

THE CORPORATION OF THE TOWN OF GRAVENHURST

BY-LAW NO. 2022-125

A by-law of the Corporation of the Town of
Gravenhurst to regulate and prohibit Winter
Overnight Parking on Highways Within the Town of
Gravenhurst

WHEREAS the Municipality is authorized pursuant to Section 428 of the *Municipal Act, R.S.O. 2001, Chapter 25*, as amended, to pass by-laws prohibiting the parking, standing or stopping of motor vehicles within the Municipality;

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

1. TITLE

This By-law may be referred to as "Winter Control By-law"

2. DEFINITIONS

- a) **Boulevard** means an improved or unimproved portion of a highway
- b) **Highway** includes 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 a vehicle and includes the boulevard;
- c) **Municipal Law Enforcement Officer** means the person or persons appointed as such by the Council of the Corporation of the Town of Gravenhurst to enforce this By-law;
- d) **Municipality** shall mean the Corporation of the Town of Gravenhurst;
- e) **Official Sign** means a sign in conformity with the *Highway Traffic Act* regulations or approved by the Ministry of Transportation or approved by the Manager of Public Works and Operations;
- f) **Owner** means the registered owner of the motor vehicle, as provided by the Ministry of Transportation of Ontario (MTO), that appears on the Penalty Notice that is being challenged under this process, or the Owner's designate
- g) **Park or Parking** when prohibited means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;
- h) **Vehicle** includes any motor vehicle, trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power and including a motorized snow vehicle.

3. OVER NIGHT PARKING REGULATIONS

- a) During the months of November 1st to April 30th, no person shall park a motor vehicle or permit a motor vehicle to remain parked on any highway or municipal boulevard or road allowance between the hours of 12:00 a.m. to 7:00 a.m.

4. IMPLEMENTATION

- a) The Town of Gravenhurst is hereby authorized and directed to obtain, erect, or alter and maintain official signs as are necessary to give effect to the provision of this By-law.

5. REMOVING AND IMPOUNDING VEHICLES

- a) A municipal law enforcement officer, a police officer, the manager of the infrastructure department and an officer appointed for carrying out this By-law upon discovery of any vehicle parked in contravention of this By-law, may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, are lien upon the vehicle which may be enforced in the manner proved by Chapter R.25, Sec 4(1) of the *Repair and Storage Liens Act, R.S.O. 1990*, as amended.
- b) All costs and charges for removal, care and storage of the vehicle shall be in addition to any other penalties provided in this By-law.

6. ENFORCEMENT

- a) All Municipal Law Enforcement Officer for the Town of Gravenhurst are hereby appointed to enforce the provisions of this By-law.

7. PENALTIES

- a) Every person who contravenes any provision of this by-law is guilty of an offence and is liable to a fine and other penalties imposed pursuant to the *Provincial Offences Act, R.S.O. 1990, c P-33*, as amended.
- b) The owner of a vehicle parked in contravention of this by-law is liable upon conviction to a fine and other penalties imposed pursuant to the *Provincial Offences Act, R.S.O. 1990, c. P-33*, as amended, unless at the time the offence was committed, the vehicle was in the possession of a person other than the owner without the owner's consent.

8. VALIDITY

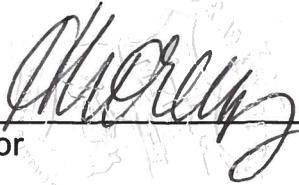
- a) If a court of competent jurisdiction declares any section or part of a section of this by-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

9. REPEAL

- a) On the date this by-law comes into effect, By-law 2016-92 is hereby repealed.

READ A FIRST, SECOND, AND THIRD TIME and finally passed this 20th day of December, 2022.

Mayor



Clerk

