

# *THE CITY OF VAUGHAN*

# *BY-LAW*

## **BY-LAW NUMBER 162-2019**

**A By-law of the Corporation of the City of Vaughan to amend the Encroachment By-law 034-2017, as amended.**

**WHEREAS** the Municipal Act, 2001 provides that a municipality may pass by-laws within the following spheres of jurisdiction: Highways, including parking and traffic on highways at section 11(3) 1; Culture, parks, recreation and heritage at section 11(3) 5; and Structures, including fences and signs at section 11(3) 7 and any other provisions relating to the City owned property, whether land or buildings:

**AND WHEREAS** section 8(1) of the Municipal Act, 2001 provides that sections 8 and 11 shall be interpreted broadly as to confer broad authority on municipalities to (a) enable them to govern their affairs as they consider appropriate, and (b) enhance their ability to respond to municipal issues;

**AND WHEREAS** it is the wish of the Council of The Corporation of the City of Vaughan to pass a by-law that reflects the needs of its communities by promoting through regulation the responsible use of the public boulevard, while protecting the broader public interest by ensuring the safety and accessibility of its property, including property under its control;

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

1. That Encroachment By-law 034-2017 be further amended as follows:
  - (a) the “Short Title” section be replaced with a “Authority and Short Title” section, as follows:
    - 1.0 Authority and Short Title
      - (1) This By-law was approved by Item No. 8 of Report No. 10 of the Committee of the Whole and passed by City Council on April 19, 2017.
      - (2) The By-law shall be known and referenced as the “Encroachment By-law.”

- (b) an “Applicability and Scope” section that includes exemptions under section 7 of the current by-law, be added as follows:

## 2.0 Applicability and Scope

- (1) This By-law applies to all Public Lands within the boundaries of the City of Vaughan.
- (2) Notwithstanding any other sections in this By-law, this By-law does not apply to the following:
  - a) Signs, as authorized through By-law Number 140-2018, known as the “Signage By-law”, as amended, or their successor by-laws;
  - b) Collectible Waste, as defined and provided for through Waste Collection By-law No. 135-2017, as may be amended from time to time, or its successor by-law;
  - c) Waste, as defined and provided for through Littering and Dumping By-law No. 3-2004, as amended, or its successor by-law;
  - d) Maintenance and occupancy of property, as authorized through By-law Number 231-2011, known as the “Property Standards By-law”, or its successor by-law;
  - e) Newspaper boxes, as authorized through By-law Number 372-2004, as amended, known as the “Newspaper Box By-law”, or its successor by-law;
  - f) Mailboxes belonging to the Canada Post Corporation or any of its agents;
  - g) Properties that are designated by City by-law as being of historic or architectural value or interest pursuant to the *Ontario Heritage Act*, R.S.O. 1990, c. 0.18, as amended;
  - h) A temporary Encroachment arising from construction, maintenance or other activity as authorized under a valid Temporary Permit issued by the City;

- i) An Encroachment permitted as a result of a written and signed agreement with the City, other than an Encroachment Permit or an Encroachment Agreement;
  - j) An Encroachment arising as a result of a Committee of Adjustment decision permitting the Owner of residential Private Property to widen his or her driveway, providing a Curb cut Application/Permit from the City is also issued to the owner; and
  - k) An Encroachment arising from surface changes made in connection with residential driveways, provided such Encroachments have not been constructed within the Sight Triangle and do not breach any other municipal by-law or regulation.
- (c) delete section 7 and to renumber the subsequent sections accordingly.
- (d) the following provision be added to the Part on Penalties:
- (1) Every person who is convicted of an offence under this By-law is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, Chap. P.33.

Enacted by City of Vaughan Council this 19<sup>th</sup> day of November, 2019.

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Hon. Maurizio Bevilacqua, Mayor

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Todd Coles, City Clerk