

The Corporation of the Township of Guelph/Eramosa

By-law Number 21/2021

(Consolidated Version Enacted as 21/2021)

Last consolidated on March 7, 2022. The Township of Guelph-Eramosa by-laws are provided on line for convenient public reference. By-laws are consolidated on an ongoing basis, but recent amendments may not be reflected in the latest consolidated version. Check the [Amendment History](#) to get a complete listing of all pertinent regulations. For further information contact the Township's Clerk office.

Being a By-law Respecting the Maintenance of Boulevards and Highway Obstructions, in the Township of Guelph/Eramosa

WHEREAS Section 8(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, ("Municipal Act, 2001") provides that the powers of a municipality under any Act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

AND WHEREAS Section 9 of the Municipal Act, 2001, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS Section 11 (3) 1 of the Municipal Act, 2001, provides that a municipality may pass by-laws within the following sphere of jurisdiction: Highways, including parking and traffic on Highways;

AND WHEREAS Section 391(1) of the Municipal Act, 2001, provides that a municipality may pass by-laws imposing fees or charges on any person for services or activities provided by the municipality or done on behalf of it;

AND WHEREAS Section 436 (1) of the Municipal Act, 2001, provides that a municipality may pass by-laws providing for the entry onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law;

AND WHEREAS Section 444 of the *Municipal Act, 2001*, provides that a municipality may make an order to require a person to discontinue contravening a by-law and to do the work required to correct the contravention;

AND WHEREAS Section 446 of the *Municipal Act, 2001*, provides that a municipality may proceed to do things at a person's expense which that person is otherwise required to do under a by-law, but has failed to do and the costs incurred by a municipality may be recovered by adding the costs to the tax roll and collecting them in the same manner as taxes;

NOW THEREFORE, the Council of the Corporation of the Township of Guelph-Eramosa enacts as follows:

PART 1 – TITLE, INTERPRETATION AND SEVERABILITY

1. This By-law may be referred to as the "**Boulevard Maintenance and Highway Obstruction By-law**".

2. (1) Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in Part 2 of this By-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.
- (2) Wherever a word defined in Part 2 of this By-law is used in the form of a noun, verb, adverb, or adjective, it shall be interpreted as having a corresponding defined meaning even if it is in ordinary case
- (3) All words importing the singular shall include the plural, and words imparting the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the By-law requires otherwise.
3. This By-law applies to all property within the **Township**.
4. If a court of competent jurisdiction declares any provision or part of a provision of this Bylaw to be invalid or to be of no force and effect, it is the intention of **Council** in enacting this By-law that the remainder of this By-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

PART 2 – DEFINITIONS

5. For the purpose of this By-law:

“**By-law**” means this by-law;

“**Boulevard**” means that portion of the **Highway** between the **Township** property line and the roadway which is not used or intended for use for vehicular travel by the general public, and includes the landscaped areas and any **Driveway Apron**, but does not include any paved or poured hard-surface sidewalk or a curb or gutter that is not part of a **Driveway Apron**;

“**Boulevard Alteration Permit**” means a permit to alter or undertake work on a Township Boulevard. [Added by Section 1 of [By-law 43-2021](#), August 9, 2021]

“**Boulevard Tree**” means a woody perennial usually having one dominant trunk and a mature height greater than 5m, located on a boulevard and includes any tree having a portion of trunk or trunk flair located within the highway as measured at the grade line.

“**Construction**” means anything done in the erection, installation, extension or material alteration, demolition or repairs of a building or structure and includes the installation of building units fabricated or moved from elsewhere and the installation of swimming pools;

“**Contractor**” means a **Person**, alone or with others conducting work on a property on behalf of the **Owner** or **Occupant**;

“**Council**” means the **Council** of The Corporation of the **Township** of Guelph/Eramosa;

“**Costs**” means all monetary expenses incurred by the **Township** during and throughout the process of any remedial work, including interest and may include an administrative surcharge amount as determined by the **Township Fees and Charges By-law**.

“**Director**” means the **Director** of Public Works for the **Township** and includes any **Person** delegated and authorized by the **Director** of Public Works to carry out any of the powers and/or duties of the **Director** of Public Works pursuant to this **By-law**;

“**Driveway Apron**” means that portion of any driveway, parking lot, or other hard surfaces, whether paved, poured, laid, or otherwise constituted, which extends from private property onto the travelled portion of the **Highway**.

“**Highway**” means a common and public **Highway**, and includes one or both of the following:

- (a) any street, road, avenue, parkway, lane, driveway, **boulevard**, sidewalk, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles or **persons**, or
- (b) the area between the lateral property lines of any **Highway** or road allowance including any curbs, gutters, **Boulevards**, culverts, ditches, and retaining wall;

“**Landscape or Construction Material**” includes gravel, soil, sod, bricks, and paving stones, landscaping rocks, wooden planks or boards;

“**Motor Vehicle**” includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in the Highway Traffic Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the Highway Traffic Act, as amended; [Added by Section 1 of By-law 60-2021, November 15, 2021]

“**Obstruct**” means to **obstruct**, encumber, damage, or foul;

“**Occupant**” means a lessee, tenant, mortgagee in possession or any other **Person** who appears to have care and control of any property;

“**Officer**” means a **Person** employed by the **Township** to perform the duties of enforcing By-laws and appointed by **Council** as a Municipal Law Enforcement **Officer**;

“**Over-Dimensional Vehicle**” means any combination of vehicle and load having a width, length, height or weight in excess of limits provided for in the Highway Traffic Act.

“**Owner**” includes,

- (a) the **Person** who is the registered **Owner** of a property; and
- (b) the **Person** for the time being managing or receiving the rent of the property whether on the **Person**'s own account or as agent or trustee of any other **Person**, or who would receive the rent if the land or premises were let;

“**Person**” includes an individual, corporation, partnership or limited liability partnership.

“**Road Occupancy Permit**” includes a road occupancy permit and any other permit as required to undertake work on a highway. [Added by Section 1 of [By-law 43-2021](#), August 9, 2021]

“**Township**” means The Corporation of the **Township** of Guelph/Eramosa or the land within the municipal boundaries of the **Township** of Guelph/Eramosa, as the context requires;

“**Yard Waste**” includes any organic waste that can be composted, usually composed of refuse from gardens, such as grass clippings or leaves, and domestic or industrial kitchen wastes.

PART 3 – HIGHWAY OBSTRUCTION

6. (1) No **Person** shall **Obstruct** any **Highway** without first having obtained a **Road Occupancy Permit**.
- (2) Without limiting the generality of subsection 6 (1), no person shall obstruct a highway and the obstruction of a **Highway** includes any one or more of the following:
- (a) the depositing of snow or ice on the portion of a **Highway** normally used for pedestrian or vehicular traffic;
 - (b) the relocation of snow from a **Highway** or private property to the portions of a **Highway** normally used for pedestrian or vehicular traffic;
 - (c) leave or depositing of equipment, motorized equipment other than motorized equipment permitted and licensed under the regulations of the Ministry of Transportation of Ontario, containers, trailers, or any **Landscape or Construction Material** on a **Highway** without having obtained the appropriate permission to do so from the **Township**;
 - (d) the cutting, altering, extending, in any manner whatsoever of a concrete curb, open or contained culvert, culvert overpass, or similar structure or landscape without having first applied for and obtained the appropriate permission to do so from the **Township**;
 - (e) throwing, placing, or depositing of dirt, glass, handbills, paper or other refuse and debris or the carcass of any animal on a **Highway**;
 - (f) the excavation, removal, or damage to any portion of a **Highway**, including sod, trees, light poles, street signs, or other objects within the **Highway** without the permission to do so from the **Township**;
 - (g) the placement of leaves, grass clippings, and debris from private property to the portions of the **Highway** normally used for pedestrian or vehicular traffic;
 - (h) the placing or depositing of sporting equipment, including but not limited to basketball nets, hockey nets, soccer nets, skateboard ramps, and bicycle ramps, on a **Highway**;
 - (i) the placing or depositing of any kind of furniture or fencing on a **Highway**.
- (3) No **Person** shall operate an **Over-Dimensional Vehicle** on any **Township** highway without having obtained a **Road Occupancy Permit**. [Added by Section 2 of [By-law 43-2021](#), August 9, 2021]
- (4) No **Person** shall park a **Motor Vehicle** on a **Highway** unless:
- (a) there exists a currently validated permit for the vehicle issued pursuant to the Highway Traffic Act and its regulations;
 - (b) number plates issued in accordance with the Highway Traffic Act and its regulations are displayed on the vehicle in the manner prescribed by the Highway Traffic Act and its regulations; and
 - (c) evidence of the current validation of the permit is affixed to one of the number plates or to the rear mini-plate, if applicable, in the manner prescribed in the Highway Traffic Act and its regulations.
- [Added by Section 2 of [By-law 60-2021](#), November 15, 2021]
- (5) No **Person** shall park an immobile **Motor Vehicle** on a **Highway**. [Added by Section 2 of [By-law 60-2021](#), November 15, 2021]

PART 4 – BOULEVARD MAINTENANCE

7. (1) No **Person** shall alter a **Boulevard** without first having obtained a boulevard alteration permit.
 - (2) Every **Owner** or **Occupant** of a property shall maintain the grassy **Boulevard** portion of any **Highway**, or part of a **Highway**, that abuts their property. Without limiting the generality of subsection (1), maintaining the grassy **Boulevard** portion of a **Highway** includes the following:
 - (a) cutting the grass and weeds and removing the cuttings whenever the growth of grass or weeds exceeds 20.32 cm (8 inches) in height;
 - (b) keeping the **Boulevard** clean and free from:
 - (i) hazardous objects or materials,
 - (ii) domestic animal excrement,
 - (iii) rubbish or other debris,
 - (iv) yard waste,
 - (v) holes, ruts, and excavations that are actual or potential health, fire or safety hazards, or
 - (vi) anything that may attract or harbour rodents or insects
 - (3) No person shall relocate any snow from private property on a **Boulevard**.
8. (1) Every **Owner** or **Occupant** of a property shall maintain the paved portion or hard surface of a **Boulevard** that forms part of a **Driveway Apron** in front of, alongside, or at the rear of the property.
 - (2) Without limiting the generality of subsection (1), maintaining the paved portion of a **Boulevard** includes the following:
 - (a) keeping the paved portion of the **Boulevard** in a good state of repair so as to afford safe passage under normal use for persons and vehicles;
 - (b) keeping the paved portion of the **Boulevard** clear of snow and ice within 24 hours of a snowfall to provide safe passage for persons and vehicles;
 - (c) keeping the paved portion of the **Boulevard** clean and free from:
 - (i) hazardous objects or materials,
 - (ii) domestic animal excrement,
 - (iii) rubbish or other debris, and
 - (iv) holes, ruts, and excavations.
9. (1) No **Person**, in relation to **Boulevard Trees**, shall:
 - (a) Engage in construction, excavate, alter grades, store materials or traverse by mechanical equipment directly under the canopy of a **Boulevard Tree** or within the area of the root zone;
 - (b) Where any activity as per Subsection 9 (1)(a) above is undertaken adjacent to or in close proximity of a **Boulevard Tree**, regardless of whether the activity is undertaken on private or public lands, installation of Tree Protection Fencing, as per detail D-1, Schedule 'G' is required. Failure to install Tree Protection Fencing prior to the start of activities may result in the tree being designated as damaged and require

compensation as per items 32 and 33 in Schedule 'A';

- (c) plant, or alter a **Boulevard Tree** without a boulevard alteration permit;
 - (d) alter adjacent grades to create or allow conditions that result in prolonged standing water under a **Boulevard Tree**;
 - (e) hang or secure an object or allow injury by a domestic animal;
 - (f) remove or prune a **Boulevard Tree** without a boulevard alteration permit.
- (2) The costs of remedying any contravention of Subsection 9 (1)(a) shall be at the expense of the person(s) causing the contravention and may be recovered in accordance with Schedule 'A'.
- (3) The **Township** may trim or remove any trees, hedges, plants or bushes planted on the boulevard and may trim the branches or remove any trees, hedges, plants or bushes planted on private property, that extend onto the highway and is deemed by the **Director** to create an unacceptable risk.
- (4) The **Township** may plant, at the Township's expense and with the consent of the **Owner** of the lands, shade or ornamental trees on private property within 2.5m of a highway, the property owner is responsible for the maintenance, repair, and removal of the trees.

PART 5 – HAZARDOUS CONDITION

10. If an **Officer** determines that an obstruction of a **Highway** is, or may create, a hazardous condition to the safety of any **Person** using the **Highway**, the **Officer** may take any action necessary to have the obstruction immediately removed and the **Highway** repaired, if necessary, and all the costs incurred by the **Township** in undertaking this work shall be expenses owed to the **Township** by the **Owner**, **Occupant** and/or **Contractor** of the property from which the obstruction comes from, relates to, or was created for.

PART 6 – DISPOSING OF MATERIAL AND EQUIPMENT

11. (1) Any **Landscape or Construction Material** removed by the **Township** from a **Highway** under this **By-law** may be directly deposited onto the property from which the obstruction comes from, relates to, or was created for, or the material may be treated as refuse by the **Township** or become property of the **Township** which can be disposed of in any manner or used for any **Township** purpose.
- (2) Any motorized equipment, containers, trailers, or motorized tools removed by the **Township** may, at the discretion of the **Director**, be deposited at the property from which the **Obstruction** comes from, relates to, or was created for, or be stored at a **Township** facility for 60 days at the **Owner's** expense.
- (3) Any item in subsection 11 (2) shall only be released to its **Owner** after the **Owner** has shown proof of ownership and paid the **Township** any applicable expense for the removal and storage of the item.
- (4) Any item in subsection 11 (2) that is stored at a **Township** facility for more than 60 days and for which an **Owner** has not been identified may be disposed of by the **Township** in any manner that it deems appropriate.
- (5) Any item in subsection 11 (2) that is stored at a **Township** facility for more than 60 days and for which the **Owner**, having been identified, has failed to pay the applicable expenses and claim the item, may be disposed of pursuant to the provisions of the *Repair and Storage Liens Act*, R.S.O. 1990, c.R.25, as amended.

PART 7 – USE OF CONTRACTOR AND RECOVERY OF EXPENSES

12. (1) The **Township** may retain the services of a **contractor** to carry out any of the work that the **Township** may carry out under this **By-law**.
- (2) All expenses incurred by the **Township** in connection with the enforcement of this **By-law** shall be paid to the **Township** by the **Person** owing those expenses and may be collected in the same manner as property taxes by adding the expenses to the tax roll of the property from which the obstruction of the **Highway** or maintenance of the **Boulevard** relates.

PART 8 – ROAD OCCUPANCY PERMITS – ADMINISTRATION

13. (1) A **Person** may apply for a permit under this **By-law** if the person:
 - (a) completes an application for the permit on the forms as provided by the **Director**;
 - (b) Submits the application along with the applicable fees and charges as provided for in **Township's Fees and Charges By-law**; and,
 - (c) Provides any documentation, deposit or security as set out in Schedule 'B' to this by-law, or insurance certificates, as required by the **Director** as prerequisites and requirements for the issuance of the permit;
- (2) The issuance of a permit under this by-law does not relieve any person from the necessity of acquiring any other license or permit or complying with any other applicable laws, by-laws, regulations, and requirements of other governmental authority;
- (3) A permit is the property of the **Township** and is not transferable unless otherwise authorized by the **Director**;
- (4) A permit may be terminated at any time under the sole discretion of the **Director**;
- (5) Every applicant shall post with the **Township** the required deposit or security, by way of cash, certified cheque, debit card, or letter of credit, in a form satisfactory to the **Township**. The **Township** does not accept payments for deposits or securities by credit card.

PART 9 – ROAD OCCUPANCY PERMIT CONDITIONS

14. (1) A permit holder shall comply or ensure compliance with all provisions and conditions of the permit and this **By-law**;
- (2) A permit holder shall provide and maintain a contact phone number that the **Director** or an **Officer** may reach the permit holder at all time;
- (3) Failure to comply with any provision or condition of a permit or this **By-law** may result in the revocation of the permit by the **Director**, in addition to any other enforcement proceedings against the permit holder as permitted by law;
- (4) The permit holder of a revoked permit shall immediately cease or ensure the immediate cessation of all the activities for which a permit has been issued upon revocation of the permit under Section 14(3);
- (5) Every permit holder and every **Owner** and occupier of land shall forthwith rectify damaged conditions on a **Highway**, on land or to municipal services and shall reinstate the highway, the land, and the municipal services, as the case may be, to the satisfaction of the **Director**;
- (6) Every permit holder and every **Owner** and occupier of land shall provide all signs, barricades, traffic control devices, flag persons, and other persons and

- equipment required by the **Director** and in accordance with current provincial legislation;
- (7) Every permit holder shall maintain access to all private and public properties during any **Highway** closure and occupancy;
 - (8) When required by the **Director** permit holder shall provide a Letter of Credit/ Security Deposit as required in **Schedule 'B'** to this By-law.

PART 10 – BOULEVARD ALTERATION PERMITS

15. (1) A permit holder shall comply or ensure compliance with all provisions and conditions of the permit and this **By-law**.
- (2) All boulevard alteration permit applications shall conform to the conditions and requirements set out in **Schedule 'C'** to this By-law.
- (3) A person may apply for a boulevard alteration permit under this **By-law** if the person;
 - (a) completes an application for the permit on the forms as provided by the Director;
 - (b) Submits the application along with the applicable fees and charges as provided for in **Township's Fees and Charges By-law**; and,
 - (c) Provides any documentation, deposit or security as set out in **Schedule 'B'** to this by-law, or insurance certificates, as required by the Director as prerequisites and requirements for the issuance of the permit;
- (4) A permit holder shall conform to the Planting Guidelines set out in Schedule 'D' to this By-law;
- (5) Failure to comply with any provision or condition of a permit or this **By-law** may result in the revocation of the permit by the **Director**, in addition to any other enforcement proceedings against the permit holder as permitted by law;
- (6) The permit holder of a revoked permit shall immediately cease or ensure the immediate cessation of all the activities for which a permit has been issued upon revocation of the permit under Section 15(5);

PART 11 – INSPECTION

16. An **Officer** acting under this **By-law** may, at any reasonable time, enter and inspect any property, including all buildings and structures thereon, to determine any one of the following:
 - (a) Whether there is compliance with this **By-law**.
 - (b) Whether the conditions for a permit issued under this **By-law** are adhered to.
 - (c) Whether there is compliance with any order made under this **By-law**.

PART 12 – REBUTTABLE PRESUMPTION

17. (1) An **Owner** or occupant shall be presumed to have created, caused, allowed, permitted, or continued a **Highway** or **Boulevard** Obstruction that has occurred on **Township** property abutting **Owner** or occupant's property, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

PART 13 – ORDERS

HIGHWAYS

18. (1) If an **Officer** determines that an obstruction of a **Highway** exists, the **Officer** may issue an order requiring the **Owner, Occupant** and/or **Contractor** of the property from which the obstruction comes from, relates to, or was created for, to discontinue causing the obstruction and to remove the obstruction and repair, as necessary, at the expense of the **Owner, Occupant** and/or **Contractor**, the **Highway** so that the **Highway** is brought back to its former condition prior to the Obstruction.
- (2) Every **Person** who fails to comply with an order made under section 18(1) is guilty of an offence.

BOULEVARDS

- 19.(1) If an Officer determines that an Owner or Occupant of a property has altered or failed to maintain a Boulevard that abuts the Owner's property, the Officer may issue an order requiring the Owner or Occupant to maintain the Boulevard in accordance with this By-law or obtain a Boulevard Alteration Permit for the work done on the Boulevard. [Amended by Section 3 of [By-law 43-2021](#), August 9, 2021]
- (2) Every **Person** who fails to comply with an order made under section 19(1) is guilty of an offence. [Numbering amended by subsection 1 of [By-law 25-2021](#) on May 17, 2021]

WORK ORDER

20. Where the order described in subsection 18(1) is not complied with within the time period stipulated therein, the **Township** may remove the obstruction and repair, as necessary, the **Highway** and all the costs incurred by the **Township** in undertaking this work shall be expenses owed to the **Township** by the **Owner, Occupant** and/or **Contractor** of property from which the obstruction comes from, relates to, or was created for.
21. Where an order under subsection 19(1) is not complied with within the time period stipulated therein, the **Township** may carry out, or cause to be carried out, any work necessary to maintain the **Boulevard** in accordance with this **By-law**, and all the costs incurred by the **Township** in undertaking this work shall be expenses owed to the **Township** by the **Owner** or **Occupant** of the property.

PART 14 – WORK DONE BY THE TOWNSHIP

22. The **Township** may recover its **Costs** of remedying a violation of this By-law by invoicing the owner, by initiating court proceedings or by adding the **Costs**, including interest, to the tax roll in the same manner as municipal taxes in accordance with section 446 of the Municipal Act, 2001 and the exercise of any one remedy shall not preclude the exercise of any other available remedy.
23. The **Township** may charge a fee for inspection and administration services pursuant to the **Township's Fees and Charges By-law**.

PART 15 – EXEMPTIONS

24. Section 6 (1) of this **By-law** shall not apply:
 - (1) To an obstruction on a **Highway** where the obstruction is permitted under a valid and binding encroachment agreement or permit between a **Person** and the **Township**.
 - (2) To any sign for which the **Owner** has received written permission to place on property owned by the **Township**.

- (3) For work being completed under an approved Entrance Permit application.
- (4) For work being completed under a Plan of Subdivision or other approved development agreements.

PART 16 – SERVICE OF DOCUMENTS

25. (1) Service of any document, including an order, under this **By-law** may be given in writing in any of the following ways and is effective:
 - (a) when a copy is delivered to the **Person** to whom it is addressed;
 - (b) on the 5th day after a copy is sent by regular or registered mail to the **Person's** last known address;
 - (c) by email to the last known email address of the person to whom service is required to be made;
 - (d) by placing a placard containing the terms of the document or order in a conspicuous place on the property to which the document or order relates and shall be deemed to be sufficient service on the Owner.[Amended by subsection 1 of [By-law 12-2022](#) on March 7, 2022]

PART 17 – ENFORCEMENT AND PENALTY PROVISIONS

26. The enforcement of this By-law shall be conducted by an **Officer**.
27. (1) Every **Person** who contravenes any provision of this **By-law**, and every Director or Officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as it may be amended from time to time.
 - (2) In addition to subsection 27 (1), any **Person** who is charged with an offence under this **By-law** in accordance with Part III of the *Provincial Offences Act* and is found guilty of the offence, is liable, in addition to any other penalties:
 - (a) If an individual, to a fine of not more than \$25,000; or
 - (b) If a corporation, to a fine of not more than \$50,000.
28. No **Person** shall hinder or obstruct, or attempt to hinder or obstruct, any **Officer** exercising a power or performing a duty under this By-law.
29. Every **Person** who is alleged to have contravened any of the provisions of this By-law shall identify themselves to an **Officer** upon request, failure to do so shall be deemed to have hindered or obstructed an officer in the execution of his or her duties.
30. Upon conviction, any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
31. If a **Person** is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the **Person** convicted.

PART 18 – BY-LAW ADMINISTRATION

32. The **Director** shall administer the **By-law** and establish any practices, policies, and procedures necessary to implement the **By-law**.
33. The **Director** shall prescribe all forms and notices, including any orders, necessary to implement the **By-law**, and may amend such forms and notices from time to time as the **Director** deems necessary.

PART 19 – SCHEDULES

- 34. The Schedules 'A' through 'E' appended to this By-law are incorporated into and form part of this By-law.
- 35. Schedule 'F' (Short Form Wording and Set Fines) attached hereto does not form part of this By-law.

PART 20 – ENACTMENT

- 36. This **By-law** comes into force on the day it is passed by **Council**.

READ three times and finally passed
this 3rd day of **May, 2021**.

Chris White, Mayor

Amanda Knight, Clerk

SCHEDULE 'A' TO BY-LAW 21/2021

[Amended by Section 3 of [By-law 60-2021](#), November 15, 2021]

OCCUPANCY / PERMIT FEE DESCRIPTIONS

FEE ITEM	TERM	CONDITIONS
Road Occupancy		
1. Road Occupancy (Short Duration)	Week	5-day maximum i.e. bin, moving pod or minor landscaping materials storage on street
2. Road occupancy	Month	1-month minimum rounded to the next whole month
3. Road occupancy (Utility Companies)	Yearly	Yearly road occupancy permit for Utility Companies.
4. Full road closure	Day	In addition to the road occupancy fee. Not applied to special events.
5. Encroachment on boulevard	m ² /month	Where hoarding, covered walkways or other temporary structures extend onto public lands or for areas used to store materials, equipment or shelters
6. Encroachment on roadways	m ² /month	Where the roadway is used to facilitate activities related to the development of adjacent lands i.e. loading/staging areas
7. Aerial crane trespass fee	Month	Where fixed crane booms extend over public lands
8. Construction access	N/A	Crossing boulevard where vehicular access is not intended for temporary access to construction site
9. Street signage modification	N/A	Temporary modification of existing street signage to accommodate construction activities. Fee to be the greater of minimum cost or actual costs incurred
10. Security Deposit (refundable)	N/A	Charged when activities have a likelihood of damaging public property or when road degradation fees will be levied. Based on the value of assets at risk
11. Site Inspection (where security deposit is required)	Up to 2 inspections	To conduct pre and post-inspection surveys where security deposits are required
12. Additional Inspections	Per Inspection	To conduct any additional inspections as required.
Boulevard Alteration		
13. Boulevard Alteration Permit	One time	A fee for Boulevard Alteration Permit.
14. Boulevard Restoration Administration Fee	One time	A charge to restore Boulevard by the Township.
Road Surface Degradation		
	12 m ² Minimum	
15. Pavement <2 years old	m ²	Penalty for decreasing pavement service life when activities cut or bore surfaces or otherwise degrades surface. Minimum 12m ² per degradation. Township of Guelph/Eramosa contracts and staff are exempted.
16. Pavement between 2 & 4 years old	m ²	
17. Pavement between 4 & 7 years old	m ²	
18. Pavement between 7 & 10 years old	m ²	
19. Pavement > 10 years old	m ²	

Oversize Load		
20. Single event	1 month maximum	May be multiple loads generated from or arriving at a single destination, within a one month period
21. Annual	Annual	Annual fee to cover activities of a single company.
Boulevard Trees		
22. Removal Application Fee	N/A	Application fee in addition to tree replacement costs as per item 34 - 36 below
23. Cost per Replacement tree	1 to 20 trees	Quantity of replacement trees required to offset tree removal calculated by Progressive Aggregate Caliper Replacement Method (Schedule 'E')
24. Cost per Replacement tree	>21 trees	
Miscellaneous		
25. Street Cleaning - Sweeping	Hour	4 Hour minimum
26. Street Cleaning - Flushing	Hour	4 Hour minimum
27. Plan creation (discretionary)	Per Document	At the discretion of the Director, where an application is incomplete and it is in the Township's interest to proceed with permit issue. Charge for each plan, drawing or document required to fulfil submission requirements

SCHEDULE 'B' TO BY-LAW 21/2021

LETTER OF CREDIT/ SECURITY DEPOSIT

1. Letter of Credit/ Security Deposit

Where activities may result in a deterioration of Township assets, an irrevocable Letter of Credit/ Security Deposit in favour of the Township shall be issued to cover 120% of the estimated cost for replacement of assets at risk for the anticipated duration of the project or minimum deposits of, whichever is higher:

i.	Minor work carried out by residents	\$1,000.00
ii.	Construction - duration less than a month	\$5,000.00
iii.	Construction - duration over a month	\$10,000.00

- a) The Letter of Credit/ Security must remain in effect for the full duration of the permit. Any Letter of Credit/ Security Deposit and its subsequent renewal forms shall contain a clause stating that the thirty (30) days written notice must be given to the Director prior to its expiry or cancellation; and,
- b) In the event the Director receives notice that a Letter of Credit/ Security Deposit is expiring and will not be renewed, or, if further or additional securities are not provided within the said thirty (30) days, the Director may draw on the current Letter of Credit.

2. Prior to the release or reduction of the Security Deposit, the Permit Holder shall:

- a) Provide a proof satisfactory to the Director that the permitted area has been adequately reinstated in accordance with the requirements of the By-law; and,
- b) Request that the Township carry out a final inspection to confirm that all relevant terms of this By-law have been complied with.

SCHEDULE 'C' TO BY-LAW 21/2021

BOULEVARD ALTERATION AGREEMENT

1. The **Owner** or **Occupant** shall sign this agreement below to attest they have read and will follow these guidelines and shall submit a signed copy of this agreement to the Township for registration prior to commencing a boulevard garden.
2. It is the responsibility of the property owner to locate all municipal services and utilities, such as water, sewer, gas, telephone, hydro, cable, telecommunications, etc. through Ontario One Call prior to commencing any works on the boulevard.
3. All boulevard gardens shall be limited to perennial or annual plant material and allowed to grow up to 60 centimetres (cm) or 24 inches (in) tall. Shrubs, noxious weeds and invasive plants are not permitted. Decomposable mulches are permitted; however, residents should follow proper mulch management techniques to prevent the spread of termites in the community. Suggested plant materials are provided in Schedule 'D'. Salt tolerance should be a consideration when selecting plant material.
4. Property owners are not permitted to plant trees within the Township's boulevard without approval from the Township. Property owners interested in planting trees in the boulevard should contact the Public Works Department to discuss requirements for setbacks to curbs, sidewalks, driveways, drainage swales, buildings, underground and overhead utilities, and other trees.
5. Artificial turf is generally not permitted. Property owners interested in artificial turf should contact the Public Works Department to discuss requirements.
6. A 30 cm (12 inch) buffer for all plants shall remain in place for all sidewalks, curbs, road, and driveway edges. Manicured turf and mulches are the only acceptable materials within the 30 cm buffer. The surface of the mulch is not to extend above any adjacent sidewalk surface within the buffer. A minimum 1.2 metre (4 foot) buffer around all sides of a fire hydrant is to be maintained at all times.
7. The landscape treatment shall maintain positive surface drainage.
8. Property owners shall maintain their sidewalk, and curb/road free and clear of all vegetation, mulches and debris.
9. The Township reserves the right to require at any time with at least 30-calendar days notice that the boulevard be returned to turf grass at the property owner's expense, failing which, the Township will remove all non-compliant material and restore the boulevard to the turf grass standard at the owner's expense.
10. It is the responsibility of the property owner to locate their property line through their legal survey.
11. Retaining walls or fences shall be set back 0.3 metres from any property line abutting a street. Hedges shall be set back 1.0 metres from the front property line and in the case of a corner lot; hedges shall also be set back 1.0 metres from the side property line abutting the street. The Public Works Department can provide general guidance as to the property line location; however as previously noted it is as noted the property owners responsibility to locate their property line through legal survey.
12. Installations such as leashless dog fencing, in-ground irrigation systems, fencing, pavers or hard mulches such as pea gravel and rocks are not permitted on the boulevard.
13. In the event that emergency or unscheduled works are required that will disturb an existing boulevard garden, no notification will be provided.

14. In the event of scheduled boulevard works, Township staff will provide 30-calendar days notice to the property owner, giving them the opportunity to salvage plant material.
15. Following the unscheduled or scheduled boulevard works, the boulevard will be restored to the turf standard unless the property owner states their intent to re-establish the boulevard plantings within 30 calendar days, weather permitting, or reasonable date set by the Township in consultation with the property owner. Re-established boulevard gardens shall be in compliance with this policy and will be the sole responsibility of the property owner. Following the 30 day period or date set by the Township, if the plantings have not taken place, the Township will restore the boulevard to turf.
16. The Township assumes no responsibility for the cost of repairs of any damages to the garden on the boulevard.
17. The property owner shall maintain clear and easy access to all aboveground and underground services, including but not limited to, fire hydrants, water valves, Bell pedestals, telecommunications pedestals and handwells, and hydro transformer boxes.

SCHEDULE 'D'TO BY-LAW 21/2021

PLANTING GUIDELINES

Perennials (Plants in this list have salt tolerance to some degree)

Common Name	Latin Name	Sun Exposure
Alpine Pinks	Dianthus	Sun
Barren Strawberry	Waldsteinia ternate	Shade – Part Sun
Bellflower	Campanula	Sun – Part Sun
Blanket Flower	Gaillardia	Sun
Catmint	Nepeta	Sun
Christmas Fern	Polystichum acrostichoides	Shade – Part Sun
Coneflower	Rudbeckia fulgida 'Goldstrum'	Sun – Part Sun
Cranesbill	Perennial Geranium	Sun – Part Sun - Shade
Creeping Phlox	Phlox subulata	Sun – Part Sun
Cushion Spurge	Euphorbia	Sun – Part Sun
Daylily	Hemerocallis	Sun – Part Sun
Dead Nettle	Lamium	Shade – Part Sun
English Lavender	Lavendula angustifolia	Sun
Evening Primrose	Oenothera	Sun
Evergreen Candytuft	Iberis sempervirens	Sun – Part Sun
False Spirea	Astilbe	Sun – Part Sun - Shade
Hens and Chicks	Sempervivums	Sun – Part Sun
Japanese Painted Fern	Athyrium niponicum 'Pictum'	Shade – Part Sun
Lady in Red Fern	Athyrium augustrum forma rubellum	Shade
Lady's Mantle	Alchemilla mollis	Sun – Part Sun
Lambs Ear	Stachys byzantine	Sun – Part Sun
Little Spire Russian Sage	Perovskia atriplicifolia 'Little Spire'	Sun
Lungwort	Pulmonaria saccharata	Shade – Part Sun
Oriental Poppy	Papaver orientale	Sun
Palace Purple Coral Bells	Heuchera micrantha 'Palace Purple'	Sun – Part Sun
Pig Squeak	Bergenia cordifolium	Sun – Part Sun - Shade
Plantain Lily	Hosta	Shade – Part Sun
Rock Cress	Arabis	Sun
Sapphire Blue Sea Holly	Eryngium amethystinum 'Sapphire Blue'	Sun
Sea Thrift	Armeria maritime	Sun
Silver Mound Wormwood	Artemisia schmidtiana 'Silver Mound'	Sun – Part Sun
Snow in Summer	Cerastium tomentosum	Sun
Soapwort	Saponaria	Sun – Part Sun
Speedwell	Veronica	Sun – Part Sun
Stonecrop	Sedum x 'Autumn Joy'	Sun
Thyme	Thymus	Sun
Tickseed	Coreopsis verticillata	Sun – Part Sun
Yarrow	Achillea	Sun
Common Name	Latin Name	Sun Exposure
Blue Fescue	Festuca glauca	Sun – Part Sun
Blue Oat Grass	Helictotrichon	Sun – Part Sun
Hakone Grass	Hakonechloa macra	Shade – Part Sun
Lily Turf	Liriope muscari	Sun – Shade
Little Bunny Fountain Grass	Pennisetum alopecuroides 'Little Bunny'	Sun – Part Sun

Ornamental Grasses (grasses in this list have salt tolerance to some degree)

SCHEDULE 'E' TO BY-LAW 21/2021

Township Tree Replacement Criteria

Progressive Aggregate Caliper Replacement Method

The following shall apply as a protocol for compensation for any Township-owned tree, approved to be removed:

1. Assess existing tree for health and structure using a rating of:
 - Good (75%)
 - Fair (50%)
 - Poor (25%)
2. Use the formula:
 - $dbh \times ((\text{Health condition (\%)} + \text{Structure Condition (\%)})) / 2$
3. The result will show the total required number of centimetres required to be replaced.
4. The total will be divided by 5 for the number of replacement trees. (5cm is the average diameter of 60mm deciduous trees or 200cm tall coniferous trees.)

Examples

<p>1. 26cm dbh blue spruce Health – Good</p> <p>Structure – Fair</p> <p>a. $26 \times ((75\% + 50\%) / 2)$ b. $26 \times 62.5\%$ c. $16.25\text{cm} / 5$ d. 3 trees</p> <p>3 x 50-60mm trees will be required for replacement. Round to the nearest increment of 5. Based on \$600/tree, \$1,800 cash in lieu is acceptable.</p>	<p>2. 2 x 120cm dbh willow Health – Fair</p> <p>Structure – Poor</p> <p>a. $240 \times ((50\% + 25\%) / 2)$ b. $240 \times 37.5\%$ c. $90\text{cm} / 5$ d. 18 trees</p> <p>3 x 50-60mm approved trees (\$1,500) are requested to be planted on the property, therefore 15 trees remain at \$500/tree, \$7,500 cash-in-lieu will be required for the difference of the trees not planted.</p>
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Details

- Upon receipt of Road Occupancy Permit, a Township approved tree planting contractor can plant the trees (species and locations to be approved by Public Works Director or designate). Large growing shade trees are preferred. Locates are the responsibility of the contractor.
- Details and Specifications are required to be adhered to and are available through the Public Works Department.
- Cash-in-lieu for all Township-owned trees will be \$600/tree for up to 10 trees per site. 11-20 trees, the fee will be \$500/tree. Over 20 trees, \$460/tree.
- Exemptions will be made on a case by case basis, for trees assessed by a Qualified Tree Risk Assessor (ISA TRAQ, in good standing) rating the tree with a risk rating of High or Extreme and that cannot be reasonably mitigated.
- All removals must be justified and approved by the Director of Public Works or designate prior to the acceptance and after all design-related possibilities have been exhausted.
- Compensation for naturalized trees will be subject to approval via a proposal submitted by a qualified consultant.
- In naturalized areas, for otherwise non-suitable species (i.e. A. negundo, etc.) and significant sized ($\geq 30\text{cm dbh}$), and regardless of condition, a replacement criteria of 1:1 is amenable.

SCHEDULE 'F' TO BY-LAW NO. 21/2021

THE TOWNSHIP OF GUELPH/ERAMOSIA

**PART 1 PROVINCIAL OFFENCES ACT BY-LAW 21/2021: BOULEVARD
MAINTENANCE & HIGHWAY OBSTRUCTION BY-LAW**

Being a By-law Respecting the Maintenance of Boulevards and Highway Obstructions,
in the Township of Guelph/Eramosa.

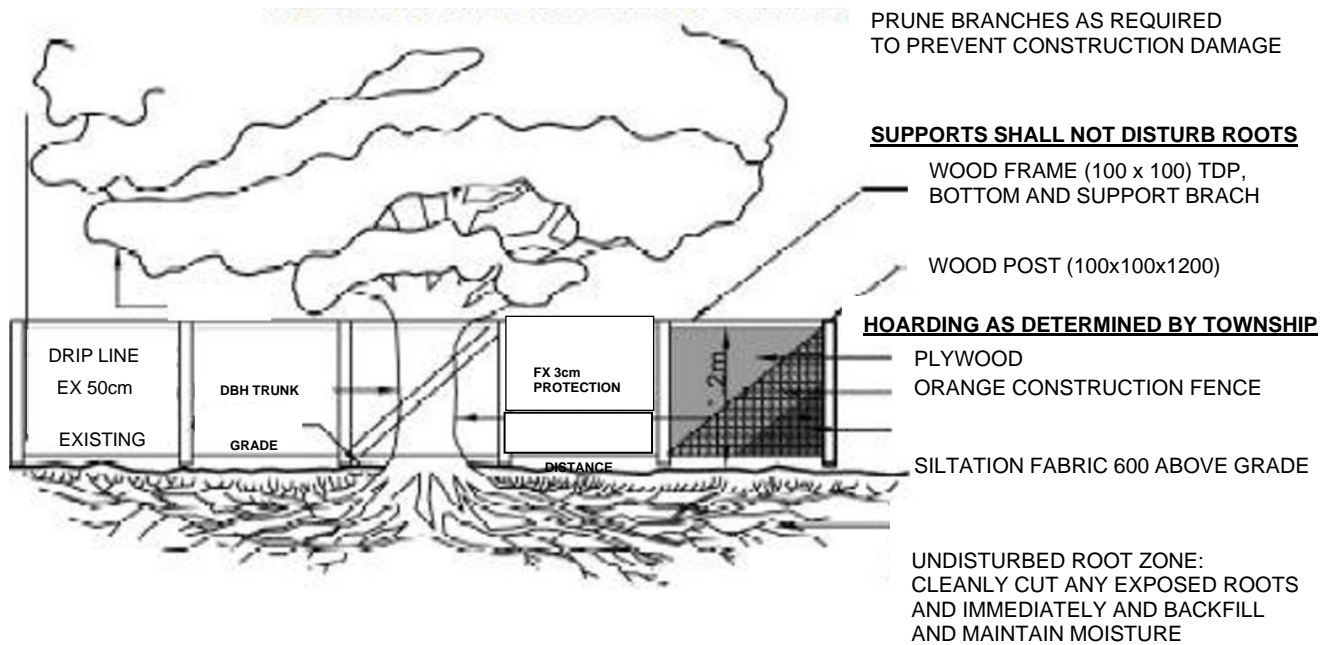
Item #	Short Form Wording	Provision Creating or Defining Offence	Set Fine
HIGHWAYS			
1	Obstruct any Highway without obtaining a Road Occupancy permit	Section 6 (1)	\$500.00
2	Depositing of snow or ice on a portion of a Highway	Section 6 (2)(a)	\$200.00
3	Relocation of snow from private property to a Highway	Section 6 (2)(b)	\$200.00
4	Leave or deposit equipment or motorized equipment on a Highway without a permit	Section 6 (2)(c)	\$300.00
5	Cut, alter or extend a concrete curb, culvert, or similar structure or landscape without a permit	Section 6 (2)(d)	\$400.00
6	Throw, place, or deposit dirt, glass, handbills, paper, refuse or debris, or animal carcass on a Highway	Section 6 (2)(e)	\$400.00
7	Excavate, remove, or damage any portion of a Highway without a permit	Section 6 (2)(f)	\$400.00
8	Place leaves, grass clippings, and debris from private property to a Highway	Section 6 (2)(g)	\$300.00
9	Place or deposit sporting equipment on a Highway	Section 6 (2)(h)	\$200.00
10	Place or deposit furniture or fencing on a Highway	Section 6 (2)(i)	\$200.00
11	Fail to comply with an Order issued under Section 18 (1)	Section 18 (2)	\$700.00
BOULEVARDS			
12	Alter a Boulevard without a permit.	Section 7 (1)	\$500.00
13	Fail to maintain grass and weeds to a height less than 20.32 cm (8 inches)	Section 7 (2)(a)	\$200.00
14	Fail to keep Boulevard free from hazardous objects or materials	Section 7 (2)(b)(i)	\$300.00
15	Fail to keep Boulevard free from domestic animal excrement	Section 7 (2)(b)(ii)	\$150.00
16	Fail to keep Boulevard free from rubbish or other debris	Section 7 (2)(b)(iii)	\$300.00
17	Fail to keep Boulevard free from yard waste	Section 7 (2)(b)(iv)	\$300.00
18	Fail to keep Boulevard free from holes, ruts and excavations	Section 7 (2)(b)(v)	\$300.00
19	Fail to keep Boulevard free from anything that may attract or harbour rodents or insects	Section 7 (2)(b)(vi)	\$300.00
20	Fail to keep paved portion of Boulevard clear of snow and ice within 24 hours of snowfall	Section 8 (2)(b)	\$300.00
21	Engage in construction, directly under the canopy of a boulevard tree	Section 9 (1)(a)	\$300.00
22	Engage in excavation, directly under the canopy of a boulevard tree	Section 9 (1)(a)	\$300.00

23	Engage in alteration of grades, directly under the canopy of a boulevard tree	Section 9 (1)(a)	\$300.00
24	Engage in the storage of materials, directly under the canopy of a boulevard tree	Section 9 (1)(a)	\$300.00
25	Traverse by mechanical equipment, directly under the canopy of a boulevard tree	Section 9 (1)(a)	\$300.00
26	Plant, or alter a boulevard tree without a permit	Section 9 (1)(c)	\$300.00
27	Hang or secure an object or allow injury of a boulevard tree by a domestic animal	Section 9 (1)(e)	\$300.00
28	Remove or prune a boulevard tree without a permit	Section 9 (1)(f)	\$300.00
29	Fail to comply with an Order issued under Section 19(1)	Section 19 (2)	\$700.00
GENERAL			
30	Hinder or obstruct, or attempt to hinder or obstruct an Officer	Section 27	\$900.00

NOTE: The general penalty provision for the offences indicated above is Section 27(1) of By-law no. **21/2021** as amended, a certified copy of which has been filed.

**SCHEDULE 'G' TO BY-LAW NO. 21/2021
THE TOWNSHIP OF GUELPH/ERAMOSIA**

SCHEDULE "G" TO BY-LAW 21/2021 – TREE PROTECTION DETAIL




MINIMUM TREE PROTECTION DISTANCE FROM TRUNK:

< 10cm	DBH	1.2m
10-29cm	DBH	1.8m
30-40cm	DBH	2.4m
41-50cm	DBH	3.0m
51-60cm	DBH	3.6m
61-70cm	DBH	4.2m
71-80cm	DBH	5.4m
81-90cm	DBH	5.4m
91-100cm	DBH	6.0m

(DIAMETER AT BREAST HEIGHT) DBH = TRUNK DIAMETER AT 1.4m HEIGHT

40cmx60cm SIGN MOUNTED ON ALL SIDES OF BARRIER



TREE PROTECTION ZONE

NO WORK IS PERMITTED WITHIN THE TREE PROTECTION ZONE INCLUDING GRADING, CONSTRUCTION ACCESS AND MATERIAL STORAGE


BREACH OF TREE PROTECTION ZONE IS SUBJECT TO A FINE OF \$_____

CONTACT TOWNSHIP OF GUELPH/ERAMOSIA FOR MORE INFORMATION (519-856-9596)

TREE PROTECTION NOTES:

1. ALL TREE PROTECTION BARRIERS SHALL BE IN PLACE AND APPROVED BY THE TOWNSHIP PRIOR TO CONSTRUCTION ACCESS.
2. ALL SUPPORTS AND STAKES SHALL BE OUTSIDE THE TREE PROTECTION ZONE AND SHALL MINIMIZE ROOT DAMAGE.
3. TREE PROTECTION BARRIERS SHALL REMAIN IN PLACE AND IN GOOD CONDITION UNTIL ALL CONSTRUCTION IS COMPLETE AND APPROVED BY THE TOWNSHIP.
4. ALL ARBORICULTURE WORK SUCH AS PRUNING OF BRANCHES AND ROOTS, SHALL BE DONE BY A QUALIFIED TREE WORKER CERTIFIED WITH THE INTERNATIONAL SOCIETY OF ARBORICULTURE APPROVED BY THE TOWNSHIP

TREE PRESERVATION DETAILS

 THE CORPORATION OF THE TOWNSHIP OF GUELPH/ERAMOSIA	DATE: MAY 2021	DRAWING NO: D-1
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AMENDMENT HISTORY

BOULEVARD MAINTENANCE AND HIGHWAY OBSTRUCTION BY-LAW

DATE (YYYY/MM/DD)	BY-LAW	AUTHORITY	CONSOLIDATED
2021 / 05 / 03	<u>21-2021</u>	<u>Item 8.3, Report 21-08, Regular Council Meeting</u>	
2020 / 05 / 17	<u>25-2021</u>	<u>Item 8.3, Report 20-05, Regular Council Meeting</u>	✓
2021 / 08 / 09	<u>43-2021</u>	<u>Item 9.9, Report 21-17, and item 12.2 - Virtual Regular Meeting of Council</u>	✓
2021 / 11 / 15	<u>60-2021</u>	<u>Item 9.3, Report 21-25, Virtual Regular Meeting of Council</u>	
2022 / 03 / 07	<u>12-2022</u>	<u>Item 9.1, Report 22-03, Hybrid Regular Meeting of Council</u>	