



THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER 2017-103

A BY-LAW TO REGULATE TRAFFIC IN THE TOWNSHIP OF KING

This is a consolidation of the Township's by-law to regulate traffic being By-law 2017-103 (including schedules "A" to "J") as amended by By-laws 2018-83, 2019-063, 2019-091, 2019-092, 2020-016, and 2021-101. This is prepared for reference and information purposes only. The following consolidation is an electronic reproduction made available for information only. It is not an official version of the by-law.

Official versions of all by-laws can be obtained from the Clerk's Department. If there are any discrepancies between this consolidation and the By-laws named above, the official copies of the By-laws shall prevail.

WHEREAS Subsection 11 (3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, (*Municipal Act, 2001*) provides that a lower-tier municipality may pass by-laws, respecting matters within the sphere of jurisdiction of *Highways*, including parking and traffic on *Highways*;

AND WHEREAS Section 35 of the *Municipal Act, 2001*, authorizes a municipality to pass by-laws to restrict or prohibit the common law right of passage by the public over a *Highway*;

AND WHEREAS Subsection 214.1 (1) of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended (*Highway Traffic Act*) provides that the council of a municipality may by by-law designate a part of a *Highway* under its jurisdiction as a Community Safety Zone if, in the council's opinion, public safety is of special concern for that part of the *Highway*;

AND WHEREAS Subsection 122 (7) of the *Highway Traffic Act*, provides that the municipality or other authority having jurisdiction over a *Highway* may by by-law designate the date on which a reduced load period shall start or end and the *Highway* or portion thereof under its jurisdiction to which the designation applies;

AND WHEREAS Subsection 128 (2) of the *Highway Traffic Act* provides that the council of a municipality may, for motor vehicles driven on a *Highway* or portion of a *Highway* under its jurisdiction, by by-law prescribe a rate of speed different from the rate set out in Subsection 128 (1) of the *Highway Traffic Act* providing that such rate of speed shall not be more than 100 kilometers per hour;

AND WHEREAS Council considers it to be in the interest of public safety that the speed limit for motor vehicles on certain *Highways* in the *Township* be prescribed at a rate of speed different from the rate set out in Subsection 128 (1) of the *Highway Traffic Act*;

AND WHEREAS Subsection 128 (5) of the *Highway Traffic Act* provides that the council of a municipality may, by by-law, designate a portion of a *Highway* under its jurisdiction that adjoins the entrance to or exit from a school and that is within 150 metres along the *Highway* in either direction beyond the limits of the land used for the purposes of the school; and for *Motor Vehicles* driven, on days on which school is regularly held, on the portion of a *Highway* so designated, prescribe a rate of speed that is lower than the rate of speed otherwise prescribed under subsection (1) or (2) of section 128 of the *Highway Traffic Act* for that portion of *Highway*, and prescribe the time or times at which the speed limit is effective;

AND WHEREAS Section 13 of the *Highway Traffic Act* provides that the council of a municipality may by by-law provide for the erection of stop signs at intersections on *Highways* under its jurisdiction;

AND WHEREAS Subsection 185 (2) of the *Highway Traffic Act*, provides that the council of a municipality may, by by-law, prohibit pedestrians or the use of motor assisted bicycles, bicycles, wheelchairs or animals on any *Highway* or portion of a *Highway* under its jurisdiction;

AND WHEREAS Section 445 of the *Municipal Act, 2001* permits a municipality to make an Order requiring any person who contravenes a by-law or permits the contravention to do work to correct the contravention;

AND WHEREAS Section 425 of the *Municipal Act, 2001* permits a municipality to pass by-laws providing that any person who contravenes any by-law of the municipality passed under the *Municipal Act, 2001* is guilty of an offence;

NOW THEREFORE the Council of the Corporation of the Township of King **HEREBY ENACTS AS FOLLOWS:**

I. ADMINISTRATION AND INTERPRETATION

Short Title

1.1 This By-law may be referred to as the “Traffic By-law”.

Administration

1.2 This By-law may be administered by the *Director* and may be enforced by an *Officer*.

Interpretation

1.3 For the purposes of this By-law:

- a) In the interpretation and application of the provisions of this By-law, unless otherwise stated to the contrary, the provisions shall be held to be the minimum requirements for the promotion of the health, safety, comfort, convenience and general welfare of the public.
- b) If a word is not defined in this By-law, the word shall have the meaning as defined in the *Highway Traffic Act* and the *Legislation Act, 2006*, S.O. 2006. C. 21 Sched F.

Word Usage

1.4 Words in singular shall be deemed to include plural and words in plural shall be deemed to include singular and shall be read with all changes in gender or number as the context may require.

Reference to Legislation

1.5 Reference to any Act, Regulation or by-law is a reference to that Act, Regulation or by-law as it is amended, or re-enacted from time to time.

Conflict

1.6 Where there is a conflict between the provisions of this By-law and any by-law of, or agreement with, the *Township* regulating signage, this By-law shall prevail.

1.7 Where any of the provisions of this By-law conflict with any Federal or Provincial Act or Regulation, the Federal or Provincial Act or Regulation shall prevail.

Schedules to this By-law

1.8 The following schedules form part of this By-law:

- Schedule “A” – Bicycle Lanes;
- Schedule “B” – Community Safety Zones;
- Schedule “C” – Heavy Traffic;
- Schedule “D” – No Through Traffic;
- Schedule “E” – One Way Signs;
- Schedule “F” – Reduced Loads;
- Schedule “G” – Speed Limits
- Schedule “H” – Stop Signs
- Schedule “I” – “No Turn” turning movements;
- Schedule “J” – Yield Signs.

II. DEFINITIONS

2. In this By-law,

2.1. *Authorized Sign* means any sign, and any marking on a *Roadway*, or curb or *Sidewalk*, or other device placed or erected on a *Highway* under the authority of this By-law, the *Municipal Act, 2001*, the *Highway Traffic Act*, or the Regulations under the *Municipal Act, 2001* and the *Highway Traffic Act*, for the purpose of regulating, warning, directing or guiding traffic.

2.2. *Boulevard* means the portion of a *Highway* that is not part of the *Roadway*.

2.3. *Council* means the Council of the Township.

2.4. *Director* means the Director of Engineering, Public Works and Building of the Township and his/ her designate(s), unless otherwise specified.

2.5. *Emergency Vehicle* means:

- a) an ambulance, fire department *Vehicle*, police department *Vehicle* or public utility emergency *Vehicle*;
- b) a ministry *Vehicle* operated by an *Officer* appointed for carrying out the provisions of the *Highway Traffic Act* or the *Public Vehicles Act*, while the *Officer* is acting in the course of his or her employment;
- c) a *Vehicle* while operated by a conservation officer, fishery officer, provincial park officer or mine rescue training officer, while the officer is acting in the course of his or her employment; or
- d) a *Vehicle* while operated by a provincial officer designated under the *Environmental Protection Act*, the *Nutrient Management Act, 2002*, the *Ontario Water Resources Act*, the *Pesticides Act*, the *Safe Drinking Water Act, 2002* or the *Toxics Reduction Act, 2009*, while the provincial officer is acting in the course of his or her employment.

2.6. *Heavy Vehicle* means any *Vehicle* having a manufacturer's gross vehicle weight, registered gross weight, or a gross weight (hereafter collectively referred to as the "gross weight") including the combined gross weight of the *Vehicle* and any trailer and load, exceeding 4,500 kilograms, but does not include an ambulance, police department *Vehicle*, fire department *Vehicle*, public utility emergency *Vehicle*, any *Vehicle* or equipment used for the maintenance or improvement of the *Highway* or public utility, a *Vehicle* operated on behalf of the Township to transport waste, a tow truck, a school bus, a public transit vehicle, or a *Vehicle* used to transport persons with a disability;

2.7. *Highway* includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, 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;

2.8. *Motor Vehicle* includes an automobile, a motorcycle, a motor assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine, and also does not include assistive devices pursuant to the *Accessibility for Ontarians with Disabilities Act*.

2.9. *Municipal Vehicle* means:

- a) A *Vehicle* owned and operated by or on behalf of the Township or other authority having jurisdiction and control of a *Highway*, where the *Vehicles* are engaged in

Highway maintenance, including the carriage and application of abrasives or chemicals to the *Highway*, the stockpiling of abrasives or chemicals for use on the *Highway*, or the removal of snow from a *Highway*;

- b) A *Vehicle* operated on behalf of the *Township* to transport waste; or
- c) A public utility emergency *Vehicle*.

2.10. *Officer means:*

- a) a police officer;
- b) a constable appointed pursuant to any Act;
- c) a municipal law enforcement officer referred to in subsection 101 (4) of the *Municipal Act*, 2001 while in the discharge of his or her duties;
- d) a by-law enforcement officer employed by the *Township*.

2.11. *Permit means the written authorization of Council, or the Director where such authority has been delegated;*

2.12. *Person includes an individual, association, firm, partnership, corporation, trust, organization, trustee, agent or legal representative of an individual;*

2.13. *Roadway means the part of the Highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder or sidewalk, and, where a Highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of the roadways collectively;*

2.14. *Sidewalk means a municipal or regional sidewalk located on a boulevard;*

2.15. *Township means The Corporation of the Township of King;*

2.16. *Vehicle includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power.*

III. GENERAL PROVISIONS ENFORCEMENT

Application and General Requirements

- 3 This By-law applies to all *Highways* within the *Township* and under the jurisdiction of the *Township*.
- 3.1 The Schedules referred to in this By-law shall form part of this By-law and each entry in a column of such a Schedule shall be read in conjunction with the entry or entries across therefrom and not otherwise.
- 3.2 The *Director* is authorized to arrange for the erection and maintenance of *Authorized Signs* and traffic control signals at the locations set out in the Schedules attached to this By-law.
- 3.3 The *Director* is hereby authorized for a temporary period not exceeding 120 days to place, erect and maintain such authorized signs as are not authorized by this By-law but are required for safety reasons and to give full force and effect (until the amending by-law is presented). **(Amended by By-law 2020-016)**

IV. LOCATION OF AUTHORIZED SIGNS

Bicycle Lanes

- 4 The portions of the *Highway* set out in Column 1 of Schedule “A” between the limits set out in Column 2 are hereby designated as Bicycle Lanes for the exclusive use of bicycles during the times set out in Column 3 and shall have *Authorized Signs* posted.

Community Safety Zones

- 4.1 The portions of the Highway set out in Column 1 of Schedule “B” between the limits set out in Column 2 are hereby designated as Community Safety Zones during the times and dates set out in Column 3 and shall have Authorized Signs posted.

Heavy Traffic

- 4.2 The portions of the Highway set out in Column 1 of Schedule “C” between the limits set out in Columns 2 and 3 are hereby designated as Heavy Traffic during the times and dates set out in Column 4 and shall have Authorized Signs posted.
- 4.3 The provisions of section 4.2 shall not apply to any Heavy Vehicle actually engaged in making a delivery to or a collection from premises which cannot be reached except by way of the Highway or portion of the Highway referred to Columns 2 and 3 of Schedule “C” or to prohibit the use of such vehicles for such purpose, provided that in making such delivery or collection the said Highway or portion of Highway is travelled only in so far as is unavoidable in getting to and from such premises.

No Through Traffic

- 4.4 The portions of the Highway set out in Column 1 of Schedule “D” are hereby designated as No Through Traffic during the times and dates set out in Column 2 and shall have Authorized Signs posted.
- 4.5 The provisions of s. 4.3 do not apply to a Municipal Vehicle or an Emergency Vehicle.
- 4.6 The provisions set out in section 4.3 of this by law do not apply on those Holidays as set out in s. 88 of the Legislation Act, 2006 and the regulations thereunder.

One Way Signs

- 4.7 The portions of the Highway set out in Column 1 of Schedule “E” between the limits set out in Columns 2 and 3 are hereby designated as One Way Traffic and shall have Authorized Signs posted.
- 4.8 The circle of a roundabout is restricted to one-way traffic travelling in a counter clockwise direction.

Reduced Loads

- 4.9 The portions of the Highway set out in Column 1 of Schedule “F” between the limits set out in Columns 2 and 3 are hereby designated as Reduced Loads during the times and dates set out in Column 4 and shall have Authorized Signs posted.
- 4.9.1 The Director of Public Works is authorized to use discretion to amend the times and dates of Schedule F – Reduced Loads in any given year, based on weather and road conditions, and approve temporary exemptions on a case by case basis.

Speed Limits

- 4.10 The portions of the Highway set out in Column 1 of Schedule “G” between the limits set out in Columns 2 and 3 shall be limited to the Prescribed Maximum rate of speed as set out in Column 4 and shall have Authorized Signs posted.

4.11 When a rate of speed is posted on any Highway or portion of a Highway set out in Schedule “G” in compliance with the Regulations under the Highway Traffic Act, the maximum rate of speed thereon shall be the Prescribed Maximum rate of speed as posted.

4.12 For all other portions of the Highway not referred to in Schedule “G” or where a rate of speed is not posted, the maximum rate of speed on any Highway shall be fifty (50) kilometres per hour.

Stop Signs

4.13 The intersections of the Highway set out in Column 1 of Schedule “H” shall have stop signs posted at the location and for the direction of travel as set out in Column 2.

No Turning Signs

4.14 The portions of the Highway set out in Column 1 of Schedule “I” between the limits set out in Column 2 for the direction of travel set out in Column 3 are hereby designated as restricted “No Turn” turning movement Highways during the times and dates set out in Column 4, and shall have Authorized Signs posted.

4.15 Section 4.14 does not apply to Emergency Vehicles.

Yield Signs

4.16 The intersections of the Highway set out in Column 1 of Schedule “J” for the direction of traffic travelling in the direction set out in Column 2 to yield to traffic travelling on the Highway in Column 3, and shall have Authorized Signs posted.

V – ADDITIONAL RULES GOVERNING HIGHWAYS

Pedestrian Rule

5 No Person shall play or take part in any game or sport upon a Highway.

5.1 No Person shall place, maintain or display or cause to be placed, maintained or displayed upon any Highway, or on any property adjacent to a Highway, any sign, signal, marking or device which purports to be, or is an imitation or resembles, an Authorized Sign or traffic control signal, or which conceals from view or interferes with the effectiveness of an Authorized Sign or traffic control signal.

5.2 No Person on a skateboard, in-line skates, roller skates, or riding in, or by means of, any coaster, toy vehicle or similar device, shall travel on any Highway, except:

- a) on a *Sidewalk*;
- b) to cross the *Highway* directly; or
- c) on a designated multi-use recreational trail where *Authorized Signs* are posted and there is no *Sidewalk*.

Excess Load Moving Permits

5.3 No Person shall move, or Permit or cause to be moved over a Highway any Heavy Vehicle unless a prior permit has been issued therefor by the Director.

VI – ENFORCEMENT AND OFFENCES

Enforcement

6 The provisions of this by-law, Part V may be enforced by an Officer.

6.1 Drivers that disobey Authorized Signs posted in accordance with this By-law would be committing an offence under the *Highway Traffic Act*.

Order

6.2 Where a Person has placed, maintained or displayed or caused to be placed, maintained or displayed upon any Highway or any property adjacent to a Highway any sign, signal, marking or device which purports to be or is an imitation of or resembles an Authorized Sign or traffic control signal, or which conceals from view or interferes with the effectiveness of an Authorized Sign or traffic control signal, an Officer may issue an Order requiring the person to remove the sign, signal or marking device.

6.3 If an Order was issued directing or requiring a person or an owner to do a matter or thing to correct a contravention of this By-law, and the person or the owner has failed to correct the contravention, an Officer or such other person or persons as authorized by the Director may enter upon the property between the hours of 9:00 am and 5:00 pm Monday to Friday to do all work necessary to correct the contravention, including the removal of all or part of the sign, signal, marking or device, and the Township may recover the cost of the doing the matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll of the owner and collecting them in the same manner as property taxes.

Obstruction

6.4 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person or Officer who is exercising a power or performing a duty under this By-law.

Offence and Penalty

6.5 Every Person who contravenes this By-law or an Order issued under this By-law is guilty of an offence.

6.6 Any Person who fails to comply with an Order issued under this By-law shall be deemed to be committing a continuing offence for each day that the offence remains in contravention, or for each day that they fail to comply with the Order.

6.7 The Township may recover its costs of remedying a violation of this By-law by invoicing the Person or owner, by instituting court proceedings or by adding the cost, including interest, to the tax roll in the same manner as municipal taxes in accordance with section 446 of the Municipal Act, 2001 and the exercise of any one remedy shall not preclude the exercise of any other available remedy.

6.8 Every Person who is guilty of an offence under this By-law shall be subject to the following penalties:

- a) upon a first conviction, to a fine of not less than \$100.00 and not more than \$5,000.00;
- b) Upon a second or subsequent conviction for the same offence, to a fine of not less than \$200.00 and not more than \$10,000.00
- c) Upon conviction for a continuing offence, to a fine of not less than \$100.00 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.00
- d) Upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$100.00 and not more than \$10,000.00. The total of all fines for each included offence is not limited to \$100,000.00.

V. VALIDITY & SEVERABILITY

6.9 If any section, subsections, clause, paragraph or provision of this By-law, or parts thereof are declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact ("invalid"), such section or sections or parts thereof shall be deemed

to be severable. All other sections or parts of this By-law are separate and independent therefrom and enacted as such as a whole. The portion declared to be invalid shall not affect the validity or enforceability of any other provisions of this By-law or of the By-law as a whole.

6.10 If a court of competent jurisdiction should declare any section or part of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

VI. REPEAL & TRANSITIONAL

6.11 The following By-laws are hereby repealed: 2001-136, 2009-32, 2012-166, 1693, 75-56, 76-54, 77-131, 90-119, 94-100, 94-71, 99-80, 2000-146, 2000-161, 2004-05, 2000-65, 2007-32, 2010-141, 2013-51, 2017-02, 2012-68, 2012-83, 2013-46, 2013-107, 2015-16, 2015-85, 2015-87, 2015-111, and 2017-04 and 2017-99 as of the date of this By-Law.

6.12 Notwithstanding the repeal of the By-laws referred to in Section 6.11, those By-laws shall continue to apply to any acts, omissions or occurrences, and to any offences that took place prior to the enactment of this By-law.

VII. FORCE & EFFECT

17. This By-law shall come into force on the date it is passed.

READ a FIRST and SECOND time this 27th day of November, 2017.

READ a THIRD time and **FINALLY PASSED** this 27th day of November, 2017.

Steve Pellegrini
Mayor

Kathryn Moyle
Director of Clerks/By-law Enforcement
Township Clerk

(Ref.: JR 2017-06, C.O.W. November 27th, 2017)