Town of East Gwillimbury

The Corporation of the Town of East Gwillimbury

By-law 2026-085

Being a By-law to regulate the use, alteration, and occupancy of highways and other public lands under the jurisdiction of the Town of East Gwillimbury

Whereas Section 8(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the "Municipal Act, 2001"), provides that the powers of a municipality shall be interpreted broadly to confer authority to govern municipal affairs and respond to municipal issues; and

Whereas Section 9 of the Municipal Act, 2001, provides that a municipality has the capacity, rights, powers, and privileges of a natural person for exercising its authority; and

Whereas Section 11(3)1 of the Municipal Act, 2001, authorizes municipalities to pass By-laws respecting Highways, including parking and traffic on Highways; and

Whereas Subsection 27(1) of the Municipal Act, 2001, grants a municipality the power to pass By-laws in respect of Highways over which it has jurisdiction; and

Whereas Subsection 30 of the Municipal Act, 2001, provides that a Highway is owned by the municipality that has jurisdiction over it subject to any rights reserved by a Person who dedicated the Highway or any interest in the land held by any other Person; and

Whereas Subsection 28(2) of the Municipal Act, 2001, grants a municipality jurisdiction over all road allowances located in the municipality that were made by the Crown surveyors (Subsection 28(2)(a)); and all road allowances, Highways, streets and lanes shown on a registered plan of subdivision (Subsection 28(2)(b)); and

Whereas Section 391(1) of the Municipal Act, 2001, authorizes a municipality to impose fees or charges on Persons for services or activities provided or done by or on behalf of it; and

Whereas Section 429(1) of the Municipal Act, 2001, allows a municipality to establish a system of fines for offences under a By-law of the municipality passed under the Municipal Act; and

Whereas Section 436(1) of the Municipal Act, 2001, permits a municipality to enter onto land at reasonable times for inspections to determine By-law compliance; and

Whereas Subsection 444(1) of the Municipal Act, 2001, permits a municipality, if satisfied that there has been a contravention of a By-law of the municipality, to make an order requiring the person who contravened the By-law or who caused or permitted the

contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity; and

Whereas Section 445 of the Municipal Act, 2001, provides that a municipality may make an order requiring a Person who has contravened a By-law or who caused or permitted the contravention, or the Owner or occupier of land on which the contravention occurred to do work to correct the contravention; and

Whereas Section 446 of the Municipal Act, 2001, provides that where a municipality has the authority to direct or require a Person to do a matter or thing, the municipality may also provide that, in default of it being done by the Person directed or required to do it, the matter or thing shall be done at the Person's expense, and that the municipality may recover the costs of doing a matter or thing by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes; and

Whereas Section 23.1 of the Municipal Act, 2001, allows municipalities to delegate powers and duties subject to restrictions; and

Whereas the Municipal Council of The Corporation of the Town of East Gwillimbury deem necessary to repeal By-Law #73-28, as amended; and

Now therefore the Municipal Council of The Corporation of the Town of East Gwillimbury enacts as follows:

That this By-law be comprised of sixteen (16) parts containing various sections, namely:

PART 1	SHORT TITLE
PART 2	DEFINITIONS
PART 3	GENERAL PROVISIONS
PART 4	PROHIBITIONS
PART 5	EXEMPTIONS
PART 6	PERMIT ADMINISTRATION
PART 7	PERMIT CONDITIONS
PART 8	ISSUANCE OF A PERMIT
PART 9	REVOCATION
PART 10	EMERGENCY REPAIRS AND REMOVAL OF UNAUTHORIZED OCCUPANCY
PART 11	ORDERS
PART 12	RECOVERY OF EXPENSES
PART 13	FINES FOR OFFENCES
PART 14	ADMINISTRATIVE PENALTIES
PART 15	VALIDITY AND INTERPRETATION
PART 16	FORCE AND EFFECT

1.0 SHORT TITLE

1.1 This By-Law shall be known as the "Road Occupancy By-Law."

2.0 DEFINITIONS

2.1 In this By-Law:

"**Alter**" means to change in any manner, including excavate, disturb, restore, renovate, repair, or cause any man-made change to the land surface through Construction activities such as removal of trees, vegetation, excavating, trenching, filling, grading, sodding, ~~or~~ landscaping, placement of materials, or installation/removal of infrastructure. and "Alteration" has a corresponding meaning;

"**Applicant**" means a Person making an application for a Permit;

"**Boulevard**" means the portion of the Highway between a property line and the boundary line of the Roadway;

"**Bridge**" means a public structure, including a bridge forming part of a Highway, or on, over, under, or across which a Highway under the jurisdiction of the Town passes;

"**Clean**" means to sweep and/or flush a Highway with mechanical street cleaning equipment;

"**Construction**" means anything done in the erection, installation, extension, storing of materials, Alteration, demolition, or repair of a building, structure, utility, or surface grading, including landscaping;

"**Contractor**" means any Person, alone or with others, undertaking Construction on Public Lands;

"**Culvert**" means a conduit or channel running either parallel or at an angle to the travelled portion of a Highway, lying wholly or partly within the said Highway, or providing drainage predominantly for the road surface and road base;

"Damage" means harm or injury to Public Lands, including, without limitation, disturbance, cracking, cutting, gouging, or displacement of pavement, curb, sidewalk, landscaping, trees, retaining walls, municipal appurtenances, or Street Furniture, such that, in the sole opinion of the General Manager, the Public Lands are not in their original condition;

"**Ditch**" means an excavated or depressed area running parallel to the travelled portion of a Highway and positioned either wholly or partly within a Highway;

"**East Gwillimbury Standard**" means the Town of East Gwillimbury Standards, as amended, intended as guidelines for land development and Town projects to

provide uniform designs, used in conjunction with Ontario Provincial Standard Drawings (O.P.S.D.);

"**Easement**" means an interest in land owned by a Person other than the owner of the estate in fee simple, consisting in the right to use or control the land, or an area above or below it, for a specific limited purpose, but does not include an interest created by a license;

"**Emergency**" means a situation that poses a threat to public health or safety, including a disruption of services supplied by public utilities or the Town;

"**Expense**" means the cost of carrying out any work required under this By-Law including any applicable fees;

"**Foul**" means to throw, place, deposit, or permit to be thrown, placed, or deposited debris, including ice, mud, gravel, airborne dust, or discharge water from pools, sump pumps, irrigation systems, or downspouts on a Highway;

"**General Manager**" means the Town's General Manager of Engineering and Public Works or their designate;

"**Highway**" includes a common and public highway, street, avenue, parkway, driveway, square, place, Bridge, viaduct, trestle, sidewalk, or any part thereof intended for or used by the general public for pedestrian and/or vehicular passage, including the Boulevard and Roadway, and all areas between the lateral property lines thereof under the jurisdiction of the Town;

"**Landscape or Construction Material**" includes gravel, soil, sod, bricks, paving stones, landscaping rocks, wooden planks, or boards;

"**Mud Mat**" means an area of 100 mm clear crushed stone at least 6 metres in width, 20 metres in length, and 150 mm in depth, designed to strip mud off Vehicle tires prior to entering a Highway, as per York Region Standard DS-217, as amended;

"**Obstruct**" includes encumber, Damage, Foul, block, or Alter, and "Obstruction" and "Obstructing" have corresponding meanings;

"**Officer**" means a By-law enforcement officer, or other individual authorized by the Town to enforce the Town's By-Laws~~,~~ including a Police Officer as defined under the Community Safety and Policing Act, 2019 as amended;

"**Order**" means a written direction issued by an Officer and/or General Manager, and made under the authority of Sections 444 or 445 of the Municipal Act requiring a Person to discontinue the contravening activity or to correct the contravention;

"**Owner**" includes a Person in whom land or any interest therein is vested, including a lessee or occupant of land;

"**Permit**" or **“Road Occupancy Permit”** means a formal authorization issued by the General Manager to Alter, occupy, Obstruct, or Damage Public Lands under this Bylaw;

"**Permit Holder**" means the Applicant named in a Permit;

"**Person**" includes a natural individual, their estate trustee or legal personal representative, a firm, business entity, club, incorporated group, organization, federal or provincial government, Crown agents, school boards, regional municipalities, partnership, employee, or agent of a firm, business entity, corporation, or partnership, and any other form of business association to which the context can apply according to law;

"**Private Property**" means a parcel of land owned by any Person other than the Town, the Regional, Provincial, or Federal Government, a Crown Corporation, or a Utility or Railway Company, including all buildings and structures thereon;

"**Public Lands**" means lands owned by the Town, including any Highway, thoroughfare, Easement, pedestrian Bridge, park, woodland, greenbelt, bed of a body of water, storm water management facility, open space, cemetery, road, street, avenue, parkway, lane, alley, square, place, viaduct, or trestle, including any surface, grassed area, Boulevard, Ditch, curb, gutter, sidewalk, and all parts thereof, but does not include property owned by the Regional, Provincial, or Federal Government, a Crown Corporation, or a Public Utility or Railway Company;

"**Public Utility**" means a municipality, municipal board, commission, or corporation that provides Utility Service under the authority of any statute, charter, By-law, or franchise;

"**Right-of-Way (ROW)**" means a Person’s legal right, established by usage or contract, to pass through grounds or property owned by another Person;

"**Road Occupancy**" means any temporary occupancy within the public Right-of-Way, including work on the road, Boulevard, or Right-of-Way, which may or may not require a closure or restrictions;

"**Roadway**" means the part of the Highway improved, designed, and ordinarily used for vehicular traffic, excluding the Boulevard;

"**Street Furniture**" includes benches, garbage containers, handrails, tables, posts, signs, or any other above-ground appurtenance owned by the Town and used by the public;

"**Town**" means The Corporation of the Town of East Gwillimbury;

"**Unauthorized Road Occupancy**" means an occupancy of Public Lands not authorized by a Permit or this By-Law;

"**Utility Service**" means the production, transmission, or supply to the public of necessities or conveniences, including gas, oil, water, electricity, sewage, storm water services, telephone service, cable television, or other telecommunications services; and

"**Vehicle**" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle, or any vehicle drawn, propelled, or driven by any kind of power, including muscular power.

3.0 GENERAL PROVISIONS

3.1 No Person shall Alter, occupy, Obstruct, Damage, or cause or permit the use of any Public Lands without first obtaining a Permit and any other necessary Town approval.

3.2 Without limiting the generality of Section 3.1, a Permit is required for:

a) Storage of Landscape or Construction Material on a Highway;
b) Construction Vehicles or excavating equipment crossing a Boulevard to gain site access;
c) Occupation of a Highway by workers or equipment to support Construction or other activities;
d) Obstruction of a sidewalk resulting in disruption to pedestrian traffic;
e) Placement of equipment, including motorized equipment (other than licensed motor Vehicles), on a Highway;
f) Altering or Damaging any portion of a Highway, including sod, trees, light poles, street signs, asphalt, road sub-base, concrete curb, sidewalk, or other appurtenances;
g) Placement, removal, or moving of Street Furniture on a Highway;
h) Construction on land abutting a Highway that may affect drainage or result in Alterations to Town infrastructure.

3.3 Prior to commencing Construction on Private Property, an Owner or Permit Holder shall construct a Mud Mat or take alternative measures approved by the General Manager to prevent Fouling of Public Lands.

3.4 If conducting Construction on Public Lands, the Permit Holder or their contractor shall:

a) Scrape any Fouled Highway, or Bridge at least once per day and Clean it at least once per week, or more frequently if required by the General Manager;
b) Prevent dust and dirt from the Land Disturbance from blowing onto Public Lands;
c) Ensure a Mud Mat is used by all Vehicles leaving Private Property and is maintained free of mud or dust;

d) Not permit mud, dirt, or debris to be deposited or flushed into any sewer or catch basin, and Clean any Fouled sewer or catch basin originating from their Private Property;
e) Scrape or Clean any Fouled Highway or Bridge within four (4) hours of receiving notification from the Town,

3.5 If a Person makes Alterations to Public Lands, including a Boulevard, the Town may enter onto the Public Lands to undertake Construction or repairs needed to restore the Public Lands to its original condition, in accordance with the East Gwillimbury Standard.

3.6 The Town is not responsible for maintenance~~,~~ or repairs resulting from Alterations or Damage that a Person causes or permits on a Boulevard, driveway, Roadway, or other Public Lands.

4.0 PROHIBITIONS

4.1 No Person shall cause or permit any of the following actions:

a) Depositing, throwing, spilling, or tracking any material, waste, sediment, earth, mud, gravel, snow, ice, building materials, or refuse onto a Highway;
b) Depositing snow or ice on a Roadway, sidewalk, or Boulevard not contiguous with the property from where the snow was moved;
c) Placing any snow, ice, materials, equipment, Vehicles, or structures within 1.2 metres in any direction of a fire hydrant;
d) Altering the grade on any Boulevard unless approved by the General Manager;
e) Cutting, Altering, or extending a concrete curb, sidewalk, open or contained Culvert, Culvert overpass, or similar structure, or landscape feature, unless approved by the General Manager;
f) Allowing the direct discharge of water from any irrigation system, sump pump, or downspout onto a Highway, Ditch, Boulevard, or sidewalk;
g) Creating any Obstruction within any Ditch, gutter, Culvert, or watercourse on a Highway;
h) Installing landscaping features at existing Culvert or drainage pipe locations;
i) Placing debris on a Highway, except for items approved for collection under the Town's waste management program;
j) Placing Landscape or Construction Material overnight on a Highway or Public Lands;
k) Placing a bin on a Highway or Public Lands at any time.
l) Creating or establishing Vehicle access to a property across a Boulevard unless approved by the General Manager;
m) Constructing a driveway apron crossing the Boulevard wider than the curb cut at the street line or the permitted driveway width without approval under the Town's Zoning By-law 2018-043 as amended or any successor by-law;

n) Constructing, installing, or placing any raised curb, retaining wall, fence, post, light post, rock(s), decorative wall, or landscape feature within 0.5 metres of a sidewalk or curb;
o) Placing, depositing, or planting any object that may impede the Town's ability to maintain the Boulevard or Roadway or create a hazard;
p) Creating any visual Obstruction on a Boulevard or Roadway;
q) Leaving an excavation open or unattended without securing it with appropriate safety measures, barricades, and warning signage;
r) Erecting or maintaining scaffolding to facilitate Construction on a Boulevard or Roadway unless approved by the General Manager;
s) Any other Alteration, Damage, or occupancy that the General Manager, in their sole discretion, deems detrimental to the Public Lands.

5.0 EXEMPTIONS

5.1 A Permit is not required:

a) For Construction on a Highway under the jurisdictional authority of the Regional Municipality of York, the Province of Ontario, or a Registered Condominium Corporation;
b) On a unassumed road under the care and control of a developer;
c) Where Emergency repairs are required;

5.2 Notwithstanding Section 5.1, every Person or Public Utility shall comply with the Ministry of Transportation's Ontario Traffic Manual 'Book 7' for Roadway Operations, as amended.

5.3 For Emergency repairs under Section 5.1(c), a Public Utility shall notify the Town immediately and obtain a Permit on the next working day.

5.4 This By-law does not apply to motor Vehicles legally parked, licensed, and operable under the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended.

5.5 This By-law does not apply to activities undertaken by police, fire and rescue services, paramedic services, or ambulance services in their regular duties.

6.0 PERMIT ADMINISTRATION

6.1 An Applicant for a Permit shall:

a) Complete an application on forms prescribed by the General Manager;
b) Pay applicable fees and charges as per the Town's Fees and Charges By-law 2015 – 078, as amended or any successor by-law;
c) Provide insurance certificate(s) and any other documentation as required by the General Manager.

6.2 The issuance of a Permit does not relieve a Person from the obligation to obtain any other required approvals or from complying with other applicable by-laws, laws, and regulations

6.3 A Permit is the property of the Town and is not transferable unless authorized by the General Manager.

7.0 PERMIT CONDITIONS

7.1 A Permit Holder or their Contractor shall comply with all provisions and conditions of the Permit and this By-law.

7.2 A Permit Holder or their Contractor shall provide and maintain a 24-hour Emergency contact phone number for the General Manager and Officer to call.

7.3 A Permit Holder or their Contractor shall rectify Damage they or their contractor have caused or permitted on a Highway and restore the Highway, in accordance with the East Gwillimbury Standard.

7.4 A Permit Holder or their Contractor shall provide and maintain signs, barricades, traffic control devices, flag persons, and other equipment required by the General Manager, as per the Ontario Traffic Manual ‘Book 7’, prior to and during Highway use and occupancy.

7.5 A Permit Holder or their Contractor shall maintain or provide alternative access to all private and public properties, keeping such access free of mud, debris, and materials.

7.6 A Permit Holder or their Contractor shall indemnify and hold harmless the Town, its elected officials, employees, and agents from any action, claim, loss, Damage, cost, or Expense arising from the Permit or related activities.

7.7 A Permit Holder or their Contractor shall notify police, Emergency medical services, fire department, public transportation, school bus services, and affected property owners or occupants of any access impacts.

7.8 A Permit becomes void if work does not commence within sixty (60) calendar days of issuance, after which a new Permit is required for said work.

7.9 If permitted work cannot be completed within the Permit’s timeframe, the Permit Holder must notify the General Manager, request an extension, and comply with any additional fees or conditions imposed.

7.10 A Permit Holder or their Contractor shall effect all repairs to real and personal property adjacent to a Highway that has been damaged or destroyed in the course of their use and occupancy of the Highway as may be necessary to restore the real and personal property to its pre-occupancy condition to the satisfaction of the General Manager.

7.11 The Town or Public Utility shall determine who may carry out necessary repairs to a Highway or Utility Service Damaged by a Permit Holder, at the Permit Holder's Expense.

7.12 If a Permit Holder or their Contractor fails to undertake required work within the time specified by the General Manager, the Town may arrange for the work to be done at the Permit Holder's Expense.

8.0 ISSUANCE OF A PERMIT

8.1 The General Manager shall refuse to issue a Permit if:

a) The application is incomplete;
b) The Permit fee is unpaid;
c) Requisite insurance(s) are not provided;
d) A 24-hour Emergency contact telephone number is not provided.

8.2 The General Manager may refuse to issue a Permit if:

a) The Applicant or their Contractor have violated conditions of previously issued Permits;
b) The Applicant or their Contractor have committed an offence under this By-law;
c) The Applicant has failed to reimburse the Town's costs for fees or repairs under a previous Permit;
d) The Applicant proposes to Alter or Damage a Highway constructed, reconstructed, or resurfaced within the previous five (5) years; or
e) There exist other reasons which warrant refusal as determined by the General Manager, and which reasons shall be delivered in writing to the Applicant upon request.

9.0 REVOCATION

9.1 The General Manager may revoke a Permit if:

a) The Permit Holder or their Contractor violates or permits violation of any Permit condition or this By-law;
b) The Permit Holder or their Contractor violates any other law related to the permitted work;
c) The permitted work constitutes a threat to public health and safety, is a nuisance, or endangers life, property, or the environment;
d) The Permit was issued based on mistaken, false, or misleading information; or
e) The permitted work is not carried out diligently or in a professional and competent manner, as determined by the General Manager.

9.2 Upon Permit revocation, the Permit Holder or their Contractor shall:

a) Immediately cease all activities authorized by the Permit; and
b) Restore the Public Lands in accordance with the East Gwillimbury Standard at their sole Expense, failing which the Town may restore it at the Permit Holder's Expense, payable forthwith upon demand.

10.0 EMERGENCY REPAIRS AND REMOVAL OF UNAUTHORIZED OCCUPANCY

10.1 If the General Manager or Officer determines that an Obstruction or Unauthorized Road Occupancy is or may create a hazardous condition to public safety, municipal infrastructure, or the environment, the General Manager or Officer may:

a) Issue an Order to the Owner or Permit Holder to repair, remove, fill in, or close up the Obstruction or Unauthorized Road Occupancy and restore Public Lands to their original condition, at minimum, at the Owner or Permit Holder's Expense;
b) Take immediate measures, without Notice, to remove the hazard at the Owner or Permit Holder's Expense.

10.2 Where an Order under Section 10.1(a) is not complied with within twenty-four (24) hours, the Town may remove, fill in, or close up the Obstruction or Unauthorized Road Occupancy and restore Public Lands at the Owner or Permit Holder's Expense, recoverable under Section 12.1.

10.3 Materials or structures removed from an Unauthorized Road Occupancy may be deposited at the Owner's lands or stored elsewhere for five (5) days at the General Manager's discretion. Unclaimed items may be disposed of by the Town without compensation, with Expenses recoverable under Section 12.1.

11.0 ORDERS

11.1 An Officer, employee, or agent of the Town may enter on a property at any reasonable time, with or without notice, for the purpose of carrying out an inspection to determine compliance with an Order or any provision of this By-law.

11.2 No Person shall hinder or obstruct, or attempt to hinder or obstruct, the Town or an Officer from carrying out inspections or exercising powers under this By-law.

11.3 No Person shall provide false information or statements to an Officer, employee, or agent of the Town in the exercise of their duties under this By-law.

11.4 If a Person contravenes this By-law, the Officer or designate may issue an Order to discontinue the contravening activity, specifying the contravention, location, and compliance date.

11.5 The Officer or designate may issue an Order to a Person to undertake work to correct a contravention, specifying the contravention, location, and compliance

date, and such an Order may include requiring the Person to restore any damaged Public Lands in accordance with the East Gwillimbury Standard.

11.6 An Order may be served by the Town in any of the following ways, and is deemed effective:

a) Immediately, when a copy is served by personal service to the Person in contravention;
b) On the fifth (5th) day after the date of mailing by regular or registered mail to their last known address, including per current assessment rolls;
c) Posting at the site of the contravention;
d) Immediately upon sending a copy by electronic mail (email) to the Person's last known electronic mail address save and except where it was on a holiday in which case service will be deemed effective on the next (non-holiday) day after the holiday.

11.7 For the purposes of Subsection 11.4 (b) and (d), a Person's last known address or electronic mail address includes an address and electronic mail address provided by the Person to the Town.

11.8 No Person shall fail to comply with an Order.

12.0 RECOVERY OF EXPENSES

12.1 Where an Owner or Permit Holder fails to perform required work under this By-law, the Town may perform the work at the Owner's or Permit Holder's cost, recoverable by:

a) Legal action; or
b) Adding the Expense to the tax roll of property owned by the Person within the Town, collected as property taxes under Section 446 of the Municipal Act, 2001;

In any situation where work or activities have been undertaken for which a Permit is required but was not obtained, the Owner or Permit Holder shall pay all applicable additional fees in accordance with the Fees and Charges By-law 2015-078 as amended or any successor by-law.

13.0 FINES FOR OFFENCES

13.1 Every Person who contravenes this By-law, an Order issued under this By-law, or a condition of a Permit, is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

13.2 If an Order has been issued under this By-law, and the Order has not been complied with, the contravention of the Order shall be deemed to be a

"continuing offence" for each day or part of a day that the Order is not complied with.

13.3 For the purposes of this By-law, "multiple offence" 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.

13.4 Every Person who is guilty of an offence under this By-law may be subject to a fine under the *Municipal Act* such that:

a) A minimum fine shall not exceed five hundred dollars ($500) and a maximum fine shall not exceed one hundred thousand dollars ($100,000);
b) In the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine shall not exceed five hundred dollars ($500) and a maximum fine shall not exceed ten thousand dollars ($10,000). However, the total of all the daily fines for the offence is not limited to one hundred thousand dollars ($100,000); and
c) In the case of a multiple offence, for each offence included in the multiple offence, a minimum fine shall not exceed five hundred dollars ($500) and a maximum fine shall not exceed ten thousand dollars ($10,000). However, the total of all fines for each included offence is not limited to one hundred thousand dollars ($100,000).

13.5 A court may issue an Order prohibiting the continuation or repetition of an offence.

13.6 A court may impose a special fine to eliminate any economic gain from contravening this By-law, in addition to regular fines, and the maximum amount of the special fine may exceed one hundred thousand dollars ($100,000).

14.0 ADMINISTRATIVE PENALTIES

14.1 Alternatively to laying a charge under the Provincial Offences Act 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.

14.2 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 Person for the same breach.

14.3 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 the Town's Administrative Penalty System By-law.

14.4 A Person who is issued an administrative penalty shall be subject to the procedures as set out in the Administrative Penalty System By-law 2023-062 as amended, or any successor by-law.

14.5 An administrative penalty imposed on a Person pursuant to this By-law that is not paid within fifteen (15) days after the day it becomes due and payable, shall constitute a debt due to the Town and may be added to a municipal tax roll and collected in the same manner as municipal taxes.

15.0 VALIDITY AND INTERPRETATION

15.1 Words importing the singular include the plural, and words importing the masculine include the feminine, unless the context requires otherwise.

15.2 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.

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

16.0 FORCE AND EFFECT

16.1 This By-law shall come into force and effect on the date of enactment and passage, at which time the Town's By-law 73-28 and By-law 96-31 and amendments thereto shall be repealed.

Enacted and passed this 9th day of September, 2026.

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Virginia Hackson, Mayor

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Tara Lajevardi, Municipal Clerk