

INCORPORATED VILLAGE OF HILTON BEACH

By-law Number 2019-25

"Being a By-law to Prohibit Overnight Parking during Specified months and times – and – to Prohibit Parking on a Highway That interferes with the removal of snow or ice or the clearing of snow in the Village of Hilton Beach"

WHEREAS Section 8 of the Municipal Act, 2001, S.O., 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person, for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 11 of the Municipal Act, 2001, S.O., 2001, c.25, as amended, authorizes municipalities to enact by-laws regulating parking;

AND WHEREAS pursuant to Section 63(1) of the Municipal Act, 2001, S.O., c.25, permits a municipality, subject to subsection 170(15) of the Highway Traffic Act R.S.O. 1990, c.H.8, to remove and impound or restrain and immobilize any object or vehicle placed, stopped, standing or parked on or near a highway in contravention of this by-law;

AND WHEREAS pursuant to Section 100 and 101(1) of the Municipal Act, 2001, S.O., c.25 as amended, permits a municipality, subject to subsection 170(15) of the Highway Traffic Act, R.S.O. 1990, c. H.8, to remove and impound or restrain and immobilize any vehicle, at the owner's expense, parked or left in contravention of this by-law.

NOW THEREFORE the Council of the Incorporated Village of Hilton Beach hereby enacts as follows:

1. DEFINITIONS

1.1 In this By-law:

“Council” means the Council of the Incorporated Village of Hilton Beach;

“Highway” includes a common and public highway, street, driveway, any part of which is intended for, or used by, the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

“Highway Traffic Act” means the Ontario Highway Traffic Act, R.S.O. 1990, c. H.8, as amended;

“Motor Vehicle” includes an automobile, motorcycle, trailer, and any other vehicle propelled or driven otherwise than by muscular power;

“Municipal By-law Enforcement Officer” means a person appointed by the Council of the Incorporated Village of Hilton Beach to enforce municipal by-laws;

“Park” or “Parking” when prohibited means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;

“Shall” shall be construed as imperative.

By-law #2019-25 – Prohibit Overnight Parking/Prohibit Parking that Interferes with the removal of snow or ice; or the clearing of snow from highways
(Cont'd.)

2. INTERPRETATION

2.1 In this By-law:

- (a) Words importing the singular number or the masculine gender only, include more persons, parties or things of the same kind than one and females as well as males and the converse;
- (b) A word interpreted in the singular number has a corresponding meaning when used in the plural;
- (c) “Motor vehicle”, when used as part of a prohibition of parking or stopping, includes any part thereof, and
- (d) “Subsection” when used without reference to another section, refers to a subsection contained in the same section in which the phrase is used.

2.2 It is declared that if any section, subsection or part or parts thereof be declared by any court of law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

3. GENERAL REGULATIONS

3.1 No person shall park a motor vehicle or permit a motor vehicle to remain parked on any highway so as to interfere in any manner with the work of:

- (a) Removing snow or ice; or
- (b) Clearing of Snow.

3.2 No person shall park a motor vehicle or permit a motor vehicle to remain parked on any highway in the Village of Hilton Beach between the hours of 11:00 p.m. and 7:00 a.m., from November 1st of one year to April 15th of the following year.

4. OFFENCES AND FINES

4.1 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.R.S. 1990, c. P. 33, as amended.

5. VEHICLES SUBJECT TO REMOVAL WHEN ILLEGALLY PARKED

5.1 In addition to any other penalties provided by this By-law, upon discovery of any motor vehicle parked on any highway in contravention of any provision of this By-law, a municipal by-law enforcement officer or police officer may cause such motor vehicle to be moved or taken to and placed or stored in a suitable place, without notice.

5.2 All costs and charges incurred for removing, taking away and storing a motor vehicle pursuant to Subsection (1) of this Section, shall be a lien upon the motor vehicle, which lien may be enforced in the manner prescribed by Section 4 of the Repair and Storage Liens Act, R.S.O. 1990, C. R.25, as amended.

By-law #2019-25 – Prohibit Overnight Parking/Prohibit Parking that Interferes with the removal of snow or ice; or the clearing of snow from highways (Cont'd.)

6. PENALTY

Every person who contravenes any provision 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, as amended.

7. SEVERABILITY

7.1 Where a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, the remainder of this By-law shall continue in force unless the Court makes an Order to the contrary.

8. REPEAL


8.1 By-law #2019-20 is hereby repealed.

8.2 Any By-law inconsistent with this by-law shall hereby be repealed.

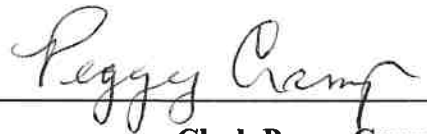
9. ENACTMENT

9.1 This By-law shall come into full force and effect on the day it is passed.

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 11th day of December, 2019.



Mayor Robert Hope



Clerk Peggy Cramp

Set Fine Schedule "A"

INCORPORATED VILLAGE OF HILTON BEACH

Part II, Provincial Offences Act

By-law No. 2019-25

A By-law to Prohibit Parking in the Village of Hilton Beach

ITEM	COLUMN 1 Short form wording	COLUMN 2 Provision creating or Defining offence	COLUMN 3 Early Payment (Within 7 Days)	COLUMN 4 Set Fine
1	Prohibited Parking – 11:00 p.m. to 7:00 a.m.	s. 3(3.2)	\$20.00	\$25.00
2	Prohibited Parking – Interfere with Removal of Snow or Ice	s. 3 (3.1)(a)	\$20.00	\$25.00
3	Prohibited Parking – Interfere with clearing of snow	s. 3(3.1)(b)	\$20.00	\$25.00

NOTE: The penalty provision for the offences indicated above is in Section 6 of By-law 2019-25, a certified copy of which has been filed.