

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

BY-LAW # 35-2026

Being a By-Law For Prohibiting or Regulating the Obstructing,  
Encumbering, Injuring or  
Fouling of Highways or Bridges

**WHEREAS** *The Municipal Act, R.S.O., 2001* Section 10 (1) Authorizes Broad authority, to single-tier municipalities so that they may provide any service or thing that the Municipality considers necessary or desirable for the public.

**AND WHEREAS** *The Municipal Act, 2001, S.O. c. 25, Section 10(6)* authorizes the Council of a Municipality to pass By-laws respecting health, safety, and well-being of persons;

**AND WHEREAS** *The Municipal Act, 2001, S.O. c.25, Section 391(1)* authorizes the Council of a Municipality to impose fees and charges for services provided;

**AND WHEREAS** *The Municipal Act, 2001, S.O. c.25, Section 434.1 (1)* authorizes the Council of a Municipality without limiting sections 9, 10 and 11, that a Municipality may require a person, subject to such conditions as the Municipality considers appropriate, to pay an administrative penalty if the Municipality is satisfied that the person has failed to comply with a By-law of the Municipality passed under this Act. 2017, c. 10, Sched. 1, s. 75.

**AND WHEREAS** section 434.2 of *The Municipal Act, 2001, S.O. 2001, c. 25*, provides that an Administrative Monetary Penalty imposed by the Municipality on a Person(s) constitutes a debt of the person to the Municipality;

**NOW THEREFORE BE IT RESOLVED THAT** The Municipal Corporation of the Township of Armour hereby enacts as follows:

SHORT TITLE: This By-law may be cited as the "Roads Fouling By-Law".

**1. DEFINITIONS:**

**"Administrative Penalty"** means a monetary penalty administered pursuant to Municipal By-law, as amended from time to time.

**"Bridge"** means a public bridge and includes a bridge forming part of a highway or on, over or across which a highway passes.

**"By-law Enforcement Officer"** includes any person so designated by Council to administer and enforce this By-Law.

**"Contractor"** means any person, company, corporation, partnership, or entity performing work on behalf of an owner or occupant.

**"Council"** shall mean the Council of the Municipal Corporation of the Township of Armour.

**"Chief Building Official"** includes any person so designated by Council and having the authority to issue building permits.

**"Driveway Improvement"** means any construction, reconstruction, repair, maintenance, resurfacing, gravelling, grading, widening, alteration, or improvement of a driveway, entranceway, private road, access lane, or other means of vehicular access from private property to a municipal highway.

**"Highway"** means a common and public highway within or forming a boundary of the Municipality and includes a street; a bridge forming part of a highway or on, over, or across which a highway passes; undeveloped or unused road allowances; and, except insofar as they have been stopped up according to law, all allowances for roads made by the Crown surveyor, all

highways laid out or established under the authority of any statute, all roads on which public money has been spent for opening them or on which labour has been usually performed, all roads passing through Indigenous lands, all roads dedicated by the owner of the land to public use, all alterations and deviations of any such roads or highways, and all bridges over any such allowances for roads.

**“Municipality”** shall mean The Municipal Corporation of the Township of Armour.

**“Occupant”** means any person(s) over the age of eighteen (18) who is a tenant or lessee, or otherwise in lawful possession of a parcel of real property capable of being legally described in a deed or transfer who shall constitute the occupant or occupants of that real property.

**“Owner”** means any of the following: A person who is shown as one of the registered owners of real property in the records of the Land Registry or Land Titles Office or a person who is shown as the assessed owner of real property on a current assessment roll for the Municipality or a person who, for the time being, is managing or receiving rent of the land or premises, whether on his own account or as an agent or trustee for any other person.

**“Roads Supervisor”** means the person appointed by the Municipality to oversee the maintenance, repair, and construction of municipal roads and related infrastructure, and includes any person acting under their authority.

**“Sewage”** includes drainage, storm water, residential, commercial, and industrial waste.

**“Stop Up”** means that highway land ceases to be a highway, and the public rights of way are extinguished when an applicant completes the road closing process through the proper authority (Council).

## **2. DAMAGES**

- 2.1 A owner and/or occupant of land or anyone acting on behalf of an owner and/or occupant of land shall not permit the crossing of curbing's, sidewalks or travelled portion of the highway, street or road by vehicles delivering materials to or removing materials from abutting land on which a dwelling and/or building may or may not be erected.
- 2.2 The Chief Building Official or Roads Supervisor upon issuing a building permit or entrance permit may require the applicant to pay a deposit to the Municipality.
- 2.3 This money held on deposit shall be used to meet the cost of repairing any damage to the sidewalk, curbing, or travelled portion of the highway, street or road, or to any underground services or other service therein caused by the crossing thereof by such vehicles.
- 2.4 The owner and/or occupant of the land shall take all necessary steps to prevent building material, waste, soil, or any other thing from being spilled or tracked onto a highway by vehicles going to or coming from the land.
- 2.5 In addition to any penalty otherwise provided by law, the owner and/or occupant shall be responsible to the Municipality for the cost of removing such building material, waste, soil, or any other thing. Such cost may be deducted from the deposit if applicable.
- 2.6 If the cost of the repair exceeds the deposit the owner and/or the occupant shall be liable to pay excess cost to the Municipality on demand and the Municipality will pursue any other collection mechanisms available to the Municipality pursuant to the Regulations or at law which may include deeming the outstanding amount to be unpaid taxes and

adding this outstanding amount to the tax roll and collecting it in the same manner as Municipal Taxes.

- 2.7 No owner, occupant, contractor, or person acting on behalf of an owner or occupant shall undertake or permit any Driveway Improvement that causes damage to a municipal highway, including but not limited to the travelled portion of the roadway, shoulder, asphalt edge, gravel surface, boulevard, ditch, culvert, bridge, curb, sidewalk, road base, or any municipal infrastructure located within the highway allowance.
- 2.8 The owner and occupant of the benefitting property shall be jointly and severally liable for any damage to a municipal highway resulting from a Driveway Improvement undertaken by the owner, occupant, contractor, supplier, delivery vehicle, subcontractor, agent, or any other person acting on their behalf.
- 2.9 Where the Roads Supervisor determines that damage to a municipal highway has occurred as a result of a Driveway Improvement, the Municipality may repair the damage or cause the damage to be repaired and recover all costs incurred from the owner and/or occupant of the benefitting property.
- 2.10 A By-law Enforcement Officer may, at any reasonable time, enter upon land or a Municipal Highway for the purpose of inspection and may:
  - a) determine whether damage to a Municipal Highway has occurred;
  - b) determine whether such damage resulted from a Driveway Improvement;
  - c) identify the responsible property; and
  - d) issue written notices or Orders requiring compliance with this By-law.
- 2.11 Recoverable costs shall include all labour, equipment, materials, engineering, consulting, administrative, legal, and contractor costs incurred by the Municipality in inspecting, repairing, restoring, or replacing damaged municipal infrastructure.
- 2.12 Any costs incurred by the Municipality pursuant to this section that remain unpaid after thirty (30) days from the date of invoice may be recovered by any lawful means available to the Municipality, including collection proceedings and, where authorized by statute, recovery in the same manner as municipal taxes.
- 2.13 Where the Roads Supervisor and/or By-law Enforcement Officer determines that damage to a Municipal Highway has occurred as a result of a Driveway Improvement, they may:
  - a) document the damage,
  - b) identify the responsible property, and
  - c) calculate estimated or actual repair costs.
- 2.13 A By-law Enforcement Officer may issue a Penalty Notice under the Township's AMPS By-law where satisfied that a person has contravened this By-law.

### **3. ENCROACHMENT**

- 3.1 Subject to any written agreement with the Municipality to the contrary the owner or occupant of land shall remove any doorsteps, porches or other erections or things projecting into or over any highway or bridge.
- 3.2 In addition to any penalty otherwise provided by law, the owner and/or occupant shall be responsible to the Municipality for the cost

of removing any doorsteps, porches or other erections or things projecting into or over any highway or bridge.

#### **4. OBSTRUCTION**

- 4.1 No person shall build or maintain a fence on any highway or place or deposit firewood or any other thing calculated to obstruct it or to obstruct or interfere with public travel on it, on any highway or bridge.
- 4.2 Any person who has built, maintained, placed, or deposited any such thing calculated to obstruct any highway or bridge or interfere with public travel on it, on any highway or bridge, shall be required to remove such thing.
- 4.3 No person shall stop up a public highway without doing so according to law and shall be guilty of an offence.
- 4.4 In addition to any penalty otherwise provided by law, the person who has placed any thing on a highway calculated to obstruct it or to obstruct or interfere with public travel on it, on any highway or bridge, shall be responsible to the Municipality for the cost of removing such things.

#### **5. WASTE AND DEBRIS**

- 5.1 No person shall throw, place, or deposit any dirt, filth, glass, paper or other rubbish or the carcass of any animal, on any highway or bridge.
- 5.2 No person shall dump or dispose of residential wastes, commercial wastes, industrial wastes, or any other waste on a public highway and shall be guilty of an offence.

#### **6. CULVERTS / DITCHES**

- 6.1 No person shall obstruct any culvert or ditch upon a highway.
- 6.2 No person shall dump or dispose of sewage, other than natural surface drainage or surface storm water, in a culvert or ditch upon a highway and shall be guilty of an offence.
- 6.3 No person shall dump residential wastes, commercial wastes or industrial wastes in a culvert or ditch upon a highway and shall be guilty of an offence.
- 6.4 In addition to any penalty otherwise provided by law, the person who has dumped commercial wastes and industrial wastes on a highway, or in the culverts or ditches upon a highway shall be responsible to the Municipality for the cost of removing such commercial and industrial wastes.

#### **7. PENALTIES**

- 7.1 This By-law is a designated By-law under the Township's AMPS By-Law (Administrative Monetary Penalty System) as established under Municipal By-law.
- 7.2 And further, in addition to any other remedy and to any other penalty, the person convicted may also be prohibited from continuing or repeating the offence in accordance with the provisions of section 442 of the Municipal Act.
- 7.3 An Officer who is satisfied that a person has contravened any provision of this By-law, which includes without limitation any requirement or condition of a licence, permit, order or direction, may issue a Penalty

Notice to the person for each contravention in the amount set out in Column 3 of Schedule A for the applicable contravention.

- 7.4 Each person who has been issued a Penalty Notice shall, be liable to pay the administrative penalty set out in the Penalty Notice to the Township within 15 days of the date of issuance after the completion of service.
- 7.5 Where a Penalty Notice has been canceled under the Township's AMPS By-law it shall not be considered a Penalty Notice for the purposes of subsection 8.3 of this By-law.
- 7.6 Other than as set out in subsection 8.2 of this By-law, the issuing of a Penalty Notice does not limit the Township's ability to initiate any other proceeding or seek any other remedy the Township deems appropriate to prevent the continuation or repetition of the contravention.
- 7.7 The By-law title "Roads Fouling By-law" and penalties shall be added to the list of Designated By-laws, Schedule "A" to the current Administrative Monetary Penalty System By-law.
- 7.8 The penalty amounts for contraventions of this By-law are set out in Schedule "A" of this by-law, which shall form Schedule "W" to the current Administrative Monetary Penalty System By-law.
- 7.9 Schedule "A" of this By-law shall be incorporated into the current Administrative Monetary Penalty By-law as Schedule "W", and any necessary formatting or numbering changes may be made for consistency.

## **8. ENFORCEMENT**

- 8.1 That this By-law shall come into force and effect on the date of passing.
- 8.2 Nothing herein shall be deemed to limit the ability of the Ontario Provincial Police to enforce this By-law at any time.
- 8.3 The enforcement of the By-law is assigned to any By-law Enforcement Officer for the Municipality.

## **9. SEVERABILITY**

- 9.1 All sections of this By-law shall be deemed to be separate and independent and the invalidity of any section or provision thereof shall not affect the remaining sections.
- 9.2 The Clerk of the Township of Armour is hereby authorized to make any minor modifications or corrections of an administrative, numeric, grammatic, semantic or descriptive nature or kind to the by-law and schedule(s) as may be deemed necessary after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

Read in its entirety, approved, signed and the seal of the Corporation affixed thereto and finally passed in open Council this 23<sup>rd</sup> day of June, 2026.

Original signed by Rod Ward  
Rod Ward, Mayor

Original signed by Charlene Watt  
Charlene Watt, Municipal Clerk

**SCHEDULE "A"**

**TO BY-LAW #35-2026**

**Roads Fouling By-law**

**Administrative Monetary Penalty**

| <b>Item</b> | <b>COLUMN 1<br/>Short Word Form Wording</b>  | <b>COLUMN 2<br/>Provision<br/>Creating/Defining<br/>Offence</b> | <b>COLUMN 3<br/>Administrative<br/>Monetary<br/>Penalty</b> |
|-------------|--|---|---|
| 1           | Crossing curbing, sidewalk, or paved boulevards                                    | 2.1   | \$300   |
| 2           | Spill or track building material, waste, or soil                                   | 2.4   | \$300   |
| 3           | Failure to remove any doorsteps, porches or other erections or things              | 3.1   | \$300   |
| 4           | Build/maintain fence – Obstruct or interfere with public travel                    | 4.1   | \$300   |
| 5           | Failure to remove obstruction  | 4.2   | \$300   |
| 6           | Stop up public highway   | 4.3   | \$300   |
| 7           | Throw, place, deposit rubbish or animal carcass                                    | 5.1   | \$300   |
| 8           | Dump/dispose of waste on highway   | 5.2   | \$300   |
| 9           | Obstruct culvert or ditch  | 6.1   | \$300   |
| 10          | Dump sewage in culvert or ditch  | 6.2   | \$300   |
| 11          | Dump waste in culvert or ditch   | 6.3   | \$300   |
| 12          | Cause or permit damage to a municipal highway during a Driveway Improvement        | 2.7   | \$1,000   |
| 13          | Fail to repair damage to a municipal highway resulting from a Driveway Improvement | 2.9   | \$1,000   |

**Note: Schedule "A" of this by-law shall be incorporated into the current Administrative Monetary Penalty By-law as Schedule "W", and any necessary formatting or numbering changes may be made for consistency.**