

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 27-2021

Being a by-law to regulate the outdoor parking or storage of recreational, commercial and motor vehicles on private property within the Town of Kingsville

WHEREAS Sections 8 and 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended authorizes the Corporation to pass by-laws to govern the affairs of the Municipality as it considers appropriate to respond to municipal issues.

AND WHEREAS the Corporation deems it expedient to regulate the outdoor parking or storage of recreational, commercial and other vehicles in the residential areas of the Municipality.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE HEREBY ENACTS AS FOLLOWS:

1. DEFINITIONS

“agricultural zone” shall mean any agricultural zone as set out in the Town of Kingsville Comprehensive Zoning By-law 1-2014, as amended;

“commercial motor vehicle” shall mean a motor vehicle exceeding 6,000 kilograms in Gross Vehicle Weight Rating (GVWR) whether or not it is licensed for *commercial use*, any tractor *trailer*, tow truck, dump truck, *construction vehicle*, *truck trailer* combination, or portions thereof, any *school* purposes bus or regular bus, exceeding a capacity of 24 passengers, any truck having *attached* thereto either a permanent or temporary delivery body, but *shall* not include the conventional pick-up truck, van or one step van.

“driveway” means a vehicular passageway having at least one end thereof connected to a public thoroughfare, and providing ingress to and/egress from a lot. The driveway shall have a surface covering of asphalt, concrete, or compacted stone or gravel.

“motor vehicle” includes an automobile, motorcycle, motor-assisted bicycle unless otherwise indicated in this by-law, and any other vehicle propelled or driven otherwise than by muscular power

“Municipality” shall mean the geographic Municipality of the Town of Kingsville;

"**officer**" means a police officer, by-law enforcement officer, or any person authorized or appointed by Council to enforce this by-law;

"**operational**" means it is fully and immediately capable of driving and is not in any wrecked, discarded, abandoned, or work-in-progress condition.

"**park**", "**parked**", or "**parking**" shall mean the standing or stopping of an object or 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;

"**person**" shall include an individual, an association, a firm, a partnership or an incorporated company, municipal Corporation, agent or trustee and the heirs, executors, administrators, successors and assignees or other legal representative of a person to whom the context can apply according to law;

"**recreational vehicle**" shall mean a vehicle which is intended to provide sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be either towed behind a motor vehicle or is self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes, boats, utility trailer, personal watercraft, all-terrain vehicles or other similar vehicles;

"**residential zone**" shall mean any residential zone as set out in the Town of Kingsville Comprehensive Zoning By-law 1-2014, as amended;

"**street**" means a public highway or public road under the jurisdiction of either the Corporation, County or the Province of Ontario, and includes any highway as defined in the Public Transportation and Highway Improvement Act or the Municipal Act or successor Legislation, but does not include a lane or private right-of-way.

"**winter recreational vehicle**" shall mean a motorized vehicle designed for winter travel and recreation to be driven primarily on snow and ice and shall include the trailer for the purpose of transporting the winter recreational vehicles.

"**yard**" shall mean an open space on the same lot with a main building or structure, unoccupied and unobstructed except as otherwise provided in the By-law. In determining yard measurements the minimum horizontal distance between the main building or structure and the respective lot lines measure perpendicular from the lot line shall be used:

- a) **Front yard:** shall mean a yard extending across the full width of a lot between the front lot line and the nearest wall of the main building on the lot;

b) **Rear yard:** shall mean a yard extending across the full width of a lot between the rear lot line and the nearest wall of the main building on the lot;

c) **Side yard, Interior:** shall mean a yard between the side wall of the main building or structure on the lot and the side lot line and extending from the front yard (or front lot line if no front yard is required) to the rear yard (or rear lot line if no rear yard is required);

d) **Side yard, Exterior:** shall mean a side yard which abuts the street on a corner lot.

“Zoning by-law” shall mean The Town of Kingsville Comprehensive Zoning by-law, as amended from time to time.

FRONT YARD PARKING

2. No person shall park a motor vehicle on any front yard in a Residential zone except on a driveway or as authorized by the Municipality.

PARKING OF RECREATIONAL VEHICLES

3. No person shall park or store a recreational vehicle in any Residential or Agricultural Zone unless:
 - (1) the owner or full time occupant of the property is also the owner or operator of the recreation vehicle;
 - (2) there is only one (1) such recreational vehicle parked at any time;
 - (3) the recreational vehicle is operational and has valid license plates;
 - (4) the recreational vehicle is parked or stored in a side yard or rear yard year round when the recreational vehicle is at least 1.5 m (5 ft) from the side lot line; 4.5 m (14.5 ft) from the exterior side lot line; and 1.5 m (5 ft) from the rear lot line of the property on which it is stored;
 - (5) the recreational vehicle is located on the driveway for the period from April 16 to November 14.
 - (6) the recreational vehicle is 1.5 m (5 ft) away from a sidewalk or multi-use path and 2.5 m (8 ft) from the edge of the paved surface of a road without a sidewalk or multi-use path.
4. Notwithstanding section 3(5), recreational vehicles are permitted on a driveway between November 15 to April 15 for the purposes of either loading or unloading goods and materials from the said recreational vehicle for not more than three (3) consecutive days in a 30 day period.

PARKING OF WINTER RECREATIONAL VEHICLES

5. No person shall park a motorized winter recreational vehicle in any Residential or Agricultural Zone unless:
 - (1) the owner or full time occupant of the property is also the owner or operator of the motorized winter recreational vehicle ;
 - (2) there is only two (2) such motorized winter recreational vehicles parked at any time;

- (3) the motorized winter recreational vehicle is operational and has valid license plates;
- (4) the motorized winter recreational vehicle is parked or stored in a side yard or rear yard year round when the motorized winter recreational vehicle is at least 1.5 m (5 ft) from the side lot line; 4.5 m (14.5 ft) from the exterior side lot line; and 1.5 m (5 ft) from the rear lot line of the property on which it is stored;
- (5) the motorized winter recreational vehicle is located on the driveway for the period from November 15 to April 15;
- (6) the motorized winter recreational vehicle is 1.5 m (5 ft) away from a sidewalk or multi-use path and 2.5 m (8 ft) from the edge of the paved surface of a road without a sidewalk or multi-use path.

PARKING OF COMMERCIAL MOTOR VEHICLES

6. No person shall park or store any commercial motor vehicle on any property located in a Residential zone except in accordance with the provisions of this By-law.
7. No person shall park a commercial motor vehicle in a Residential zone unless:
 - (1) the owner or full time occupant of the property is also the owner or operator of the commercial motor vehicle;
 - (2) the commercial motor vehicle is fully contained within an approved structure located on the subject property;
 - (3) there is only one (1) such commercial motor vehicle so parked at any time;
 - (4) nothing in this by-law shall be deemed to prohibit the parking of a commercial motor vehicle on any driveway or street in any zone where the owner or operator of the commercial vehicle is providing a service to the owner or occupant of the property for a temporary period of time.

PRIVATE PARKING LOTS

8. No person shall park any vehicle on private property without the consent of the owner or occupant of such property.
9. No person shall park or leave any vehicle on property owned, leased or occupied by the Municipality without the consent of the Municipality.

ENFORCEMENT

10. Any officer, may, at any reasonable time, enter on any property for the purpose of carrying out an inspection to determine compliance with this by-law or for the purpose of enforcing this by-law.
11. No person shall obstruct or attempt to obstruct any officer or any other person having authority for the enforcement or administration of this by-law.
12. Where any motor vehicle, recreational vehicle, or commercial motor vehicle is parked in contravention of this by-law, an officer may cause it to be removed or taken to and placed in storage and all costs for removing and storing the vehicle shall be a lien upon the vehicle which may be enforced in the manner provided in The Repair and Storage Liens Act.

PENALTY

13. 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.
14. If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.
15. This by-law shall come into force upon third reading and being finally passed.

**READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED
THIS 25TH DAY OF MAY, 2021.**

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo

PART I PROVINCIAL OFFENCES ACT
THE CORPORATION OF THE TOWN OF KINGSVILLE BY-LAW 27-2021
Being a by-law to regulate the parking or storage of recreational, commercial
and motor vehicles on private property within the Town of Kingsville

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Park motor vehicle in a front yard	2	\$150.00
2	Park recreational vehicle not being owner or occupant	3(1)	\$150.00
3	Park more than one recreational vehicle at any time	3(2)	\$150.00
4	Park recreational vehicle that is not operational	3(3)	\$150.00
5	Park recreational vehicle without valid license plate	3(3)	\$150.00
6	Store recreational vehicle failing to meet setback requirement	3(4)	\$150.00
8	Store recreational vehicle on driveway after November 14 and before April 16	3(5)	\$150.00
9	Recreational vehicle is closer than 1.5 m to a curb, trail or sidewalk	3(6)	\$150.00
10	Recreational vehicle is closer than 4.6 m to the edge of a paved surface of a road	3(6)	\$150.00
11	Park a recreational vehicle more than 3 days in a 30 day period between November 15 to April 15	4	\$150.00
12	Park winter recreation vehicle not being the owner or occupant	5(1)	\$150.00
13	Park more than two winter recreational vehicles	5(2)	\$150.00
14	Park winter recreation vehicle that is not operational	5(3)	\$150.00
15	Park a winter recreational vehicle without a valid license plate	5(3)	\$150.00
16	Fail to meet required setback for parking winter recreational vehicle	5(4)	\$150.00
17	Store winter recreational vehicle on driveway after April 16 and before November 14	5(5)	\$150.00
18	Winter recreational vehicle closer than 1.5 m to a curb, trail or sidewalk	5(6)	\$150.00
19	Park winter recreational vehicle closer than 4.6 m to the edge of a paved surface of a road	5(6)	\$150.00
20	Park commercial motor vehicle not being the owner or occupant	7(1)	\$150.00
21	Fail to park commercial motor vehicle within an approved structure	7(2)	\$150.00
22	Park more than one commercial motor vehicle	7(3)	\$150.00
23	Park on private property without consent	8	\$75.00
24	Park on Town property without consent	9	\$75.00

Note: The penalty provision for the offences indicated above is section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33