

## THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY

### BY-LAW NUMBER 2021-099

#### Being a By-law to Regulate, Govern or Prohibit the Operation of Motorized Snow Vehicles in the Town of East Gwillimbury

**WHEREAS** Subsection 7(2) of the Motorized Snow Vehicles Act, R.S.O. 1990, c. M.44, as amended provides that a municipality may pass by-laws regulating, governing or prohibiting the operation of motorized snow vehicles within the municipality including any highways herein or any part or parts thereof;

**AND WHEREAS** Subsection 10(2) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that by-laws may be passed by a municipality to provide for the health, safety and well-being of persons;

**AND WHEREAS** Subsection 425(1) of the Municipal Act, 2001, provides that by-laws may be passed by a municipality to provide that a person who contravenes a by-law of the municipality passed under the Municipal Act, 2001 is guilty of an offence.

**AND WHEREAS** Subsection 398(1) of the Municipal Act, 2001, states that fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality;

**AND WHEREAS** Section 429 of the Municipal Act, 2001, provides that a municipality may establish a system of fines for an offence under a by-law passed under the Act;

**AND WHEREAS** Section 434.1 of the Municipal Act, 2001, provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with a by-law of the municipality passed under the Municipal Act;

**AND WHEREAS** Subsection 434.2(1) of the Municipal Act, 2001, provides that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality;

**NOW THEREFORE** the Council of The Corporation of the Town of East Gwillimbury enacts as follows:

#### 1.0 DEFINITIONS

1.1 In this by-law:

**“Boulevard”** means that part of the Highway situated between the roadway and the property line of a lot abutting the Highway;

**“Highway”** means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for or used by the general public for the passage of vehicles;

**“Motorized Snow Vehicle”** means a self-propelled vehicle designed to be driven primarily on snow;

**“Municipality”** means the land within the geographic limit of the Corporation of the Town of East Gwillimbury;

**“Municipal Property”** means land owned, managed, or controlled by the Town or made available to the Town by lease agreement, or otherwise, and includes Town parks, walkways, municipal parking lots, but does not include a Highway;

**“Officer”** means a Person appointed by Council as a Municipal Law Enforcement, a Police Officer, or other individual duly appointed to enforce this by-law;

**“Person”** means an individual, firm, corporation, business, organization, association or partnership, and for the purpose of this by-law includes the owner or driver of a Motorized Snow Vehicle;

**“Sidewalk”** means that portion of a Highway at the side of or adjacent to such Highway, paved or otherwise, designed and intended for, or used by, the general public for pedestrian travel;

**“Town”** means The Corporation of the Town of East Gwillimbury;

**“Turfed Boulevard”** means that part of the Boulevard improved with regularly maintained turf grass;

## **2.0 GENERAL PROVISIONS**

- 2.1 No Person shall operate a Motorized Snow Vehicle on any Sidewalk in the Town except for the purpose of directly crossing the Sidewalk.
- 2.2 No Person shall operate a Motorized Snow Vehicle on Municipal Property.
- 2.3 No Person shall operate a Motorized Snow Vehicle on any Turfed Boulevard, walkway or bicycle path.
- 2.4 No Person shall operate a Motorized Snow Vehicle on private property within the geographic area of the Town, except when authorized to do so by the owner of the private property concerned.
- 2.5 No Person shall operate a Motorized Snow Vehicle between 11:00 p.m. and 7:00 a.m.

### **3.0 EXEMPTIONS**

- 3.1 Notwithstanding any other provisions of this by-law, this by-law shall not apply to a Motorized Snow Vehicle operated for emergency purposes by York Regional Police, Town employees and employees of any public utility.

### **4.0 PENALTY PROVISIONS**

- 4.1 Every Person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 4.2 Upon conviction, any fine imposed under this by-law may be collected under the authority of the Provincial Offences Act, as amended.
- 4.3 Every Person who is guilty of an offence under this by-law shall be subject to the following penalties:
- (a) Upon a first conviction, shall be liable to a fine of not less than \$350.00 and not more than \$50,000.00;
  - (b) Upon a second or subsequent conviction for the same offence, to a fine of not less than \$500.00 and not more than \$100,000.00;
  - (c) Upon conviction for a continuing offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day of part of a day that the offence continues.
  - (d) Upon conviction for multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00.
- 4.4 For the purpose of this by-law, “multiple offences” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.
- 4.5 For the purpose of this by-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

### **5.0 CONTINUATION, REPETITION PROHIBITED BY ORDER**

- 5.1 The court in which the conviction 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, as such order shall be in addition to any other penalty imposed on the Person.

### **6.0 OBSTRUCTION**

- 6.1 In accordance with the provisions of the Municipal Act, 2001, as amended, Section 426(1), no owner shall hinder, interfere with or otherwise obstruct, either

directly or indirectly, an Officer, employee of the corporation and/or agent in the lawful exercise or power or duty under this by-law.

- 6.2 Any Person who has been alleged to have contravened any of the provisions of a by-law passed under the Municipal Act, 2001, as amended shall identify themselves to the Officer upon request. Failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of the Officer's duties.

## **7.0 ADMINISTRATIVE PENALTIES**

- 7.1 Instead of laying a charge under the Provincial Offences Act, as amended, for breach of any provision of this by-law, an Officer may issue an administrative penalty to the Person who has contravened this by-law.

- 7.2 The Officer has the discretion to either proceed by way of an administrative penalty or a charge laid under the Provincial Offences Act. If an administrative penalty is issued to a Person for the breach, no charge shall be laid against that same Person for the same breach.

- 7.3 The amount of the administrative penalty for a breach of a provision of this by-law, issued under this by-law, is fixed as set out in an Administrative Penalty By-law as amended, or any successor by-law.

- 7.4 A Person who is issued an administrative penalty shall be subject to the procedures as provided for in an Administrative Penalty By-law, as amended, or any successor by-law.

- 7.5 An administrative penalty imposed on a Person pursuant to this by-law that is not paid within 15 days after the day it becomes due and payable, constitutes a debt of the Person to the Municipality and may be added to the municipal tax roll and collected in the same manner as municipal taxes.

## **8.0 VALIDITY AND SEVERABILITY**

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

- 8.2 Where a provision of this by-law conflicts with a provision of any other by-law, statute or regulation in force, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall be applicable.

- 8.3 This by-law comes into force and effect on the day it is passed.

**9.0 SHORT TITLE**

9.1 This By-law may be cited as the “Snowmobile By-Law”.

**10.0 REPEALED**

10.1 That By-law 2001-7 is hereby repealed.

ENACTED and PASSED this 16<sup>th</sup> day of November, 2021.

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Virginia Hackson, Mayor

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Tara Lajevardi, Municipal Clerk