

HIGHWAY - STREET

Chapter 658

OBSTRUCTION - ENCUMBRANCE - FOULING - LOITERING

CHAPTER INDEX

Article 1 DEFINITIONS

658.1.1	Adult - defined
658.1.2	Boulevard - defined
658.1.3	City - defined
658.1.4	Council - defined
658.1.5	Director - defined
658.1.6	Intersection - defined
658.1.7	Officer - defined
658.1.8	Person - defined
658.1.9	Rubbish - defined
658.1.10	Roadway - defined
658.1.11	Shoulder - defined
658.1.12	Sidewalk - defined
658.1.13	Street - defined
658.1.14	Street line - defined

Article 2 GENERAL PROHIBITIONS

658.2.1	Deposit - snow or ice
658.2.2	Deposit - dumping - on road - bridge - City property
658.2.3	Fouling - within City
658.2.4	Loiter - City property
658.2.5	Obstructions - municipal property - prohibited
658.2.6	Loitering - deemed

Article 3 ENFORCEMENT

- 658.3.1 Enforcement
- 658.3.2 Notice - remove - invoice
- 658.3.3 Hinder or Obstruct
- 658.3.4 Penalties
- 658.3.5 Validity and severability
- 658.3.6 Rebuttable presumption - identification

Article 1 DEFINITIONS

658.1.1 Adult - defined

“Adult” means a person who appears at least 16 years of age.

658.1.2 Boulevard - defined

“Boulevard” means any part of the street between the curb or edge of the roadway and the street line, exclusive of the area covered by sidewalk.

658.1.3 City - defined

“City” means The Corporation of the City of Orillia.

658.1.4 Council - defined

“Council” means the Council of The Corporation of the City of Orillia.

658.1.5 Director - defined

“Director” means the Director of Engineering and Transportation for the City, or designate.

658.1.6 Intersection - defined

“Intersection” means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more streets which join one another at an angle, whether or not one crosses the other.

658.1.7 Officer - defined

“Officer” means a Municipal By-law Enforcement Officer or Police Officer.

658.1.8 Person - defined

“Person” includes a corporation.

658.1.9 Rubbish - defined

“Rubbish” means any material rejected or thrown away as worthless or useless.

658.1.10 Roadway - defined

“Roadway” means that portion of a street improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder.

658.1.11 Shoulder - defined

“Shoulder” means that part of the street adjoining the travelled portion of the roadway and having a surface which has been improved with asphalt, concrete or gravel.

658.1.12 Sidewalk - defined

“Sidewalk” means that part of the street meant for pedestrian use, typically indicated by some sort of concrete or paved walkway.

658.1.13 Street - defined

“street” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

658.1.14 Street line - defined

“Street line” means the line forming a common boundary between private property and the street.

Article 2 GENERAL PROHIBITIONS

658.2.1 Deposit - snow or ice

No person shall deposit, or cause to be deposited, snow or ice:

- (a) on a roadway or sidewalk;
- (b) on a boulevard that is not adjacent to his or her lot, including but not limited to snow pushed or deposited across a street;
- (c) on a boulevard that obstructs the line of sight of a driver of a vehicle at an intersection;
- (d) on any City-owned or leased property located on a boulevard including signage, benches and garbage or recycling receptacles;
- (e) on, or immediately adjacent to, a fire hydrant or in any manner that obstructs access to a fire hydrant;
- (f) in such a manner so as to obstruct drainage to any City-owned drain or sewer;
- (g) on any other City-owned property including parkland.

658.2.2 Deposit - dumping - on road - bridge - City property

No person shall deposit, or cause to be deposited, upon any street or bridge or other City property within the limits of the City any dirt, mud, rubbish, refuse, unless otherwise authorized by Council.

658.2.3 Fouling - within City

No person shall foul or cause to permit the fouling of any street. Fouling includes but not limited to urinating, defecating or any other act of defacing property.

658.2.4 Loiter - City property

No person shall, alone or with other persons, loiter upon any property owned by the City, including any sidewalk or segment thereof, so as to impede the movement of any other pedestrians unless authorized by Council.

658.2.5 Obstructions - municipal property - prohibited

No person shall, alone or with other persons, use any street, roadway or sidewalk to obstruct or impede access to the front of the entrance to any premises, unless authorized by Council.

658.2.6 Loitering - deemed

Any person shall be deemed to be loitering when any of the actions set out in Sections 658.2.4 and 658.2.5 occurs and they fail to move on when requested to do so by an Officer.

**Article 3
ENFORCEMENT****658.3.1 Enforcement**

A Municipal By-law Enforcement Officer, or Police Officer is hereby vested with the authority of enforcing the provisions of this Chapter.

658.3.2 Notice - remove - invoice

- (a) When snow, ice, dirt, mud, rubbish, or refuse, is deposited in contravention of Section 658.2.1 or 658.2.2, subject to Section 658.3.2(b), notice shall be given to the applicable property owner to remove the material forthwith. Notice shall be deemed to be given when given to an adult residing or in care of the property.
- (b) If the applicable property owner fails to remove the material forthwith, or cannot be notified immediately, or if the property is vacant or if the material is of a nature, volume or consistency to create an immediate hazard to users of the City street, the Director, in lieu of, or in addition to any other remedy provided by this Chapter, is authorized to have the material to be removed forthwith and to invoice the applicable property owner for the expense incurred.
- (c) The City may recover the expenses incurred by court action or in the same manner as property taxes.

658.3.3 Hinder or Obstruct

No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this Chapter, or any person lawfully acting in aid of such an Officer. Without limiting the generality of the meaning of “hinder” or “obstruct”, a person shall be deemed to have obstructed or hindered an Officer in the execution of their duties if he or she:

- (a) provides false information to an Officer; or
- (b) is alleged on reasonable and probable grounds to have contravened any of the provisions of this Chapter, and fails to identify themselves to an Officer upon request.

658.3.4 Penalties

- (a) Any person who contravenes any of the provisions of this Chapter is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*.
- (b) Where a section of this Chapter has been contravened, a director or officer of a corporation who knowingly concurs in the contravention is guilty of an offence.
- (c) Upon conviction, in addition to any other remedy and to any penalty imposed by this Chapter, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

658.3.5 Validity and severability

Every provision of this Chapter is declared severable from the remainder and if any provision of this Chapter shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder.

658.3.6 Rebuttable presumption - identification

In a prosecution for a contravention of this Chapter, evidence of identification shall be presumed to be correct and accurate, unless rebutted by evidence to the contrary.

Adopting By-law: By-law 1995-8, 23 January 1995.

By-law Amendments: By-law 2004-190, 13 December 2004.

Repealed and replaced: By-law 2014-92, 15 September 2014.

By-law Amendments: By-law 2017-14, 13 February 2017.