

THE CORPORATION OF THE CITY OF ELLIOT LAKE

***B*Y-LAW NO. 03-44**

Being a by-law to prohibit the obstruction of highways.

WHEREAS under section 8 of the *Municipal Act*, 2001 S.O. 2002, c. 25, as amended municipalities have the powers of a natural person;

AND WHEREAS under subsection 11(3) of the *Municipal Act*, 2001 S.O. 2002, c. 25, as amended a municipality may pass by-laws respecting highways;

AND WHEREAS under section 27 of the *Municipal Act*, 2001 S.O. 2002, c. 25, as amended a municipality may pass by-laws in respect of the highway over which it has jurisdiction;

AND WHEREAS under section 63 of the *Municipal Act*, 2001 S.O. 2002, c. 25, as amended where a municipality passes a by-law prohibiting, regulating, replacing, and standing of an object or vehicle on highways it may also provide for the removal or impoundment of the object or vehicle in contravention of the by-law;

NOW THEREFORE The Council of The Corporation of the City of Elliot Lake **ENACTS AS FOLLOWS:**

1.00 Definitions

In this by-law,

1.01 **“city”** means the Corporation of the City of Elliot Lake;

- 1.02 **“highway”** means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, or any part of which is intended for use by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- 1.03 **“motor vehicle”** includes an automobile, motorcycle, motor vehicle, motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power.
- 1.04 **“object”** means any tangible thing;
- 1.05 **“vehicle”** includes motor vehicles, trailer, traction engine farm tractor and road building machine, bicycle and any vehicle drawn, propelled or driven by any kind power including muscular power but does not include a motorized snow vehicle or a streetcar.

2.00 Highway Obstruction

- 2.01 No person shall obstruct a highway by any means whatsoever.
- 2.02 Without limiting the generality of 2.01 the obstruction of a highway includes:
- i) the depositing, placing, stopping and parking of an object or vehicle which if a motor vehicle unlicensed under the *Highway Traffic Act* or any part of a motor vehicle whether or not licensed under the *Highway Traffic Act*;
 - ii) the building or maintaining of a fence.

3.00 Removal of Obstructing Vehicle

- 3.01 If an object or vehicle is found to be in contravention of 2.01, a police officer or by-law enforcement officer or special constable may take the vehicle into custody and may cause it to be taken in store in a suitable place and all costs and charges for removal, care and storage thereof are a lien upon the vehicle or object which may be enforced in a manner provided by the *Repair and Storage License Act*,

R.S.O. 1990, c. H.8 and any perishable object in the object or vehicle is the property of the municipality upon being moved may be destroyed or given to a charitable institution.

4.00 Penalty

4.01 Any person who fails to comply with the provisions of this by-law is guilty of an offence and a fine upon conviction under the *Provincial Offences Act*.

PASSED this 23rd day of June, 2003.

MAYOR

CITY CLERK