

The Corporation of the County of Peterborough

By-law No. 2012 - 12

A By-law to amend Schedule “A” of By-law No. 2008-07, being a By-law regulating parking on highways and roadways within the jurisdiction of the County of Peterborough that are located within the settlement area of Apsley, in the Township of North Kawartha (County Road 620– Vicinity of Foodland Store)

Whereas the Table appended to section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, provides that the whole of the sphere of jurisdiction “highways, including parking and traffic on highways” is assigned non-exclusively to all upper-tier municipalities;

And Whereas section 63 of the Municipal Act, 2001, S.O. 2001, c. 25, provides that where a municipality passes a by-law for prohibiting or regulating the placing, stopping, standing or parking of an object or vehicle on a highway, it may provide for the removal and impounding or restraining and immobilizing of any object or vehicle placed, stopped, standing or parked on a highway in contravention of the by-law;

And Whereas subsection 439(1) of the Municipal Act, 2001, S.O. 2001, c. 25, authorizes municipalities to pass by-laws providing that any person who contravenes any by-law of the municipality passed under said *Act* is guilty of an offence;

And Whereas subsection 439(1) of the Municipal Act, 2001, S.O. 2001, c. 25, provides that where a vehicle is left parked, stopped or standing in contravention of a by-law under said *Act*, the owner of the vehicle, even though the owner was not the driver at the time of the contravention of the by-law, is guilty of an offence and is liable to the fine prescribed for the offence unless, at the time of the offence, the vehicle was in the possession of some other person than the owner without the owner’s consent;

AND WHEREAS subsection 439(2) of the Municipal Act, 2001, S.O. 2001, c. 25, states that a municipality may provide for a procedure for the voluntary payment of penalties out of court in cases where it is alleged that a by-law related to parking, standing or stopping of a vehicle has been contravened;

And Whereas at the County Council Meeting of January 23, 2008, County Council accepted the recommendation of the Director of Public Works contained in his report “Parking Restrictions – Apsley” wherein he recommended:

“That County Council pass a resolution to restrict on street parking of commercial and non-licensed vehicles on County Road 620A from the intersection of County Road 620 to the intersection of County Road 504, and County Road 504 from the intersection of Highway 28 to the east limit of the intersection of County Road 52, to a maximum of one hour and

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further that a by-law be passed in this regard and that County staff be directed to erect all applicable signing, and further

That staff be directed to prepare a by-law transferring the enforcement jurisdiction of this by-law and by-law 69-2002 to the Township of North Kawartha, and further

That the Ontario Provincial Police be notified of these by-laws”

And whereas at the County Council Meeting of January 23, 2008, By-law No. 2008-07 was passed, being a by-law for the regulation of parking on highways and roadways within the jurisdiction of the County that are located within the settlement area of Apsley, in the Township of North Kawartha;

And Whereas at the County Council Meeting of June 25, 2008, County Council accepted the recommendation of the Director of Public Works wherein he recommended that the “maximum one hour restriction be removed from By-law No. 2008-07” and By-law No. 2008-58 was passed, being a by-law to amend By-law No. 2008-07, (being a by-law for the regulation of parking on highways and roadways within the jurisdiction of the County that are located within the settlement area of Apsley, in the Township of North Kawartha) to remove the “one hour maximum” restriction;

And Whereas at the County Council Meeting of June 24, 2009, County Council accepted the recommendation of the Director of Public Works contained in the Manager of Technical Services’ report “County Road 18 Parking Restrictions” wherein he recommended “That County Council direct staff to implement No Parking restrictions on County road 18 at various locations, and County Council passed By-law No. 2009-58, being a by-law for the regulation of parking on highways and roadways within the jurisdiction of the County of Peterborough;

And Whereas at the County Council Meeting of February 15, 2012, Council accepted the recommendation of the Director of Public Works contained in the Manager of Technical Services’ report “Vehicle and pedestrian movements on County Road 620 in the Village of Apsley” wherein he recommended:

“THAT By-law No. 2008-07 be amended to prohibit parking on County Road 620 in the vicinity of the Foodland store as detailed in the appropriate By-law.”

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Now Therefore the Council of the Corporation of the County of Peterborough in Session duly assembled enacts as follows, that:

1. Schedule “A” of By-law No. 2008-07 is amended to add the following:

Street	Side	Between
County Road 620 (Burleigh Street)	West Side	From approximately 72 metres north of the intersection of County Road 504 and County Road 620 (Burleigh Street) and continuing north for nineteen metres.

2. This by-law shall not come into force and take effect until either the one-month anniversary of the date upon which it is passed by council, or until such time as signs have been erected and are on display in compliance with the Regulations of the Ministry of Transportation, whichever date is later.
3. Schedule “A” to By-law No. 2008-07 passed by County Council on the 23rd day of January, 2008 be and is hereby amended.
4. This By-law shall be commonly called the “Amendment to Parking Regulation By-law 2008-07 for highways and roads within the jurisdiction of the County that are located within the settlement area of Apsley, Township of North Kawartha – Vicinity of Foodland Store) By-law”.

Read a first, second and third time and passed in Open Council this 15th day of February, 2012.

J. Murray Jones

Warden

c/s

Sally Saunders

Clerk