

**CORPORATION OF THE MUNICIPALITY OF KILLARNEY**

**BY-LAW 2023-XX**

**BEING A BY-LAW TO REGULATE THE TRAFFIC AND PARKING  
IN THE MUNICIPALITY OF KILLARNEY**

**WHEREAS** the Municipal Act, 2001, S.O. 2001, c. 25, as amended, allows municipalities to pass by-laws respecting highways under their jurisdiction, including parking and traffic on such highways and regarding parking on municipally owned and privately owned lands; and

**WHEREAS** the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended, authorizes municipalities to, among other things, pass by-laws prescribing community safety zones and rates of speed for motor vehicles on highways under their jurisdiction and provides regulations for accessible parking for persons with disabilities; and

**WHEREAS** the Municipality of Killarney deems it desirable to enact a By-law to regulate traffic and parking within the Municipality;

**NOW THEREFORE, THE COUNCIL FOR THE MUNICIPALITY OF KILLARNEY  
ENACTS AS FOLLOWS:**

**1. DEFINITIONS**

In this By-Law:

- a. “Accessible parking permit”** means a:
  - i.** valid accessible parking permit issued by the Ontario Ministry of Transportation under the provisions of the Highway Traffic Act; or
  - ii.** valid permit, number plate or other marker or device bearing the international symbol of access for the disabled which has been issued by a jurisdiction outside of Ontario;
- b. “Accessible parking space”** means a parking space clearly marked and identified with a sign or symbol and provided for the exclusive use of motor vehicles operated by or used for conveying a disabled person and displaying a permit in accordance with the provision of the Highway Traffic Act and the regulations made thereunder;
- c. “Authorized emergency vehicle”** includes Fire Department vehicles, Police vehicles, ambulances, and any other emergency vehicles of Federal, Provincial or Municipal departments or of public or private utilities;
- d. “Authorized sign”** means any sign or other device placed or erected on a highway under the authority of this By-Law for the purpose of regulating, warning or guiding traffic or parking;
- e. “Boulevard”** means that part of a highway situated between the roadway and the property lines of the lots abutting the highway and includes the shoulder but does not include a sidewalk, if a sidewalk is present;

- f. **“Commercial Vehicle”** means a vehicle having attached to it a truck or delivery body and includes a hearse, casket wagon, bus and tractor used for hauling purposes on a highway;
- g. **“Crosswalk”** means:
  - i. 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;
  - ii. Any portion of a roadway, at an intersection or elsewhere, distinctly indicated for pedestrian crossings by traffic control devices or by lines or other markings on the surface of the road;
- h. **“Cul-de-sac”** means a highway terminating in a turn-around.
- i. **“Driver”** means every person who drives a vehicle on a highway or is in actual physical control of a vehicle;
- j. **“Fire Chief”** means a Fire Chief appointed by the Council of the Municipality of Killarney, or such person as they may designate to carry out their duties under this By-law;
- k. **“Fire Route”** means any public or private highway, lane, ramp or other means of the vehicular access to or egress from a building or structure, designated as such under the authority of this By-Law for the rapid conveyance of authorized emergency vehicles in an emergency and may include part of a parking lot;
- l. **“Gross Weight”** means the combined weight of a vehicle and load;
- m. **“Heavy Vehicle”** means a commercial vehicle, having a gross weight of five tonnes or more;
- n. **“Highway”** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles;
- o. **“Highway Traffic Act”** means the Highway Traffic Act R.S.O. 1990, c. H.8 as amended;
- p. **“Intersection”** means an area embraced within the prolongation or connection of the lateral curb lines or, in none, then of the lateral boundary lines of two or more highways that join one another at an angle, whether or not one highway crosses the other;
- q. **“Municipal Law Enforcement Officer”** means a person appointed by the Council of the Municipality of Killarney to enforce this By-Law.
- r. **“Municipality”** means the Corporation of the Municipality of Killarney.
- s. **“One-Way Street”** means a highway upon which vehicular traffic is limited to movement in one direction;
- t. **“OPP”** means the Ontario Provincial Police;
- u. **“Park” or “parking”** means the standing of a vehicle, whether occupied or not, except while standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;

- v. **“Pedestrian”** means a person on foot, a person in a wheelchair or other remedial device, a person on a conveyance with wheels of a diameter of 50 cm or less, a child in a carriage, stroller or play vehicle;
- w. **“Person”** includes any individual, firm, partnership, organization or corporation;
- x. **“Provincial Offences Act”** means the Provincial Offences Act, R.S.O 1990, c. P. 33, as amended;
- y. **“Roadway”** means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder and, where a highway includes two or more separate roadways, the term roadway refers to any one roadway separately and not to all the roadways collectively;
- z. **“Sidewalk”** means a part of or a strip of land, paved or otherwise, wholly or partially above or below ground, whether in, on or alongside a highway or not and that is designed and intended for the general public for pedestrian travel;
- aa. **“Superintendent of Public Works”** means any person appointed by the Municipality of Killarney to govern the placement, removal and maintenance of traffic control devices;
- bb. **“Time”** means whenever times are named in this By-Law, they shall mean Standard Time or Daylight Savings Time, whichever shall be in official current use in the Municipality.
- cc. **“Traffic”** includes pedestrians, ridden or herded animals, vehicles and other means of transportation, either singly or together while using any highway for the purpose of travel.
- dd. **“Traffic Control Device”** means any authorized sign, signal-light traffic control system, traffic signal, marking, or device, placed or erected by the authority of Council for the purpose of regulating, warning or guiding traffic;
- ee. **“Transit Vehicle”** means any vehicle operated on a highway by, for or on behalf of any person for the transportation for compensation by passengers, but does not include taxicabs or carpool vehicles;
- ff. **“U-Turn”** means to turn a vehicle within a roadway in order to proceed in the opposite direction to the direction in which the said vehicle was proceeding immediately prior to said turn;
- gg. **“Vehicle”** means any means of transportation whether muscular propelled or otherwise but does not mean a pedestrian, heavy vehicle, transit vehicle, authorized emergency vehicle or any vehicle actively being operated and used by the Municipality of Killarney.

## 2. AUTHORIZED SIGNS AND TRAFFIC CONTROL DEVICES

- 2.1. The Superintendent of Public Works is authorized to place or erect, and to maintain such traffic control devices as may be necessary to give effect to the provisions of this By-Law or as are required to warn or guide traffic for the safety or convenience of the public.

- 2.2.** Unless otherwise permitted herein, no person shall place or cause to be placed, maintained or displayed upon or in view of any highway any sign, signal, marking or device which purports to be or is in imitation of or resembles any traffic control device.
- 2.3.** All signal light traffic control systems heretofore or hereafter erected on a highway under the jurisdiction and control of the Municipality of Killarney shall be erected and operated in the manner prescribed by Section 133 of the Highway Traffic Act.
- 2.4.** Signal light traffic control systems shall be erected and used at the intersections and places named and described in Schedule “A” to this By-Law.
- 2.5.** No person shall alter, damage or otherwise obstruct or interfere with any traffic control devices without prior authorization from the superintendent of public works.

### **3. PARKING AND STOPPING**

- 3.1.** No person shall park any vehicle on any highway or portion thereof unless:
  - a.** that parking is on the right side of the highway having regard to the direction of traffic; and,
  - b.** the right front and right rear wheels of the vehicle, or in the case of a vehicle with only two wheels, the front wheel and the rear wheel of the vehicle are not more than fifteen centimeters (15cm) from the right curb; or,
  - c.** where there is no curb, with the right front and right rear wheels of the vehicle, or in the case of a vehicle with only two wheels, the front wheel and the rear wheel of the vehicle parallel to and as near to the right hand limit of the highway as is practical without parking on a sidewalk, or any part of the highway where grass is grown which is not intended for the use of vehicles.
- 3.2.** The provisions of Section 3.1 shall not apply to prevent the parking of a vehicle on the left side of a one way street.
- 3.3.** The provisions of Section 3.1 shall not apply to prevent the angle parking of a vehicle on highways or portions of highways where angle parking is permitted.
- 3.4.** When parking on the left side of a one way street no person shall park any vehicle on any portion of that street unless:
  - a.** the left front and left rear wheels of the vehicle, or in the case of a vehicle with only two wheels, the front wheel and the rear wheel of the vehicle are not more than fifteen centimeters (15cm) from the left curb; or,
  - b.** where there is no curb, with the left front and left rear wheels of the vehicle, or in the case of a vehicle with only two wheels, the front wheel and the rear wheel of the vehicle parallel to and as near to the left hand limit of the highway as is practical without parking on a sidewalk, or any part of the highway where grass is grown which is not intended for the use of vehicles.
- 3.5.** Where angle parking is permitted under this By-Law, no person shall park a vehicle:
  - a.** except at the angle with the roadway indicated by appropriate markings or signs;
  - b.** with an overall length of more than six meters (6m).

- 3.6.** No person shall park a vehicle facing otherwise than the direction of the flow of traffic on the side of the highway that the vehicle is parked on unless they are angle parked in accordance with Section 3.5.

## **PARKING PROHIBITED**

- 3.7.** No person shall at any time park a vehicle in any of the following places:
- a.** Within a section of highway designated as a fire route;
  - b.** Within six metres (6m) of a fire hydrant or dry hydrant measured laterally along the roadway from a point at the edge of the roadway immediately adjacent to the hydrant;
  - c.** On or overhanging a sidewalk;
  - d.** On a boulevard;
  - e.** On any centre boulevard or centre strip separating two roadways or adjacent to either side or ends of such a centre boulevard or strip;
  - f.** Within an intersection;
  - g.** Within nine metres (9m) of any intersection measured laterally along the roadway from the nearest corner of the intersection to the nearest part of the vehicle to said corner;
  - h.** Within nine metres (9m) of a stop line at an intersection;
  - i.** In front of or within two metres (2m) of the entrance to a private driveway or so as to prevent the egress or ingress to or from such driveway;
  - j.** In front of or within three metres (3m) of an entrance or exit from a public lane or driveway;
  - k.** Unless otherwise specified, on any bridge, or in any subway or underpass, or the approaches thereto, or in the absence of an obvious approach there to, within 5 metres of any bridge, subway or underpass;
  - l.** In such a location as to prevent the convenient removal of any other vehicle previously parked
  - m.** On any highway, other than Channel street, for a longer than six consecutive hours;
  - n.** On Channel Street for longer than one consecutive hour;
  - o.** On any highway or section of highway having an overall operational width of less than six metres (6m);
  - p.** On any private property without the consent of the owner of said private property;
  - q.** On any private property in contravention to any posted or advertised regulations for the parking on that property;
  - r.** On municipal property without the consent of the Chief Administrative Officer, or any other Municipal Official authorized to grant such consent;
  - s.** In any area designated by a traffic control device as a no parking area;
  - t.** On any parts of the highways named and described in Schedule “B” to this By-Law where authorized signs to that effect have been displayed.

## **PARKING RESTRICTED**

- 3.8.** Where authorized signs to that effect are displayed no person shall park a vehicle on any of the parts of the highways names and described in Columns 1, 2, 3, and 4 of Schedule “C” to this By-law; during the hours and days set out in Column 5 of the said Schedule.
- 3.9.** Where authorized signs are displayed, no person shall park a vehicle on any of the parts of the highway named and described in Columns 1, 2, 3, and 4 of Schedule “D” to this By-law, during the hours set out in Column 5 for a longer period than as set out in Column 6 of the said Schedule.

- 3.10.** No person shall park a vehicle on any highway during the hours of 6:00 AM to 6:00 PM from November 1<sup>st</sup> in one year, to March 31<sup>st</sup> of the following year, inclusive.
- 3.11.** No person shall park a commercial vehicle or commercial trailer whether attached to a vehicle or not, having a capacity in excess of two tonnes in rating as prescribed by the relevant Provincial Statutes, on any highway between the hours of 9:00 p.m. one day and 7:00 a.m. the following day.
- 3.12.** No person shall park a commercial vehicle or commercial trailer whether attached to a vehicle or not, having a capacity in excess of two tonnes in rating as prescribed by the relevant Provincial Statutes, excepting motor buses, on any highway at any time for longer than two consecutive hours.

#### **CUL-DE-SACS AND DEAD-END HIGHWAYS**

- 3.13.** When authorized signs are posted, no person shall park or stop a vehicle:
- a.** within the turning basin of a cul-de-sac; or
  - b.** within fifteen (15) metres of the end of the roadway on a dead-end highway.

#### **PARKING PROHIBITED FOR A SPECIFIC PURPOSE**

- 3.14.** No person shall park a vehicle on any highway for the purpose of:
- a.** Displaying it for sale;
  - b.** Storing it;
  - c.** Washing, servicing, painting or repairing it except where such repair is necessary for the removal of the vehicle from the highway; or
  - d.** Advertising.

#### **LOADING ZONES – COMMERCIAL VEHICLES**

- 3.15.** Where authorized signs to that effect are displayed, no person shall park a vehicle between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and holidays on any of the parts of the highway named and described in Schedule “E” to this By-law, except for the loading of merchandise by commercial vehicles providing that such loading and unloading shall not exceed thirty minutes.

#### **LOADING ZONES – SCHOOL BUSES**

- 3.16.** The highway or portions of highways set out in Column 1 of Schedule “F” of this By-law at the school or institution set out in column 2 of the said Schedule are hereby designated as school bus loading zones as provided in subsection 13 of Section 175 of the Highway Traffic Act.

#### **ANGLE PARKING**

- 3.17.** Angle parking in accordance with the provisions of Section 3 hereof is permitted on the parts of the highways named and described in Columns 1, 2, 3, and 4 of Schedule “G” to this By-law at the angle to the roadway set out in Column 5 of the said Schedule.

## **STOPPING PROHIBITED**

- 3.18.** In specified places where authorized signs to that effect are displayed, no person shall stop a vehicle at any time on any parts of the highway named and described in Schedule “H” to this By-law during the hours set out in Column 5 of the said Schedule.

## **ACCESSIBLE PARKING**

- 3.19.** No person shall park or stop any vehicle in an accessible parking space or area which is designated as being reserved for accessible parking, unless a valid accessible parking permit has been issued to that person and the permit is displayed in accordance with the provisions of the Highway Traffic Act.
- 3.20.** No person shall have on his or her possession, or have on display in any vehicle, an accessible parking permit which is not their own, fictitious, altered, or fraudulently obtained.
- 3.21.** Every person having possession of an accessible parking permit shall, upon the demand of a Police or Municipal Law Enforcement Officer, surrender the permit for reasonable inspection to ensure that the provisions and regulations of this By-Law are being complied with.
- 3.22.** A Municipal Law Enforcement Officer or police officer to whom an accessible parking permit has been surrendered may retain it until disposition of the case if the officer has reasonable grounds to believe that the permit:
- a.** Was obtained under false pretenses;
  - b.** Has been defaced or altered;
  - c.** Has expired or been cancelled;
  - d.** Is being or has been used in contravention of the regulations of this By-Law or other Provincial Legislation.
- 3.23.** Every owner or operator of each public/private parking area in which signs are located pursuant to this by-law shall be responsible for the procurement, installation and maintenance of said signs, and for ensuring that said signs conform with the Ontario Regulations made under the Highway Traffic Act.

## **EMERGENCY PROHIBITION OF PARKING**

- 3.24.** Notwithstanding anything to the contrary contained herein, the Ontario Provincial Police, the Superintendent of Public Works of the Corporation or the Fire Chief during any emergency, road repair, construction, or special circumstances deemed sufficient therefore may suspend any or all parking on any highway within the area affected by these special circumstances, by authorizing the erecting of a “No Parking” sign, and the OPP or the Superintendent of Public Works of the Corporation, as the case may be, during such emergency, or other circumstances may declare that any vehicle already parked is being parked illegally regardless of the time permitted for parking such vehicle under the provisions of this By-law provided, however, that in the event the owner or driver of such vehicle is personally notified by a police officer that parking at such place has been suspended, and further, that the owner or driver of such vehicle is allowed a reasonable period of time to remove the said vehicle.

- 3.25.** No person shall park a vehicle upon any highway or designated part of any highway that has had parking suspended thereupon under section 3.22.

## **EXCEPTIONS**

- 3.26.** Sections 3.7, 3.8 and 3.9 shall not apply to prevent the parking of a vehicle in an area on any highway that has been clearly indicated as an area where parking is allowed by authorized sign(s) and lines painted on the highway by The Municipality so long as said vehicle is parked in compliance with any restrictions written on said authorized sign(s) and said vehicle is parked entirely within said lines. No person shall park a vehicle in contravention of any restrictions posted on said authorized signs and/or not entirely within said lines.
- 3.27.** The provisions of Section 3 shall not apply to:
- a.** A postal vehicle actually engaged in loading mail into or from a postal box or private mail box;
  - b.** A vehicle engaged solely for the transportation of money for commercial establishments while engaged in delivering or picking up money;
  - c.** Transit vehicles engaged in picking up or unloading passengers;
  - d.** Authorized emergency vehicles actively engaged in responding to an emergency; or
  - e.** Vehicles actively being operated and used by the Municipality.

## **4. OPERATION OF VEHICLES**

### **EMERGING FROM A LANE OR DRIVEWAY**

- 4.1.** No person shall drive a vehicle emerging from a driveway, lane, lot or building without yielding the right-of-way to all pedestrians and vehicles prior to driving onto the sidewalk or shoulder.

### **VEHICLES ON SIDEWALK**

- 4.2.** No person shall drive a vehicle on a sidewalk except for the purpose of directly crossing the sidewalk to enter or exit from a driveway, lane, lot or building.
- 4.3.** No person shall drive a vehicle onto a raised curb except at a place where there is a ramp.

### **FUNERAL AND OTHER PROCESSIONS**

- 4.4.** No person shall intersect a funeral or other properly organized procession while it is in motion except under the direction of a police officer or to avoid conflict with other traffic.

### **EXCESS LOADS**

- 4.5.** The Superintendent of Public Works of the Municipality is hereby appointed and authorized to issue, on behalf of the Municipality, permits as prescribed under Section 110 of the Highway Traffic Act with full power and authority to grant or refuse any such permit and to attach such terms and conditions to the permit as may be attached by virtue of the Highway Traffic Act.



- 4.6.** The provisions of Sections 122 and 123 of the Highway Traffic Act are hereby declared to be in force generally from March 15th to May 31st or any date as deemed fit by the Superintendent inclusive in each and every year in respect of all highways within the Municipality except on the parts of the highways named and described in Schedule “I” to this By-Law.

#### **TURNING MOVEMENTS**

- 4.7.** Where a U-turn is not otherwise prohibited, no person operating a vehicle shall make a U-turn unless the U-turn can be made safely and without interfering with other traffic.
- 4.8.** Where official signs are displayed, no person operating a vehicle shall make a U-turn at any location or intersection named and described in Schedule “J” to this By-law.
- 4.9.** Where official signs to that effect are displayed, no person operating a vehicle in any intersection or portion of highway set out in Column 1 of Schedule “K” to this By-law proceeding in the direction or emerging from a property set out in Column 2 of this said Schedule, shall turn the vehicle in the direction set out in Column 3 of the said Schedule, during the times or days set out in Column 4 of the said Schedule.

#### **ONE-WAY STREETS**

- 4.10.** The highways set out in Column 1 of Schedule “L” to this By-Law, between the limits set out in Columns 2 and 3 of the said Schedule are hereby designated for one-way traffic only in the direction set out in Column 4 of said Schedule.

#### **THROUGH HIGHWAYS**

- 4.11.** The parts of the highways named and described in Schedule “M” of this By-Law are designated as “Through Highways” as defined in subsection 1 of Section 1 of the Highway Traffic Act.
- 4.12.** A highway or part of a highway designated in Subsection 1 of Section 1 of the Highway Traffic Act as a “through highway” shall not include any intersections forming part of that highway where traffic control signal devices are installed.

#### **STOPS AT INTERSECTIONS**

- 4.13.** The intersections of highways set out in Column 1 of Schedule “N” to this By-Law are designated as intersections where stop signs shall be erected facing oncoming traffic traveling in the direction(s) of travel and on the highways indicated in Column 2 of said Schedule.

#### **YIELDS AT INTERSECTIONS**

- 4.14.** The intersections of highways set out in Column 1 of Schedule “O” to this By-Law are designated as intersections where yield signs shall be erected facing oncoming traffic traveling in the direction(s) of travel and on the highways indicated in Column 2 of said Schedule.

## **TRUCK ROUTES**

- 4.15.** The parts of the highways named and described in Schedule “P” to this By-Law are hereby designated as “Truck Routes”.
- 4.16.** No person shall operate a heavy vehicle on any highway within the Municipality other than on the parts of highways defined as truck routes unless that vehicle is operating as a commercial vehicle and is engaged in the delivering, receiving, loading or unloading of goods, wares, merchandise or materials or is proceeding to or from a garage or other premises for the purpose of storage or repair of such vehicle and provided that:
- a.** Deviation from a truck route is made at a point nearest to the destination by way of highways; and
  - b.** Return to a truck route is done so by way of the shortest possible route.
- 4.17.** The provisions of Section 4.16 shall not apply to authorized emergency vehicles, school buses or vehicles being actively operated by the Municipality.

## **DESIGNATED FIRE ROUTES**

- 4.18.** The parts of the highways named and described in Schedule “Q” of this By-Law are hereby designated as Fire Routes.
- 4.19.** No person shall erect, construct or otherwise place any object within a fire route that would obstruct said fire route.
- 4.20.** Every owner of designated lands on which a fire route is located shall erect and maintain along such fire route one or more signs in such manner and in such number as to reasonably inform the users of such fire route that the lands concerned have been designated as a fire route and that parking is prohibited thereon, but no fewer signs than one per every fifty feet.

## **DESIGNATED LANES**

- 4.21.** Where the highways listed in Column 1 of Schedule “R” to this By-Law have been divided into clearly marked lanes for traffic between the limits of said highways indicated in Column 2, each of the lanes indicated in Column 3 is, during the days or times indicated in Column 4, designated for traffic moving in the direction(s) indicated in Column 5.
- 4.22.** Where the highways or parts of highways listed in Column 1 of Schedule “S” to this By-Law have been divided into clearly marked lanes for the traffic between the limits set out in Columns 2 and 3 of said Schedule, the centre lane thereof is hereby designated for left turns only.

## **5. PRESCRIPTION OF DIFFERING RATES OF SPEED**

- 5.1.** Where authorized signs to that effect are displayed, the maximum rate of speed on any of the highways named and described in Columns 1, 2 and 3 of Schedule “T” to this By-Law shall be the rate of speed prescribed in Column 4 of said Schedule.

## **6. AUTHORIZED SIGNS**

- 6.1.** For the purposes of this By-Law, authorized signs shall be of the type illustrated in the Ontario Traffic Manual Book 5, the Ontario Manual of Uniform Traffic Control Devices, and the Canadian Manual of Uniform Traffic Control Devices.

## **7. PENALTIES**

- 7.1.** Any person violating the provisions of Section 3 of this By-Law shall be subject to a penalty of not less than \$25.00 and not more than \$5000.00 exclusive of costs and such penalty shall be recoverable under the Provincial Offences Act.
- 7.2.** Any person violating the provisions of Sections 3.19, 3.20, 3.21 or 3.22 of this By-Law is guilty of an offence and upon conviction is liable to a fine of not less than \$300.00 and not more than \$5000.00 exclusive of costs and such penalty shall be recoverable under the Provincial Offences Act.
- 7.3.** Any person violating the provisions this By-Law, with the exception of the provisions of Section 3 hereof, is guilty of an offence and upon conviction is liable to a fine of not less than \$50.00 and not more than \$5000.00 exclusive of costs and such penalty shall be recoverable under the Provincial Offences Act.
- 7.4.** The Administrative Monetary Penalty System By-law applies to each administrative penalty issued pursuant to this By-law.
- 7.5.** Each person who contravenes any provision of this By-Law shall, upon issuance of a Penalty Notice in accordance with the Administrative Monetary Penalty System By-law, be liable to pay to the Municipality an administrative monetary penalty.

## **OWNER LIABLE**

- 7.6.** The owner of any vehicle found to be parked in contravention of Section 3 of this By-Law is guilty of an offence and is liable to a fine whether or not the owner is found to have been in possession of the vehicle at the time of the offence, unless the vehicle is found to be in the possession of any other individual unlawfully, and without the knowledge of the owner of said vehicle.

## **VOLUNTARY PAYMENT OF PENALTIES**

- 7.7.** When a vehicle is found to be parked or stopped in contravention of Section 3 of this By-Law, the police officer or municipal law enforcement officer so finding the vehicle may issue a summons or attach to the vehicle a parking ticket in the form of a serially numbered notice, stating:
- a.** The license number or permit of the vehicle;
  - b.** The date, time, place and nature of the alleged offence;
  - c.** The procedure for making voluntary payment of the penalty, the amount of which shall not be less than the prescribed amounts set out in Section 7 of this By-Law and shall be indicated on the face of the ticket; and,
  - d.** That in the event of failure to make such a payment as is indicated within the prescribed time, the procedure provided pursuant to the Provincial Offences Act shall be followed.

- 7.8.** The owner or operator of a vehicle may, within five days, exclusive of Sundays and Holidays, after the day of the alleged offence, report to or mail to the Municipality of Killarney at 44 St. Christophe Street, Noelville, Ontario P0M 2N0, to pay to the Municipal Treasurer or to other such persons authorized to receive such payment the amount showing on the face of the ticket, which shall be accepted as payment of the penalty in full satisfaction in respect of the alleged offence, and a receipt therefore shall be given to the person making the payment.
- 7.9.** The Municipal Treasurer shall receive monies collected under this Section and may pay or authorize the deduction of a service fee to institutions for tickets collected by those institutions.
- 7.10.** If a voluntary payment is not made in accordance with the procedure provided in Section 7.06, the procedure provided in the Provincial Offences Act shall apply.

## **REMOVAL OF VEHICLE**

- 7.11.** Anytime a vehicle is found parked in contravention of any part of this By-Law, a police officer or municipal law enforcement officer may order the removal and impounding or the restraining and immobilizing of any vehicle, at the owner's expense.

## **ONTARIO HIGHWAY TRAFFIC ACT TO GOVERN**

- 7.12.** The provisions of this By-Law shall be subject to the provisions of the Highway Traffic Act as amended and to any regulations made thereunder and any reference in this By-Law to the Highway Traffic Act or any provision thereof shall be deemed to be a reference to the highway Traffic Act or provisions thereof as amended or re-enacted from time to time and all Regulations made under the said Act.

## **POWER OF ENTRY**

- 7.13.** Any municipal law enforcement officer may, without warrant and at any reasonable time, enter onto any lands for the purpose of enforcement of any provision of this By-Law.
- 7.14.** No person shall hinder or otherwise obstruct, nor attempt to hinder or otherwise obstruct, whether directly or indirectly, a municipal law enforcement officer or police officer or other agent of the Municipality of Killarney in their lawful exercise of power or duty under this By-Law.

## **8. SCHEDULES**

- 8.1.** Schedules "A" to "V" inclusive which are attached hereto are hereby made a part of this By-Law and shall be constructed herewith.

## **9. SEVERABILITY**

- 9.1.** It is hereby declared that each and every of the foregoing provisions of this By-Law is severable and that, if any provision of this By-Law should for any reason be declared invalid by any Court, it is the intention and desire of council that each and every of the then remaining provisions hereof shall remain in full force and effect.

**10. REPEAL**

**10.1.** This By-Law shall supersede and repeal By-law 2009-58 and any by-law inconsistent with this by-law.

**11. JURISDICTION**

**11.1.** The provisions of this By-Law shall only apply to those highways in the Municipality which are under the jurisdiction of the Municipality.

**12. ENACTMENT**

**12.1.** This By-Law shall be known as the “**Traffic and Parking By-Law**”.

**12.2.** This By-Law shall come into force and take effect on the date it is passed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED  
THIS \_\_\_\_<sup>th</sup> DAY OF \_\_\_\_\_, 2023.**

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**MAYOR**

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**CLERK**

**MUNICIPALITY OF KILLARNEY**

**SCHEDULE “A” TO BY-LAW 2023-XX**  
**Traffic and Parking By-Law**

**PLACEMENT OF TRAFFIC CONTROL SIGNAL SYSTEM DEVICES**

(1) <u>Location</u>	(2) <u>Area Municipality</u>
NIL	

**MUNICIPALITY OF KILLARNEY**

**SCHEDULE “B” TO BY-LAW 2023-XX**  
**Traffic and Parking By-Law**

**PARKING PROHIBITED AT ANY TIME**

(1) <u>Highway</u>	(2) <u>Side</u>	(3) <u>Between</u>
Ontario Street South	Both	Ontario Street West and Southern Extent of Highway
Ontario Street West	Both	Tilley Street and Western Extent of Highway
St. Paul Street	Both	Tilley Street and Western Extent of Highway
Bay Street	Both	Ontario Street East and Northern Extent of Highway
HWY 637	Both	100 metres in both directions from the entrance of “The Crack” trail entrance of Killarney Provincial Park.

**MUNICIPALITY OF KILLARNEY**

**SCHEDULE “C” TO BY-LAW 2023-XX**  
**Traffic and Parking By-Law**

**PARKING PROHIBITED IN SPECIFIC PLACES AT STATED TIMES**

(1) <u>Highway</u>	(2) <u>Side</u>	(3) <u>From</u>	(4) <u>To</u>	(5) <u>Restricted days or times</u>
Channel Street	North	Eastern Extent of Highway	Tilley Street	November 01 to March 31 Inclusive
Lighthouse Road	Both	Eastern Extent of Highway	Airport Road	Between 10 PM and 6 AM the following day
Perry Avenue	Both	Highway 637	Western Extent of Highway	Between 10 PM and 6 AM the following day



**MUNICIPALITY OF KILLARNEY**

**SCHEDULE “D” TO BY-LAW 2023-XX**  
**Traffic and Parking By-Law**

**PARKING RESTRICTED IN SPECIFIC PLACES AT STATED TIMES**

(1) <u>Highway</u>	(2) <u>Side</u>	(3) <u>From</u>	(4) <u>To</u>	(5) <u>Restricted days or times</u>	(6) <u>Period</u>
<b>NIL</b>					

**MUNICIPALITY OF KILLARNEY**

**SCHEDULE “E” TO BY-LAW 2023-XX**  
**Traffic and Parking By-Law**

**LOADING ZONES**

(1) <u>Highway</u>	(2) <u>Side</u>	(3) <u>From</u>	(4) <u>To</u>
NIL			

**MUNICIPALITY OF KILLARNEY**

**SCHEDULE “F” TO BY-LAW 2023-XX**  
**Traffic and Parking By-Law**

**DESIGNATED SCHOOL BUS LOADING ZONES**

(1) <u>Highway</u>	(2) <u>School or Institution</u>
Saint Paul Street	Saint Joseph Street

**MUNICIPALITY OF KILLARNEY**

**SCHEDULE “G” TO BY-LAW 2023-XX**  
**Traffic and Parking By-Law**

**ANGLE PARKING PERMITTED**

(1) <u>Highway</u>	(2) <u>Side</u>	(3) <u>From</u>	(4) <u>To</u>	(5) <u>Angle to Roadway</u>
<b>NIL</b>				

**MUNICIPALITY OF KILLARNEY**

**SCHEDULE “H” TO BY-LAW 2023-XX**  
**Traffic and Parking By-Law**

**STOPPING PROHIBITED IN SPECIFIED PLACES AT STATED TIMES**

(1) <u>Highway</u>	(2) <u>Side</u>	(3) <u>From</u>	(4) <u>To</u>	(5) <u>Times</u>
NIL				

**MUNICIPALITY OF KILLARNEY**

**SCHEDULE “I” TO BY-LAW 2023-XX**  
**Traffic and Parking By-Law**

**EXCESS LOADS**

(1) <u>Highway</u>	(2) <u>From</u>	(3) <u>To</u>
<b>NIL</b>		

**MUNICIPALITY OF KILLARNEY**

**SCHEDULE “J” TO BY-LAW 2023-XX**  
**Traffic and Parking By-Law**

**“U” TURNS PROHIBITED**

(1) <u>Location</u>	
	<b>NIL</b>

**MUNICIPALITY OF KILLARNEY**

**SCHEDULE “K” TO BY-LAW 2023-XX**  
**Traffic and Parking By-Law**

**TURNS PROHIBITED**

<b>(1)</b> <b><u>Highway</u></b>	<b>(2)</b> <b><u>Direction of Travel</u></b>	<b>(3)</b> <b><u>Turn Direction</u></b>	<b>(4)</b> <b><u>Restricted Times and Days</u></b>
<b>NIL</b>			



**MUNICIPALITY OF KILLARNEY**

**SCHEDULE “L” TO BY-LAW 2023-XX**  
**Traffic and Parking By-Law**

**ONE WAY STREETS**

(1) <u>Highway</u>	(2) <u>From</u>	(3) <u>To</u>	(4) <u>Direction of Travel</u>
<b>NIL</b>			

**MUNICIPALITY OF KILLARNEY**

**SCHEDULE “M” TO BY-LAW 2023-XX**  
**Traffic and Parking By-Law**

**THROUGH HIGHWAYS**

(1) <u>Highway</u>	(2) <u>From</u>	(3) <u>To</u>
NIL		

**MUNICIPALITY OF KILLARNEY**

**SCHEDULE “N” TO BY-LAW 2023-XX  
Traffic and Parking By-Law**

**STOPS AT INTERSECTIONS**

(1) <u>Intersection</u>	(2) <u>Direction of Travel</u>
Noble St and Charles St	East on Noble St
Charles St and Noble St	South on Charles St
Ontario St West and Tilley St	East and West on Ontario St West
Ontario St South and Ontario Street West	North on Ontario St South
Saint Paul St and Tilley St	East and West on Paul St
Commissioner St and Tilley St	East and West on Commissioner St
Channel St and Tilley St	East and West on Channel St
Tilley st and Channel St	North on Tilley St.
Charles St and Channel St	South on Charles St
Commissioner St and Charles St	East and West on Commissioner St.
Paul St and Charles St	East and West on Paul St.
Ontario St East and Charles St	West on Ontario St East
Stanley St and Paul St	South on Stanley St
Stanley St and Ontario St East	North on Stanley St
Perry Ave and Hwy 637	East on Perry Ave
Cemetery Rd and Hwy 637	West on Cemetery Rd
Brazier Rd and Hwy 537	North on Brazier Rd
Gauthier Rd and Hwy 537	North on Gauthier Rd
Hartley Bay Rd and Hwy 400	East on Hartley Bay Rd

**MUNICIPALITY OF KILLARNEY**

**SCHEDULE “O” TO BY-LAW 2023-XX**  
**Traffic and Parking By-Law**

**YIELDS AT INTERSECTIONS**

(1) <u>Intersection</u>	(2) <u>Direction of Travel</u>
Airport Road and Lighthouse Road	West on Lighthouse Road
Airport Road and Ontario Street East	West on Airport Road

**MUNICIPALITY OF KILLARNEY**

**SCHEDULE “P” TO BY-LAW 2023-XX**  
**Traffic and Parking By-Law**

**DESIGNATED TRUCK ROUTES**

(1) <u>Highway</u>	(2) <u>From</u>	(3) <u>To</u>
NIL		

**MUNICIPALITY OF KILLARNEY**

**SCHEDULE “Q” TO BY-LAW 2023-XX**  
**Traffic and Parking By-Law**

**DESIGNATED FIRE ROUTES**

(1) <u>Location/Highway</u>	(2) <u>Building Name</u>	(3) <u>Side of Highway</u>	(4) <u>Route</u>
Channel Street	N/A	Both	Between Tilley Street and the Western Extent of Channel Street
Channel Street	N/A	South	Between Tilley Street and the Eastern Extent of Channel Street
Commissioner Street	Killarney Firehall	Both	Between 50 Metres West of the Firehall and Charles Street
Charles Street	N/A	Both	Between Commissioner Street and Channel Street

**MUNICIPALITY OF KILLARNEY**

**SCHEDULE “R” TO BY-LAW 2023-XX**  
**Traffic and Parking By-Law**

**DESIGNATED TRAFFIC LANES**

(1) <u>Highway</u>	(2) <u>Between</u>	(3) <u>Lane or Lanes</u>	(4) <u>Time or Days</u>	(5) <u>Direction</u>
<b>NIL</b>				





**MUNICIPALITY OF KILLARNEY**

**SCHEDULE “S” TO BY-LAW 2023-XX**  
**Traffic and Parking By-Law**

**DESIGNATED CENTRE LANES FOR LEFT TURNS ONLY**

(1) <u>Highway</u>	(2) <u>From</u>	(3) <u>To</u>
NIL		

**MUNICIPALITY OF KILLARNEY**

**SCHEDULE “T” TO BY-LAW 2023-XX  
Traffic and Parking By-Law**

**HIGHER OR LOWER RATES OF SPEED THAN THAT PERSCRIBED  
BY THE HIGHWAY TRAFFIC ACT**

<u>(1) Highway</u>	<u>(2) From</u>	<u>(3) To</u>	<u>(4) Length of Road Segment</u>	<u>(5) Maximum rate of speed</u>
Charles St	Noble St.	Channel St.	.7	50
Charles St.	Noble St.	Dead end	.25	50
Noble St.	Charles St.	Tilley St.	.4	50
Tilley St.	Noble St.	Channel St	.65	50
Tilley St.	Channel St.	Dead End (sportsman Inn)	.05	50
Channel St.	Tilley St.	Dead End	.25	50
Channel St.	Tilley St.	Charles St.	.35	50
Channel St.	Charles St.	Dead End (Pitfield’s Store)	.2	50
Commissioner St.	Tilley St.	Dead end	.2	50
Commissioner St.	Tilley St.	Charles St.	.35	50
Commissioner St.	Charles St.	Bay St (undeveloped)	.2	50
Paul St.	Tilley St.	Dead End	.2	50
Paul St.	Tilley St.	Charles St.	.35	50
Paul St.	Charles St.	Bay St (undeveloped)	.2	40
Ontario St. East	Charles St.	Bay St.	.5	50
Bay St.	Ontario St East	Dead End	.3	50
Ontario St West	Tilley	Dead End	.2	50
Ontario St West	Tilley St.	Ontario St. South	.2	50
Ontario St. South	Ontario St. West	Dead End	.1	50
Stanley St.	Ontario St. East	Paul St.	.2	50
Bay St (undeveloped)	Paul St.	Commissioner St.	.2	50
Bay St. (undeveloped)	Commissioner St.	Channel St.	.2	50
Perry Ave	Hwy 637	Dead End	1.5	50
Lighthouse Rd	Airport Rd	Lighthouse	1	50
Airport Rd	Ontario St East	Airport	1.3	50
Braizer Rd	Hwy 537	Dead End	1	50
Gauthier Rd	Dead End	Unorganized Trail	.25	50
Hartley Bay Rd	Hwy 400	Hartley Bay Hel iPad	15	60

**MUNICIPALITY OF KILLARNEY**

**SCHEDULE “U” TO BY-LAW 2023-XX**  
**Traffic and Parking By-Law**

**Set Fine Schedule**

**PART I Provincial Offences Act**

<b>ITEM</b>	<b>COLUMN 1</b> Short Form Wording	<b>COLUMN 2</b> Provision Creating or Defining Offence	<b>COLUMN 3</b> Set Fine
<b>1</b>	Place or cause to be placed any sign purporting to be a Traffic Control Device	2.02	\$150.00
<b>2</b>	Alter, Damage, Obstruct, or interfere with any Traffic Control Device	2.05	\$380.00
<b>3</b>	Possess or display a fictitious, altered or fraudulently obtained disabled parking permit	3.18	\$305.00
<b>4</b>	Fail to remit a disabled parking permit upon demand for inspection	3.19	\$305.00
<b>5</b>	Fail to yield the right of way to pedestrians or other vehicles before driving onto a sidewalk or shoulder	4.01	\$305.00
<b>6</b>	Drive on a sidewalk	4.02	\$305.00
<b>7</b>	Drive onto a raised curb	4.03	\$150.00
<b>8</b>	Intersect a funeral or other organized procession	4.04	\$150.00
<b>9</b>	Fail to make a u-turn safely	4.07	\$150.00
<b>10</b>	Make a u-turn contrary to posted signs	4.08	\$150.00
<b>11</b>	Make a turn contrary to posted signs	4.09	\$150.00
<b>12</b>	Operate a heavy vehicle on a highway not designated as a truck route	4.16	\$380.00
<b>13</b>	Obstruct an Officer	7.12	\$380.00

**MUNICIPALITY OF KILLARNEY**

**SCHEDULE “V” TO BY-LAW 2023-XX**

**Traffic and Parking By-Law**

**Set Fine Schedule**

**PART II Provincial Offences Act**

<b>ITEM</b>	<b>COLUMN 1</b> Short Form Wording	<b>COLUMN 2</b> Provision Creating or Defining Offence	<b>COLUMN 3</b> Early Voluntary Payment Payable Within 7 Days	<b>COLUMN 4</b> Set Fine
1	Fail to park on the right side of a highway	3.01 (a)	\$35.00	\$50.00
2	Fail to park parallel and within 15 cm of a curb	3.01 (b)	\$35.00	\$50.00
3	Fail to park as near to the right hand limit of a highway as practical	3.01 (c)	\$35.00	\$50.00
4	On a one way street fail to park within 15 cm of a curb	3.04 (a)	\$35.00	\$50.00
6	On a one way street, fail to park as near as practical to the left hand limit of the highway	3.04 (b)	\$35.00	\$50.00
7	When angle parking, fail to park at the angle indicated	3.05 (a)	\$35.00	\$50.00
8	Angle park a vehicle over 6m in length	3.05 (b)	\$35.00	\$50.00
9	Fail to park facing the flow of traffic	3.06	\$35.00	\$50.00
10	Park within a fire route	3.07 (a)	\$50.00	\$75.00
11	Park within 6m of a hydrant	3.07 (b)	\$35.00	\$50.00
12	Park on a sidewalk	3.07 (c)	\$35.00	\$50.00
13	Park on a boulevard	3.07 (d)	\$35.00	\$50.00
14	Park on a centre boulevard or strip	3.07 (e)	\$35.00	\$50.00
15	Park within an intersection	3.07 (f)	\$35.00	\$50.00

16	Park within 9m of any intersection	3.07 (g)	\$35.00	\$50.00
17	Park within 9m of a stop line at an intersection	3.07 (h)	\$35.00	\$50.00
18	Park within 2 metres of a private driveway	3.07 (i)	\$35.00	\$50.00
19	Park within 3 metres of a public lane	3.07 (j)	\$35.00	\$50.00
20	Park on any bridge, subway, underpass or approaches thereto	3.07 (k)	\$35.00	\$50.00
21	Park as to prevent the convenient removal of another vehicle	3.07 (l)	\$35.00	\$50.00
22	Park for a period longer than 4 consecutive hours	3.07 (m)	\$35.00	\$50.00
23	Park on a highway with an operational width less than 6m	3.07 (n)	\$35.00	\$50.00
24	Park on private property without consent	3.07 (o)	\$35.00	\$50.00
25	Park on private property in contravention to posted rules	3.07 (p)	\$35.00	\$50.00
26	Park on municipal property without consent	3.07 (q)	\$35.00	\$50.00
27	Park in any area designated as a no parking area	3.07 (r)	\$35.00	\$50.00
28	Park in contravention to posted signs on highways described in Schedule B	3.07 (s)	\$35.00	\$50.00
29	Park in contravention to posted signs on highways described in Schedule C	3.08	\$35.00	\$50.00
30	Park in contravention to posted signs on highways described in Schedule D	3.09	\$35.00	\$50.00
31	Park on any highway between 12am and 7am between December 01 and March 31	3.10	\$35.00	\$50.00
32	Park a commercial vehicle on any highway between 9pm and 7am	3.11	\$35.00	\$50.00
33	Park a commercial vehicle on any highway for longer than 2 consecutive hours	3.12	\$35.00	\$50.00

34	Park a vehicle within a cul-du-sac	3.13(a)	\$35.00	\$50.00
35	Park a vehicle within 15 metres of the dead end of a roadway	3.13(b)	\$35.00	\$50.00
36	Park a vehicle for the purpose of displaying it for sale	3.14 (a)	\$35.00	\$50.00
37	Park a vehicle for the purpose of storing it	3.14 (b)	\$35.00	\$50.00
38	Park a vehicle for the purpose of washing or servicing it	3.14 (c)	\$35.00	\$50.00
39	Park a vehicle for the purpose of advertising	3.14 (d)	\$35.00	\$50.00
40	Park in contravention to posted signs on highways described in Schedule E	3.15	\$35.00	\$50.00
41	Park in a disabled parking space without a disabled parking permit on display	3.18	N/A	\$305.00
41	Park on a highway that has had parking suspended	3.23	\$35.00	\$50.00
42	Park in contravention to posted restrictions	3.27	\$35.00	\$50.00

\*NOTE: The penalty provision for the offences indicated above is Section 6 of By-Law 2023-XX, a certified copy of which has been filed.