



MUNICIPAL RIGHT OF WAY BY-LAW

LIST OF AMENDMENTS

FROM 2009-072 TO 2024-002

By-law 2024-002 introduces the following updates:

1. By-law references
Deleted:
 - References to the previous by-laws that have been repealedReplaced with:
 - Applicable sections and subsections of the *Municipal Act, 2011*
2. General formatting
 - Section headings have been added
 - Re-numbering of sections and sub-sections
3. Under the DEFINITIONS section:

These revisions provide increased clarity for both the public (to ensure compliance with the by-law) and staff (for implementation and enforcement of the by-law).

- Modified:
Boulevard, Driveway (Apron), Municipal Right-of-Way, Newspaper (or Media) Officer, Sign By-law, Solicit, Special Event, Utility, Vehicle, and Walkway.
- New:
Alteration or Alter, Busker, Council, Curb Cut, Director of Transportation and Engineering, Director of Municipal Enforcement Services, Director of Roads and Works, Encroachment, Encroachment Agreement, Emergency, Graffiti, Hazard” or “Hazardous, Inspector, Municipal Infrastructure, Newspaper or Media Box, Obstruct(ion), Permit, Provincial Offences Act, Rates and Fees Schedule, Sidewalk, Sign By-law, Solicit, Special Event, Utility,
- Deleted
Director, replaced with Director of Transportation and Engineering, Director of Municipal Enforcement Services, and Director of Roads and Works

4. The new Section 2. Prohibitions, replaced the current Section 1 with the following revisions:

- New Sections 2.1 is a general prohibition of obstruction of the municipal right of way
- New Subsections 2.2 a) to z), replaced the current Subsections 1 a. to x.
 - The breakdown of the revisions is shown in the table below:

Current Subs.	New Subs.	No change	Modified	New	Deleted	Comment
1 a. – i.	2.2 a) – i)	√				
1 e.	2.2 e)		√			
1 f. – i.	2.2 f) – i)	√				
	2.2 j)			√		Provide clarity on busking
1 j.	2.2 k)	√				
1 k.	2.2 l)		√			
	2.2 m)			√		Separated out soliciting
1 l. – m.	2.2 n) – o)	√				
1 n.	2.2 p)		√			
1 o. – p.	2.2 q) – r)	√				
	2.2 s)			√		Provide clarity on road cuts
1 q.	2.2 t)		√			
1 r.					√	Boulevard garden no longer require a permit if construction in accordance to the Boulevard Garden Procedure
1 s. – t.	2.2 u) – v)		√			
1 u. – v.	2.2 w) – x)	√				
1 w.	2.2 y)		√			
1 x.	2.2 z)	√				

- Those subsections that have been modified were done so to clarify wording and meanings of these clauses.
- New Section 2.3 is the current Section 6 with minor modification

5. New Section 3 Exemptions was added:

- New Section 3.1 a) is the current Section 7, with minor modification
- New Section 3.1 b) to d) added to increase clarity on exemptions that are currently in place or practiced
- New Section 3.2 is the current Section 2, with no changes
- New Section 3.3 is the current Section 3, with modifications to increase clarity

6. New Section 4 Delegated Authority was added:

- New Section 4.1 provides delegated authority to the Director of Transportation and Engineering or Director of Municipal Enforcement Services
- New Sections 4.2 and 4.3 outlines how delegated authority is exercised for permit or agreement issuance and refusal under this by-law

7. New Section 5 Permits
 - New Section 5.1 lists the Town Procedures that are applicable to this by-law
 - New Section 5.2 is the current Section 4 with minor modification
 - New Sections 5.3 to 5.7 are provisions related to permit term and conditions, issuance, proof of permit, fees, and securities
8. New Section 6 Revocation of Permits is created to increase clarity on when a permit may be revoked
9. New Section 7 Order
 - New Section 7.1 is the current Section 8, with no changes
 - New Section 7.2 is the current Section 9, with no changes
10. New Section 8 Administrative Penalties (AMPS)
 - New Section 8.1 is the current Section 1(i), with no changes
 - New Section 8.2 is the current Section 11.1, with minor modification
 - New Section 8.3 is the current Section 11.2, with minor modification
 - New Section 8.4 is the current Section 11.3, with no changes
 - New Section 8.5 is the current Section 11.4, with no changes
 - New Section 8.6 is the current Section 11.5, with no changes
 - New Section 8.7 is the current Section 11.6, with no changes
 - New Section 8.8 is the current Section 11.7, with no changes
11. New Section 9 Service of Penalty Notices and Other Notices
 - New Section 9.1 is the current Section 12, with no changes
12. New Section 10 Offence
 - New Sections 10.1, 10.3 to 10.5 were added to provide reference to the Provincial Offences Act, R.S.O. 1990 and Municipal Act, 2001, S.O. 2001.
 - New Section 10.2 is the current Section 13, with minor modification
13. New Section 11 Inspection
 - New Section 11.1 is the current Section 11.8, with minor modification
 - New Section 11.2 includes the newly added provisions to align with the current practice related to the execution of inspections
 - New Section 11.3 is the current Section 11.9, with minor modification
 - New Section 11.4 is the current Section 11.1, with modifications that are applicable to inspections
 - New Section 11.5 is the current Section 9, with modifications that are applicable to inspections
14. New Section 12 Removal of Items Located in the Municipal Right of Way
 - New Section 12.1 as Noted in new Section 7.4; same as current Section 10

- New Sections 12.2 to 12.4 and 12.6 are newly added to include provisions to align with the current practice for the handling of seized items and retrieval of the same
 - New Section 12.5 is the current Section 10, with minor modification
15. New Section 13 Removal of Hazardous Condition
- New Sections 13.1 to 13.2 are added to include provisions to align with the current practice for the handling of hazardous conditions
16. Section 14 Remedial Action
- New Sections 14.1 to 14.5 are added to include provisions to align with the current practice for the Town to take remedial actions as they related to removal, restoration and cost recovery
17. Section 15 Fees and Charges
- New Section 15.1 is added to align with the current practice related to fees and cost recovery
18. Section 16 Transitional Provisions
- New Sections 16.1 to 16.3 are added include provisions for the transitioning from the current by-law to the new by-law
19. Section 17 Severability
- New Section 17.1 is the current Section 15 with modifications to increase clarity and remove unnecessary limitations
20. Sections 18 Reference, Section 19 Repeal, Section 20 Title and Section 21 Effective Date are part of the current by-law that have been reformatted to fit the new format with section headings.