

“Effective Date Declaration Attached”

The Corporation of the Town of Ajax

By-Law Number 48-2025

Being a by-law to govern uses that occupy or require the temporary closure of, or otherwise affect highways within the Town of Ajax (Road Occupancy/Road Closure By-law).

Whereas pursuant to the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the “Act”), a municipality may pass a by-law with respect to highways within the municipality’s jurisdiction, including temporary and permanent opening and closing; and

And whereas it is necessary from time to time to temporarily close all or part of a highway in order to facilitate construction, storage or other purposes; and

And whereas Council deems it desirable to delegate to a designated municipal employee the authority for approving the temporary closure of a highway for construction, storage or other purposes;

Now therefore, the Council of The Corporation of the Town of Ajax hereby enacts as follows:

1. Short title

1.1. This by-law may be cited as the “Road Occupancy / Road Closure By-law.”

2. Definitions

2.1. In this by-law:

- a) “above ground feature” means an item that is located either wholly or partially above grade, including but not limited to, raised flower beds, posts, planters and pillars; but does not include a tree ring or a fence;
- b) “Applicant” means the person applying for a Permit;
- c) “apron” means an area of the boulevard consisting of a hard surface leading from the travelled portion of the highway to a private driveway; consisting of asphalt, concrete, interlocking brick or block, crushed stone, or gravel, but does not include pea gravel or river rock;
- d) “boulevard” means that portion of a highway between the travelled portion of the highway and the limit of the highway line, and shall include the reserve;
- e) “complex encroachment” means any encroachment beyond the limitation defined under a simple encroachment;
- f) “Council” means, the Council of the Town;
- g) “decorative landscape” means material consisting of grass, sod, mulch, pea gravel, river rock, or other similar decorative stone;
- h) “Designated Employee” means the Director of Operations & Environmental Services or their designate;
- i) “driveway” means that portion of a lot used to provide vehicular access from a highway to an off-street parking or loading area located on the same lot;
- j) “encroachment” means any type of vegetation, structure, building, man-made object or items of personal property of a person which exists wholly upon, or extends from that person’s premises onto the boulevard;

- k) "expense" means the cost of carrying out the work to be done and an administrative charge as outlined in the Town of Ajax General Fees and Charges By-law;
- l) "Event/ Parade Permit" means a Permit issued for the closure of a highway for the purpose of but not limited to, parades, community walks, concerts and street parties;
- m) "Film Location Permit" means a Permit issued for the purpose of any filming activity;
- n) "good state of repair" means a descriptive term that an item, object, material, structure, etc., is capable of performing its originally designed function and that all associated parts, members and components are:
 - i. present and in working order,
 - ii. not missing, broken, or rusted,
 - iii. structurally sound, level and plumb,
 - iv. free from deterioration and damage; and
 - v. not presenting a hazard or safety concern.
- o) "highway" means 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;
- p) "lot line" means the same as defined in the Town of Ajax Zoning By-law;
- q) "newspaper box" means any type of vending box or other receptacle used for the purpose of displaying or distributing any newspapers, magazines or other publications;
- r) "Officer" means a person appointed as a Municipal Law Enforcement Officer or a Police Officer in the Province of Ontario;
- s) "owner" means the registered owner of the land;
- t) "Permit" means a document as issued and authorized by the Town pursuant to this bylaw, for the occupancy or closure of any highway for any purpose, the placement of one or more newspaper boxes upon a highway, or filming activities and "permit holder" means the person named in the Permit;
- u) "person" means a natural individual, and their heirs, executors, form of business association or a receiver or mortgagee in possession and includes a service company;
- v) "Principal Applicant" means the person that requires the work to be done and not the person performing the work on their behalf;
- w) "Region" means The Regional Municipality of Durham;
- x) "road closure" means the temporary closing of a highway;
- y) "Road Occupancy Permit" means a Permit to occupy a highway;
- z) "service company" means a person providing the services of water, sewage, fuel, energy, electricity, heating and cooling, telephone, cable and internet connections and includes the Region, Elexicon or its agents, Bell Canada or its agents, Enbridge Gas and its agents and Rogers Cable or its agents;
- aa) "simple encroachment" means an encroachment that is permitted as of right under this By-law, which may include apron widening to a defined limit, the installation of tree rings, and/or soft landscaping, and does not require works more than 30cm below grade;
- bb) "Town" means The Corporation of the Town of Ajax;

- cc) “tree ring” means ornamental material defining the base of a tree;
- dd) “vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, road building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car; and
- ee) “work” means the work described in the application for a permit or in the Permit.

3. Authority for Approving Requests

- 3.1. The authority for approving requests to temporarily close all or part of a highway for the purpose of construction, storage or other purposes shall be as follows:
 - a) All partial road closures shall be approved by the Designated Employee;
 - b) All total road closures for a period not exceeding thirty (30) days in duration shall be approved by the Designated Employee; and
 - c) All total road closures for a period in excess of thirty (30) days in duration shall be approved by resolution of Council.
- 3.2. The authority to permanently close all or part of a highway will continue to require Council to pass a by-law therefore.

4. General

- 4.1. No person, except the Town, or an authorized person acting in an emergency situation, shall close, occupy, obstruct, encumber, injure or foul any highway, or any part thereof by:
 - a) Construction, repair or improvement of the highway or a portion thereof or any works under, over, along, across or upon the highway;
 - b) Excavation or any disturbance of the surface or the soil or material thereon;
 - c) Storage of materials;
 - d) Hosting parades, community walks, concerts and street parties, events, displays, sales, or other similar activities;
 - e) Placing any newspaper box, tent, lean to, fence boarding, structure, or any other chattel thereon;
 - f) Cutting any curb abutting private property; or
 - g) Any filming activities;without first applying for and receiving a Permit.
- 4.2. Every Principal Applicant shall complete the required application form provided by the Town, as may be changed from time to time, in accordance with the requirements of this By-law and shall provide all information requested thereon.
- 4.3. The Principal Applicant shall take all reasonable measures to protect persons and property from injury or damage, and shall be responsible for all losses and damage which may arise as a result of the work. Further, the Principal Applicant shall indemnify and hold harmless the Town and its employees from and against all claims, demands, actions, suits or proceedings which may be brought against or made by third parties, directly or indirectly arising or alleged to arise out of the performance of or the failure to perform the Work.
- 4.4. A Road Occupancy Permit for the temporary closure of a highway shall be applied for at least 15 days prior to the intended date of the road closure. A Road Occupancy Permit, for all other purposes shall be applied for at least 7 days prior to the intended date of the occupancy.

- 4.5. The Designated Employee may approve or deny an application for a permit or may approve an application subject to any terms or conditions that the Designated Employee deems necessary or appropriate.
- 4.6. An Event / Parade Permit shall be applied for at least 30 days prior to the event.
- 4.7. A Permit to place or install a newspaper box on a highway shall be applied for and issued prior to the newspaper box being placed on a highway.
- 4.8. All subsurface road crossings are to be completed using trenchless technology techniques wherever possible. Open cut excavations across highways shall only be permitted when specifically approved by the Designated Employee.
- 4.9. If during the process of any work it is necessary to alter, break or disturb in any way an existing pavement, curb, boulevard, sidewalk, or other surface within the highway, the extent of such disturbance shall be set out on the Permit, and the Principal Applicant shall be responsible for the full restoration thereof.
- 4.10. An application for a Permit shall be accompanied by the appropriate fee as set out in the Town of Ajax's General Fees and Charges By-law, unless stated otherwise.
- 4.11. The Town may revoke a Permit under the following circumstances:
 - a) The Permit has been issued in error by the Town;
 - b) The Permit does not conform to this by-law or any other applicable regulation or legislation; or,
 - c) The Permit has been issued as a result of false, mistaken, incorrect, or misleading statements, information, or undertaking on the application.
 - d) The Permit holder is not operating in accordance with any or all conditions placed on the Permit or complying with any of the information contained in the application.
- 4.12. Where a breach of any of the provisions of this by-law causes a Permit to be revoked or withdrawn, no portion of the cost of such Permit will be refundable.

5. Road Occupancy Permits

- 5.1. The Town will not issue a Road Occupancy Permit for the storage of any vehicle on a highway.
- 5.2. The application for the Road Occupancy Permit shall be made in the name of the Principal Applicant, and not in the name of any agent for the Principal Applicant.
- 5.3. The Principal Applicant shall:
 - a) Notify the Region's police, the Region's emergency medical services, Region's waste collection and recycling, the Town's Fire and Emergency Services department, the Town's Operations and Environmental Services department, any person operating a public transportation service or school bus service and any person whose plant or installations may be affected by the closure or occupancy, of the commencement and termination of the said closure or occupancy, and shall comply with all conditions of the Permit, as specified thereon;
 - b) For road closures, formally notify all individual residents, organizations and businesses affected by the closure at least ten (10) days prior to the proposed closure. In addition, formally notify all individual residents, organizations and businesses affected by the closure of any closure extension(s) and the termination of the road closure;

- c) For road closures, cause to be provided signs along all approaches with the details of the closure including road name, dates of closure and contact information of the Applicant. Signs must be in place a minimum of ten (10) days prior to the intended commencement of the road closure and in a location approved by the Designated Employee.
- d) When required by the Designated Employee, provide a traffic management plan and detour route, for Town approval, in accordance with Book 7, Ontario Traffic Manual as amended;
- e) Cause to be provided all signs, barricades, traffic control devices, flag persons, and the use or operation of other persons and equipment as required for the proper and safe movement and control of pedestrians and traffic in the area, prior to the commencement of and at the location of the closure or occupancy;
- f) File with the Town, a liability insurance certificate for a minimum amount of \$2,000,000.00 in a form approved by the Town, naming the Town as an additional insured.
- g) When required by the Designated Employee, provide security in a form and amount acceptable to the Designated Employee;
- h) Ensure that access for emergency vehicles, to all public and private properties, is available at any and all times;
- i) Cause to be maintained vehicular and pedestrian, including pedestrians with special needs, access to all public and private properties at all times and shall keep such access free and clear of all mud, debris and other materials;
- j) Not place or store or permit the placement or storage of any material or storage bin on a highway where it creates a real or potential hazard for pedestrians or vehicles;
- k) Follow all requirements of Federal, Provincial and Municipal Health and Safety Regulations, Acts and By-laws;
- l) Post a copy of the Road Occupancy Permit at the work site in a visible location and shall, if required, produce the permit at the request of an Officer or by Town staff;
- m) Identify the existence and location of all underground and aboveground utilities at or adjacent to the work site and protect those utilities from damage during the work;
- n) Expeditiously carry out completion of all work;
- o) Not permit storage bins, moving pods, material, or any equipment to occupy the travelled portion of a highway or any portion of the grass boulevard area abutting private property between November 1 and March 30th of each year.
- p) Be responsible for the repairs of any nature to all disturbed areas for a period of two years from the date of completion of the work;
- q) Assume all liability for any resulting maintenance and/or required permanent repairs, to the work which shall be carried out to the satisfaction of the Town all at the cost of the Principal Applicant. Upon final approval and acceptance of the work, the Town shall assume any further maintenance or repair of the work;
- r) In the event the work cannot be carried out within the time set out in the Road Occupancy Permit, notify the Town of the additional time required and the reason therefore, and shall obtain an extension of the Permit, at no charge, upon the approval by the Designated Employee;

- s) Comply with all conditions as outlined on the Road Occupancy Permit and all requirements of the most current version of the Ontario Traffic Manual; and
 - t) Repair all damaged areas of the highway no later than 5 days from the completion of the work.
 - u) Not place or store or permit the placement or storage of bins, moving pods, equipment, materials on the travelled portion of a highway if the area is designated as a no stopping or no parking zone.
- 5.4. Where a Service Company occupies or closes a highway as a result of an emergency, a formal application for a Permit shall be made on the next business day unless the Designated Employee agrees that such an application is not necessary.

6. Event / Parade Permits

- 6.1. The application for an Event/Parade Permit shall be submitted to the Town's Manager of By-law Services or delegate, whose decision is final on any submission.
- 6.2. The Applicant applying for an Event/ Parade Permit shall:
- a) Receive approval from the Region in regard to the use of the highways under the jurisdiction of the Region within the Town's boundaries prior to applying for an Event / Parade Permit with the Town;
 - b) Make satisfactory arrangements with Durham Regional Police Services; and
 - c) Restore the highway to the same condition or better as existed prior to the holding of the said event/parade.
- 6.3. The Applicant shall contact the Town's Operations & Environmental Services Department to arrange for the pick-up of all traffic barriers. It is the Applicant's responsibility to erect the barriers. The Applicant shall assume all costs of repairing or replacing any damaged or missing traffic barriers.
- 6.4. The Applicant must file with the Town, a liability insurance certificate for a minimum amount of \$2,000,000.00 in a form approved by the Town, naming the Town as an additional insured.
- 6.5. If the Town has not received a copy of the liability insurance certificate 14 days prior to the event, the Applicant will be contacted, and if a copy of the liability insurance certificate is not available, the Event/ Parade Permit will be revoked.
- 6.6. The Town may place any conditions it deems appropriate on any Event / Parade Permit.
- 6.7. Every permit holder shall follow any and all conditions at all times as outlined on the Event/ Parade Permit.
- 6.8. During the event/ parade the Permit Holder shall have the Event/ Parade Permit available at all times and shall produce it for inspection at the request of an Officer or Town employee.

7. Newspaper Box Permits

- 7.1. The application for a Newspaper Box Permit shall be submitted to the Designate Employee, whose decision is final on any submission.
- 7.2. At the time of application, the Applicant must pay in full, a one-time inspection and processing fee in accordance with the Town's General Fees & Charges By-law for each newspaper box location requested. Furthermore, the Applicant shall pay any, and all, yearly costs as identified in the Town's General Fees & Charges By-law. The annual administration and maintenance fee will cover the

period from January 1st to December 31st in each calendar year, and must be paid in full by January 31st of each Permit year. New Permits issued after January 31st will be subject to a monthly pro-ration of the annual administration and maintenance fees.

- 7.3. The Applicant shall, at all times during the Permit term:
 - a) Maintain public liability insurance to the satisfaction of the Town in the amount of \$2,000,000.00 naming the Town and the Region as an additional insured, and shall file with the Town and the Region a certificate of insurance setting out the essential terms and conditions thereof; and
 - b) The maintenance of such a policy shall not be construed as relieving the Applicant of liability or responsibility for other or larger claims, if any, for which the Applicant may be held liable or responsible.
- 7.4. The Applicant must also agree in writing to indemnify and save harmless the Town from any actions, claims, damages or loss whatsoever arising from the issuance of the Permit or anything done or neglected to be done in connection with the permitted use.
- 7.5. The Permit shall be subject to the following terms and conditions:
 - a) The specific location of each newspaper box shall be subject to the approval of the Town, who may approve or deny any location or the continuance of any location as in its absolute discretion it deems advisable, and, without limiting the generality of the foregoing, it may take into consideration such factors as public safety, traffic patterns, utility locations and pedestrian convenience;
 - b) The permit holder shall place each newspaper box on a concrete pad or other approved surface which will be installed by the Town at the expense of the permit holder. The permit holder will also be responsible for the costs associated with providing an acceptable mounting system. If multiple Applicants, to a maximum of 4, request the same location at the time of installation, the costs will be shared equally;
 - c) Each newspaper box shall be securely fastened by the permit holder to the mounting system, concrete base, or other approved surface, in a manner which is acceptable to the Town. Under no circumstances shall it be affixed to any traffic control device, street name signpost, bus shelter, telephone booth, tree, or any other post, pole or equipment maintained by the Town, the Region, Elexicon, Bell Canada, Enbridge Gas, Rogers Cable or any other agency authorized by the Town to maintain equipment on, over, or under the highway;
 - d) Newspaper boxes shall be maintained by the permit holder in a neat, clean and rust free condition at all times; and
 - e) Should a newspaper box location become vacated and its approved location is unwanted by the permit holder or others, within 30 days thereof, its concrete pad, if applicable, may be removed by the Town at the expense of the permit holder. All other necessary boulevard restorations will also be completed to the Town's satisfaction by the Town at the sole expense of the permit holder.
- 7.6. The Town, the Region, Elexicon, Bell Canada, Enbridge Gas, Rogers Cable or any other agency authorized by the Town shall be allowed to enter the area occupied by the newspaper box for the purpose of maintenance or installation of services. If it is necessary for the Town or any other authorized agency to move any newspaper box for such entry, they will not be held responsible for any damage to the newspaper box, or their contents.
- 7.7. Any Permit issued for a newspaper box may be revoked by the Town if any of the provisions of this by-law are not complied with by the permit holder, or should, in

the absolute discretion of the Town the location of any newspaper box no longer be deemed appropriate. In such an event, the permit holder shall remove at his/her own cost any newspaper boxes as directed by the Town within 30 days after receiving written notice from the Town to do so. If the permit holder neglects, refuses or fails to do so, then the Town may remove all such newspaper boxes and restore the area occupied by such newspaper boxes to a safe and proper condition and may charge the cost thereof to the permit holder. The Town may recover such costs from the permit holder in any court of competent jurisdiction as a debt owing to the Town.

- 7.8. The Applicant agrees to follow any and all conditions as outlined on the Permit for a newspaper box.

8. Boulevard Landscaping

- 8.1. For the purposes of Section 8, person shall mean the registered owner of the real property immediately abutting the boulevard, and applies to Residential Zones, but does not include Multi Residential Zones as per the Town's Zoning By-law.
- 8.2. Section 8 does not apply to the following:
- a) Boulevards along unopened road allowances;
 - b) Boulevards which have a culvert;
 - c) Cases where an altered boulevard has been approved by the Town through a planning process or agreement;
 - d) Alterations on private property, which are governed by the Town's Zoning By-law; and
 - e) Any existing By-law, policy or procedure, including but not limited to those related to curb cutting, apron widening, driveway widening, road occupancy, fee collection, or real property agreements.

Simple Encroachment

- 8.3. Every Person who allows/or permits any alterations to a boulevard shall ensure that such alterations must not:
- a) Create a health or safety risk to pedestrians and/or hazard to vehicular traffic as determined by the Town;
 - b) Impair the ability to see pedestrians or vehicular traffic as determined by the Town;
 - c) Extend 30cm below grade or interfere with municipal assets or utilities; and
 - d) Exceed the grade of the sidewalk in all areas within 45cm of the edge of a sidewalk.
- 8.4. No person shall widen the apron or maintain an apron abutting their property unless in complete compliance with the following conditions:
- a) The width of the apron does not exceed the maximum driveway width and the maximum driveway adjacent walkway widths as defined in the Town's Zoning By-law for that residential zone;
 - b) Be constructed of asphalt, concrete, interlocking brick, crushed stone, gravel or any combination thereof;
 - c) Not be within 1m of a municipal tree that is less than 20cm diameter at breast height (DBH), or 2m of a municipal tree that is greater than or equal to 20cm DBH;

- d) Not be within 1m of any utility appurtenance or service, or any traffic control sign;
 - e) Not be within 1m from any transit stop with a concrete pad, and 3m from a transit stop without a concrete pad; and
 - f) Not be within 3m from a fire hydrant.
- 8.5. No person shall allow or permit on the boulevard asphalt, concrete, interlocking brick, crushed stone, or gravel, within
- a) 0.5m of the apron;
 - b) 1m of a municipal tree that is less than 20cm diameter at breast height (DBH), or 2m of a municipal tree that is greater than or equal to 20cm DBH;
 - c) 1m from any utility appurtenance or service, or any traffic control sign;
 - d) 1m from any transit stop with a concrete pad, and 3m from a transit stop without a concrete pad; and
 - e) 3m from a fire hydrant.
- 8.6. No person shall landscape the boulevard unless the boulevard abuts their property.
- 8.7. Unless otherwise specifically permitted within this By-law, no person shall allow or permit, any alterations, or maintain the boulevard, not including the apron portion, with any material except decorative landscape.
- 8.8. No person shall permit vegetation, including but not limited to flowers, bushes, and shrubs, on the boulevard abutting their property that exceeds 0.6m in height.
- 8.9. No person shall permit artificial turf, fake grass, carpeting, ice rink or a pond, on any boulevard.
- 8.10. No person shall permit the boulevard abutting their property to consist of dirt.
- 8.11. No person shall allow any decorative landscape to migrate from the boulevard onto the roadway or sidewalk.
- 8.12. Every person who allows or permits any alterations to a boulevard shall ensure that such alterations are maintained in a good state of repair.
- 8.13. No person shall permit parking to occur on any boulevard outside of the apron.
- 8.14. No person shall damage or destroy any pipe, wire, cable, or property located on or beneath the surface of a boulevard.

Tree Rings

- 8.15. a) No person shall allow, construct, have, and/or maintain a tree ring on any boulevard that:
- i) extends more than 30cm below grade;
 - ii) Exceeds 3.0 m² total area; and
 - iii) Encroaches within 45cm of a sidewalk.
- b) All tree rings shall be maintained in a good state of repair.

Complex Encroachment Agreement

- 8.16. No person shall alter the boulevard beyond the permissions granted within the simple encroachment section of this bylaw, or encroach on the boulevard in any other way, including but not limited to the alterations outlined below, without first applying for, and obtaining, a complex encroachment agreement:
- a) Electrical installations;
 - b) Irrigation systems;
 - c) Above grade features and/or;
 - d) Alterations requiring works more than 30cm below grade;
 - e) The legal apron width beyond the permissions granted in 8.4.
- 8.17. A complex agreement cannot offer relief to the following:
- a) Landscape alterations and/or boulevard improvements that,
 - a. Create a health or safety risk to pedestrians and/or hazard to vehicular traffic as determined by the Town;
 - b. Impair the ability to see pedestrians or vehicular traffic as determined by the Town;
 - c. Interfere with municipal assets or utilities;
 - d. Exceed the grade of the sidewalk in all areas within 45cm of the edge of a sidewalk;
 - e. Are within 1m of a municipal tree that is less than 20cm diameter at breast height (DBH), or 2m of a municipal tree that is greater than or equal to 20cm DBH, but does not include a tree ring;
 - f. Are within 1m from any utility appurtenance or service, or any traffic control sign;
 - g. Are within 1m from a transit stop with a concrete pad, and 3m from a transit stop without a concrete pad; and
 - h. Are within 3m from a fire hydrant.
 - b) The maximum apron and curb cut width as per the Town's Zoning By-law for that residential zone;
 - c) Tree rings
- 8.18. Any continuous addition of the apron constructed on the boulevard, beyond the given permissions that would require a complex encroachment agreement, shall be visually delineated through a change in the colour of the material, or a change in the layout or pattern of the material.
- 8.19. Receipt of the complex encroachment agreement application and/or fee paid to the Town shall not represent approval of the application for the issuance of a Complex Encroachment Agreement, nor shall it obligate the Town to issue such a permit.
- 8.20. The fees for the Complex Encroachment Agreement shall be in accordance with the Town's General Fees and Charges By-law.
- 8.21. Upon approval of the Complex Encroachment Agreement, the agreement shall endure so long as the agreement remains registered on title.
- 8.22. No person shall park outside of the permitted limits of their widened apron, as per the permitted limits listed, regardless of whether a Complex Encroachment Agreement has been entered into.

9. Film Location Permits

- 9.1. The Applicant applying for a Film Location Permit and every permit holder shall:
- a) The Applicant must file with the Town, a liability insurance certificate for a minimum amount of \$5,000,000.00 in a form approved by the Town, naming the Town as an additional insured;
 - b) Not close, occupy, obstruct, encumber, injure or foul any highway, or any part thereof by without first applying for and obtaining a Film Location Permit. Upon obtaining a Film Location Permit, the applicant shall follow all terms and conditions outlined with respect to the Film Location Permit;
 - c) Not stop traffic in any direction for longer than three minute intervals;
 - d) Provide pay duty police officers on site when traffic is stopped for any length of time, in any direction;
 - e) Not cover, remove or alter any permanent or temporary fixtures, or road signs in any way without express written approval from the Town;
 - f) When refuse collection will be interrupted as a result of the filming activities, be responsible for making alternative arrangements which are satisfactory to the Town and the affected property owners;
 - g) Ensure a police escort to and from the film location for all vehicles which are part of the production, which exceed the maximum width as per the Highway Traffic Act;
 - h) Be responsible for the removal of litter and restoration of the filming location and any other site used for the filming activities;
 - i) Notify in writing any resident, organization or business that may or will be affected during the process of the filming; and
 - j) At all times comply with the local regulations regarding parking, restricted areas, fire hydrants, etc. unless otherwise specified by the Town.

10. Enforcement, Administration, & Penalty

- 10.1. Any person who contravenes the provisions of this By-law, including every person who fails to perform a duty imposed herein or who performs an act prohibited herein and every director or officer of the corporation is liable to an administrative monetary penalty and fees, pursuant to the Town's Administrative Monetary Penalty System By-law, for offences that are designated, or is guilty of an offence, for any contravention, and upon conviction is liable to a fine or penalty for each offence, exclusive of costs as prescribed by the Provincial Offences Act, R.S.O. 1990, c. P.33. No person that receives an administrative penalty shall be charged with an offence under the Provincial Offences Act, R.S.O. 1990 for the same contravention and offence date.
- 10.2. Where any person has contravened any provision of this By-law, the Town may without notice affect compliance and the expense of doing so may be recovered by adding the expenses to the tax roll for such property and collect them in the same manner as taxes.
- 10.3. Where any person fails to comply with a notice issued pursuant to a requirement of this By-law, the Town, in addition to other remedies:
- a) Shall have the right to recover the expense of carrying out the work as required by the notice in the same manner as taxes.
- 10.4. The Town shall not be liable to compensate any person by reason of anything done by or on behalf of the Town under the provisions of this By-law.

- 10.5. In the event the Town, Region or any Service Company needs to perform works on a boulevard that has been altered, neither the Town, the Region, nor any service company shall be obligated to restore any improvements located on any boulevard other than restoring the boulevard to sod and/or the apron to asphalt.
- 10.6. Should any person fail to maintain, in a good state of repair, any works permitted through this By-law or through a complex encroachment agreement, the Town may, without notice, affect changes as outlined in this By-law.
- 10.7. A person is guilty of an offence if the person:
- a) hinders or obstructs, or attempts to hinder or obstruct, an Officer, or any person in the exercise of a power or the performance of a duty under this By-law;
 - b) makes a false or intentionally misleading recital or fact, statement or representation or produces any falsified or fictitious agreement or document; or
 - c) fails to perform a duty imposed within this By-law or who performs an act prohibited herein;

11. Validity

- 11.1. If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law, that each and every other provision of this by-law authorized by law, be applied and enforced in accordance with its terms to the fullest extent possible according to law.

12. Repeal

- 12.1. This by-law shall come into force and effect when the Town has completed all legislated requirements as identified in the Municipal Act, 2001, S.O. 2001, c. 25, and all regulations associated with an Administrative Monetary Penalty System and the Town's Deputy Chief Administrative Officer has designated a commencement date.
- 12.2. Upon the effective date of this By-law, By-law #41-2024 and any amending by-laws thereto, are hereby repealed, subject to section 12.3.
- 12.3. By-laws #41-2024 and any amending by-laws thereto shall apply and will continue to apply to any enforcement proceedings which had been initiated prior to this By-law coming into force and then only until such enforcement proceedings have been concluded.

Read a first and second time this
Twentieth day of May, 2025.

Read a third time and passed this
Twentieth day of May, 2025.

Shaun Collier
Mayor & CEO

Jaclyn Grossi
Clerk



Corporate Services

Tel. 905-683-4550

Fax. 905-683-1061

TOWN OF AJAX

65 Harwood Avenue South

Ajax ON L1S 2H9

www.ajax.ca

Jaclyn Grossi
Municipal Clerk
Corporate Services
Town of Ajax

July 14, 2025

By-law Effective Date Commencement

Pursuant to the effective date sections contained within the following By-laws, adopted by Council of the Corporation of The Town of Ajax, I, Nicole Cooper, Deputy Chief Administrative Officer for the Town of Ajax, do hereby declare the effective date of these By-laws to be July 28th, 2025:

- By-law # 31-2025 Administrative Monetary By-law
- By-law # 38-2025 Clean and Clear By-law
- By-law # 39-2025 Clean Community By-law
- By-law # 40-2025 Dog and Cat By-law
- By-law # 41-2025 Election Sign By-law
- By-law # 42-2025 Fence By-law
- By-law # 43-3025 Fireworks By-law
- By-law # 44-2025 Noise By-law
- By-law # 45-2025 Parks By-law
- By-law # 46-2025 Public Nuisance and Safety By-law
- By-law # 47-2025 Refreshment Vehicle By-law
- By-law # 48-2025 Road Occupancy By-law
- By-law # 49-2025 Temporary Sign By-law

A certified copy of this declaration shall be attached to each of these By-laws within the Town's records, for perpetuity.

Nicole Cooper
Deputy Chief Administrative Officer
Town of Ajax