

**THE CORPORATION OF THE
Township of Killaloe, Hagarty and Richards
BY-LAW NO 02-2006**

WHEREAS, pursuant to the provisions of Section 8 of the Municipal Act, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act,

AND WHEREAS, pursuant to the provisions of Section 11(1) of the Municipal Act, S.O. 2001, c.25, as amended, Council of a Municipality, may pass by-laws respecting matters within the spheres of jurisdiction of Highways, including parking and traffic on Highways,

AND WHEREAS, pursuant to the provisions of Section 101(2) of the Municipal Act, S.O. 2001, c.25, as amended, if the municipality passes a by-law to regulate and prohibit the parking or leaving of a motor vehicle on certain highways in the Township, it may provide for the removal and impounding or restraining and immobilizing of any vehicle, at the vehicle owner's expense, parked or left in contravention of the by-law and subsection 170(15) of the Highway Traffic Act applies to the by-law,

AND WHEREAS, it is deemed expedient to regulate and restrict the parking of vehicles on or adjacent to highways under the jurisdiction of the Corporation of the Township of Killaloe, Hagarty and Richards,

NOW THEREFORE, the Council of the Corporation of the Township of Killaloe, Hagarty and Richards hereby enacts as follows:

PART 1 – INTERPRETATION AND DEFINITIONS

SECTION 1

That for the purposes of the By-Law, the following definitions shall apply to the following works and phrases when used in this By-Law:

- a) **“Authorized Emergency Vehicles”** shall include vehicles of the Fire Department, Police Department, and such ambulance and emergency vehicles of the Municipal Department or public service corporation as are designated or authorized by the Municipality,
- b) **“Crosswalk”** shall mean that part of the highway at an intersection that is included within the connections of the lateral lines of the sidewalks on the opposite sides of the highway measured from the curbs, or in the absence of curbs, from the edges of the roadway or any portion of a roadway at an intersection or elsewhere that is distinctly indicated for pedestrian crossing by signs or lines on the surface,
- c) **“Corner”** shall mean the point of intersection of curbs or edges of the portion of the highway used for vehicular traffic,
- d) **“Curb”** shall include the edge of the traveled portion of the road,
- e) **“Highway”** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, 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) **“Handicapped Parking Space”** means a parking space or zone marked by a sign or signs indicating such space or zone is for the sole use of vehicles displaying a valid permit, in accordance with the requirements of the Highway Traffic Act and regulations made hereunder and this by-law.
- g) **“Intersection”** shall mean the areas embraced within the prolongation or connection of the lateral curb lines, or if none, then of the lateral boundary lines of two or more highway which join each other at an angle, whether or not one crosses the other.

- h) **“Official Standard Time”** shall mean standard time or daylight savings time, as may be in use in the Township of Killaloe, Hagarty and Richards.
- i) **“Parking”** as applied to a vehicle, shall mean to allow the same to remain stationary on the highway, except when in obedience to traffic regulations, signs or signals, for a longer period of time than is actually required for the purpose of taking on or discharging passengers, loading or unloading merchandise or goods.
- j) **“Permit”** means a disabled person-parking permit issued by the Ministry of Transportation pursuant to the Highway Traffic Act and the regulations made thereunder, or a permit, numbered plate or other marker or device, issued by another jurisdiction and recognized under said Act.
- k) **“Person”** shall mean every person, firm, co-partnership, association, or corporation.
- l) **“Provincial Offences Officer”** shall mean a Police Officer and/or a Municipal By-Law Enforcement Officer authorized by the Municipality and designated under the Provincial Offences Act, to enforce traffic or parking regulations and by-laws or to direct or regulate traffic.
- m) **“Roadway”** shall mean that part of a street or highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and where a highway includes two or more separate roadways, the term “roadway” refers to any one roadway separately and not to all such roadways collectively,
- n) **“Sidewalk”** shall mean that portion of the street between the adjacent property lines and either the curb or those lateral lines of the roadway, which is intended for the use of pedestrians,
- o) **“Township”** means the Corporation of the Township of Killaloe, Hagarty and Richards,
- p) **“Vehicle”** means a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or the cars of electric or steam railways running only upon rails,

PART 2- Method of Parking

- 2.1 No person shall park a vehicle on any street other than a one-way street unless on the right hand side of the street having regard for the direction in which the vehicle has been proceeding and unless the right front and right rear wheels or runners of the vehicle are parallel to and distant respectively not more than .15 metres from the edge of the roadway.
- 2.2 **Angle**—Angle parking is not permitted on any street in the Village of Killaloe, except for the east side of Lake Street at the intersection of Lake and Queen Streets; the west side of John Street, immediately south of the intersection on Boland Street and proceeding for approximately 25 metres from the intersection of Angus and Queen Streets and proceeding in a westerly direction approximately 50 metres; and the south easterly side of Mill Street approximately 5 metres from the intersection of Mill and Queen Streets and proceeding in a south westerly direction approximately 50 metres.
- 2.3 **Parallel**—No person shall park a vehicle on any street unless on the right-hand side of the street, having regard for the direction in which the vehicle had been proceeding and unless the right-front and right-rear wheels or runners of the vehicle are parallel to and distance not more than 150 millimeters (6 inches) from the edge of the roadway.

Part 3—Parking Prohibited – General

- 3.1 No person shall park a vehicle on any street under the jurisdiction of the Township of Killaloe, Hagarty and Richards for an unreasonable time (greater than 3 hours) having regard for traffic requirements, snow plowing and snow removal operations for that street; and in no case shall a vehicle be parked between twelve o’clock midnight and seven am in the period between November 1st to April 30th each year.

- 3.2 Any Provincial Offences Officer is hereby authorized to remove or cause to have removed from any part of a street, highway or township boulevard at the owner's risk, any vehicle that may be parked in violation of the by-law. 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 Part III of the Repair and Storage Liens Act, R.S.O. 1990, v.T.25, as amended.
- 3.3 The Township of Killaloe, Hagarty and Richards shall not be liable for damages to the vehicle being towed in compliance with the provisions of Part 2 of this by-law.

PART 4- Parking Restrictions- On Specific Streets

- 4.1 When signs in accordance with the regulations of the Highway Traffic Act have been erected and are on display, no person shall park a vehicle on the highway or parts of highways set out in "Schedule A".

PART 5 – Parking Prohibited – In Specific Places

No person shall park a vehicle on any street or roadway in any of the following places, except in the case of an emergency;

- 5.1 in such a manner as to obstruct a sidewalk or on a sidewalk;
- 5.2 in such a manner as to obstruct a pedestrian crosswalk or on a crosswalk;
- 5.3 in such a manner as to obstruct an entrance on the highway to, or from, a private road, lane or driveway;
- 5.4 within three metres (10ft.) of a point in the edge of the roadway and nearest a fire hydrant;
- 5.5 on a bridge over, under or where a Township roadway passes;
- 5.6 in position or a place that prevents or is likely to prevent the removal of any vehicle already parked on the roadway;
- 5.7 on any street or portion of a street where "No Parking" signs are on display;
- 5.8 on any fire route;
- 5.9 in such a manner as to interfere with civic or municipal services, such but not restricted to snowplowing, the removal of ice and snow or road maintenance;
- 5.10 in such a manner as to obstruct the ordinary traffic of the street, including sidewalks, and no vehicle shall be parked on any street at any unreasonable time, having regard to the traffic requirements of the street in question.

Part 6 – Accessible Parking Permit Program

The Accessible Parking Permit Program entitles a vehicle to be parked in a designated disabled parking space.

- 6.1 The permit must be displayed on the dashboard or sun visor of the vehicle.

Part 7—Enforcement

- 7.1 The Works Superintendent will be authorized to have an offending vehicle towed away during the winter months from November 1st to April 30th of each year as set out in this by-law under Part 3 – Parking Prohibited – General.
- 7.2 The Provincial Offences Enforcement Officer shall have the duty of enforcing the provisions of this by-law.

Part 8—Offences and Penalties

Offences:

- 8.1 a) Any person who contravenes any section of this by-law is guilty of an offence and upon conviction, is liable to a fine as provided for in the Provincial Offences Act.
- 8.2 Any fine imposed or offence created by this by-law is subject to the provisions of Part II of the Provincial Offences Act, R.S.O., 1990 c.P.33, as amended.

8.2 a) **Voluntary Payment of Penalties – Form of Notice**

Where a vehicle is found parked in contravention of the parking provisions of this by-law, the By-Law Enforcement Officer shall issue and place on the vehicle a serially numbered Parking Infraction Notice in the form prescribed by Part II of the Provincial Offences Act, as amended.

The serially numbered Parking Infraction Notice shall state:

- (1) the licence number of the vehicle,
- (2) the nature of the alleged infraction,
- (3) the date, time and place of the alleged infraction,
- (4) that the owner may within seven (7) days, exclusive of Sundays and Holidays, from the day the ticket is issued, pay the fine provided for the infraction, by enclosing the amount of the penalty in an envelope and forwarding it by mail to the Township of Killaloe, Hagarty and Richards office, at P.O. Box 39, 1 John Street, Killaloe, On K0J 2A0

b) **Amount of Voluntary Fines**

The amount of the voluntary fine payable on the commission of any of the offences listed in **Schedule “B”** shall be the amount set out opposite the name of the offence in the said Schedule.

c) **Amount of Set Fine**

Subject to the approval of the Chief Judge of the Ontario Court of Justice in accordance with Provincial Offences Act, R.S.O. 1990 Chapter P.33 as amended, the amount of the Set Fine payable on the commission of any of the offences listed in Schedule “B” shall be the amount set by the Chief Judge.

8.3 Recovery

If voluntary payment is not made in accordance with the procedure set out on the Parking Infraction Notice provided for in Section 8.2 (a) (4) above, Part II of the Provincial Offences Act, as amended, shall apply.

8.4 Liability of Owner

The Owner of a vehicle that is parked, stopped, left standing or operating in contravention of this by-law is guilty of an offence and shall incur the penalties provided for any contravention of this by-law unless the owner proves to the satisfaction of the court that at the time of the offence, the vehicle was in the possession of another person without the owner’s consent expressed or implied, at the time of the offence shall also be liable for the penalties provided for any such contravention.

Part 9

All sections of this by-law shall be deemed to be separate and independent and the invalidity of any section or provision hereof shall not effect the remaining sections.

That By-Law No 16-87 (former Village of Killaloe) By-Law 33-2003 and By-Law 38-2005 are hereby repealed.

This By-Law shall come into force and take effect on the day of the final passing thereof.

Read a first and second time day of , 2006

Read a third time and finally passed this day of ,2006.

Reeve

CAO Clerk-Treasurer

Township of Killaloe, Hagarty and Richards

Schedule "A"

BY-LAW 02-2006

No person shall park a vehicle on the highway or parts of highways set out in Column 1 on the side or sides set out in Column 2 and between the limits set out in Column 3 during the period set out in Column 4:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
Highway or Street	Side or Sides	From/To	Period
Coll Street	North Side	Queen to Mary Streets	No parking anytime
Lake Street	North & South Side	15 ¼ M (50') from intersection of Cameron & Lake Streets	No parking anytime
12 Lake Street	South Side in front of Friendship Club		15 minutes
North Street	South Side	Queen to Cameron Streets	No parking anytime
933 Red Rock Rd (Foy Provincial Park)	West Side	150 metres North and 150 metres South from main road entrance	No parking anytime

Township of Killaloe, Hagarty and Richards

Schedule "B"

Part II Provincial Offences Act

By-Law 02-2006

ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	EARLY VOLUNTARY PAYMENT PAYABLE WITHIN 7 DAYS	Set Fine
1.	Park left wheels to curb/road edge	2.1	\$20.00	\$30.00
2.	Angle parking	2.2	\$20.00	\$30.00
3.	Parallel parking	2.3	\$20.00	\$30.00
4.	Park overnight winter	3.1	\$20.00	\$30.00
5.	Park longer than 3 hours	3.1	\$20.00	\$30.00
6.	Park obstruct sidewalk	5.1	\$20.00	\$30.00
7.	Park obstruct pedestrian crosswalk	5.2	\$20.00	\$30.00
8.	Park obstruct private road, lane, driveway	5.3	\$20.00	\$30.00
9.	Park too close to hydrant	5.4	\$20.00	\$30.00
10.	Park obstruct bridge	5.5	\$20.00	\$30.00
11.	Park obstruct removal of already parked vehicle	5.6	\$20.00	\$30.00
12.	Park contrary to posted sign	5.7	\$20.00	\$30.00
13.	Park obstruct fire route	5.8	\$20.00	\$30.00
14.	Park interfere with municipal services	5.9	\$20.00	\$30.00
15.	Park handicapped space-no permit	6.1	n/a	\$300.00

Note: The general penalty provision for the offences listed above is Section 8 of By-Law 02-2006, a certified copy of which has been filed.