

## THE CORPORATION OF HALDIMAND COUNTY

By-law Number /18

### **Being a by-law to amend By-law 1806/17, being a by-law respecting the maintenance of boulevards**

**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;

**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;

**WHEREAS** Section 11(2)6 of the *Municipal Act*, 2001, provides that a municipality may pass by-laws in the interest of the health, safety and well-being of its residents;

**WHEREAS** paragraph 11(3)1 of subsection 11 (3) of the *Municipal Act*, 2001, provides that a municipality may pass by-laws respecting highways under its jurisdiction;

**WHEREAS** Section 128 of the *Municipal Act*, 2001, provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

**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;

**AND WHEREAS** the Council for Haldimand County deems it expedient to amend By-law 1806/17 to include regulations in rural and Residential Areas for the maintenance and use of the boulevard portion of highways under its jurisdiction,

**NOW THEREFORE, the Council of The Corporation of Haldimand County enacts as follows:**

1. **THAT** Part II – Definitions, Section 1 of By-law No. 1806/17 be amended to add the following definitions alphabetically with the remaining sections to be re-identified in consecutive alphabetical order:

"Residential Area" means any property zoned as such within the current applicable Zoning By-law and shall include all lands within an Urban Boundary, Hamlet Boundary and Lakeshore Node Boundary as identified and designated in the Haldimand County Official Plan.

“Rural Area” includes all property other than those properties within a Residential Area.

2. **THAT** Part III – Boulevard Maintenance, Section 2 of By-law No. 1806/17 be amended by adding the words “in a Residential Area” so that Section 2 now reads as follows:
  - 2 Every *Owner* of a property in a *Residential Area* shall maintain the *Adjacent boulevard* by cutting the Vegetation on the boulevard so that the Vegetation does not exceed a height greater than 20.32 centimeters (8 inches).
3. **THAT** Part III – Boulevard Maintenance, of By-law No. 1806/17 be amended to adding Section 2.1 to read as follows:
  - 2.1 Every *Owner* of a property in a *Rural Area* shall maintain the *Adjacent boulevard*, within 9 meters (29.53 feet) of either side of a driveway, where such driveway provides access from the principal entrance of a building to the street, by cutting the Vegetation on the boulevard so that the *Vegetation* does not exceed a height greater than 20.32 centimeters (8 inches).
4. **THAT** Part III – Boulevard Maintenance, Section 3 of By-law No. 1806/17 be amended by adding the words “in a Residential Area” so that Section 2 now reads as follows:
  - 3 Every *Owner* of a property *in a Residential Area* shall maintain, the *Adjacent boulevard* clear of all debris, refuse, waste, or litter.
5. **AND THAT** this by-law shall come into force and effect upon its final passage thereof.

READ a first and second time this 30<sup>th</sup> day of April, 2018.

READ a third time and finally passed this 30<sup>th</sup> day of April, 2018.

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MAYOR

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CLERK