

**CORPORATION OF THE TOWNSHIP OF PUSLINCH**  
**BY-LAW 5245-11**  
**A BY-LAW TO PROHIBIT ACCIDENT SCENE SOLICITATION**  
**WITHIN THE TOWNSHIP OF PUSLINCH**

**WHEREAS** Section 27 of the *Municipal Act, 2001*, S.O. 2001, c-25, as amended from time to time, authorizes a municipality to pass by-laws in respect of highways within that municipality's jurisdiction;

**AND WHEREAS** Council deems it in the public interest, specifically in consideration of health and safety of the inhabitants of the municipality and as well concerns regarding consumer protection, to protect persons involved in or apparently involved in motor vehicle accidents on public property and/or on highways within the jurisdiction of the municipality and to ensure that highways are kept free of obstructions and impedances at accident scenes for emergency vehicles and emergency personnel;

**NOW THEREFORE** the Council of the Corporation of the Township of Puslinch hereby enacts as follows:

**1. DEFINITIONS:** In this by-law:

- a. "Council" means the Council of the Corporation of the Township of Puslinch.
- b. "Emergency Personnel" means the operator, driver, attendant, or personnel of an emergency vehicle.
- c. "Emergency Vehicle" means an Ambulance, Fire Department vehicle, Police Department vehicle, Public Emergency vehicle, or a Ministry of Transportation vehicle operated by an officer appointed to carry out the *Highway Traffic Act* R.S.O. 1990, c. H-8, or the *Public Vehicles Act*, R.S.O. 1990, c. P-54, while the officer is in the course of his or her employment.
- d. "Firefighter" means a firefighter as defined in Section 1 (1) of the *Fire Protection and Prevention Act*, 1997, S. O. 1997 c. 4.
- e. "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 vehicles and includes the area between the lateral property lines thereof.
- f. "Officer" means a police officer, a municipal law enforcement officer, a *Firefighter*, or an officer appointed for the carrying out of the provisions of the *Highway Traffic Act of Ontario*, or the *Public Vehicles Act*, or the provisions of this by-law.

- g. “Police Officer” means any Police Officer in the Province of Ontario as defined in Section 2 of the *Police Services Act of Ontario*, R.S.O. 1990, c. P-15.
- h. “Motor Vehicle” means a motor vehicle as defined in Section 1 (1) of the *Highway Traffic Act of Ontario*.
- i. “The Municipality” means the geographic area whose inhabitants comprise the Township of Puslinch.
- j. “Tow-Truck” means a motor vehicle which is designed, modified, or used for pulling, towing, carrying, or lifting of other motor vehicles be they damaged, disabled, abandoned, or otherwise, with or without the assistance or use of lifts, winches, dollies, trailers, or any like equipment.
- k. “Tow-Truck Services” means the provision or use of a tow-truck including the assistance of the owner, operator, driver, or any passenger through the use of any equipment on or used in conjunction with the tow-truck for the pulling, towing, carrying, or lifting of a motor vehicle at any place within *The Municipality*.

**2. PROHIBITIONS:**

- 2.1 No person shall solicit, make, or convey an offer of services of a *Tow-Truck* while that person is within 200 meters of,
  - 1. the scene of an accident or apparent accident; or
  - 2. a vehicle involved in an accident
 on any *Highway*.
- 2.2 No person shall park or stop or stand a *Tow-Truck* on any *Highway* within 200 meters of:
  - 1. the scene of an accident or apparent accident; or
  - 2. a vehicle involved in an accident

If there is a sufficient number of tow trucks already at the scene to deal with all vehicles that apparently require the services of a tow truck.

- 2.3 Sections 2.1 and 2.2 do not apply to a person who is at the scene of an accident at the direction of a *Police Officer*, a *Firefighter*, a person engaged in the carrying out of the provisions of the *Highway Traffic Act of Ontario*, a person engaged in *Highway* maintenance or a person involved in the accident.

- 2.4 Any person operating any *Tow-Truck* or other *Motor Vehicle* parked, stopped or standing within 200 meters of the scene of an accident or apparent accident or a vehicle involved in an accident shall, immediately on the direction of any *Officer*, move their *Tow-Truck* or *Motor Vehicle* to a location more than 200 meters from the accident or apparent accident or vehicle involved in an accident or to any other location as directed by the *Officer*.

### 3. OFFENCES:

- 3.1 Every person who contravenes Section 2.1 or 2.2 of this by-law is guilty of an offence and on conviction is liable to a penalty not to exceed \$5,000.00 pursuant to Section 61 of the *Provincial Offences Act* R.S.O. 1990, c. P-33, as amended from time to time.
- 3.2 Every person who, within 24 months of being convicted of an offence under Section 3.1 commits a second offence under either Section 2.1 or 2.2 of this by-law is guilty of a subsequent offence and is liable to a minimum penalty of \$2,000.00 but not to exceed \$5,000.00, pursuant to Section 61 of the *Provincial Offences Act* R.S.O. 1990, c. P-33, as amended from time to time.
- 3.3 Every person who, within 24 months of being convicted of an offence under Section 3.2 commits a third or any further offence under this by-law is liable to a minimum penalty of \$5,000.00 pursuant to Section 61 of the *Provincial Offences Act* R.S.O. 1990, c. P-33, as amended from time to time.
- 3.4 Every person who fails to move a *Tow-Truck* or other *Motor Vehicle* immediately upon being directed by an *Officer* pursuant to Section 2.4 of this by-law shall be deemed to be obstructing that *Officer* from exercising a power or performing a duty under this by-law and is thereby guilty of an offence and upon conviction is liable to a penalty not to exceed \$5,000.00 pursuant to Section 61 of the *Provincial Offences Act* R.S.O. 1990, c. P-33, as amended from time to time.
- 3.5 Every person who in any manner hinders or obstructs, or attempts to hinder or obstruct, any person exercising a power or performing a duty under this by-law is guilty of an offence and on conviction is liable to a penalty not to exceed \$5,000.00 pursuant to Section 61 of the *Provincial Offences Act* R.S.O. 1990, c. P-33, as amended from time to time.

#### 4. POWERS TO SEIZE AND REMOVE VEHICLES:

- 4.1 A *Police Officer*, a municipal law enforcement officer, or an *Officer* appointed for the carrying out of the provisions of this by-law, upon discovery of any *Tow-Truck* or other *Motor Vehicle* parked, stopped or standing in contravention of this by-law, may cause it to be moved, taken to and placed or stored in a suitable place pursuant to subsection 170 (15) of the *Highway Traffic Act of Ontario* and all costs and charges for removing, care and storage thereof, if any, are a lien upon the vehicle, which may be enforced in the manner provided by the *Repair and Storage Liens Act* R.S.O. 1990 c. R-25.

#### 5. SEVERABILITY

- 5.1 Should a Court of competent jurisdiction declare that any part or the whole of any provision of this by-law is invalid, of no force and effect, or ultra vires the power of Council to enact, such provision or parts thereof shall be deemed to be severable and all other provisions or parts thereof of this by-law shall be deemed to be separate and independent therefrom and continue in full force and effect and it is the intention of Council that the remainder of this by-law survive and be applied and enforced in accordance with its terms to the fullest extent possible under the law.

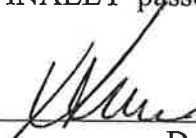
#### 6. SHORT-TITLE:

- 6.1 This by-law may be referred to as the Township of Puslinch "Accident Scene Solicitation By-Law".

#### 7. COMING INTO FORCE:

- 7.1 This by-law shall come into force immediately upon being enacted by Council.

READ a FIRST, SECOND and THIRD TIME and FINALLY passed this 20<sup>th</sup> day of April, 2011.

  
\_\_\_\_\_  
Dennis Lever, Mayor

  
\_\_\_\_\_  
Brenda Law, CAO/Clerk-Treasurer