

BY-LAW NUMBER 2025-064

OF

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

BEING A BY-LAW TO GOVERN AND REGULATE THE MAINTENANCE, OCCUPANCY, USE AND OTHER MATTERS PERTAINING TO THOSE PORTIONS OF PUBLIC HIGHWAYS UNDER THE JURISDICTION OF THE TOWNSHIP OF UXBRIDGE KNOWN AS BOULEVARDS

WHEREAS Section 11(3) of the Municipal Act, R.S.O. 2001, c. 25, as amended, provides that a municipality may pass By-laws respecting highways and boulevards under its jurisdiction;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE ENACTS AS FOLLOWS

Section 1- Definitions

1.1 In this By-law:

- a) "Abutting Boulevard" means the portion of the Boulevard that directly borders or is immediately adjacent to a specific parcel of private property;
- b) "Boulevard" means the portion of the highway located between the edge of the roadway (curb or pavement) and the property line, which may include sidewalks, ditches, or grassed areas;
- c) "Debris" means any waste, refuse, litter, rubbish, garbage, rubble, discarded materials, or other unwanted objects, and includes but is not limited to paper, packaging, construction materials, yard waste, broken furniture, and similar items.
- d) "Drainage Facility" means any natural or man-made structure or feature used for the collection, conveyance, control, or disposal of stormwater, including but not limited to ditches, culverts, swales, catch basins, storm sewers, and stormwater management ponds.
- e) "Driveway Apron" means the portion of a driveway located within the boulevard.
- f) "Director" means the Director of Public Works, Parks, and Trails or Director of By-law Department and/or their designate.
- g) "Entrance Permit" means written approval issued by the Township authorizing the construction, alteration, relocation, or use of a driveway or access point connecting a private property to a municipal road, subject to the terms and conditions established by the Township.
- h) "Fixture" means any structure affixed to the Boulevard including a utility box, garbage bin, newspaper vending box, bench, transit shelter, telephone box, telephone booth, transformer box or vault, telephone pole, hydro pole, streetlight pole, stoplight pole and street sign;
- i) "Fixture Owner" means the Owner of a Fixture;
- j) "Grade Height" means the surface of the ground measured at any point, or when associated with an object, plant or other thing, the surface of the ground at the base or bottom of that object, plant or thing;

- k) "Graffiti" means one or more letters, symbols, signature, figures, numbers, etchings, scratches, inscriptions, stains, pictorial representations or other marking that disfigure or deface property howsoever made on or affixed to the property;
- l) "Hard Surface" means an area covered in whole or in part with asphalt, concrete, interlocking brick or block, crushed or solid stone, gravel, slag, ground asphalt, wood or any non-porous material;
- m) "Highway" means a common and public Highway, street, avenue, or parkway any part of which is intended for use by the general public for the passage of vehicles and pedestrians and includes the area between the lateral Property lines and any Abutting Boulevard;
- n) "Landscaping" means vegetation in the form of lawn, grasses, shrubs, flowers, ornamental plantings, or any combination thereof;
- o) "Maintenance" means an action required to Maintain a Boulevard or Fixture, or an action to sustain the Landscaping on a Boulevard, including, but not limited to, cutting, watering, removing debris or graffiti therefrom, or repairing damage to any driveway located on the Boulevard area and "Maintain" and "Maintaining" has a corresponding meaning;
- p) "Officer" means a Municipal Law Enforcement Officer appointed by the Council of the Township of Uxbridge to enforce the By-laws of the Township;
- q) "Owner" means lawful owner but also includes a lessee, tenant, mortgagee in possession or occupant who appears to have care and control of the Property;
- r) "Person" means an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent, and their heirs, executors, or legal representatives of such Person to whom the context can apply according to law;
- s) "Post" means the act of placing an Order under this By-law and "Posted" and "Posting" have a corresponding meaning. Post includes:
 - i) affixing an Order to a building or structure on the Property abutting the subject Boulevard; or
 - (ii) erecting a post on the subject Boulevard or on the adjacent Property and attaching an Order to that post; or
 - (iii) in the case of a Fixture, affixing an Order to that Fixture located on the Boulevard.
- t) "Property" means any Land, including the buildings and structures thereon, registered to a Person on title in the Land Registry Office of Durham Number 40;
- u) "Road Occupancy Permit" means written authorization issued by the Township permitting a person to occupy, obstruct, or perform work on any portion of a highway or boulevard under the Township's jurisdiction, subject to terms and conditions as specified by the Township.
- v) "Sidewalk" means the portion of the highway intended primarily for pedestrian use.
- w) "Sight Line" means a clear line of vision between conflicting motorists, cyclists, and pedestrians that allows sufficient time for safe maneuvers to be made without significantly affecting the conflicting traffic;

- x) "Standards" means the standards for Boulevard and Fixture Maintenance as prescribed by Section 3 of this By-law;
- y) "Township" means the Township of Uxbridge;
- z) "Township Road" means a road under the jurisdiction of The Township of Uxbridge;
- aa) "Travelled Portion of the Highway" means the part of the highway that is improved, designed or ordinarily used for the passage of vehicles, including lanes, but does not include the shoulder, curb, sidewalk, or boulevard.
- bb) "Tree" means any shrub, hedgerow or tree growing within a boulevard and planted by or with the permission of the Township.
- cc) "Utilities" includes infrastructure owned or maintained by the Township, Region of Durham, or utility providers.
- dd) "Vehicle" means an automobile, truck, or other motor vehicle, including farm implement or equipment, motor home, motorized construction equipment, motorcycle, snowmobile, boat, recreational vehicle, airplane, trailer and any other device which is capable of being driven propelled or drawn by any kind of power, excluding devices powered solely by means of human or animal effort, such as bicycles, wheelchairs, wagons, carts or skateboards.

Section 2 - Boulevard and Fixture Maintenance Standards

- 2.1 Every Owner shall maintain the Boulevard that abuts that Owner's Property (hereinafter called the Abutting Boulevard) in accordance with the requirements of this By-law.
- 2.2 Every Owner shall:
 - a) clean and keep clear the Abutting Boulevard of all debris, obstructions, hazards, waste, refuse and litter;
 - b) clean and keep clear the Abutting Boulevard of any abandoned items, machinery, equipment or debris;
 - c) maintain grass and weeds on any Abutting Boulevard at a height not exceeding 15 centimeters, (6 inches);
 - d) maintain the landscaping on any Abutting Boulevard so that landscaping materials do not encroach over that portion of an adjacent highway, driveway or sidewalk;
 - e) Maintain all Landscaping on the Abutting Boulevard at a height not exceeding 0.9 metres (3 feet) above the grade of the Abutting Boulevard;
 - (d) Maintain the driveway apron in good repair without changing material, size, or location without an Entrance Permit and/or a Road Occupancy Permit.
- 2.3 Every fixture owner shall maintain fixtures in a condition which is free from all defacing marks, tagging and graffiti.
- 2.4 Notwithstanding Section 3.2 this By-law shall not be interpreted so as to prevent or prohibit:
 - a) the placement or erection of signs in compliance with the Township Sign By-laws, as may be amended from time to time;
 - b) the creation and use of a driveway apron, the width and location of which has been approved by the Township;

- d) the creation and use of hard surfaced areas on Abutting Boulevard areas used for bus stops, bus stop shelters, or bus stop bench seating;
- e) the creation and use of hard surface areas in unique locations which have been approved by Council or the Director of Public Works, Parks, and Trails;
- f) the temporary placement of refuse for waste collection in compliance with the standards of the Region of Durham Waste Collection By-law.

Section 3- Prohibitions

- 3.1 No person shall landscape or make improvements to any portion of an Abutting Boulevard except in accordance with the regulations set out herein;
- 3.2 No person shall:
 - a) Erect a hedge, shrub, tree, planting, post, or fixture in the following locations:
 - i. within 0.6 metres (2 feet) of either edge of a sidewalk located on the Boulevard;
 - ii. within 1.2 metres (4 feet) of the curb or travelled portion of the highway, or
 - iii. Where no sidewalk exists on the Boulevard, within 1.8 metres (6 feet) of the curb or travelled portion of the highway;
 - b) Erect a hedge, shrub, tree, planting, post, or fixture on any Abutting Boulevard that exceeds 0.9 metres (3 feet) in height above the grade of the Boulevard;
 - c) Damage any landscaping, fixture, tree, sidewalk, or other improvement on any Abutting Boulevard. For the purpose of this section, "damage" includes placing any permanent mark, or otherwise defacing, tagging, or placing graffiti on any structure or fixture affixed to the Boulevard, including but not limited to utility boxes, telephone boxes, booths, transformer boxes or vaults, telephone poles, hydro poles, streetlight poles, stoplight poles, and street signs;
 - d) Injure, damage, interfere with, or encumber any tree, shrub, plant, bush, or hedge planted by the Township on any Abutting Boulevard or sidewalk;
 - e) Leave any basketball net, hockey net, skateboard ramp, or play structure on any highway or sidewalk, or use any such item in a manner that interferes with or obstructs the safe passage of vehicles or pedestrians on a highway or pedestrian walkway;
 - f) Rake, blow, or place leaves on any highway, except in an approved yard waste bag as prescribed by the Region of Durham Waste Collection By-law;
 - g) Dispose of vegetation cuttings, rubbish, discarded materials, or any liquid or solid waste on any highway or sidewalk, in any private or Township-owned waste receptacle, or in any drainage facility;
 - h) Mark, deface, wax, or damage any curb, sidewalk, or any part of a highway or pedestrian walkway;
 - i) Place, erect, cause, or permit the placement or erection of any retaining wall, stone, rock, landscaping material, decorative block surrounding culverts, ornamental pond, or fence on any Abutting Boulevard in a manner

that obstructs drainage, access, or visibility and without the Townships' consent;

- j) Place, erect, or cause or permit the placement or erection of any hedge, shrub, tree, planting, post, or other object that obstructs a sight line;
- k) Alter an Abutting Boulevard by adding or maintaining any hard surface material, in whole or in part, to the surface;
- l) Interfere with Township-owned trees;
- m) Interfere with maintenance operations or access to public utilities;
- n) Park a vehicle on or over the Abutting Boulevard;
- o) Interfere with snow removal, utility access, or emergency services on or over the Abutting Boulevard;
- p) Install fencing, rocks, structures, or other hard materials without permission from the Township;
- q) Maintain anything on an Abutting Boulevard that is protruding, sharp, dangerous, or otherwise capable of causing injury to a person or animal;
- r) Install, place, operate, or maintain a patio on an Abutting Boulevard except in accordance with the Township's Patio Policy, as may be amended from time to time;
- s) Alter a Township-maintained Abutting Boulevards without a permit.

- 3.3 The Township retains the right to access, modify, or restore any Abutting Boulevard at any time, without compensation to the owner. If a person fails to comply with any provision of this section, the Township may, through its employees or agents and within a reasonable time and manner, enter upon the property to carry out the necessary work at the expense of the owner. The Township may recover such costs by action or by adding the amount to the tax roll for the property and collecting it in the same manner as municipal taxes

Section 4- Notice to Comply

- 4.1 Every Person served with a notice under Section 4.2 of this By-law shall comply with such notice within the time provided by such notice.
- 4.2 Where an Officer determines that a Person has contravened any provision of this By-law, the Officer may issue a Notice to Comply to the Owner or other responsible Person directing compliance with the requirements set out in Section 2 (Boulevard and Fixture Maintenance Standards) and/or Section 3 (Prohibitions) of this By-law.
- 4.3 The Officer may include in the Notice to Comply any order reasonably necessary to correct the contravention, including but not limited to removal, repair, restoration, or maintenance, as outlined in Sections 2 and 3 of this By-law.
- 4.4 Upon failure of an Owner to comply with a notice, the Township may carry out the work as required in the notice.
- 4.6 The Township shall not be liable to compensate such an Owner having an interest in the Property by reason of anything done by or on behalf of the Township under the provisions of this By-law.

- 4.7 All expenses incurred by the Township or its servants and agents while performing any work on any Property under the provisions of this By-law shall be payable to the Township by the Owner of the subject Property and all such expenses shall be recoverable in a like manner as municipal taxes. The costs of any work performed by or on behalf of the Township pursuant to this Section shall have added thereto a twenty-five (25) percent administration fee.
- 4.5 Failure to comply with a Notice to Comply may also result in charges being laid under the Provincial Offences Act, R.S.O. 1990, c. P.33, and upon conviction, the Person may be subject to fines in accordance with the provisions of that Act and this By-law.
- 4.6 No person shall fail to comply with an order.

Section 5- Exemption

- 5.1 Properties Zoned (RU) or as determined by the Township, are excluded from provision 2.2 c).

Section 6- Severability

- 6.1 If a court of competent jurisdiction should declare any Section or part of a Section of this By-law to be invalid, such Section or part of a Section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

Section 7- Short Title

- 7.1 This By-law may be cited as the "Boulevard Maintenance By-law."

Section 8- Penalty

- 8.1 Every Person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs, as prescribed by the Provincial Offences Act, R.S.O. 1990, c.P.33, as may be amended from time to time.

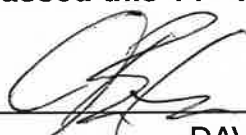
Section 9 – Schedule

- 9.1 The following Schedules are attached to and form an integral part of this by-law:
Schedule "A" – Short Form Wording and Set Fines.

Section 10- Effective Date

- 10.1 This By-law shall come into force as of the date of its passing

READ a FIRST, SECOND and THIRD time and finally passed this 14th day of July, 2025



DAVE BARTON
MAYOR



EMILY ELLIOTT
DEPUTY CLERK