



**CORPORATION OF THE TOWN OF INGERSOLL
BY-LAW NO. 08 - 4431**

BEING A BY-LAW, PURSUANT TO SUBSECTION 63(1) OF THE MUNICIPAL ACT, 2001, S.O. 2001, c.25, AS AMENDED, TO PROHIBIT THE PLACING, STOPPING, STANDING OR PARKING OF AN OBJECT OR VEHICLE ON OR NEAR A HIGHWAY.

WHEREAS subsection 63(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, permits a municipality to prohibit or regulate the placing, stopping, standing or parking of an object or vehicle on or near a highway.

AND WHEREAS subsection 63(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that if a municipality has passed the above-noted by-law, the municipality may provide for the removal and impounding or restraining and immobilizing of any object or vehicle placed, stopped, standing or parked on or near a highway in contravention of the by-law.

AND WHEREAS subsection 391(1) of the Municipality Act, 2001, S.O. 2001, c.25, as amended, authorizes a Municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it.

NOW THEREFORE the Council of the Corporation of the Town of Ingersoll enacts as follows:

1. Definitions

“Highway” means a common and public highway under the jurisdiction of the Town of Ingersoll and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of the highway.

“Person” includes a corporation.

“Object” means any structure or thing.

2. Prohibition on Placement

No person shall place, stop, stand, or park any object or vehicle, or cause to place, stop, stand, or park any object or vehicle, on or near a highway without lawful authority.

3. Prohibition on Projections

No person shall project, or cause to project, any object into or over a highway, without lawful authority.

4. Removal by Person

In the event that the Town or its Agents determines there has been a contravention of s.2 or s.3, the person who owns the land in connection with the object or vehicle shall remove or cause to remove the object or vehicle upon receiving 24 hours written notice by the Town or its Agents.

5. Removal by Town or its Agents

5.1 If the Town or its Agents gives a person written notice under s.4 and the object is not removed within 24 hours, the Town or its Agents may remove, impound, restrain, or immobilize the object or vehicle placed, stopped, standing, or parked on or near a highway in contravention of this By-law.

5.2 The Town or its Agents may, at any reasonable time, enter upon land near a highway for a purpose described in s.5.1.

5.3 An object or vehicle removed pursuant to s.6.1 shall be stored by the Town or its Agents for a period of not less than 60 days, during which 60 day period the person who owns the object or the person who owns the land in connection with the object may be entitled to redeem the object, upon producing appropriate identification and upon payment satisfactory to the Town of the following amounts:

- a) i) Where the object or vehicle can be removed manually, a fee of \$100.00, representing the costs payable to the municipality for removal of the object or vehicle; or
- ii) Where an object or vehicle cannot be removed manually, a fee of \$100.00 plus the cost of any special equipment and applicable taxes required for the removal; and
- b) a storage fee of \$5.00 per day plus applicable taxes; and
- c) a signed acknowledgement and release.

5.4 If the object is not claimed in accordance with s.5.3 within the 60 day period, the object becomes the property of the Town and may be sold or disposed of by the Town in accordance with the laws of Ontario.

5.5 Every person who contravenes any section 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.S.O. 1990, c. P.33

READ a first and second time in Open Council this 14th day of July 2008.

READ a third time in Open Council and passed this 14th day of July 2008.

THE CORPORATION OF THE TOWN OF INGERSOLL

Paul Holbrough, Mayor

Elaine Clark, Clerk

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 08-4431, of the Town of Ingersoll, attached hereto are the set fines for those offences. This Order is to take effect on November 26, 2008.

Dated at London this 26th day of November 2008.



Kathleen E. McGowan
Regional Senior Justice
West Region

TOWN OF INGERSOLL

PART I Provincial Offences Act

By-Law No. 08-4431: To Prohibit the placing, stopping, standing or parking of an object of vehicle on or near a highway.

ITEM	Short Form Wording	Provision creating or defining offence	Set Fine
1.	Did place object or vehicle on or near highway	Section 2	\$100.00

“NOTE: The general penalty provision for the offences listed above is Part 5, section 5.5 of By-Law No. 08-4431, a certified copy of which has been filed.”