipal jurisdiction broadly;

AND WHEREAS Section 23.2 of the *Municipal Act, 2001* permits Council to delegate certain powers and duties to a person or body subject to the Act;

AND WHEREAS Section 429 of the *Municipal Act, 2001* authorizes a municipality to establish a system of fines for offences;

AND WHEREAS Section 446 of the *Municipal Act, 2001* authorizes a municipality to recover costs and add them to the tax roll in appropriate circumstances;

AND WHEREAS the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, provides for the regulation of traffic and the use of highways;

AND WHEREAS Council deems it necessary and desirable to regulate the use and care of roads to protect municipal infrastructure, maintain public safety, and manage activities that may cause damage or interference;

NOW THEREFORE the Council of the Corporation of the Township of Hilton hereby enacts as follows:

1. DEFINITIONS

- 1.1 "Act" shall mean the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.
- 1.2 "Article" has the meaning assigned to it in the *Repair and Storage Lien Act* and includes any tangible personal property other than a fixture.
- 1.3 "BLEO" shall mean the By-law Enforcement Officer appointed by the Council of the Corporation of the Township of Hilton and includes any person acting under the direction or authority of such officer.
- 1.4 "Boulevard" shall mean that portion of a highway lying between the property line and the edge of the roadway, includes the shoulder, ditch, verge, embankment, and any similar adjacent area forming part of the highway or right-of-way.
- 1.5 "Council" shall mean the Council of the Corporation of the Township of Hilton.
- 1.6 "Downed Tree" shall mean a tree or part of a tree that has fallen, uprooted, leaned, broken, or otherwise become displaced due to natural causes, disease, decay, damage, or other event.
- 1.7 "Fouling" shall mean the deposit, release, discharge, spilling, tracking, leaking, scattering, or presence of any substance, matter, debris, waste, dirt,

liquid, material, or thing that soils, contaminates, obstructs, damages, or interferes with the safe or ordinary use of a highway.

- 1.8** "Highway" shall mean any common and public highway, road, road allowance, travelled or untraveled road, lane, boulevard, shoulder, ditch, culvert, bridge, trestle, crossing, turnout, structure, or other part of a highway under the jurisdiction, ownership, control, maintenance, or administration of the Township, and includes any portion lying between lateral property lines or otherwise dedicated or used for highway purposes.
- 1.9** "Motor Vehicle" shall mean a motor vehicle as broadly defined by applicable provincial law, and includes any self-propelled vehicle, whether licensed or unlicensed, and any similar machine or device used or capable of being used for transportation on a highway but does not include a vehicle expressly excluded by law.
- 1.10** "Object" shall mean any item, thing, material, article, chattel, equipment, structure, vehicle, sign, obstruction, debris, substance, or other thing of any kind, whether fixed, temporary, moveable, immovable, natural, or artificial.
- 1.11** "Occupant" shall mean any person in possession of, or having care, charge, control, or management of, premises, land, or property, whether as owner, tenant, licensee, permit holder, agent, contractor, or otherwise.
- 1.12** "Owner" shall mean the registered owner of property according to the records of the appropriate land registry office, and includes any beneficial owner, trustee, executor, administrator, tenant, lessee, licensee, occupant, or other person appearing to have an ownership or possessory interest in the property, where the context permits.
- 1.13** "Person" shall include an individual, partnership, firm, corporation, association, organization, trust, joint venture, or any other legal or business entity.
- 1.14** "Property Line" shall mean the boundary between a highway and abutting land.
- 1.15** "Road Superintendent" shall mean the Road Superintendent/Public Works Foreman for the Corporation of the Township of Hilton, and includes any person duly authorized to act in that capacity.
- 1.16** "Roadway" shall mean the portion of a highway that is improved, maintained, or ordinarily used for the travel of vehicles.
- 1.17** "Road Works" shall mean all physical works, improvements, structures, installations, or appurtenances located in, on, under, over, or adjacent to a highway, including but not limited to pavement, curbs, signs, signage supports, gutters, trees, culverts, bridges, drains, ditches, swales, retaining walls, traffic control devices, utilities, utility apparatus, and related works.
- 1.18** "Structure" shall mean any man-made object, installation, improvement, fixture, enclosure, platform, fence, sign, post, barricade, deck, wall, excavation, conduit, or other thing placed, erected, constructed, installed, maintained, or affixed on, over, under, or within a highway or road allowance.
- 1.19** "Township" shall mean the Corporation of the Township of Hilton.

- 1.20** "Vegetation" shall mean any tree, shrub, hedge, plant, grass, weed, brush, root, vine, or other living growth, whether naturally occurring or planted.
- 1.21** "Vehicle" shall mean a vehicle is broadly defined by applicable provincial law and includes a motor vehicle, trailer, trailer unit, traction engine, farm tractor, road-building machine, bicycle, or other device drawn, propelled, or driven by any kind of power, including muscular power, except where specifically excluded by law.

2. GENERAL

2.1 Short Title

This by-law shall be cited as the Use and Care of Roads By-law.

2.2 Scope

This by-law shall apply to all highways under the jurisdiction, ownership, control, maintenance, or administration of the Township.

2.3 Application

Nothing in this by-law authorizes any act prohibited by any other applicable statute, regulation, by-law, order, permit condition, easement, agreement, or lawful requirement. Where any conflict exists, the more restrictive provision shall prevail to the extent permitted by law.

2.4 Liability

Any person exercising any right, permission, authorization, or privilege under this by-law does so at their own risk and shall indemnify the Township, its Council members, officers, employees, agents, contractors, and authorized representatives from such use, act, omission, or activity, except to the extent caused by the negligence or willful misconduct of the Township.

2.5 Exemptions

This by-law shall not apply to work carried out by or on behalf of the Township, or to any other work, activity, or use specifically authorized by law.

2.6 Administration and Enforcement

The Road Superintendent is authorized to administer this by-law. Any BLEO, and any other officer, employee, agent, or contractor authorized by the Township, may enforce this by-law.

Notice under this by-law may be given personally, by registered mail, by courier, or by any other method authorized by law. A notice sent by mail shall be deemed received on the fifth business day after mailing, unless the contrary is proven.

3. MUNICIPAL AUTHORITY RE: MAINTENANCE

3.1 Snow Fences

The Road Superintendent may, at any reasonable time and where considered necessary or advisable for highway safety, drift control, or public maintenance, enter upon land within the Township and along any highway

under its jurisdiction for the purpose of erecting, maintaining, repairing, replacing, or removing a snow fence.

3.2 Signs

The Road Superintendent may, at any reasonable time and where considered necessary or advisable for highway safety, traffic control, notice, identification, construction, maintenance, or municipal administration, enter upon land lying along a highway to install, inspect, maintain, repair, replace, or remove a sign or related apparatus.

3.3 Tree Trimming

The Road Superintendent may, at any reasonable time, enter upon land lying along any highway to inspect trees, conduct tests, trim, prune, cut, remove, or otherwise deal with vegetation or parts thereof, and take such action as the Road Superintendent considers necessary or advisable for the protection of persons, vehicles, municipal infrastructure, or the safe use of the highway.

3.4 Removal of Tree

The Road Superintendent may remove, or cause to be removed, any decayed, damaged, dangerous, fallen, or downed tree or branch immediately and without notice where, in the opinion of the Road Superintendent, the tree or branch poses an actual or potential danger to the health or safety of any person, or to highway infrastructure or use.

4. PROHIBITED MATTERS

4.1 General Prohibition

No person shall, without prior written authorization from the Township or other lawful authority, directly or indirectly injure, obstruct, encumber, alter, interfere with, foul, damage, occupy, encroach upon, or otherwise affect a highway.

4.2 Excavation on Highways

No person shall excavate on, under, over, across, or within a highway without lawful authority.

4.3 Structures or Objects on Highway

No person shall place, construct, install, maintain, leave, or permit any structure or object on, under, over, or within a highway without lawful authority.

4.4 Depositing Materials on Highways

No person shall deposit, discharge, permit, cause, or allow the deposit of dirt, gravel, water, oil, fuel, chemicals, refuse, waste, snow, ice, debris, or other material on a highway without lawful authority.

4.5 Removal of Materials from Highways

No person shall remove, disturb, excavate, or take any plant, earth, material, or thing from a highway without lawful authority.

4.6 Planting on Highway

No person shall plant, place, or permit the planting or placement of any tree, shrub, vegetation, or other growth on a highway without lawful authority, except grass on a boulevard where permitted by the Township.

4.7 Public Nuisance

No person shall create, cause, permit, or maintain a nuisance on a highway by fire, smoke, vapour, water, noise, light, odour, vibration, discharge, conduct, or any means whatsoever.

4.8 Gates and Doors

No person shall construct, maintain, or permit anything that projects on, over, under, or into a highway without lawful authority.

4.9 Overhanging Objects

No person shall construct, place, maintain or permit anything that projects on, over, under, or into a highway without lawful authority.

4.10 Interference with Public Use

No person shall hinder, prevent, obstruct, or interfere with the public use of a highway without lawful authority.

4.11 Interference with Municipal Infrastructure

No person shall interfere with, move, remove, obstruct, damage, destroy, deface, or alter any municipal infrastructure on a highway, including a post, sign, survey mark, benchmark, traffic signal, streetlight, tree, traffic cone, barrier, marker, or other municipal item.

4.12 Sale of Goods

No person shall sell, display for sale, offer for sale, or solicit the sale of goods or services on a highway without lawful authority.

4.13 Equipment Over Highways

No person shall operate, suspend, swing, extend, or permit a crane, boom, hoist, lift, or similar equipment over a highway without lawful authority.

4.14 Snow or Ice on Roadways

No person shall deposit, push, blow, shovel, plow, or cause to be deposited, pushed, blown, or shoveled snow or ice onto a roadway.

4.15 Snow or Ice from Private Property

No person shall move snow, deposit, or permit snow or ice from private property onto a boulevard, roadway, or other part of a highway.

4.16 Altering of Boulevards

No person shall, without lawful authority, alter, excavate, pave, grade, fill, resurface, obstruct, or otherwise change a boulevard, whether directly or by permitting another person to do so.

4.17 Prevention of Material Tracking

No person shall permit, cause, or allow mud, soil, gravel, debris, or other material from adjacent land to be deposited or tracked onto a highway. The Township may require immediate removal and the implementation of preventative measures.

4.18 Damage from Vehicle Crossing

Any owner or occupant whose vehicles cross, travel over, or use a boulevard or other part of a highway for the delivery, removal, construction, landscaping, or handling of materials is responsible for all resulting damage to the highway, road works, and municipal infrastructure, including the costs of cleanup, repair, restoration, and administrative recovery.

5. REMOVAL OF OBSTRUCTIONS

5.1 Removal of Unauthorized Projections

Any structure, object, vegetation, or thing projecting into, onto, under, or over a highway without lawful authority shall be removed, altered, trimmed, or relocated by the owner or occupant at the owner's or occupant's expense.

5.2 Removal of Obstructions

Any fence, barricade, structure, object, or other thing that obstructs, interferes with, or threatens the safe use of a highway shall be removed immediately by the person responsible, at that person's expense.

5.3 Removal by the Township

In the event of a contravention of sections 5.1 or 5.2, or in the event of an emergency, the Road Superintendent may, without notice where circumstances require, remove, alter, trim, relocate, store, impound, dispose of, or otherwise deal with any item, structure, object, material, or vegetation placed, deposited, or maintained on or over a highway contrary to this by-law and the Township shall send a notice by registered mail to the owner or person responsible for the item, structure, or material advising that it has been removed at the owner's expense. The Township may recover all costs incurred in the removal, storage, repair, disposal, and administration of such action from the person responsible, and may do so in accordance with the Act.

5.4 Application to Court for Removal of Obstructions

The Township may apply to a judge of the Superior Court of Justice for an order requiring the owner of land lying along a highway to remove, trim, or alter vegetation, buildings, structures, or other object on the land that obstruct visibility, create a snow drifting hazard, endanger users of the highway, or may otherwise harm the highway or its use, where the Township is unable to secure compliance through agreement or other means.

5.5 Impounding of Objects on Highway

Any object on a highway in contravention of this By-law may be removed, impounded, restrained, or immobilized and Subsection 170 (15) of the *Highway Traffic Act* applies, and the Township may, at any reasonable time, enter upon land near a highway for this purpose. The Township may recover all removal, storage, and administrative costs prior to release of the impounded object.

If the removed object or vehicle, other than a motor vehicle, is used to sell anything on or near a highway and the object or vehicle is not claimed by the owner within 60 days after its removal, it becomes the property of the municipality and may be sold, and the proceeds shall form part of the general funds of the municipality.

5.6 Impounding Perishable Items

Any perishable object or vehicle removed from the highway is the property of the municipality upon being moved from the highway and may be destroyed or given to a charitable institution, except a perishable object that comes into the possession of a police force in the circumstances described in Section 132 of the *Community Safety and Policing Act, 2019*.

6. PERMITTED ACTIVITIES

6.1 Grass Area

Owners of land within the Township abutting a highway may maintain adjacent boulevards and may keep grass trimmed.

6.2 Highway Use

Use of a highway is permitted only where authorized by statute, regulation, by-law, agreement, or written authorization of the Township.

7. TEMPORARY HIGHWAY CLOSURES

7.1 Authorized Temporary Closing of a Highway

A highway or portion of a highway may be temporarily closed for any of the following purposes:

7.1.1 construction, repair, improvement, maintenance, inspection, or other works on, under, over, along, across, or upon a highway.

7.1.2 a social, recreational, community, athletic, ceremonial, civic, or cinematographic purpose, or any combination of such purposes, or any other purpose the Township considers necessary or desirable in public interest.

7.1.3 an emergency arising from inclement weather, an accident, a fire, flooding, unsafe conditions, or any other event where closure is necessary or desirable for public safety, and especially where a police order or other lawful direction has been issued.

7.2 Highway Closure Authority

Pursuant to section 23.2 of the Act, Council hereby delegates to the Road Superintendent the authority to close a highway or portion of a highway for the purposes set out in section 7.1, for such period of time and subject to such conditions as the Road Superintendent considers appropriate.

7.3 Indemnification

The Road Superintendent shall not authorize the temporary closing of a highway until the requesting party has entered into an agreement indemnifying the Township and has provided public liability insurance in an amount not less than five million dollars (\$5,000,000.00) per occurrence, naming the Township as an additional insured and providing not less than thirty (30) days' notice of cancellation or material change.

8. ENFORCEMENT

8.1 Enforcement

The BLEO, the Road Superintendent, and the Ontario Provincial Police are authorized to enforce the provisions of this by-law.

8.2 Power of Entry Re: Inspection

Any employee, officer, agent, or contractor of the Township, and any member of the Ontario Provincial Police, may, without notice and upon producing proper identification upon request, enter on land at any reasonable time for the purpose of carrying out an inspection pursuant to sections 436 and 437 of the Act, and to determine whether this by-law, any order made under this by-law, any direction given under this by-law, any authorization granted under this by-law, or any order made under section 431 of the Act is being complied with. The person exercising the power may be accompanied by a person under their direction.

8.3 Inspection Powers

Any person exercising power under section 8.2 may:

8.3.1 require the production for inspection of documents or things relevant to the inspection;

8.3.2 inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

8.3.3 require information from any person concerning a matter related to the inspection; and

8.3.4 alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples, or photographs necessary for the purpose of the inspection.

8.4 Order to Discontinue

Where the Township is satisfied that a contravention of this by-law has occurred, the Township may make an order requiring the person who contravened the by-law, who caused or permitted the contravention, or the owner or occupant of the land on which the contravention occurred, to discontinue the contravening activity.

This order shall set out:

8.4.1 the reasonable particulars of the contravention adequate to identify the contravention and the location of the land upon which it occurred; and

8.4.2 the date by which compliance must occur.

8.5 Contravene Order to Discontinue

No person shall contravene an order to discontinue issued pursuant to section 8.4.

8.6 Work Order

Where the Township is satisfied that a contravention of this by-law has occurred, the Township may make an order requiring the person who contravened the by-law, who caused or permitted the contravention, or the owner or occupant of the land on which the contravention occurred, to do work to correct the contravention.

An order may require work to be done even though the facts constituting the contravention existed before this by-law came into force.

This order shall set out:

8.6.1 the reasonable particulars of the contravention adequate to identify the contravention and the location of the land upon which it occurred; and

8.6.2 the work to be done and the date by which the work must be completed.

8.7 Contravention Work Order

No person shall contravene a work order issued under section 8.6.

8.8 Remedial Action

In the event of default by any person to do anything required under this by-law, an employee or agent of the Township, who may be accompanied by any person under their direction, may enter upon land at any reasonable time and may do or cause to be done the work or thing required, at the expense of the person in default, and the Township may recover the expense by action or by adding the cost to the tax roll and collecting it in the same manner as property taxes, where permitted by law.

8.9 Obstructing Officer or Inspector

No person shall hinder, obstruct, or attempt to hinder or obstruct any person exercising a power or performing a duty under this by-law.

9. PENALTY

9.1 Fine for Contravention

Every 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 under the *Provincial Offences Act, R.S.O. 1990, Chapter P.33*, as amended, including any applicable set fines.

9.2 Additional Order to Discontinue or Remedy

Every person who contravenes any provision of this by-law, and every director or officer of a corporation who knowingly concurs in a contravention of this By-

law by the corporation is guilty of an offence and, in addition to any other remedy or penalty, the court may make an order prohibiting the continuation or repetition of the offence and requiring compliance with this by-law.

10. VALIDITY AND SEVERABILITY

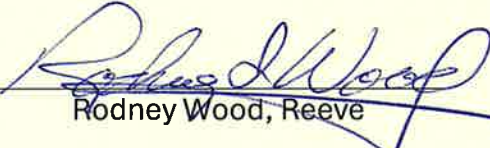
If any section, clause, provision, or schedule of this by-law is held invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the by-law as a whole or any other part of it, and the remainder shall continue in full force and effect.

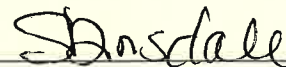
11. ENACTMENT

11.1 THAT Schedule "A" (Set Fine Schedule) attached hereto, form part of this by-law.

11.2 THAT this by-law shall come into force and effect on the day of passing.

Read a first, second and third time and finally passed this 14th day of October 2026.


Rodney Wood, Reeve


Sara Dinsdale, CAO/Clerk-Treasurer

THE CORPORATION OF THE TOWNSHIP OF HILTON

Schedule "A" to By-law No. 1530-26

Use and Care of Roads By-law

PART I- Provincial Offences Act

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Obstruct highway	s. 4.1	\$150.00
2	Encumber highway	s. 4.1	\$150.00
3	Injure highway	s. 4.1	\$150.00
4	Foul highway	s. 4.1	\$150.00
5	Fail to comply with conditions of any lawful authority	s. 4.1	\$150.00
6	Excavate on highway without authorization	s. 4.2	\$150.00
7	Place structure on highway without authorization	s. 4.3	\$150.00
8	Deposit material on highway	s. 4.4	\$150.00
9	Remove material from highway without authorization	s. 4.5	\$150.00
10	Plant vegetation on highway without authorization	s. 4.6	\$150.00
11	Create public nuisance on highway	s. 4.7	\$150.00
12	Install gate/door opening onto highway	s. 4.8	\$150.00
13	Maintain overhanging object over highway	s. 4.9	\$150.00
14	Interfere with public use of highway	s. 4.10	\$150.00
15	Interfere with municipal infrastructure	s. 4.11	\$150.00
16	Sell goods on highway without authorization	s. 4.12	\$150.00
17	Operate equipment over highway without authorization	s. 4.13	\$150.00

NOTE: the general penalty provision for the offences listed above is section 9 of the By-law 1530-26, a certified copy of which has been filed.

THE CORPORATION OF THE TOWNSHIP OF HILTON
Schedule "B" (cont.) to By-law No. 1530-26

Use and Care of Roads By-law

PART I- Provincial Offences Act

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	Column 3 Set Fine
18	Deposit snow or ice onto roadway	s. 4.14	\$150.00
19	Move snow or ice onto boulevard	s. 4.15	\$150.00
20	Alter boulevard without authorization	s. 4.16	\$150.00
21	Allow material to be tracked onto highway	s. 4.17	\$400.00
22	Fail to remove material from highway when required	s. 4.17	\$400.00
23	Damage boulevard or highway from vehicle crossing	s. 4.18	\$400.00
24	Fail to remove unauthorized projection	s. 5.1	\$400.00
25	Fail to remove obstruction from highway	s. 5.2	\$400.00

NOTE: the general penalty provision for the offences listed above is section 9 of the By-law 1530-26, a certified copy of which has been filed.