

MUNICIPALITY OF NORTH MIDDLESEX

BY-LAW #14 OF 2007

Being a By-law to prohibit the obstruction, encumbering, injuring or fouling of highways/or right-of-ways, or bridges, or watercourses within the municipality.

WHEREAS Section 26 of the Municipal Act, R.S.O. 2001 defines "highway" as being all road allowances made by the Crown surveyors that are located in municipalities; or all road allowances, highways, streets and lanes shown on a registered plan of subdivision.

WHEREAS Section 27(1) gives a local municipality power to pass by-laws in respect of a highway only if it has jurisdiction over the highway, being all road allowances located in the municipality that were made by the crown surveyors and all road allowances, highway, streets, and lanes shown on a registered plan of subdivision

WHEREAS Section 44(14) stated that there is no responsibility for acts of others; (15) a municipality is not liable for damages under this section unless the person claiming the damages has suffered a particular loss or damage beyond what is suffered by that person in common with all other persons affected by the lack of repair;

WHEREAS Section 45 (1) stated that no proceeding shall be commenced against a member of council or an officer or employee of the municipality for damages based on the default of the municipality in keeping a highway or bridge in a state of a repair that is reasonable in light of all the circumstances, including the character and location of the highway or bridge.

WHEREAS Section 46 stated that no action brought against a municipality for damages that result from the presence of any nuisance on a highway.

THEREFORE, Council is authorized to prohibit the obstructing, encumbering, injuring or fouling of highways/or right-of-ways, or bridges, or watercourses within the municipality;

AND WHEREAS the Council of the Municipality of North Middlesex deems it in the public interest that such a by-law be enacted;

NOW THEREFORE the Municipal Council of the Municipality of North Middlesex enacts a by-law as follows:

1. No person or persons shall obstruct, encumber, injure or foul any highways/or right-of-ways, or bridges, or watercourses in the Municipality of North Middlesex.
2. No person or persons shall throw, place or deposit dirt, filth, glass, handbills, paper, tires or other rubbish or refuse, or the carcass of any animal on any Highways/or right-of-way, or bridge, or watercourses in the Municipality of North Middlesex.
3. No person or persons shall obstruct ditches or culverts upon any highways in the Municipality of North Middlesex.
4. Any person who contravenes any provisions of this by-law is guilty of an offence and upon conviction is liable to a fine not exceeding \$5,000 exclusive of costs, or such other fines as may be levied in accordance with the Provincial Offences Act, Part 111.

5. This by-law comes into force and effect on the day that Part 111 of the Provincial Offence Act, R.S. O. 1990, c.p. 33 applies to the Municipality of North Middlesex.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this
22nd day of January, 2007.

MAYOR

ADMINISTRATOR