

**THE CORPORATION OF THE
TOWNSHIP OF EAST ZORRA-TAVISTOCK**

COUNTY OF OXFORD

BY-LAW # 2025-15

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

WHEREAS Section 11(2)(6) of the Municipal Act, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws respecting the health, safety, and well-being of persons;

AND WHEREAS Section 11(2)(8) of the Municipal Act, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws respecting the protection of persons and property;

AND WHEREAS Section 9(2) of the Municipal Act, 2001 provides that a by-law under Section 11 respecting a matter may regulate or prohibit respecting the matter, and as part of the power to regulate or prohibit respecting the matter, require persons to do things respecting the matter, provide for a system of licences, permits, approvals, or registrations respecting the matter and impose conditions as a requirement of obtaining, continuing to hold or renewing a licence, permit, approval, or registration.

AND WHEREAS Section 30 of the Municipal Act, S.O. 2001, c.25, as amended, provides that a highway is owned by a municipality that has jurisdiction over it subject to any rights reserved by a person who dedicated the highway or any interest in the land held by any other person;

AND WHEREAS Section 27(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes the Corporation of the Township of East Zorra-Tavistock to pass By-laws in respect to highways under its sole or joint jurisdiction;

AND WHEREAS Section 28(2) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, grants a municipality jurisdiction over all road allowances located in the municipality that were made by the Crown surveyors [subsection 28(2)(a)] and all road allowances, highways, streets, and lanes shown on a registered plan of subdivision [subsection 28(2)(b)];

AND WHEREAS Section 391 of the Municipal Act, 2001 provides that a municipality may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it;

NOW THEREFORE the Council of the Corporation of the Township of East Zorra-Tavistock enacts as follows:

Part I – DEFINITIONS AND INTERPRETATIONS

1. DEFINITIONS

For the purposes of interpreting the provisions set forth in this By-law, the following definitions shall apply:

“Apron” includes that section of a driveway contained within the boulevard.

“Boulevard” means that part of a Highway (whether assumed or unassumed by the Township) between a Street Line and the edge of the curb or, where there is no curb, that portion of the Highway Road Allowance between the travelled portion to the Street Line. A Boulevard may or may not contain a sidewalk. A boulevard must be in the services area of the Township as defined in the Official Plan.

“Cleared” includes the removal of weeds or grass more than 20 centimetres in height.

“County” means the County of Oxford.

“Enforcement Officer” shall mean a by-law enforcement officer of the Township of East Zorra-Tavistock.

“Fixture” means any structure or other fixture affixed to the boulevard including a utility box, newspaper vending box, bench, telephone box, transformer box or vault, telephone, hydro, streetlight, stoplight poles, and street sign.

“Fixture Owner” means the owner of a fixture.

“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.

“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.

“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 includes the area between the lateral property lines and the boulevard.

“Landscaping” means vegetation in the form of lawns, grasses, shrubs, flowers, ornamental plantings, or any combination thereof.

“Maintenance” means the action required to sustain a boulevard including but not limited to cutting, watering, removing debris, or repairing damage to any driveway located within the boulevard area.

“Owner” means the lawful owner, but also includes a lessee, tenant, mortgagee in possession or occupant who appears to have care and control of the property.

“Person” means an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent, and their heirs, executors, or legal representatives of the person to whom the context can apply according to law.

“Property” means any land, including the buildings and structures thereon, registered to a person on title in the Land Registry Office or Land Titles Division, as the case may be.

“Refuse” means any article, thing, matter, substance, or effluent that: has been cast aside, discharged or abandoned, or; is discarded from its usual and intended use, or; is used up, in whole or in part, or expended or worn out in whole or in part; and shall include domestic waste and industrial waste; and that domestic waste and/or industrial waste does not cease to be refuse by reason that it may be commercially saleable or recyclable.

“Repair” means the taking of any action to ensure that the boulevard area or fixture conforms to the standards contained in this by-law.

“Restore” means taking action to remove unlawful materials and objects and by planting landscaping or installing materials and objects in compliance with this by-law.

“Standards” means the standards for boulevard and fixture maintenance as prescribed by Section 4.0 of this by-law.

“Township” means the Corporation of the Township of East Zorra-Tavistock.

“Township Street” means a highway under the jurisdiction of the Township.

“Vehicle” means an automobile, truck, or other motor vehicle, including farm implement or equipment, motor home, motorized construction equipment, motorcycle, snowmobile, boat, recreational vehicle, aeroplane, 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, and skateboards.

2. INTERPRETATION

2.1. Short Title

2.1.1. The short title of this by-law shall be the “Boulevard By-law.”

2.2. Scope

2.2.1. This by-law applied to all boulevards under the jurisdiction of the Township of East Zorra-Tavistock pursuant to the provisions of the Municipal Act, S.O. 2001, c. 25, unless otherwise indicated herein.

2.3. Enforcement

2.3.1. Where an Owner fails to comply with any provision set out in this by-law, an Order may be issued by an Officer to the Owner requiring compliance within the timeframe specified in the Order.

2.3.2. If the by-law enforcement officer is satisfied that a contravention of the by-law as occurred, the officer may make an order, known as a Work Order (Schedule “A”), requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land or the Fixture Owner on which the contravention occurred to do the work to correct the contravention.

2.3.3. An Officer who finds that a boulevard or fixture does not conform to any of the standards prescribed in this by-law may make a Work Order to an Owner or a Fixture Owner:

- a) Stating the municipal address or the legal description of the Property, a Street Line of which is located immediately adjacent to the subject boulevard area or, in the case of a fixture, the municipal address closest to that fixture;
- b) Giving reasonable particulars of the repairs, restoration, or maintenance to be made to the boulevard or fixture;
- c) A deadline, being a specific date, for compliance with the Work Order; and

- d) A notice that if the work is not done in compliance with the Work Order by the deadline, the municipality may have the work done at the expense of the Owner and the cost of the work may be recovered by adding the amount to the Owner's tax roll.
- 2.3.4. The Work Order shall either be personally delivered or sent by Regular Mail or Registered mail to the last known address of the Owner or Fixture Owner, as the case may be. Where an Order is personally delivered it shall be deemed served on the Owner or Fixture Owner immediately. Where a Work Order is mailed it shall be deemed to have been given on the third day after it is mailed.
- 2.3.5. If the Township is unable to effect service on the Owner under Section 2.3.4, it shall place a placard containing the terms of the Work Order in a conspicuous place on the land and may enter on the land for this purpose. The placing of the placard shall be deemed to be sufficient service of the Work Order.
- 2.3.6. Every Owner and Fixture Owner shall comply with a Work Order issued pursuant to Section 2.3.3 of this by-law within the time provided for therein.
- 2.3.7. Where anything required or directed to be done in accordance with this by-law is not done, the By-law Enforcement Officer or persons designated by the By-law Enforcement Officer for the Corporation of the Township of East Zorra-Tavistock, may upon such notice as they deem suitable, do such thing at the expense of the Owner or Fixture Owner and, in so doing, may charge an administration fee of 15% of such expense with a minimum fee of \$110.00; and both the expense fee may be recovered by action or, from an Owner, in like manner as municipal taxes.
- 2.3.8. Where any of the matters or things are removed in accordance with Section 2.3.7 of this by-law the matters or things may be immediately disposed of by the By-law Enforcement Officer with no recourse by the Owner.
- 2.3.9. A By-law Enforcement Officer designated to perform inspections pursuant to this by-law may at all reasonable times, enter onto land for the purposes of an inspection of the land.

- 2.3.10. Where it becomes necessary to proceed pursuant to Section 2.3.7 of this by-law, a By-Law Enforcement Officer may enter onto the lands with any person and the appropriate equipment as required to bring the property into compliance with this by-law.

2.4. Penalty

- 2.4.1. Every person who contravenes any of the provisions of this by-law is guilty of an offence and, upon conviction, is liable to the penalties as prescribed by the Provincial Offences Act, R.S.O 1990, c. P. 33.

2.5. Severability

- 2.5.1. If any provision or part of a provision of this by-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

2.6. Compliance with other By-laws and Regulations

- 2.6.1. This by-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the Township or by any governmental authority having jurisdiction to make such restrictions or regulations.
- 2.6.2. If there is a conflict between a provision of this by-law and a provision of any other Township by-law, the provision that establishes the higher standard to protect the health and safety of the public and to maintain clean and tidy conditions on the Highway shall apply.

3. Boulevard Standards

- 3.1. Every person may landscape or improve that portion of a boulevard abutting their property, subject to the regulations contained hereafter:
- 3.1.1. No hedge, shrub, tree, planting, decorative rocks, mulch, woodchips, post, fence, wall, or any other thing shall be permitted:
- a) Where a sidewalk is located on the boulevard, within 0.6 metres of either edge of the sidewalk or within 1.8 metres of the curb or travelled portion of the Highway, or

- b) Where no sidewalk is located on the boulevard, within 1.8 metres of the curb or travelled portion of the Highway;
 - c) Within 9.0 metres of the closest corner of an intersection.
- 3.1.2. No hedge, shrub, tree planting, post, fence, wall, or other thing, exceeding 0.2 metres in height above the grade of the boulevard shall be permitted on any boulevard;
- 3.1.3. Nothing shall be maintained on any boulevard which is protruding, sharp, dangerous in any way, or which may otherwise injure a person; and
- 3.1.4. No person shall alter a boulevard by adding or maintaining any hard surface material in whole or in part, to the surface.

4. Boulevard and Fixture Maintenance Standards

- 4.1. 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.
- 4.2. Every Owner shall:
 - 4.2.1. Clean and clear the abutting boulevard of all debris, waste, refuse, and litter;
 - 4.2.2. Clean and clear the abutting boulevard of any abandoned items, machinery, equipment, or other thing;
 - 4.2.3. Maintain grass and weeds on any abutting boulevard at a height which is not greater than 0.2 metres in height;
 - 4.2.4. Maintain the landscaping on any abutting boulevard so that landscaping materials do not encroach over that portion of an adjacent Highway that is travelled or designed to be travelled by vehicles, adjacent driveway or sidewalk;
 - 4.2.5. Subject to Sentence 4.2.3 of this Article 4.2, maintain all landscaping on the boulevard to a height not exceeding 0.2 metres above the grade of the boulevard; and
 - 4.2.6. Maintain or restore landscaping and hard surface areas on the boulevard to the standards required by this by-law.

- 4.3. Every Fixture Owner shall maintain all fixtures owned by it in a condition which is free from defacing marks, tagging, and graffiti.
- 4.4. Notwithstanding Articles 3.1 and 4.2, this by-law shall not be interpreted as preventing or prohibiting:
 - 4.4.1. The placement or erection of signs in compliance with the Township and County bylaw relating to signs.
 - 4.4.2. The design, creation and use of a driveway apron, the width and location of which has been approved by the Township;
 - 4.4.3. The creation and use of hard surfaced areas on boulevards, other than a driveway apron, the width and location of which has been approved by the Township and/or County;
 - 4.4.4. The temporary placement of refuse for collection in compliance with the standards of the County of Oxford Waste Management Agreement.
 - 4.4.5. The placement of structures placed or utilized by the Township, the County of Oxford, a Transportation Commission, utilities, Canada Post, or newspaper boxes if approved by the Township; or
 - 4.4.6. Trees planted on the boulevard by the Township.

5. Boulevard Damage

- 5.1. No person shall damage any landscaping, structure, tree, sidewalk, or other improvement on any boulevard. For the purpose of this Article, "Damage" shall include placing any permanent mark or otherwise defacing, tagging, or placing graffiti on any structure or other fixture affixed to the boulevard including a utility box, telephone box, telephone booth, transformer box or vault, telephone, hydro, streetlight, stoplight poles or street sign.
- 5.2. Where damage to the boulevard has been caused through the installation of utilities, the utility company or contractor acting on their behalf, is required to restore the boulevard to the standards set out in the Township's Municipal Servicing Standards Urban and Rural Developments (or current equivalent document).

6. Enactment

6.1. This by-law comes into force on the day it is passed.

READ A FIRST AND SECOND TIME THIS 7th DAY OF MAY, 2025.

Seal

Phil Schaefer, Mayor

Meaghan Vader, Clerk

Schedule A



**Township of East Zorra-Tavistock
By-law 2025-15
Schedule "A"**

Work Order – Contravention of the By-law
Township of East Zorra-Tavistock Boulevard By-law 2025-15

Date Issued:

File No.:

Address to which order applies:

Owner Name:
Street Address:
Town:
Postal Code:

Order issued to:

A contravention of Part 4 of the Township of East Zorra-Tavistock Boulevard By-law 2025-15 is found to exist at the above noted address:

- Part 4 – Boulevard and Fixture Maintenance Standards
- 4.1 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.

Refuse includes but is not limited to:

This removal will include the cutting of grass/weeds exceeding 20cm (8 inches) in height if applicable.

You are hereby ordered, under the Township of East Zorra-Tavistock Boulevard By-law 2025-15 to bring this property to compliance on or before:

Insert here: compliance date (typically 1 week)

Failure to do so the Corporation of the Township of East Zorra-Tavistock (or designate) will cause the property to be brought into compliance with Part 2 (Sections 2.3.7 and 2.3.8) of By-law 2025-15 of the Township of East Zorra-Tavistock. The Township may recover the costs incurred by it in doing the work or causing it to be done from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

Should By-law 2025-15 violations occur at this address in the next 12 months, you as the assessed property owner will receive no further notice prior to enforcement action being taken.

By-law Enforcement inspections where required as a result of a failure to remedy a by-law violation by the date of compliance as set out in a written notice/order are subject to a re-inspection fee of \$95.00. This fee will be levied following the re-inspection and is subject to HST.

Order issued by:

(Name)
By-law Enforcement Officer