

Type: Open Session
Report To: Council
Meeting Date: May 11, 2026
Subject: Right of Way By-law

Recommendation(s)

1. That report BYL-26-03, Right of Way By-law, dated May 11, 2026, be received; and
2. That Council approve By-law No. 26-30 (Right of Way) and By-law No. 26-31 (AMPS amendment), attached to this report as **Appendix A** and **Appendix B**.

Background

On October 20, 2025, Council passed the following resolution:

Whereas oil and fuel spills, along with other debris or fouling of public roadways, present a clear safety risk to motorists, cyclists, and pedestrians;

Whereas the Town of Grimsby's current by-laws do not provide specific authority or mechanisms to regulate or address the fouling of public roadways caused by oil spillage or similar hazards;

Whereas the Ontario Ministry of the Environment places the onus on municipalities, through their by-laws, to address issues of road fouling and ensure that such hazards are properly managed and enforced;

Whereas Section 11(2) of the Municipal Act, 2001 grants municipalities the authority to pass by-laws respecting highways, including the health, safety, and well-being of persons, and specifically to regulate matters related to the use of municipal right-of-ways;

Whereas the absence of a dedicated Right-of-Way by-law limits the Town's ability to respond effectively, hold responsible parties accountable, and proactively protect public safety on municipal roads.

Analysis/Comments

By-laws that manage and regulate use of the right of way are very common across the province of Ontario and in the Niagara Region. “Right of Way” is defined as a means land owned by the Town as opened or unopened road allowances for the purposes of a public highway under the *Municipal Act, 2001*, but excludes Town lands owned or operated as parkland, creeks and watercourses, and related public trail system

Right of Way By-law

By-law and Public Works staff reviewed multiple By-laws passed within the Niagara Region and some select municipalities outside of the Region and drafted a Right of Way By-law, By-law No.26-30, which has been attached as **Appendix A** to this report.

The draft Right of Way By-law outlines a list of prohibitions that contains both safety and regulatory prohibitions. These prohibitions are meant to ensure that all work or actions within the right of way are done safely and with proper permits.

The draft By-law goes into further details about enforcement, removal of items, and remedial actions if needed. Town staff are dedicated to an escalated approach to ensuring compliance with the By-law by educating residents and businesses to provide proper notice of any potential violations before removal of items or fines.

AMPS By-law Amendment

The Towns AMPS By-law provides a tool to enforcement staff to achieve compliance with Town By-laws. The attached amendment to the AMPS By-law, By-law No. 26-31 has been attached as **Appendix B** to this report.

This amendment outlines escalated set fines that increase when the same violations take place within a period of time. Town staff are dedicated to the escalated style of enforcement where the issuance of an order or direction is done prior to any fines or removal of items. In some circumstances, the immediate removal of items may be required to protect public safety.

The set fine amounts contained within this amendment demonstrate the need to protect public safety and be high enough to deter violations while not being punitive in nature.

The Towns Legal representative provided a review of both By-laws and approved the current versions.

Strategic Priorities

Priority: High Quality of Life

Direction: Improve the health and safety of residents

Action: Focus on safer streets including sidewalks, parking, and traffic calming measures

Financial Impact

There is no immediate financial impact of this report.

Conclusion

In conclusion, Town staff recommend that approval of By-law No. 26-30 to manage and regulate the right of ways to ensure that all work or actions are done safely and with proper permits.

Further, Town staff recommend the approval of By-law No. 26-31 to provide enforcement staff with a tool in the escalated enforcement process while deterring future violations.

Respectfully prepared by,



Henry Boese
Supervisor of Municipal Law Enforcement

Respectfully reviewed and submitted by,



Victoria Steele
Director of Legislative Services/Town Clerk

Respectfully approved by,



Sarah Kim
Chief Administrative Officer

Attachments

- **Appendix A** – Draft By-law No. 26-30, Right of Way
- **Appendix B** – Draft By-law No. 26-31, AMPS Amendment