

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 039-2023

BEING A BY-LAW TO AMEND THE TOWN OF MILTON BY-LAW 035-2020 TO REGULATE THE CONSTRUCTION, INSTALLATION, WIDENING, ALTERING OF ENTRANCES TO AND THE OCCUPATION OR FOULING OF ROAD ALLOWANCES UNDER THE JURISDICTION OF THE TOWN

WHEREAS Section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (the “Municipal Act, 2001”) provides that a municipality has the capacity, rights, powers and privileges of a natural person;

AND WHEREAS, the Council of The Corporation of the Town of Milton is desirous of amending By-law 035-2020 as amended;

NOW THEREFORE, the Council for the Corporation of the Town of Milton enacts as follows:

1. **THAT** Part I – Definitions, paragraph 1(12) “Material” be repealed and replaced with the following;
 - (12) “Material” includes, but is not limited to, earth, gravel, sand, ashes, snow, rocks, ice, signs, fences, hedges, trees, bushes, leaves, organic matter of any kind, waste, refuse, litter and rubbish;
2. **THAT** Part I – Definitions, paragraph 1(22)(iv) “Road Occupancy” be repealed and replaced with the following;
 - (iv) the discharging, releasing, depositing, dumping or storage of any Material or substance within a Town Road Allowance, including without restriction, containers (bins or otherwise), Derelict Vehicles, equipment, or any other item or thing; or
3. **THAT** Part II – Prohibitions, paragraph 3(e) be repealed and replaced with the following;
 - (e) deposit, store, park or plant any Material, Derelict Vehicle, equipment, item or thing, within a Town Road Allowance;
4. **THAT** Part II – Prohibitions, paragraphs 3(k) & 3(l) be repealed and replaced with the following;
 - (k) enter an area within a Town Road Allowance that has been closed to the public for construction, maintenance, emergency or other

similar purposes;

- (l) move or remove a barricade, street sign, traffic sign or traffic control devices, within a Town Road Allowance;
5. **THAT** Part II – Prohibitions, paragraph 4 be repealed and replaced with the following;
- 4. Any Person employing or using trucks, graders, loaders, construction vehicles or other vehicles in any operation which involves the passage of such vehicles to or from any property, whether for building purposes or otherwise, shall at once remove from the Town Road Allowance or from any other Public Property, all material which may fall from such trucks, graders, loaders or other vehicles or may otherwise be tracked onto a Town Road Allowance or Public Property.
6. **THAT** Part VI – Permit Approval, paragraph 19(c) be repealed and replaced with the following;
- (c) provide any additional documents or information requested by the Director;
7. **THAT** Part VIII – Orders and Powers, paragraph 31 be repealed and replaced with the following;
- 31. Where the Town has reason to believe that any Person is in contravention of this By-law, or any term or condition of a Permit, the Town, may issue a Work Order directing the Person or Persons to take such actions as are necessary to comply with this By-law or the Permit as the case may be, by the date set out in the Order.
8. **THAT** all other provisions of By-law No. 035-2020 as amended, remain in force and effect.
9. **THAT** this by-law comes into effect on the day it is passed.

PASSED IN OPEN COUNCIL ON May 29, 2023.

_____ Mayor
Gordon A. Krantz

_____ Town Clerk
Meaghen Reid