

# THE CORPORATION OF THE TOWN OF GRAVENHURST BY-LAW NO. 2024-01

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Being a By-law to Prohibit or Regulate the Obstructing, Encumbering, Injuring or Fouling of Highways and Municipal Properties Within the Town of Gravenhurst

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

**AND WHEREAS** Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, provides that a municipality may pass by-law respecting health, safety and wellbeing of persons;

**AND WHEREAS** Section 27(1) of the Municipal Act, 2001, S.O. 2001 c. 25 as amended, permits municipalities to pass by-law in respect of a highway under the municipalities jurisdiction;

**AND WHEREAS** Section 425 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, states that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;

**AND WHEREAS** Section 426 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, states that no person shall hinder or obstruct, or attempt to hinder or obstruct any person who is exercising a power or performing a duty under a by-law passed under this Act;

**AND WHEREAS** Section 429 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, states that a municipality may establish a system of fines for offences under a by-law of a municipality passed under this Act;

**AND WHEREAS** Section 434.1 (1) of the Municipal Act 2001, S.O. 2001, c. 25 as amended states that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law passed under this Act;

**AND WHEREAS** Section 181 of the Highway Traffic Act, 1990, R.S.O. 1990 c. H. 8 as amended, prohibits any person from depositing snow or ice on a roadway without permission from the road authority for the maintenance of the road;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GRAVENHURST ENACTS AS FOLLOWS:**

## 1. SHORT TITLE

- 1.1 This By-law shall be known and may be cited as the "Fouling of Municipal Highways and Municipal Property By-law."

## 2 DEFINITIONS

- 2.1 **Active Transportation** means the movement of people or goods powered by human activity. Active transportation includes walking, cycling and the use of human-

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powered or hybrid mobility aids such as wheelchairs, scooters, e-bikes, rollerblades, snowshoes and cross-country skis, and more.

- 2.2 **Boulevard** means the portion of the highway located between the edge of the roadway and property line and may include the untraveled portion of any highway, grassed/graveled or paved area, ditches, sidewalks and paved paths.
- 2.3 **Council** means the Council of the Corporation of the Town of Gravenhurst.
- 2.4 **Highway** includes a common and public highway, any part of which is intended for or used by the general public for the passage of vehicles and pedestrians and includes the area between the lateral property lines thereof.
- 2.5 **Municipality or Municipal** means the Municipal Corporation of the Town of Gravenhurst.
- 2.6 **Officer** means a Municipal Law Enforcement Officer, Ontario Provincial Police Officer or any other person appointed by Council for the means of enforcing this by-law.
- 2.7 **Person** includes an individual or business name, sole proprietorship, corporation, partnership, or limited partnership or an authorized representative thereof, to whom the context applies according to law.
- 2.8 **Sidewalk/Recreation Path** means the portion of the boulevard used for active transportation, which includes a surface made of pavement, concrete, paver stones or gravel.
- 2.9 **Town** shall mean the Corporation of the Town of Gravenhurst.

**3. GENERAL PROHIBITIONS**

- 3.1 No person shall, unless otherwise authorized by the provisions of this or any other By-law of the Town:
- a) Permit oils, chemicals, dirt, debris, water or any other substances to be deposited or spilled on a municipal highway, boulevard or sidewalk, including such substances deposited as a result of vehicle maintenance activities;
  - b) Deposit, cast, throw, push, or dump snow or ice onto or across any municipal highway, boulevard or sidewalk;
  - c) Deposit, cast, throw, push or dump snow, ice or any other material within 2 meters of any fire hydrant or emergency water standpipe within the municipality; or
  - d) Deposit, cast, throw, push or dump, any other material onto a municipal highway, boulevard or sidewalk.

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- 3.2 No person shall clear away or remove snow from a municipal highway, except as may be necessary to clear away snow that is blocking access to a private entrance or driveway.
- 3.3 No person shall deposit or permit the accumulation of snow, ice, or any other material on a property adjacent to a municipal highway in such a way as to:
- a) Cause a visual obstruction to oncoming traffic or pedestrian travel;
  - b) Encumber a sidewalk, municipal highway/property; or
  - c) Damage highway signs, street name signs, light standards, hydrants, or any other such installation or utility located on a municipal highway.
- 3.4 No person shall move, place, or operate any equipment, vehicle or other such material on any part of a highway, boulevard, sidewalk, ditch or other municipal property in a manner that creates damage to the road surface, curb, sidewalk or any other municipal property or services resulting from their actions.

**4. EXEMPTIONS**

- 4.1 The provisions of this By-law shall not apply to municipal snow clearing operations.

**5. ADMINISTRATION**

- 5.1 An Officer, when administering their power under this By-law, may, where an offence has been committed, enter upon land for the purpose of carrying out an inspection to determine compliance with this By-law.
- 5.2 No person shall hinder or obstruct, or attempt to hinder or obstruct any Officer, where the Officer is in the act of administering this By-law.

**6. OFFENCES AND PENALTIES**

- 6.1 Any person who commits an offence listed under Section 3 of this By-law shall ensure that all snow, ice, machinery, equipment or any other material or item is removed forthwith, or immediately when directed by an Officer.
- 6.2 A person is guilty of an offence if the person:
- a) Fails to comply with an order, notice direction or other requirements under this By-law; and/or
  - b) Contravenes any provision of the By-law or Officer of a Corporation who knowingly concurs in the contravention of this By-law by the Corporation is guilty of an offence.
- 6.3 Any person who knowingly falsely reports a violation of the By-law shall, upon the second and any subsequent false reports, be guilty of an offence.

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- 6.4 An Officer may issue an Administrative Monetary Penalty to the Person, Owner, Agent or Person Responsible found in contravention of any provision of this By-law.
- 6.5 Any Person who contravenes any provision of this By-law is responsible for any fines and fees imposed under the Administrative Monetary Penalty System By-law.
- 6.6 Any Person who has been found in contravention of this By-law may request a review of the matter in accordance with the Administrative Monetary Penalty System By-law.
- 6.7 Every person who contravenes any of the provisions of this By-law is guilty of an offence and shall be subject to a penalty in accordance with the Provincial Offences Act, R.S.O. 1990, c. P.33. as amended.
- 6.8 The court in which the contravention 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, and such order shall be in addition to any other penalty imposed on the person convicted.

**7. SEVERABILITY**

- 7.1 Should any section, clause or provision of the By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the part which was declared to be invalid.

**READ AND PASSED** this 16th day of January, 2024.

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Mayor 

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Clerk 