



**CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY**

**BY-LAW NO. 31-2026**

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Being a by-law to regulate the use and occupation of Municipal Lands and Highways.

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**WHEREAS** Section 9 of the *Municipal Act 2001*, S.O. 2001, c. 25 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under that or any other Act;

**AND WHEREAS** Sections 10 and 11 of the *Municipal Act 2001*, S.O. 2001, c. 25 authorize municipalities to pass by-laws respecting municipal property and highways;

**AND WHEREAS** the Municipality owns and manages lands, including highways, road allowances, and lanes for the benefit of the public;

**AND WHEREAS** Council deems it necessary to regulate the use and occupation of Municipal Lands;

**NOW THEREFORE**, the Council of the Corporation of the Municipality enacts as follows:

**1. SHORT TITLE**

1.1. This by-law may be referred to as the “Encroachment By-Law”.

**2. DEFINITIONS**

In this By-law:

2.1. “Agricultural Purpose” means any activity related to the production of crops, livestock, or other agricultural commodities, and includes cultivation, planting, seeding, maintaining vegetation for harvest or non-harvest purposes, and any activity intended to support or enhance adjacent agricultural operations.

2.2. “Encroachment” means any use, occupation, placement, or alteration of Municipal Lands by any Person without lawful authority, and includes any activity that interferes with or relies upon Municipal Lands.

2.3. “Highway” has the same meaning as in the *Municipal Act, 2001* and includes a common and public highway, street, road, allowance for road, and any part thereof, including the travelled portion, shoulder, ditch, and boulevard.

2.4. “Municipal Lands” means any land owned, leased, or under the jurisdiction of the Municipality, and includes Highways.

2.5. “Municipality” means The Corporation of the Municipality of Morris–Turnberry.

2.6. “Person” includes an individual, corporation, partnership, or association.

**3. GENERAL PROHIBITION**

3.1. No Person shall use, occupy, or alter any Municipal Lands except in accordance with this By-law or a permit issued by the Municipality.

3.2. Without limiting section 3.1, no Person shall use Municipal Lands for an Agricultural Purpose except as expressly permitted in section 4 or by permit issued under section 7.

3.3. Nothing in this By-law shall be interpreted to prohibit or restrict the use of a Highway by the public for its intended purpose of passage.

#### 4. USE AT SOLE RISK

4.1. Despite section 3, the planting and maintenance of vegetation on Municipal Lands by an owner or occupier of adjacent lands is permitted without a permit, provided that such activity:

4.1.1. is limited to non-woody vegetation and does not include trees, shrubs, structures, or fencing;

4.1.2. does not involve grading, filling, alteration of drainage, or discharge of agricultural drainage;

4.1.3. does not interfere with sightlines, utilities, drainage, or the safe use of the Highway; and

4.1.4. complies with all other applicable municipal by-laws.

4.2. Any activity permitted under this section is undertaken entirely at the sole risk of the Person carrying out the activity. The Municipality assumes no duty of care and makes no representation or warranty as to the continued existence, condition, or suitability of any vegetation or use of Municipal Lands.

4.3. The Municipality may, at any time, for any reason, and without notice, remove, cut, grade, spray, or otherwise alter any vegetation or works located on Municipal Lands.

4.4. No compensation, damages, or other remedy shall be payable for any loss or damage arising from such actions.

#### 5. PROHIBITION ON RELIANCE

5.1. No Person shall rely upon Municipal Lands, whether in whole or in part, to satisfy any requirement, standard, setback, separation distance, or buffer imposed by:

5.1.1. any statute, regulation, or by-law;

5.1.2. any policy, guideline, or standard; or

5.1.3. any certification, accreditation, or approval process.

5.2. For greater certainty, this prohibition applies regardless of whether the use or condition of Municipal Lands is permitted under this By-law.

5.3. Nothing in this By-law shall be interpreted as the Municipality permitting or endorsing the use of Municipal Lands for such purposes.

#### 6. MUNICIPAL RIGHTS AND NON-INTERFERENCE

6.1. The Municipality retains the full and unrestricted right to access, maintain, repair, alter, or improve Municipal Lands at any time and for any purpose.

6.2. Without limiting section 6.1, the Municipality may undertake activities including grading, ditching, drainage works, vegetation management, pesticide application, snow removal, and road widening.

6.3. The Municipality shall not be liable for any loss, damage, or interference arising from the exercise of its rights under this section.

6.4. No activity permitted under this by-law shall create or be deemed to create any property right, license, or other legal interest in Municipal Lands, nor any expectation of continued use.

6.5. Any use of Municipal Lands permitted under this By-law is non-exclusive and shall not confer any priority, entitlement, or preferential right as against any other Person.

6.6. Where two or more Persons seek to use or are using the same Municipal Lands, the Municipality shall have no obligation to determine or resolve any conflict between them, and may, in its sole discretion, restrict, prohibit, or remove any such use without notice or compensation.

6.7. Any use or activity permitted under this By-law, whether with or without a permit, shall not interfere with and is subordinate at all times to the Municipality's use of Municipal Lands for Highway purposes and municipal operations, as determined by the Municipality in its sole discretion.

6.8. Any Person undertaking activity under this by-law shall indemnify, defend, and save harmless the Municipality and its elected and appointed officials, officers, employees, agents, contractors, and representatives, and any utility, service provider, or other Person lawfully entitled to use or occupy the Municipal Lands, including their respective officers, employees, agents, and contractors, from and against any and all claims, demands, causes of action, losses, costs, damages, expenses, and liabilities of any kind whatsoever, including legal fees on a full indemnity basis, arising from, related to, or in any way connected with such activity, whether caused by or contributed to by the negligence or otherwise of the Person undertaking the activity or any other Person.

**7. NON-DEROGATION – ENTRANCES AND ACCESS**

7.1. Nothing in this By-law shall be interpreted so as to prohibit, restrict, or otherwise affect the issuance of a permit for an entrance, access, or approach to a Highway or Municipal Lands where such permit is issued in accordance with any other by-law of the Municipality.

7.2. In the event of a conflict between this By-law and any other municipal by-law or agreement governing entrances, access, or use of a Highway, the provisions of the other by-law shall prevail to the extent of the conflict.

**8. ENFORCEMENT**

8.1. This By-law may be enforced by a Municipal Law Enforcement Officer or any person appointed by the Municipality.

8.2. The Municipality may enter upon Municipal Lands to remove or remedy any Encroachment at the expense of the Person responsible.

**9. SEVERABILITY**

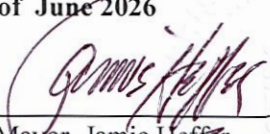
9.1. If any section or provision of this By-law is declared invalid, the remainder shall continue in force.

**10. FORCE AND EFFECT**

10.1. This By-law shall come into force and effect on the date of its passing.

**Read a FIRST and SECOND time this 2<sup>nd</sup> day of June 2026**

**Read a THIRD time and FINALLY PASSED this 2<sup>nd</sup> day of June 2026**

  
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Mayor, Jamie Heffer

  
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Clerk, Trevor Hallam