

THE CORPORATION OF THE TOWNSHIP OF HILTON

By-law No. 1452-25

Being a by-law to prohibit overnight parking during specified months and times, and to prohibit parking on a road allowance that interferes with the removal of snow or ice or the clearing of snow within the Corporation of the Township of Hilton.

WHEREAS the Council of the Corporation of the Township of Hilton deems it desirable to restrict the hours for parking or camping on the road allowances within the Township of Hilton;

AND 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 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 Corporation of the Township of Hilton hereby enacts as follows:

1. DEFINITIONS

1.1 In this By-law:

"Council" means the Council of the Corporation of the Township of Hilton

"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 Corporation of the Township of Hilton 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.

"Road allowances" shall include all opened and unopened roads within the Township of Hilton.

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 road allowance so as to interfere in any manner with the work of:

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

3.2 No person shall park a motor vehicle, travel trailer, motor home, tent trailer, tent or camper to remain parked on any road allowance in the Township of Hilton at any time from November 1st of one year to April 30th of the following year.

3.3 No person shall park any motor vehicle, travel trailer, motor home, tent trailer, tent or camper of any type on any road allowance owned by the Township of Hilton between the hours of 9:00 pm one day and 5:00 am the next day, without having received prior permission from the municipality.

3.4 Any motor vehicle, travel trailer, motor home, tent trailer, tent or camper of any type found parked on any road allowance between November 1st of one year to April 30th of the following year and between the above noted hours and for which the owner has not received prior permission from the municipality, may be removed by

the municipality at the owner's expense with no liability to the Township of Hilton.

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 or road allowance 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.

6. PENALTY

- 6.1 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.
- 6.2 Any person violating this by-law shall be subject to a penalty ranging from \$250.00 to \$500.00 as per the following:
- First Offence - \$250.00;
Second Offence - \$400.00;
Third or More Offences - \$500.
- 6.3 These set fines are exclusive of costs, and all such penalties shall be recoverable under the Provincial Offences Act. Offenders have the opportunity to remit the base amount of the fine directly to the Hilton Municipal Office, 2983 Base Line, Hilton Beach, Ontario, if they do not wish to go through the court.

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 #727 is hereby repealed.

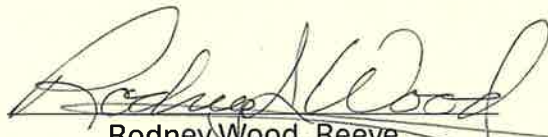
8.2 Any By-law inconsistent with this by-law shall hereby be repealed.


9. ENACTMENT

This by-law shall come into force and effect upon third and final reading of Council.

Read a first and second time this 14th day of May 2025.

Read a third and final time and passed this 14th day of May 2025.


Rodney Wood, Reeve


Sara Dinsdale, CAO/Clerk-Treasurer