

**THE CORPORATION OF THE
TOWNSHIP OF NORTH KAWARTHA
BY-LAW NUMBER 50/08**

**BEING A BY-LAW FOR THE REGULATION OF PARKING WITHIN THE TOWNSHIP
OF NORTH KAWARTHA**

WHEREAS the Table appended to section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that the whole of the sphere of jurisdiction “highways, including parking and traffic on highways” is assigned non-exclusively to all upper-tier municipalities;

AND WHEREAS subsection 11(2)(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that where a sphere or part of a sphere of jurisdiction is assigned non-exclusively to an upper-tier municipality, both the upper and its lower-tier municipalities have the power to pass by-laws under that sphere or part;

AND WHEREAS section 63 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that where a municipality passes a by-law for prohibiting or regulating the placing, stopping, standing or parking of an object or vehicle on a highway, it may provide for the removal and impounding or restraining and immobilizing of any object or vehicle placed, stopped, standing or parked on a highway in contravention of the by-law;

AND WHEREAS subsection 439(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorizes municipalities to pass by-laws providing that any person who contravenes any by-law of the municipality passed under said *Act* is guilty of an offence;

AND WHEREAS subsection 439(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that where a vehicle is left parked, stopped or standing in contravention of a by-law under said *Act*, the owner of the vehicle, even though the owner was not the driver at the time of the contravention of the by-law, is guilty of an offence and is liable to the fine prescribed for the offence unless, at the time of the offence, the vehicle was in the possession of some other person than the owner without the owner’s consent;

AND WHEREAS subsection 439(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, states that a municipality may provide for a procedure for the voluntary payment of penalties out of court in cases where it is alleged that a by-law related to parking, standing or stopping of a vehicle has been contravened;

NOW THEREFORE the Council of the Corporation of the Township of North Kawartha enacts as follows:

Definitions

1. For the purpose of this by-law:
- 2.

“**commercial motor vehicle**” means a motor vehicle having attached thereto a truck or delivery body and includes an ambulance, hearse, casket wagon, fire apparatus, buses and school buses, tow vehicles, and tractors used for hauling purposes on a highway, and notwithstanding the foregoing shall include any and all motor vehicles which have a rated gross vehicle weight which exceeds 3 tonnes (3,000 kilograms or 6,614 pounds) according to the current permit or vehicle registration which has been issued under the *Highway Traffic Act*, or its foreign equivalent for such vehicle, regardless of the actual weight of such vehicles, but does not include a vehicle operated by or on behalf of the Corporation or the Corporation of the County of Peterborough;

“**corporation**” means the Corporation of the Township of North Kawartha;

“**council**” means the Council of the Corporation of the Township of North Kawartha;

“**crosswalk**” means

- a) that part of a highway at an intersection that is included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or, in the absence of curbs, from the edges of the roadway; or
- b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface;

“**curb**” includes the edge of a traveled portion of a street or roadway;

“**designated parking space**” means a parking space designated under section 20 of this by-law for the sole use of vehicles as a disabled person;

“**disabled person**” means an individual who is unable to walk unassisted for more than 200 metres without great difficulty or danger to his or her health or safety;

“**equipment**” for the purposes of this by-law shall include any object which is towed behind a vehicle and/or is drawn, propelled or driven by any kind of power, including muscular power;

“**highway**” includes a common or public highway, street, avenue, boulevard, parkway, driveway, square, place, bridge, viaduct or trestle, designated and intended for, or used by the general public for the passage of vehicles;

“**identifying marker**” when used with respect to parking for disabled persons means the disabled persons parking permit issued by the Ministry of Transportation under the authority of the *Highway Traffic Act*, R.S.O. 1990., c. H.8, as amended;

“**licensed passenger vehicle**” means a motor vehicle that:

- a) is not a commercial motor vehicle;
- b) has a valid license from the Ministry of Transport;
- c) is designed primarily for the purpose of carrying passengers; and
- d) has a rated gross vehicle weight *not* exceeding 3 tonnes (3,000 kilograms or 6,614 pounds) according to the current permit or vehicle registration which has been issued under the *Highway Traffic Act*, or its foreign equivalent for such vehicle, regardless of the actual weight of such vehicles;

“**loading**” means the physical activity of moving merchandise from or to a property or another vehicle and the physical activity of passengers entering or departing a vehicle;

“**motor vehicle**” includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated by this by-law, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the *Highway Traffic Act*, R.S.O. 1990, Chap. H.8, as amended;

“**official sign**” means a sign approved by Corporation of the Township of North Kawartha;

“**park**” or “**parking**” when prohibited means the standing of a vehicle or equipment, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or for receiving or discharging passengers;

“**pedestrian**” means a person on foot, children in wheeled carriages and a person in a wheelchair powered by muscular power or any other kind of power;

“**person**” includes any person, firm, partnership, association, corporation, company or organization of any kind;

“**sidewalk**” means any municipal walkway, or that portion of a street between the curb line or the lateral line of a roadway and the adjacent property line, primarily intended for the use of pedestrians;

“**stand**” or “**standing**” means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers;

“**stop**” or “**stopped**” or “**stopping**” when required, means the complete cessation of movement;

“street” or “highway” includes a common and public highway, street, avenue, parkway, lane, alley, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

“township” means the Township of North Kawartha;

“vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, road building machine and any vehicle and/or piece of equipment that is 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 I – PARKING OF VEHICLES PROHIBITED

GENERAL PROHIBITION

2. No person shall park a vehicle, including equipment and/or a commercial vehicle, as respectively defined in this by-law, on the highways or roadways, or portions thereof, located within the township as are set out in Schedule “A” to this by-law, such locations being designated as prohibited parking zones.

EXCEPTION – LICENSED PASSENGER VEHICLES

3. Notwithstanding Section 2 above, the parking of licensed passenger vehicles shall be permitted in the locations and between the dates and times as are set out in Schedule “B” to this by-law, such locations being designated as permitted parking zones.

NO PARKING – SPECIFIED LOCATIONS

4. Notwithstanding any other provision in this by-law, no person shall park a vehicle in any of the following places during the specified times:
 - a) in such a manner so that any part of the vehicle is situated upon or over a sidewalk at any time of the day or night;
 - b) between a sidewalk and the adjacent roadway at any time;
 - c) on any boulevard at any time, except where authorized by by-law, enacted under the *Municipal Act*, R.S.O. 1990, c. M.45, or the *Municipal Act*, 2001;
 - d) on a roadway or shoulder in front of a public or private driveway access or lane at any time;
 - e) within an intersection at any time;
 - f) within 2 metres of a fire hydrant or where the hydrant is set back from the edge of the roadway, within 2 metres of the point at which the prolongation of the centre line of the hydrant at right angles to the edge of the roadway intersects such edge at any time;
 - g) on a crosswalk at any time;
 - h) within 6 metres of the nearest crosswalk at an intersection at any time;
 - i) on any street in a manner which obstructs traffic at any time;
 - j) in a position which will prevent the convenient removal of any other vehicle previously parked at any time;
 - k) within 15 metres of any intersection controlled by traffic signals.

NO PARKING – SNOW REMOVAL OPERATIONS

5. Notwithstanding any other provision of this by-law, no person shall park a vehicle or equipment, or permit a vehicle or equipment to remain parked on any highway within the township:
 - a) Where the work of removal of snow and/or ice is in progress or may be required; or
 - b) In such a manner as to interfere with highway clearing works.

NO PARKING - EMERGENCIES OR SPECIAL EVENTS

6. Notwithstanding any other provisions of this by-law, in case of fire, a parade, an assembly of persons, a congestion of traffic, a construction project or an emergency, parking may be restricted or prohibited by the Corporation or its authorized representatives or a police officer, and no person shall park a vehicle in contravention of such restrictions or prohibition where signs have been erected or notice has otherwise been given in respect of such restrictions or prohibitions, such signs being hereby authorized.

PARKING FOR DISABLED PERSONS

7. When appropriate signs are erected and on display, which signs are hereby authorized, notwithstanding the provisions of this or any other by-law, no person shall park a vehicle in a parking space hereinafter set out in Schedule “C” of this by-law, such space being a designated parking space, unless such vehicle is one:
 - a) that is operated by or carries a disabled person, and
 - b) that is identified by a current original identifying marker; and
 - c) that is parked entirely within a designated parking space.
8. An identifying marker, shall be displayed in accordance with the *Highway Traffic Act*, and the regulations made thereunder.

PART II – ENFORCEMENT

9. This by-law may be enforced by a Police Officer, Police Cadet, Provincial Offences Officer, a Municipal Law Enforcement Officer appointed by the council, or the Roads Supervisor for the township.

PENALTY

10. Except where otherwise expressly provided by this by-law or the *Highway Traffic Act*, R.S.O. 1990, Chap. H.8, as amended, every person who:
 - a) contravenes any provision of this by-law; or
 - b) is the owner of a vehicle that is parked or stopped in contravention of any provision of this by-law,is guilty of an offence and on conviction is liable to any penalty as provided in the *Provincial Offences Act*, R.S.O. 1990, Chap. P.33, as amended, and more specifically those penalties set out in Schedule “D” of this by-law
11. Notwithstanding any other provision of this by-law, any person who contravenes section 7 of this by-law is guilty of an offence and on conviction is liable to a fine of not less than \$300.00.

ILLEGALLY PARKED VEHICLES

12. Where a vehicle has been left parked, stopped or left standing in contravention of this by-law as passed, the owner of the vehicle, notwithstanding the he or she was not the driver of the vehicle at the time of the contravention of the by-law, is guilty of an offence and is liable to the fine prescribed for the offence unless, at

the time of the offence, the vehicle was in possession of some person other than the owner without the owner's consent.

13. In addition to any other penalties prescribed herein, a Police Officer, Police Cadet, Provincial Offences Officer, or a Municipal Law Enforcement Officer may cause a vehicle parked or left in contravention of this by-law to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage, if any, are a lien against the said vehicle which may be enforced in the manner provided by the *Repair and Storage Liens Act*, R.S.O. 1990, Chap. R.25, as amended.

VOLUNTARY PAYMENT OF PENALTIES

14. Voluntary payment of the penalty shown on a parking infraction notice may be made within ten (10) days after the alleged violation has occurred by:

- a) Making payment in person at, or mailing payment to, the Township of North Kawartha Municipal Administration Office, P.O. Box 550, 280 Burleigh Street, Apsley, Ontario K0L 1A0; or
- b) Making payment in person at, or mailing payment to, the Provincial Offences Office, 99 Simcoe Street, Peterborough, Ontario K9H 2H3; or

15. The amounts which will be accepted for voluntary payment for violations of the provision of this by-law are as hereinafter set out in Column 3 of Schedule "D" of this by-law, whereas Columns 1 and 2 thereto set out the offence, and Column 4 thereto sets out the set fine payable upon conviction.

EXECUTIVE ACTS AUTHORIZED

16. The Reeve, Clerk and the Administration are hereby authorized to do all things and the Reeve and Clerk are hereby authorized to execute on behalf and under the seal of the Corporation any document necessary to give effect to this by-law.

HEADINGS NOT PART OF BY-LAW

17. The headings in the body of this by-law form no part of the by-law but are inserted for convenience of reference only.

DEVIATION FROM FORM

18. Where a form or words or expressions are prescribed in any Schedule to this by-law, deviations therefrom not affecting the substance or calculated to mislead do not vitiate them.

CONFLICT WITH HIGHWAY TRAFFIC ACT

19. In the event of conflict between the provisions of this by-law and the *Highway Traffic Act*, R.S.O. 1990, Chap. H.8, as amended, the provisions of the said *Act* prevail.

SHORT FORM NAME

20. The short form name of this by-law shall be "Township of North Kawartha Parking By-Law".

EFFECTIVE DATE

21. This by-law shall not come into force and take effect until either the one-month anniversary of the date upon which it is passed by council, or until such time as signs have been erected and are on display in compliance with the Regulations of the Ministry of Transportation, whichever date is later.

READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL THIS 17TH DAY OF JUNE, 2008.

REEVE, JIM WHELAN

CLERK, CONNIE PARENT

TABLE OF SCHEDULES

Schedule	Section	Description
A	2	Prohibited Parking Zones
B	3	Permitted Parking Zones
C	7	Designated Parking Spaces
D	10,15	Set Fines Schedule

Schedule "A"

**Township of North Kawartha
Parking By-Law**

Prohibited Parking Zones

STREET	SIDE	BETWEEN
Anstruther Lake Road	Both	Entire Road Within the Township
Antelope Trail	Both	Entire Road Within the Township
Art Bot Road	Both	Entire Road Within the Township
Ayotte Road	Both	Entire Road Within the Township
Beaver Lane	Both	Entire Road Within the Township
Bedwell Drive	Both	Entire Road Within the Township
Big Cedar Lake Road	Both	Entire Road Within the Township
Boundary Road	Both	Entire Road Within the Township
Bush Road	Both	Entire Road Within the Township
Butler Drive	Both	Entire Road Within the Township
Caldwell Road	Both	Entire Road Within the Township
Chandos-Wollaston Road	Both	Entire Road Within the Township
Chebouteguion Drive	Both	Entire Road Within the Township
Christian Cemetery Road	Both	Entire Road Within the Township
Clydesdale Road	Both	Entire Road Within the Township
Concession #18	Both	Entire Road Within the Township
Coon Lake Road	Both	Entire Road Within the Township
Dick Martin Road	Both	Entire Road Within the Township
Doc Evans Road	Both	Entire Road Within the Township
Don Wilson Road	Both	Entire Road Within the Township
Dunford Road	Both	Entire Road Within the Township
East Concession #4	Both	Entire Road Within the Township
Eels Lake Road	Both	Entire Road Within the Township
Eland Court	Both	Entire Road Within the Township
Everett's Road	Both	Entire Road Within the Township
Fire Route #7	Both	From Northey's Bay Road up the Residence on the said Northey's Bay Road being marked as #27
Fire Route #10	Both	Entire Road Within the Township
Fire Route #11	Both	Entire Road Within the Township
Fire Route #16	Both	Entire Road Within the Township
Fire Route #17	Both	Entire Road Within the Township
Fire Route #17A	Both	Entire Road Within the Township
Fire Route #80	Both	Entire Road Within the Township
Fire Route #110	Both	Entire Road Within the Township
Gazelle Trail	Both	Entire Road Within the Township
Glen Alda Road	Both	Entire Road Within the Township
Goodson Road	Both	Entire Road Within the Township
Halliday Road	Both	Entire Road Within the Township
Hall's Road	Both	Entire Road Within the Township
Haultain Road	Both	Entire Road Within the Township
Hobson Road	Both	Entire Road Within the Township
Hogan Lake Road	Both	Entire Road Within the Township
Impala Hills	Both	Entire Road Within the Township
Jack Lake Extension Road (formerly known as PL Road)	Both	Entire Road Within the Township
Jack White Road	Both	Entire Road Within the Township
Jackson Road	Both	Entire Road Within the Township
James Road	Both	Entire Road Within the Township

Jeff Road	Both	Entire Road Within the Township
John Stone Road	Both	Entire Road Within the Township
Johnson Road	Both	Entire Road Within the Township
Julian Lake Road	Both	Entire Road Within the Township
Knox Point Road	Both	Entire Road Within the Township
Kudu Court	Both	Entire Road Within the Township
Lakeview Crescent	Both	Entire Road Within the Township
Lakeview Road	Both	Entire Road Within the Township
Larwood Drive	Both	Entire Road Within the Township
Lasswade Road	Both	Entire Road Within the Township
Lean Drive	Both	Entire Road Within the Township
Library Road	Both	Entire Road Within the Township
Long Lake Road	Both	Entire Road Within the Township
Mac Bullied Road	Both	Entire Road Within the Township
Max Wilson Road	Both	Entire Road Within the Township
McCauley's Road	Both	Entire Road Within the Township
McColl Road	Both	Entire Road Within the Township
McFadden Road	Both	Entire Road Within the Township
McKay Lake Road	Both	Entire Road Within the Township
Mill Lake Road	Both	Entire Road Within the Township
Mindle Road	Both	Entire Road Within the Township
Moffat Road	Both	Entire Road Within the Township
Montgomery Road	Both	Entire Road Within the Township
Mount Julian Viamede Side Road	Both	Entire Road Within the Township, Extending to the Mount Julian Wharf at Stoney Lake
Napier Crescent	Both	Entire Road Within the Township
Newt's Road	Both	Entire Road Within the Township
North Rusaw Road	Both	Entire Road Within the Township
Northey's Bay Road	Both	Entire Road Within the Township
O'Brien Road	Both	Entire Road Within the Township
Oakridge Trail	Both	Entire Road Within the Township
Old Apsley Road	Both	Entire Road Within the Township
Peebles Road	Both	Entire Road Within the Township
Prouty's Road	Both	Entire Road Within the Township
Reid's Road	Both	Entire Road Within the Township
Renwick Road	Both	Entire Road Within the Township
River Street	Both	Entire Road Within the Township
River View Drive	Both	Entire Road Within the Township
Rose Island Road	Both	Entire Road Within the Township
Rusaw Road	Both	Entire Road Within the Township
Sable Court	Both	Entire Road Within the Township
Scott's Road	Both	Entire Road Within the Township
Simeon Crescent	Both	Entire Road Within the Township
Springbok Drive	Both	Entire Road Within the Township
Sylvan Drive	Both	Entire Road Within the Township
Trotter Road	Both	Entire Road Within the Township
Tucker Road	Both	Entire Road Within the Township
Tucker Street	Both	Entire Road Within the Township
Tucker Street North	Both	Entire Road Within the Township
Warner's Road	Both	Entire Road Within the Township
West Bay Road	Both	Entire Road Within the Township
West Concession #4	Both	Entire Road Within the Township
West Eels Lake Road	Both	Entire Road Within the Township
Whitmore Road	Both	Entire Road Within the Township
William Wease Road	Both	Entire Road Within the Township
Windsor Road	Both	Entire Road Within the Township

Schedule "B"

Township of North Kawartha
Parking By-Law

Permitted Parking Zones

STREET	SIDE	BETWEEN

Schedule "C"

**Township of North Kawartha
Parking By-Law**

Designated Parking Spaces

STREET	NUMBER OF SPACES	LOCATION OF SPACE(S)

Schedule "D"

Township of North Kawartha
Parking By-Law

Set Fine Schedule

THE CORPORATION OF THE TOWNSHIP OF NORTH KAWARTHA

PART II Provincial Offences Act

By-law #50/08 For The Regulation Of Parking Within The Township Of North Kawartha

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence creating provision or Defining Offence	COLUMN 3 Voluntary Payment Payable within 10 days	COLUMN 4 Set Fine
1.	Parking Where Prohibited	Section 2	\$ 20.00	\$ 30.00
2.	Park on a Sidewalk	Section 4(a)	\$ 20.00	\$ 30.00
3.	Park Between Sidewalk and Adjacent Roadway	Section 4(b)	\$ 20.00	\$ 30.00
4.	Park on a Boulevard	Section 4(c)	\$ 20.00	\$ 30.00
5.	Park in front of Private Driveway	Section 4(d)	\$ 20.00	\$ 30.00
6.	Park in or in Front of Public Lane	Section 4(d)	\$ 20.00	\$ 30.00
7.	Park within an Intersection	Section 4(e)	\$ 20.00	\$ 30.00
8.	Park too Close to Hydrant	Section 4(f)	\$ 20.00	\$ 30.00
9.	Park in a Crosswalk	Section 4(g)	\$ 20.00	\$ 30.00
10.	Park too Close to Crosswalk	Section 4(h)	\$ 20.00	
11.	Park on Any street in such a manner as to obstruct traffic	Section 4(i)	\$ 20.00	\$ 30.00
11.	Park in such a position as will prevent the removal of any other vehicle previously parked or standing	Section 4(j)	\$ 20.00	\$ 30.00
13.	Park too Close to Intersection Controlled by Traffic Signals	Section 4(k)	\$ 20.00	\$ 30.00
14.	Park in such a manner as to interfere with snow/ice removal and/or road clearing works	Section 5	\$ 20.00	\$ 30.00
15.	Park Contrary to Emergency Signs	Section 6	\$ 20.00	\$ 30.00
16.	Park in Designated Parking Space	Section 7	\$300.00	\$450.00

Note: The penalty provision for the offences indicated above is Section 10 of By-law #50/08, a certified copy of which has been filed.