

CORPORATION OF THE  
TOWNSHIP OF BILLINGS

AGENDA

November 22<sup>nd</sup>, 2021 7:00 p.m.

Electronic Meeting

1. OPEN
2. APPROVAL OF AGENDA
3. DISCLOSURE OF PECUNIARY INTEREST
4. ADOPTION OF MINUTES
5. DELEGATIONS
6. COMMITTEE REPORTS
7. OLD BUSINESS
8. NEW BUSINESS
  - a) By Law Discussion
    - a. 2021-54 Unopened Road Allowance By-Law
    - b. 2021-55 Shoreline Road Allowance By-Law
9. CORRESPONDENCE
10. INFORMATION
11. ACCOUNTS FOR PAYMENT
12. CLOSED SESSION
13. CONFIRMING BY-LAW
14. ADJOURNMENT



## MEMO TO COUNCIL

November 18<sup>th</sup>, 2021

### **Re: Alterations to Highways, Unopened Road Allowances and Township Property**

I am recommending that Council review and put forward the attached bylaw for approval and enactment.

I am basing this recommendation off of complaints that have been forwarded to me from concerned residents and experiences that I have encountered while performing my general duties as the Township Bylaw Enforcement Officer.

The complaints/concerns that I have experienced are as follows.

1. Persons having put up “No Trespassing” or “Private Property” signs on Township waterfront accesses or unopened road allowances.
2. Persons making alterations to Township unopened road allowances or waterfront accesses by removing trees and other foliage.
3. Persons opening a section unopened road allowance without Township permission.
4. Persons storing personal property on an unopened road allowance or waterfront access.
5. Persons installing culverts without a permit or permission.

It should be noted that there have been instances where there have been hostilities between residents regarding these types of concerns.

At this point in time, the Township does not have a definitive bylaw provision that address these issues, and it would be beneficial to have a bylaw in place that will be used for conflict resolution or as a deterrent for residents not to use Township property for personal uses without first conferring with the Township and obtaining permission from the Township.

Regards,

Arthur Moran  
Bylaw Enforcement Officer  
Billings Township

**The Corporation of  
the Township of Billings**

**Bylaw 2021-54**

**Being a bylaw to regulate the installation of Driveway/Road Entrance Accesses onto Township Public Highways, or alterations being made to Unopened Road Allowances or Shoreline Accesses within the Township of Billings**

**WHEREAS** the *Ontario Municipal Act, S.O. 2001, c. 25 section 8* as amended states that the powers of a municipality under this Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its own affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

**WHEREAS** the *Ontario Municipal Act, S.O. 2001, c. 25 section 26* as amended states that municipalities have authority over highways that existed as of December 31, 2002, all highways established by bylaw as of January 1, 2003, all highways transferred to the municipality under the Public Transportation and Highway Improvement Act, all road allowances made by Crown surveyors and all road allowances, highways, streets and lanes shown on a registered plan of a subdivision; and

**WHEREAS** the *Ontario Municipal Act, S.O. 2001, c. 25 section 391 (1) (a) (c)* as amended states that municipalities may impose fees or charges on a person for services or activities provided or done by or on behalf of it and for the use its property including property under its control; and

**WHEREAS** the Council of the Corporation of Billings Township desires to regulate the construction or alteration of entranceways onto municipal roads or right of ways; and

**WHEREAS** the Council of the Corporation of Billings Township desires to regulate any alterations or improvements made to unopened road allowances or Township Property.

**NOW THEREFORE** the Council of the Corporation of the Township of Billings hereby enacts as follows:

**1.0 DEFINITIONS**

- 1.1 "Act" means the *Ontario Municipal Act, 2001, c. 25* as amended.
- 1.2 "Alteration" means any human-induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to, grading, filling, channelizing, dredging, clearing of vegetation, construction, compaction, excavation, or any other activity that changes the character of the critical area.
- 1.3 "Agreement" means a legal agreement prepared by a solicitor, paid for by the property owner, that details a legal plan of survey, an indemnification (Hold Harmless) of any claims against the Township that are a result of improvements or alterations and that an agreement against the title of land would serve as notice to anyone purchasing or mortgaging the land that the access onto property is not a Township maintained Highway.
- 1.4 "Council" means the elected Council of the Township of Billings.
- 1.5 "Culvert" means a water pipe that crosses under a road, sidewalk or bridge.
- 1.6 "Driveway/Road Entrance Access" is a land connection from a private property onto a township public highway.
- 1.7 "Permit" means a Road Entrance Permit that is issued by the Township for a fee.
- 1.8 "Public Highway" all allowances for roads made by the Crown surveyors, all highways laid out or established under the authority of any statute, all roads on which public money has been spent for opening then or on which statute labour has been usually performed, all roads passing through Indian lands, all roads dedicated by the owner of the land to public use, and all alterations and deviations of and all bridges over any such allowance for road, highway or road, are common and public highways.
- 1.9 "Road Allowance" means allowances originally laid out for roads by a Crown surveyor, including both road allowances shown on an original township survey and road allowances shown along the water in a plan of subdivision. Road allowances are generally 66 feet in width.
- 1.10 "Roads Superintendent" means a person who is hired by the Township who is responsible to oversee, track, perform all road construction, road maintenance and property maintenance on behalf of the Township.
- 1.11 "Shoreline Access" means an unmaintained area of Township property that allows for public access to a waterfront shoreline.

- 1.12 "Township" means the Corporation of the Township of Billings.
- 1.13 "Unopened Road Allowance" means a public highway that has not been opened and assumed for maintenance purposes by By-law of the Township of Billings.

## **2.0 PROHIBITIONS**

- 2.1 No person shall engage in installing or altering a Drive/Road Entrance Access from any Township Public Highway onto any property without having a Permit that has been approved by the Township Roads Superintendent.
- 2.2 No person shall cause any alterations or improvements to Unopened Road Allowance unless an Agreement has been made with the Township and that the Agreement has been approved by the Roads Superintendent.
- 2.3 No person shall cause any alterations or improvements to Shoreline Access unless an Agreement has been made with the Township and that the Agreement has been approved by the Roads Superintendent.
- 2.4 No person shall store vehicles, farm equipment, recreational equipment or other materials on an Unopened Road Allowance unless an Agreement has been made with the Township and the approval of the Roads Superintendent.

## **3.0 PENALTIES**

- 3.1 Any person who installs or alters a Driveway/Road Entranceway Access from Township Public Highway onto a property without obtaining a Permit will be subject to a fine (see schedule "A") or be responsible for any costs associated with the removal of a Culvert or repair to land that was altered to install or alter an entranceway. Any associated costs may be recovered as per the *Municipal Act section 446 (3)* that provides that a municipality may recover the costs of doing a matter or a thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same as property taxes.
- 3.2 Any person who causes alterations or improvements to an Unopened Road Allowance without having an approved Agreement with the Township and approval of the Roads Superintendent will be subject to a fine (see Schedule "A") or be responsible for any costs or repairs to an Unopened Road Allowance that were caused by any alterations or improvements. Any associated costs may be recovered as per the *Municipal Act section 446 (3)* that provides that a municipality may recover the costs of doing a matter or a thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same as property taxes.
- 3.3 Any person who causes alterations or improvements to a Township Shoreline Access without having an approved Agreement with the Township or approval of the Roads Superintendent will be subject to a fine (see Schedule "A") or be responsible for any costs or repairs to a Shoreline Access that were caused by any alterations or improvements. Any associated costs may be recovered as per the *Municipal Act section 446 (3)* that provides that a municipality may recover the costs of doing a matter or a thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same as property taxes.
- 3.4 Any person who stores vehicles, farm equipment, recreational equipment or other materials on an Unopened Road Allowance or an Open Road Allowance will be subject to a fine (see Schedule "A") or be responsible for costs associated with the removal of the item(s) if the Township is required to remove the items. Any associated costs may be recovered as per the *Municipal Act section 446 (3)* that provides that a municipality may recover the costs of doing a matter or a thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same as property taxes.

## **4.0 ENFORCEMENT**

- 4.1 This Bylaw will be enforced by the Bylaw Enforcement Officer or the Roads Superintendent.
- 4.2 No person shall hinder or obstruct or attempt to hinder or obstruct an Officer in exercising their duties in enforcing this bylaw.
- 4.3 Every person who contravenes any provision of this Bylaw is guilty of an offence and upon conviction is liable to a fine as provide for under *Provincial Offences Act, R.S.O. 1990 p. 33* as amended. (See Schedule "A").
- 4.4 Persons enforcing this bylaw are permitted to enter onto property to enforce the provisions of this Bylaw as per the *Ontario Municipal Act section 435* and Billings Township Bylaw 2021-28.

## **5.0 SEVERABILITY**

- 5.1 If any provision or part of this Bylaw is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part in particular circumstances, the

balance of the bylaw or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

**6.0 ADMINISTRATION**

6.1 This Bylaw shall be referred to as the Road Accessibility/Unopened Road and Shoreline Allowance Bylaw.

6.2 This Bylaw shall be in effect on all Billings Township Public Highways or Unopened Road Allowances.

**7.0 APPLICATION**

7.1 This bylaw applies to all Township Highways, Unopened Road Allowances and to all Township Property located within Billings Township.

**8.0 ADMINISTRATION**

8.1 This bylaw shall come into effect upon final passage thereof.

Read for the first, second and third time and enacted this \_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Ian Anderson, Mayor

\_\_\_\_\_  
Kathy McDonald, CAO/Clerk

DRAFT

**CORPORATION OF THE TOWNSHIP OF BILLINGS**

**BYLAW 2021-54**

**Schedule A: Part 1 Provincial Offences Act**

<b>Item</b>	<b>Short Form Wording</b>	<b>Provision Creating or Defining Offence</b>	<b>Set Fine</b>
1	Alter/install driveway access without permit	3.1	\$500.00
2	Alter unopened road allowance without Agreement or approval.	3.2	\$500.00
3	Alter shoreline Access without Agreement or approval.	3.3	\$500.00
4	Storage of personal equipment, vehicles or personal property on opened or unopened road allowance	3.4	\$500.00
5	Attempt to obstruct or hinder an Officer	4.2	\$500.00
6	Obstruct or hinder an Officer	4.2	\$500.00

**Note: The penalty provision for the offences indicated above is section 4.3 of Bylaw 2021-54, a certified copy of which has been filed.**

DRAFT

**CORPORATION OF THE TOWNSHIP OF BILLINGS**

**BYLAW 2021-54**

**Schedule B: Driveway/Road Entrance Access Permit Application**



**DRIVEWAY/ROAD ENTRANCE ACCESS PERMIT APPLICATION**

Date: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Location where entrance is required: \_\_\_\_\_  
Civic Address/Township/Lot/Concession/Plan/Sublot

Between Civic Addresses No's \_\_\_\_\_ & \_\_\_\_\_

The applicant is to place stakes, with their name on them, at a distance of 30 feet apart where the driveway/road access is desired.

(The Roads Superintendent may refuse the location at any certain point on the property)

The Roads superintendent will determine if a culvert is required. If so, the Driveway/Road Access Permit will be contingent on a culvert installation fee, (culvert/rock fill/gravel surface), that is to be paid by the applicant.

Permit Application Fee: \$25.00

For Office Use

- 1) I have inspected and approved the specified location for driveway/road access. \_\_\_\_\_
- 2) I have determined an alternate entrance for the driveway/road access. \_\_\_\_\_
- 3) I have determined that a culvert is required for the driveway/road access. \_\_\_\_\_

\_\_\_\_\_  
Floyd Becks, Roads Superintendent

\_\_\_\_\_  
Date



## MEMO TO COUNCIL

November 18<sup>th</sup>, 2021

**Re: Shoreline Alterations, Erection of Signage, Erection of Structures, Personal Use and Public Liability Exposures regarding Shoreline Road Allowances.**

I am recommending that Council review and put forward the attached bylaw for approval and enactment.

I am basing this off of discussions that I have had with residents and observations that I have made while performing my duties as the bylaw enforcement officer.

Common complaints and concerns that I have experienced regarding this issue are as follows:  
(SRA-Shoreline Road Allowance)

1. Residents who recognize that the SRA is Township Property and are upset that some persons do whatever they want to do on Township SRA without permission.
2. Residents that are possibly disturbing shoreline fish or wildlife habitat without consulting with the Ministry of Natural Resources and Forestry.
3. Residents who have erected permanent or semi-permanent structures on Township SRA.
4. Residents have posted no trespassing/private property signage on Township SRA.
5. Residents exercising authority over Township SRA.
6. Residents who are parking vehicles or trailers on Township SRA.
7. Residents who are storing other personal property on Township SRA.
8. Residents having campfires on Township SRA.

As you can see, there are multiple issues occurring on Township SRA Property that do present liability exposure concerns, and currently there are not any bylaw provisions or penalties in place that deal with this particular issue.

As the bylaw enforcement officer, I recommend the passing of this bylaw as it will provide defined standards for enforcement purposes.

Regards

Arthur Moran  
Bylaw Enforcement Officer  
Billings Township



# THE CORPORATION OF THE TOWNSHIP OF BILLINGS

## BYLAW 2021-55

Being a bylaw to control the land usages for land identified as Shoreline Road Allowances within Billings Township.

**WHEREAS** the *Ontario Municipal Act 2001 S.O. 2001, c. 25 section 8* provides that the powers of the municipality shall be interpreted broadly as to confer broad authority to enable the municipality to govern its affairs as it considers appropriate to enhance a municipality's ability to respond to municipal issues; and

**WHEREAS** the *Ontario Municipal Act 2001, S.O. 2001, c. 25 section 28(1)* states the following:  
28(1) Except as otherwise provided in this Act or under section 8 of the *Public Transportation and Highway Improvement Act* or in a by-law passed under this Act, a municipality has jurisdiction or joint jurisdiction, as the case may be, over the following highways:

1. All highways over which it had jurisdiction or joint jurisdiction on December 31, 2002.
2. All highways established by by-law of the municipality on or after January 1, 2003.
3. All highways transferred to the municipality under this Act, the *Public Transportation and Highway Improvement Act* or any other Act. 2001, c. 25, s. 28 (1)

**AND WHEREAS** the Council for the Township of Billings wishes to control the uses of Township Property that is associated with Shoreline (Marine) Road Allowances.

**NOW THEREFORE** the Council of the Corporation of the Township of Billings hereby enacts as follows:

### 1.0 DEFINITIONS

- 1.1 **"Abutting Owner"** shall mean the owner of lands abutting the Shoreline Road Allowance that is located adjacent to their property, between their property and the water body.
- 1.2 **"Alteration"** means any human-induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to, grading, filling, channelizing, dredging, clearing of vegetation, construction, compaction, excavation, or any other activity that changes the character of the critical area.
- 1.3 **"Agreement"** means a legal agreement prepared by a solicitor, paid for by the property owner, that details a legal plan of survey, an indemnification (Hold Harmless) of any claims against the Township that are a result of improvements or alterations and that an agreement against the title of land would serve as notice to anyone purchasing or mortgaging the land that the access onto property is not a Township maintained Highway.
- 1.4 **"Campfire"** shall mean a fire set for cooking or warmth, approved by Chief Fire official or designate, that is no greater than 66 centimetres in diameter and no more than 1 metre high; does not include barbeques.
- 1.5 **"Council"** shall mean the elected Council of the Township of Billings.
- 1.6 **"Officer"** shall mean an officer of the Ontario Provincial Police, an Officer of the Ministry of Natural Resources and Forestry or Bylaw Enforcement Officer appointed by Council to enforce the Township bylaws.
- 1.7 **"Permanent Structure"** shall mean on real property is a structure that is placed on the land for the foreseeable future that is affixed to the ground.
- 1.8 **"Personal Property"** shall mean any movable thing or intangible item of value that is capable of being owned by a person and not recognized as real property.
- 1.9 **"Private Property"** shall mean belongings or land that belongs to a person or a group for their own exclusive use.  
**"No Trespassing Signs"** shall mean signs that indicate that property is privately owned by a property owner.
- 1.10 **"Property Owner"** shall mean the individual or company that has owner's rights to the property such as a block of land or building. The property owner is responsible for the payment of any rates and taxes that arise.
- 1.11 **"Property Survey"** shall mean a document that shows property lines including any land, structures, and features that are legally owned (versus that which are not owned) as a schematic diagram of angles and measurements.

- 1.12 **“Road Allowances”** shall mean allowances originally laid out for roads by a Crown surveyor, including both road allowances shown on an original township survey and road allowances shown along the water in a plan of subdivision. Road allowances are generally 66 feet in width.
- 1.13 **“Shoreline (Marine) Road Allowance (SRA)”** shall mean the unflooded portion of an original allowance for a road reserved along the shore of a navigable waterway, but not an allowance that has become an open public street.
- 1.14 **“Township Property”** is land that is owned or controlled by the Corporation of the Township of Billings.
- 1.15 **“Unopened Road Allowance”** shall mean either a road allowance shown on original Crown surveys but not an allowance that has become an open public street, or a municipal road which has been closed.

## **2.0 General Requirements**

- 2.1 Township Shoreline Road Allowances or portions of an allowance on or leading to water shall be reserved.
- 2.2 The Township has the right to reserve any portion of a Shoreline Road Allowance where council considers it appropriate and in the public interest to guarantee access to waterfront and abutting property.
- 2.3 The Township reserves the right to close and sell Shoreline Road Allowances.
- 2.4 All removable utility structures will be removed from Shoreline Road Allowances by June 30, 2021.

## **3.0 PROHIBITIONS**

- 3.1 No person shall place or post Private Property signs on Township Property.
- 3.2 No person shall place or post No Trespassing signs on Township Property.
- 3.3 No person shall make Alterations to lands that are part of the 66-foot Shoreline (Marine) Road Allowance without obtaining an Agreement and written permission from the Township.
- 3.4 No person shall make Alterations to Township Property without obtaining an Agreement or written permission from the Township.
- 3.5 No person shall install a permanent structure on lands that are part of a 66-foot Shoreline (Marine) Shore Allowance.
- 3.6 No person shall place any structure, barrier, fence or any thing that is an impediment that will block or impede pedestrian traffic on a Shoreline Road Allowance.
- 3.7 No person shall store personal property on a Shoreline Road Allowance.
- 3.8 No person shall park or store a vehicle on a Shoreline Road Allowance
- 3.9 No person shall make any Shoreline Alteration that will affect fisheries or natural water habitat without permission from the Ministry of Natural Resources and Forestry.

## **4.0 EXEMPTIONS**

- 4.1 Property owners who currently have fixed or altered structures on the Shoreline Road Allowance directly abutting their property and that have signed a Hold Harmless Agreement with the Township.

## **5.0 ENFORCEMENT**

- 5.1 This bylaw will be enforced by an Officer appointed by the Council to enforce the bylaws of the Township.
- 5.2 Any person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and upon conviction is liable to a fine as provided by the *Provincial Offences Act, R.S.O. 1990, chapter P.33* as amended. (See Schedule “A”)
- 5.3 No person shall hinder or obstruct or attempt to hinder or obstruct an officer who is exercising a power or performing a duty under this Bylaw.

## **6.0 SEVERABILITY**

- 6.1 If any provision or part of this Bylaw is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part in particular circumstances, the balance of the bylaw or its application in other circumstances, shall not be affected and shall continue in full force and effect.

**7.0 APPLICATION**

7.1 This bylaw applies to all properties within the Township of Billings that abut or that are adjacent to any identified Shoreline Road Allowance.

**8.0 ADMINISTRATION**

8.1 This Bylaw shall be known and cited as the Shoreline Road Allowance Bylaw.

**9.0 ENACTMENT**

9.1 This Bylaw shall come into force upon the final passing thereof.

**Read for the first, second and third time and enacted this \_\_\_ day of \_\_\_\_\_, 2021**

\_\_\_\_\_  
Ian Anderson, Mayor

\_\_\_\_\_  
Kathy McDonald, CAO/Clerk

DRAFT

**Corporation of the Township of Billings**

**BYLAW 2021-55**

**Being a Bylaw to Control the Use of Land on Shoreline Road Allowances**

**SCHEDULE A: Provincial Offences Act Part:1**

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Post Private Property Sign on Township Property	3.1	\$250.00
2	Post No Trespassing Sign on Township Property	3.2	\$250.00
3	Alter Shoreline Road Allowance without written Agreement	3.3	\$800.00
4	Alter Township Property without written Agreement	3.4	\$800.00
5	Install permanent Structure on Shoreline Road Allowance	3.5	\$800.00
6	Impede or block pedestrian traffic on Shoreline Road Allowance	3.6	\$500.00
7	Store personal property on Shoreline Road Allowance	3.7	\$250.00
8	Park or store vehicle on Shoreline Road Allowance	3.8	\$250.00
9	Alter shoreline without contacting Ministry of Natural Resources	3.9	\$800.00
10	Attempt to Hinder or obstruct an Officer	5.3	\$500.00
11	Hinder or obstruct an Officer	5.3	\$500.00

**Note: The penalty provision for the offences indicated above is section 5.2 of this Bylaw No. 2021-55 of which a certified copy has been filed.**