

THE CORPORATION OF THE TOWNSHIP OF BILLINGS

BY-LAW 2019-06

Being a by-law to regulate the parking of motor vehicles on and the obstruction of municipal highways

WHEREAS clause 10(2)6 of the *Municipal Act, 2001*, as amended (the "Act") provides municipalities with the authority to enact by-laws respecting matters related to the health, safety and well-being of persons; and,

WHEREAS subsection 63(1) of the Act empowers municipalities to enact by-laws providing for the removal and impounding or restraining and immobilizing of any object or vehicle placed, stopped, standing or parked on or near a highway; and,

WHEREAS section 391 of the Act empowers municipalities to impose fees or charges on persons for services or activities provided or done by or on behalf of the municipality, including costs incurred by the municipality related to administration and enforcement; and,

WHEREAS the Council of the Corporation of the Township of Billings deems it necessary to regulate the parking of motor vehicles on municipal highways and prohibit the obstructing, encumbering, injuring or fouling of municipal highways in the interests of public safety;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF BILLINGS ENACTS AS FOLLOWS:

1. DEFINITIONS

"HIGHWAY" shall include both the travelled and non-travelled portions of the right-of-way of a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended 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 Billings.

"OBSTRUCT" shall mean to partially or completely block or close up by an obstacle, hinder from passage, action or operation, cut off from sight, damage or foul.

"MOTOR VEHICLE" shall mean an automobile, a motorcycle, a motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power.

"OWNER" shall mean the person who is the registered owner of a property, Motor Vehicle or Trailer.

"PARK" shall mean the halting of a Motor Vehicle, whether occupied or not, except halting temporarily while actually engaged in loading or unloading merchandise or passengers.

"TOWNSHIP" shall mean the Corporation of the Township of Billings.

"TRAILER" shall mean a vehicle that is at any time drawn upon a Highway by a Motor Vehicle.

2. GENERAL PROVISIONS

- a) No person shall park a Motor Vehicle or Trailer on a Highway between the hours of 10:00 p.m. and 8:00 a.m. from October 1 to April 30, inclusive.
- b) No person shall park a Motor Vehicle or Trailer on a Highway when it is obvious that the Highway has not yet been plowed.
- c) No person or persons by themselves, agent or otherwise shall deposit, place or cause to be deposited or placed any article(s), material(s), sign(s), snow, earth or any other item(s) so as to Obstruct any Highway at any time.

- d) In addition to any other penalties provided for in this by-law, where a Motor Vehicle or Trailer is in contravention of this by-law, a police officer, by-law enforcement officer or an officer appointed for carrying out the provisions of the *Highway Traffic Act* may cause the Motor Vehicle or Trailer to be removed, taken away and stored in a suitable location and all costs and charges incurred are the responsibility of the Owner of said Motor Vehicle or Trailer and shall be a lien upon the Motor Vehicle or Trailer, which lien may be enforced in the manner provided for by the *Repair and Storage Liens Act, R.S.O., 1990*, Chapter R.25, as amended.
- e) The Township will not be liable for damages that may occur to Motor Vehicles or Trailers being moved under subsection 2d).
- f) The existence of an Obstruction shall be determined in the opinion of the Township.

3. RECOVERY OF EXPENSES

- a) All expenses incurred by the Township in connection with the enforcement of this by-law shall be paid to the Township by the Owner of the Motor Vehicle or Trailer or the property from which the Obstruction originated, within thirty (30) days of the invoice date. In the event of failure to pay the entire amount due within thirty (30) days the outstanding balance will be added to the tax roll of the property from which the Obstruction originated, relates to or was created for and will be collected in the same manner as property taxes.

4. PENALTY

Any person who contravenes any provisions of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act, R.S.O. 1990*, c. P. 33.

5. VALIDITY AND SEVERABILITY


Should any part of this by-law be determined by a court of competent jurisdiction to be invalid or of no force and effect, it is Council's intention that such invalid part of this by-law shall be severable and that the remainder of this by-law shall continue to operate and to be in force and effect.

6. REPEAL

By-law 2004-37 is hereby repealed.

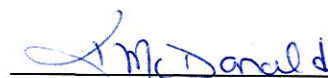
Read a first time in Open Council this 5th day of February, 2019


Ian Anderson, Mayor


Kathy McDonald, CAO/Clerk

Read a second and third time in Open Council and enacted this 19 day of February, 2019.


Ian Anderson, Mayor


Kathy McDonald, CAO/Clerk

THE CORPORATION OF THE TOWNSHIP OF BILILNGS

Part I Provincial Offences Act

BY-LAW 2019-06: Being a by-law to regulate the parking of vehicles on and the obstruction of municipal highways

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1	Park a Motor Vehicle or Trailer when prohibited	Section 2 a) Section 2 b)	\$200.00
2	Obstruct a Highway	Section 2 c)	\$200.00

NOTE: The general penalty provision for the offences listed above is section 4 of By-law 2019-06, a certified copy of which has been filed.

THE CORPORATION OF THE TOWNSHIP OF BILILNGS

Part I Provincial Offences Act

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ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1	Obstruct a Highway	Section 2 (c)	

NOTE: The general penalty provision for the offences listed above is section 4 of By-law 2019-06, a certified copy of which has been filed.

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Part I Provincial Offences Act

BY-LAW 2019-06: Being a by-law to regulate the parking of vehicles on and the obstruction of municipal highways

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1	Obstruct a Highway	Section 2 (c)	\$200.00

NOTE: The general penalty provision for the offences listed above is section 4 of By-law 2019-06, a certified copy of which has been filed.



THE CORPORATION OF THE TOWNSHIP OF BILILNGS

Part II Provincial Offences Act

BY-LAW 2019-06: Being a by-law to regulate the parking of vehicles on and the obstruction of municipal highways

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1	Park a Motor Vehicle or Trailer when prohibited	Section 2 (a)	
2	Park a Motor Vehicle or Trailer on unplowed highway	Section 2 (b)	

NOTE: The general penalty provision for the offences listed above is section 4 of By-law 2019-06, a certified copy of which has been filed.

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Part II Provincial Offences Act

BY-LAW 2019-06: Being a by-law to regulate the parking of vehicles on and the obstruction of municipal highways

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2	Park a Motor Vehicle or Trailer on unplowed highway	Section 2 (b)	\$200.00

NOTE: The general penalty provision for the offences listed above is section 4 of By-law 2019-06, a certified copy of which has been filed.



OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET
3rd FLOOR, SUITE 303
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

159, RUE CEDAR
3^e ÉTAGE, BUREAU 303
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE (705) 564-7624
FAX/TÉLÉCOPIEUR (705) 564-7620

April 23, 2019

Ms. Megan Bonenfant
Deputy Clerk
The Township of Billings
The Old Mill, P.O. Box 34
Kagawong, Ontario, P0P 1J0

Dear Ms. Bonenfant:

**Re: Set Fine Application – Provincial Offences Act – Part I & Part II
Township of Billings, Manitoulin District**

Enclosed herewith is an original Order and an original schedule of set fines for By-law No. 2019-06, the By-law indicated in the schedule. Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the Township of Billings.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the copy of the Order and the schedules of these set fines to the Ontario Court of Justice in Gore Bay, together with a certified copy of the By-Law.

Yours truly,


PATRICK BOUCHER
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

PJB/hrd

Encl.

c.c.: Her Worship Lauren Scully, Regional Senior Justice of the Peace
Her Worship Darlene Hayden, Justice of the Peace

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PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law No. 2019-06, of the Township of Billings, Manitoulin District, attached hereto is the set fine for that offence. This Order is to take effect May 6th, 2019.

Dated at the City of Greater Sudbury, this 23rd day of April, 2019.

A handwritten signature in blue ink, appearing to read 'Patrick Boucher', written over a horizontal line.

PATRICK BOUCHER
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

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ONTARIO COURT OF JUSTICE
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PROVINCIAL OFFENCES ACT

Part II

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Dated at the City of Greater Sudbury, this 23rd day of April, 2019.

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PATRICK BOUCHER
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE