

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 _____ day of _____, 2019

Ian Anderson, Mayor

Kathy McDonald, CAO/Clerk

Read a second and third time in Open Council and enacted this ___ day of _____, 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.