

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 047-2025

A By-law to amend the Road Allowance By-law 126-2024, to: reflect changes to the legislative authority for municipalities to appoint municipal by-law enforcement officers; to address responsibility for damage caused to or by encroachments; and, to update other definitions.

WHEREAS section 11(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25 allows municipalities to pass by-laws which address public assets of the municipality, as well as the health and safety of persons;

AND WHEREAS the City of Vaughan has enacted the Road Allowance By-law 126-2024, as amended, in which municipal by-law enforcement officers have the authority to enforce the By-law;

AND WHEREAS section 55 of the *Community Safety and Policing Act, 2019*, S.O. 2019, c. 1, Sched. 1 ("*Community Safety and Policing Act*") gives municipalities the authority to appoint *Municipal By-law Enforcement Officers* and repeals and replaces the *Police Services Act*, R.S.O. 1990, c. P. 15 ("*Police Services Act*") which previously gave municipal councils that authority;

AND WHEREAS the Council of The Corporation of the City of Vaughan deems it necessary to amend the Road Allowance By-law 126-2024 to reflect this change to legislative authority, as well as make other changes regarding the responsibility for damage to or by encroachments, and other updates;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. To amend By-law 126-2024, as follows:
 - (a) delete and replace the definition of "Administrative Monetary Penalties By-law" in section 3.0(4) with the following:

"Administrative Penalties By-law" refers to the City's Administrative Penalties By-law 240-2024;
 - (b) delete and replace reference to "Administrative Monetary Penalties By-law" with "*Administrative Penalties By-law*";

- (c) delete and replace reference to “administrative monetary penalties” with “administrative penalties”.
- (d) delete and replace reference to “administrative monetary penalty” with “administrative penalty”.
- (e) delete and replace the definition of Enforcement Officer with:

“Municipal By-law Enforcement Officer” means a Person appointed as a Municipal By-law Enforcement Officer, pursuant to section 15 of the Police Services Act, or section 55 of the Community Safety and Policing Act, to enforce the provisions of this By-law;
- (f) delete and replace all references to “Enforcement Officer” with “Municipal By-law Enforcement Officer”.
- (g) delete and replace the text in section 8.0(3)(e) with the following:

is more than 200 centimetres away from a fire hydrant if the Encroachment extends more than 30 centimetres above grade; and
- (h) add the following to section 8.0:

(24) The City is not responsible for any damages, losses or injuries caused by or to an Encroachment, which may or may not occur as a result of the City’s operations, including, but not limited to, ploughing, grass cutting, Boulevard tree maintenance, or the repair and maintenance of the City’s infrastructure. Every Person who erects, places, alters or continues an Encroachment, or causes an Encroachment to be erected altered, placed or continued, does so at the Person’s own risk.
- (i) delete and replace the text in section 16.0(1) with the following:

(1) This is a designated by-law as per Schedule 1 of the *Administrative Penalties By-law*.

Voted in favour by City of Vaughan Council this 25th day of February, 2025.

Steven Del Duca, Mayor

Todd Coles, City Clerk

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Authorized by Item No. 13 of Report No. 1 of the Committee of the Whole.
Report adopted by Vaughan City Council on January 28, 2025.
City Council voted in favour of this by-law on February 25, 2025.
Approved by Mayoral Decision MDC 002-2025 dated February 25, 2025.
Effective Date of By-Law: February 25, 2025