

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 105-85

BEING A BY-LAW TO AMEND BY-LAW NO. 2-82
(SCHEDULE 8-THROUGH HIGHWAYS AND SECTION
35) (PENALTIES)

WHEREAS THE Municipal Act, R.S.O. 1980, Chapter 302, as amended, authorizes the Council to pass by-laws regulating or prohibiting certain traffic on highways or prohibiting parking on certain highways;

AND WHEREAS the Highway Traffic Act, R.S.O. 1980, Chapter 198, as amended, authorizes the Council to pass by-laws regulating traffic on highways;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. That Schedule 8 of By-law No. 2-82 be amended by adding the following to Section "5":

	<u>Road</u>	<u>From</u>	<u>To</u>
17.	Seymour St.	West of Highways 11 and 17	Franklin Street

2. That By-law No. 2-82 be amended by deleting Section 35 (Penalties), as amended by By-law No. 53-82, from By-law No. 2-82 and inserting in lieu thereof the following Section 35 (Penalties).

PENALTIES

35. (1) Any person who contravenes any provision of this by-law except Sections 6 to 13 inclusive, 16, 21, 22, 23, 24, and 27, is guilty of an offence and is liable to a penalty of not less than \$10.00 and not more than \$300.00, exclusive of costs, and such penalty shall be recovered under the Summary Convictions Act or the Provincial Offences Act whichever is applicable.
- (2) Any person who contravenes any provision of Sections 6 to 13 inclusive, 22, 23 and 24, is guilty of an offence and is liable to a penalty of not less than \$10.00 and not more than \$50.00, exclusive of costs and such penalty shall be recovered under the Summary Convictions Act or the Provincial Offences Act whichever is applicable.
- (3) Any person who contravenes any provision of sections 16 or 21 is guilty of an offence and is liable to a penalty of not less than \$25.00 and not more than \$300.00, exclusive of costs and such penalty shall be levied pursuant to the Highway

Traffic Act, R.S.O. 1980, Chapter 202, as amended, and recovered under the Summary Convictions Act or the Provincial Offences Act, whichever is applicable.

- (4) Any person who contravenes any provision of section 27 is guilty of an offence and is liable to a penalty of not less than \$3.00 and not more than \$50.00, exclusive of costs, and such penalty shall be recovered under the Summary Convictions Act or the Provincial Offences Act, whichever is applicable.
- (5) (a) When a vehicle is found parked or stopped in contravention of the parking or stopping provisions of this by-law, the police officer or officer or agent of the Parking Authority so finding the vehicle may issue a summons or offence notice or attach to the vehicle a parking ticket in the form of a serially-numbered notice, stating:
 - (1) the licence number or permit of the vehicle;
 - (2) the date, time, place and nature of the alleged offence;
 - (3) the procedure for making a voluntary payment of the penalty, which voluntary payment shall not be less than the prescribed amount set out in Section 35 of Part VI of this By-law.
 - (4) that in the event of the failure to make payment of \$3.00 for an offence under sub-section (4) hereof within 96 hours (or \$5.00 within three (3) weeks) exclusive of costs, process will be issued pursuant to the Summary Convictions Act, or under the Provincial Offences Act, whichever is applicable.
 - (5) that in the event of the failure to make payment of \$10.00 for an offence under sub-section (2) hereof within 96 hours, exclusive of costs, process will be issued pursuant to the Summary Convictions Act, or under the Provincial Offences Act, whichever is applicable.

- (b) The owner or operator of the vehicle may, within five days, exclusive of Sundays and holidays, after the day of the alleged offence, report to or mail the day of the alleged offence, to the Parking Authority, 180 Worthington Street West, North Bay, Ontario, and pay to these persons authorized to receive such payment, the amount shown on the ticket which shall be accepted as payment of the penalty in full satisfaction in respect of the alleged offence, and a receipt therefor shall be given to the person making the payment.
 - (c) The Manager of the Parking Authority or the City Treasurer shall receive all monies collected under this section and may pay or authorize the deduction of a service fee to persons or institutions for penalties collected by those persons or institutions.
 - (d) If a voluntary payment is not made in accordance with the procedure in sub-section (2) of this section, the procedure of the Summary Convictions Act, or the Provincial Offences Act, whichever is applicable shall apply..
- (6) The owner of a vehicle that is parked or stopped or standing in contravention of the provisions of this by-law is guilty of an offence and on conviction is liable to a fine of not less than \$3.00 and not more than \$300.00 exclusive of costs, unless that owner proves to the satisfaction of the Court that at the time of the offence the motor vehicle was in the possession of another person without the owner's consent, express or implied.

READ A FIRST TIME IN OPEN COUNCIL THE 19th DAY OF AUGUST ,1985.

READ A SECOND TIME IN OPEN COUNCIL THE 19TH DAY OF AUGUST ,1985.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 19TH DAY OF AUGUST ,1985.


MAYOR


CITY CLERK