# THE CORPORATION OF THE TOWN OF GRAVENHURST
# BY-LAW NO. 2021-103

Being a By-law to Regulate the Release of Balloons
within the Town of Gravenhurst

**WHEREAS** Section 10 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a municipality may pass By-Laws respecting the environmental well-being of the municipality;

**AND WHEREAS** Section 425 of the Municipal Act, 2001 S.O. 2001, c. 25 provides that a municipality may pass By-Laws providing that a person who contravenes a By-Law of the municipality passed under that Act is guilty of an offence;

**AND WHEREAS** Section 429 of the Municipal Act, 2001 S.O. 2001, c. 25 provides that a municipality may establish a system of fines for offences under a By-Law of the municipality passed under that Act;

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

## 1. Definitions

1.1 For the purposes of this By-law,

a) "Balloon" means a bag made of any material, including but not limited to latex and Mylar/foil, and designed to be inflated with any lighter-than-air gas;

b) "Release of a Balloon" means the intentional or unintentional letting go from one's possession or control of one or more Balloons;

c) "Highway" has the same meaning as in the Highway Traffic Act, R.S.O. 1990, c. H. 8;

d) "Officer" means an authorized employee or agent of the Town who has been assigned the responsibility of administering or enforcing this By-Law, or an officer of the Ontario Provincial Police;

e) "Person" means a corporation as well as an individual, and includes an association, firm, partnership, agent or trustee, and their heirs, executors and assigns;

f) "Premises" means any public or private place within the geographic boundaries of the Town of Gravenhurst, including but not limited to Highways, parks, parking lots, yards appurtenant to a building or dwelling, or vacant lands;

g) "Town" means The Corporation of the Town of Gravenhurst.

## 2. Application

2.1 This By-law shall apply everywhere within the geographical boundaries of the Town of Gravenhurst, other than within a completely enclosed building or structure.

## 3. Administration

3.1 The Town's By-law Department is responsible for the administration and enforcement of this By-law.

## 4. Interpretation

4.1 Any reference herein to any By-Law or Act of any government shall be construed as a reference thereto as amended or re-enacted from time to time or as a reference to any successor thereto then in force.

## 5. General Regulations

5.1 No Person shall cause or permit the Release of a Balloon.

## 6. Exemptions

6.1 The Release of a Balloon for the following purposes is exempt from the provisions of this By-Law:

a) atmospheric monitoring and scientific research.

## 7. Enforcement and Inspection

7.1 The provisions of this By-Law may be enforced by an Officer.

7.2 No Person shall obstruct or hinder or attempt to obstruct or hinder an Officer in the exercise of a power or the performance of a duty under this By-Law.

7.3 Every Officer shall have the right to enter lands and Premises to conduct an inspection to determine whether the provisions of this By-Law are being complied with, in accordance with the provisions of Sections 435 and 436 of the Municipal Act, 2001, S.O. 2001, c. 25.

7.4 Where an Officer has reasonable grounds to believe that an offence under this By-Law has been committed by a Person, the Officer may require the name, address, and proof of identity of that Person.

7.5 Failure to provide proof of identification satisfactory to an Officer when requested to do so pursuant to Section 7.4 of this By-Law shall constitute obstruction of an Officer under Section 7.2 of this By-Law.

**8. Penalty**

8.1 Every Person, other than a corporation, who contravenes any provision of this By-Law is guilty of an offence and on conviction is liable to a fine of not more than $10,000 for a first offence and $25,000 for any subsequent offence.

8.2 Every corporation that contravenes any provision of this By-Law and every officer or director of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than $50,000 for a first offence and $100,000 for any subsequent offence.

8.3 If this By-Law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an Order prohibiting the continuation or repetition of the offence by the Person convicted.

**9. Validity**

9.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-Law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-Law that each and every provision of this By-Law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

**10. Short Title of By-law**

10.1 This By-Law may be referred to as the "Balloon Release By-Law".

**READ A FIRST, SECOND AND THIRD TIME** and finally passed this 21st, day of December, 2021.

Mayor

Clerk