

CORPORATION OF THE TOWNSHIP OF MCKELLAR

BY-LAW NO. 98-23

Being a By-law to regulate the parking of Motor Vehicles on Highways

WHEREAS the Municipal Act, R.S.O. 1990, c.M.45, Sections 210.123 and 210.131, authorize the Corporation to pass by-laws for regulating traffic and prohibiting the parking of motor vehicles on highways.

AND WHEREAS the said Municipal Act, Section 321, authorizes the Corporation to pass by-laws providing for the liability of the owner of a motor vehicle which is illegally parked and providing for the payment of penalties out of Court where it is alleged that a by-law relating to the parking of motor vehicles has been contravened.

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

1. DEFINITIONS

For the purpose of this by-law

- a) **Municipal By-law Enforcement Officer** means the duly appointed person(s) appointed by the Township of McKellar for the purpose of enforcing the by-laws of the Corporation.
- b) **Highway** includes a common and public highway, street, road, 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 motor vehicles and which is under the jurisdiction of the Corporation of the Township of McKellar.
- c) **Motor Vehicle** includes an automobile, motorcycle, motor assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power including a motorized snow machine, traction engine, farm tractor or road building machine.
- d) **Park or Parking** means the standing of a motor vehicle, whether occupied or not except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
- e) **Emergency vehicle** means,
 - (i) a fire department vehicle as defined in the Highway Traffic Act while proceeding to a fire or responding to, but not while returning from, a fire alarm or other emergency call;
 - (ii) a motor vehicle while used by a person in the lawful performance of his/her duties as a police officer;
 - (iii) an ambulance while responding to an emergency call or being used to transport a patient or injured person in an emergency situation;
 - (iv) a cardiac arrest emergency vehicle operated by or under the authority of a hospital; or
 - (v) a motor vehicle operated by the Township while carrying out road maintenance and repairs.

2. PROHIBITIONS

- (a) No person shall park a motor vehicle or any portion thereof in any of the following places:
 - (i) on any part of a highway at any time from January 1st to April 15th and December 1st to December 31st in any year.
 - (ii) on any bridge or within 20 metres of such bridge.

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- (iii) on any highway in such a manner as to obstruct an entranceway for motor vehicles to pass between the highway and land contiguous to the highway.
- (iv) on any highway in a position or place that prevents, interferes with or is likely to prevent or interfere with the removal of snow from a highway, road maintenance by the Corporation of the Township of McKellar or the movement of motor vehicular traffic.
- (v) on any highway or other property owned by the Corporation of the Township of McKellar within 20 metres of any public boat launching ramp.
- (b) No person shall park a motor vehicle at any time in the areas designated "No Parking" as listed on the attached Schedule "A" to this By-law.

3. **EXCEPTION**

- (a) This by-law shall not apply to an emergency vehicle.

4. **PENALTIES**

- (a) Every person who contravenes any provision of this by-law is guilty of an offence and is liable to the fines and penalties prescribed by the Provincial Offences Act.
- (b) Notwithstanding the foregoing, and where applicable, a person served with a Parking Infraction Notice may report to the office of the Township's Treasurer to make the "early payment" indicated on the said Notice. Such "early payment" must be received by the Treasurer within 5 days of the date when the Notice was issued, inclusive of Saturdays, Sundays and holidays.
- (c) Where a motor vehicle has been parked in contravention of this by-law, the owner of the motor vehicle, notwithstanding that he was not the driver of the motor vehicle at the time of the contravention of this by-law, is guilty of an offence and is liable to the fine prescribed for the offence herein unless, at the time of the offence, the motor vehicle was in the possession of some person other than the owner without the owner's consent.
- (d) Any person appointed for the carrying out or enforcement of the provisions of this by-law, upon discovery of a motor vehicle parked in contravention of this by-law, may cause it to be moved or taken to and placed or stored in a suitable place at the expense of the owner of the said motor vehicle and all costs and charges for removing, care and storage thereof are a lien upon the said motor vehicle which may be enforced in the manner provided by the Repair and Storage Liens Act, R.S.O. 1990, Chapter R.25.

5. **VALIDITY**

- (a) If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid the remainder of this by-law shall continue to be valid and remain in force.

6. **REPEALED BY-LAWS**

- (a) By-law No. 90-23 is hereby repealed.

READ a **FIRST** and **SECOND** time this 16th day of November, 1998.


Reeve


Clerk

READ a **THIRD** time and **PASSED** in **OPEN COUNCIL** this 16th day of November, 1998.


Reeve


Clerk

SCHEDULE "A" TO BY-LAW NO. 98-23

Designated "No Parking" Areas

1. Catherine Street. Designated "No Parking" area shall include all of the road allowance from the intersection of Henry Street southerly for 100 metres.

CORPORATION OF THE TOWNSHIP OF MCKELLAR

BY-LAW NO. 99-16

Being a By-law to amend By-law No. 98-23, the Parking By-law.

WHEREAS the Township of McKellar has enacted By-law No. 98-23 to regulate the parking of motor vehicles on highways;

AND WHEREAS the Council of the Township of McKellar deems it necessary and advisable to amend By-law No. 98-23;

NOW THEREFORE the Council of the Township of McKellar hereby enacts as follows:

1. Section 4 (b) of By-law No. 98-23 is hereby amended by deleting "5 days" in the 4th line and replacing it with "7 days".
2. That this By-law shall come into force and take effect upon passage by Council.

READ a FIRST and SECOND time this 20th day of September, 1999.



Reeve



Clerk

READ a THIRD ~~time~~ and **PASSED** in **OPEN COUNCIL** this 20th day of September, 1999.



Reeve



Clerk