

THE CORPORATION OF THE UNITED TOWNSHIPS OF HEAD, CLARA & MARIA

BY-LAW NUMBER 20014- draft

BEING a by-law to regulate the use of park lands within and to regulate parking on lands owned by the Corporation of the United Townships of Head, Clara & Maria.

WHEREAS under the *Municipal Act*, S.O. 2001, c. 25, Section 8, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS section 11 (3) of the Act provides for the passing of By-laws for matters within the spheres of jurisdiction which include:

- Highways, including parking and traffic on highways.
- Culture, parks, recreation and heritage.
- Structures, including fences and signs. and
- Parking, except on highways.

AND WHEREAS pursuant to the provisions of Section 425 (1) of the *Municipal Act*, Council of all municipalities may pass a By-Law providing that a person who contravenes any By-Law of the Council passed under the authority of the *Municipal Act* is guilty of an offence;

AND WHEREAS Council deems it appropriate to pass a by-law to control the use of public lands which the Corporation owns, to regulate such use and protect said lands and to regulate parking;

NOW THEREFORE the Council of the Corporation of the United Townships of Head, Clara & Maria does enact as follows:

1. DEFINITIONS

- a. “camping” is to be defined as the setting up of and/or use of equipment, tents, trailers, recreational or other vehicles, or any other material which could be used for temporary sleeping accommodations;
- b. “overnight” is defined as the hours between 23:00 h and 8:00 h;
- c. “Highway” includes a common and public highway, driveway etc. for or used by the general public for the passage area between the lateral property lines thereof.

2. OVERNIGHT CAMPING

- a. **THAT** no overnight camping be permitted at Old Mackey Park, LaCroix Park, the public boat launches at Stonecliffe, Deux Rivieres and Mackey or the municipal grounds surrounding the Township Hall and office in Stonecliffe;
- b. **THAT** all recreational vehicles and/or camping equipment be removed from boat launch sites between 23:00 h and 8:00 h;

3. PARKS AND ANIMALS

- a. That dogs are not permitted at the beach, picnic or playground areas of Old Mackey Park during the swimming season from June to and including September annually;
- b. That all dogs shall remain on leash while on municipal property;

- c. That all dog owners practise responsible pet ownership and monitor their animals at all times to ensure that their behaviour is not detracting from the enjoyment of others;
- d. That pet owners practise poop and scoop habits on municipal property.

4. **BOAT LAUNCHES**

- a. **THAT** boats shall not be parked overnight at the municipal launch facilities at Mackey, Stonecliffe or Deux Rivieres.
- b. **THAT** no overnight parking be allowed at the Stonecliffe boat launch.
- c. **THAT** boat launches shall not be used to park automobiles for more than 14 hours except in emergency situations.
- d. **THAT** all recreational vehicles and/or camping equipment be removed from boat launch sites between 23:00 h and 8:00 h;

5. **FIRE**

- a. **THAT** small fires, for the provision of warmth and cooking of small amounts of food, and except during fire ban periods are allowed at Old Mackey Park.
- b. **THAT** said fires shall be no larger than three (3) cubic metres and shall be contained in the designated location.
- c. **THAT** all fires are supervised at all times by a competent adult.
- d. **THAT** all other applicable conditions as required under the open air by-law and municipal fire ban by-laws be followed at all times.

6. **SNOWPLOW TURNAROUNDS**

- a. **THAT** no parking is permitted at any time of the day or night in designated municipal snowplow turn-arounds from November 15 – April 10 to May 15 of each year;
- b. **THAT** vehicles parked in the snowplow turn-arounds may be towed at the owner's expense.
- c. **THAT** no person shall park a vehicle on any part of the highway in such a manner as to interfere with civic or municipal services, such as snow plowing or the removal of ice or snow.
- d. **THAT** from November 15th to April 1st, no person shall park a vehicle except a vehicle used for emergency purposes, on any part of a road or highway at any time of the day or night to allow for snow plowing and /or snow removal operations. Snow plowing and/or snow removal operations are implemented when three inches (3") or more of snow has fallen or when snow banks must be reduced and vehicles parked on any part of a road or highway during the above-mentioned months will be towed away at the owner's cost.
- e. **THAT** no person shall park a vehicle on any part of a road or highway at any time indicated on the display of signs, placed under the authority of the Township Road Superintendent, giving notice of snow plowing and/or snow removal operations.

7. **VEHICLES SUBJECT TO REMOVAL WHEN ILLEGALLY PARKED**

- a. In addition to any other penalties provided by this By-Law, upon discovery of a vehicle parked, stopped or standing on any highway in contravention of any provisions of this By-Law, or apparently abandoned on any municipal or public property, any Provincial Offences Officer may cause such vehicle to be moved or taken to and placed or stored in a suitable place and all costs and charge, for removing the vehicle and storage thereof, if any, are a lien upon the vehicle being released and may be enforced in the manner provided by the Repair and Storage Liens Act.

8. SIGNS - ERECTION OF SIGNS, ETC.

- a. The United Townships of Head, Clara and Maria's Road Superintendent is hereby authorized and directed to erect and maintain such signs, makings, barricades and other structures, plant and equipment as are required to give effect to this By-Law and as are required to regulate, direct, warn or guide pedestrians and vehicular traffic for the safety and convenience of the public.

9. DEFACING SIGNS AND TRAFFIC SIGNALS

- a. No person shall move, remove, deface or in any way interfere with any sign or marking placed, erected or maintained under this By-Law.

10. PENALTIES

- a. 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.

11. OFFENCES

- a. Every person who contravenes any of the 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.

12. VOLUNTARY PAYMENT OF PENALTIES – FORM OF NOTICE

- a. Where a vehicle is found parked in contravention of the parking or stopping 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.
- b. The serially numbered Parking Infraction Notice shall state:
 - i. the licence number of the vehicle,
 - ii. the nature of the alleged infraction,
 - iii. the date, time and place of the alleged infraction,
 - iv. 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 Head, Clara & Maria, 15 Township Hall Road, Stonecliffe, Ontario, K0J 2K0.

13. AMOUNT OF VOLUNTARY FINES

- a. The amount of the voluntary fine payable on the commission of any of the offences listed in **Schedule "A"** shall be the amount set out opposite the name of the offence in the said Schedule.

14. AMOUNT OF SET FINE

- a. Subject to the approval of the Chief Judge of the Ontario Court of Justice in accordance with the 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 "A"** shall be the amount set out opposite the name of the offence or such other amount set by the Chief Judge.

15. RECOVERY

- a. If voluntary payment is not made in accordance with the procedure set out on the Parking Infraction Notice provided for in Section 13.01.03 (a)

(4) above, Part II of the Provincial Offences Act, as amended, shall apply.

- b. The owner of a vehicle that is parked, stopped or left standing in contravention of this By-Law is guilty of an offence and shall incur the penalties provided for under 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 and the person in charge or control of the vehicle at the time of the offence shall also be liable for the penalties provided for any such contravention.

16. **THAT** the Township By-Law Enforcement Officer be authorized to enforce this by-law.

17. SEVERABILITY

- a. If any part of this By-Law shall be declared void such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this By-Law.

18. CONFLICT

- a. In the event of conflict between this By-Law and any other By-Law passed prior to the effective date of this By-Law, the provision of this By-Law shall take precedence.

19. **THAT** this by-law comes into effect upon it's passing;

20. **THAT** by-law # 99-10 and by-law #168 are hereby repealed.

READ a 1st and 2nd time this 26th day of September 2014.

READ a 3rd time short and finally passed this ___ day of _____, _____.

TAMMY SONNENBURG, REEVE

MELINDA REITH, CLERK

SCHEDULE "A"

SET FINE SCHEDULE

TOWNSHIP OF HEAD, CLARA & MARIA

PART II - PROVINCIAL OFFENCES ACT PARKING BY-LAW NUMBER 2014-

TITLE: PARKING CONTROL BY-LAW

ITEM COLUMN 1 - Short Form Wording	COLUMN 2 - Provision creating or defining Offence	COLUMN 3 - Early voluntary payment payable within 7 days	COLUMN 4 SET FINE
Park obstructing free movement of other parked vehicles		\$ 20.00	\$ 25.00
Park where "No Parking" sign is displayed		\$20.00	\$25.00
Park – obstruct traffic		\$20.00	\$25.00
Park – during prohibited time		\$30.00	\$35.00
Park when more than 2" of snow		\$30.00	\$35.00
Park where prohibited by signs for snow removal		\$30.00	\$35.00
Park during a no parking specified time		\$20.00	\$25.00
Park in space for Handicapped			\$300

NOTE: The general penalty provision for the offences listed above is Section 7 of By-law Number 2014-, a certified copy of which has been filed.