THE CORPORATION OF THE TOWN OF KEARNEY

By-Law No.2026-09

Being a By-law to Regulate and Control Parking and Traffic in the Town of Kearney

WHEREAS the *Municipal Act, 2001, S.O. 2001, c. 25, as amended* authorizes a Municipality to pass by-laws respecting its highways, including parking and traffic on highways;

WHEREAS the *Municipal Act, 2001, S.O. 2001, c 25 as amended* and *Ontario Regulation 333/07* This Regulation applies to Administrative Penalties that are required by a Municipality in respect of the parking, standing or stopping of vehicles and referred to in section 102.1 of the Act.

NOW THEREFORE the Council of The Corporation of The Town of Kearney enacts as follows:

1. Definitions

1.1 "**Accessible Parking Permit**" means a permit issued to a person who meets the requirements of the Ministry of Transportation of Ontario pursuant to the *Highway Traffic Act, R.S.O 1990 c. H.8.*

1.2 **"Authorized Sign"** means any sign or roadway, curb or sidewalk markings or other device placed or erected on a highway under the authority of this By-law for the purpose of regulating parking.

1.4 **"Boulevard"** means that part of a street lying between the roadway and sidewalk or where no sidewalk has been laid, that part between the roadway and the highway boundary.

1.5 **"By-law Enforcement Officer"** means a person appointed by the Council of the Town of Kearney for the purpose of enforcing the By-laws of the Town.

1.6 **"Commercial Motor Vehicle"** means a motor vehicle having permanently attached thereto a truck, or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, buses and tractors used for hauling purposes on the highways.

1.7 **"Corner"** means a point of intersection of curbs or edges of the portion of the highway used for vehicular traffic.

1.8 **"Crosswalk"** means that part of a highway at an intersection that is included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface.

1.9 **"Designated Fire Route"** means any private roadway, lane, ramp or other means of vehicular access to or egress from a building and it may include part of a parking lot set aside for use by authorized emergency vehicles.

1.10 **"Designated Parking Space"** means a parking space designated for the sole use of motor vehicles displaying a valid accessible parking permit.

1.11 **"Highway"** (See "Street or Highway")

1.12 **"Intersection"** means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more highways that join one another at an angle, whether or not one highway crosses the other.

1.13 **"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; but does not include a streetcar or other motor vehicles running on rails, or motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the *Highway Traffic Act, R.S.O. 1990* and amendments thereto.

1.14 **"One Way Street"** means a street upon which vehicular traffic is limited to movement in one direction.

1.15 **"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.

1.16 **"Pedestrian"** means a person afoot, invalid, and children in wheeled carriages.

1.17 **"Police Officer"** means a member of the Ontario Provincial Police or a person authorized by the Commander of the Ontario Provincial Police Detachment to regulate or direct traffic.

1.18 **"Roadway"** means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, 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.

1.19 **"Sidewalk"** means that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

1.20 **"School Purpose Vehicle"** means a vehicle operated under contract with a Board of Education that meets all the standards of the Highway Traffic Act and Regulations.

1.21 **"Stand" or "Standing"** when prohibited, means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers or merchandise.

1.22 **"Stop" or "Stopping"**, when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or of a traffic control sign or signal.

1.23 **"Street" or "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.

1.24 **"Traffic"** includes pedestrians, ridden or herded animals, vehicles, street cars and other conveyances either singly or together while using any street for purposes of travel.

1.25 **"Traffic Control device"** means any sign; or roadway, curb, or sidewalk marking; or other device erected or placed under the authority of the Municipal Council for the purpose of guiding or directing traffic.

1.26 **"Traffic Signal"** means any device manually, electrically or mechanically operated for the regulation of traffic.

1.27 **"Through Highway"** means any highway or part of a highway designated as such by the Minister of Transportation or by by-law of the Town and, every such highway shall be marked by a stop sign or yield sign, right-of-way sign in compliance with the Regulations of the Ministry.

1.28 **"Vehicle"** includes a motor vehicle, trailer, traction engine, farm tractor, road building machinery, and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle.

2. General

2.1 **Application of By-law**

Save where otherwise specifically provided, the provisions of this By-law shall apply to:

a) all highways and parts of highways under the jurisdiction of the Town of Kearney
b) all public lanes or alleys that have been established by a By-law of the Council

2.2 **Enforcement**

The Ontario Provincial Police, Fire Chief and By-law Enforcement Officer shall enforce the provisions of this By-law.

2.3 **Obedience to Traffic Signs and Signals**

Every person shall promptly obey all signals given either by a Police Officer or by a traffic control device or a traffic signal.

2.4 **Administration**

That Council approves this By-law substantially in the format of providing for small amendments to be made by Staff that do not change the intent of the By-law.

3. Method of Parking

3.1 **Parallel**

No person shall park a vehicle on any street unless on the right-hand side of the street, having regard for the direction in which the vehicle had been proceeding and unless the right-front and right-rear wheels or runners of the vehicle are parallel to and a distance respectively not more than six inches from the edge of the roadway, unless prevented from doing so by an accumulation of snow in winter;

3.2 **Angle**

Where angle parking is permitted, no person shall park a vehicle except at an angle of forty-five degrees with the edge of the roadway and so that the front end of the vehicle is nearest to the edge of the roadway.

3.3 **Right Angle**

Where right-angle parking is permitted, no person shall park a vehicle except at an angle of ninety degrees with the edge of the roadway.

3.4 **One-way streets**

Where parking is permitted on a one-way street, a person may park a vehicle facing only in the direction in which it was proceeding and with the left-front and left rear wheels parallel to and distant not more than six inches from the edge of the roadway, provided that this provision shall not apply where parking on the right-hand side of a one-way street is specifically authorized by By-law.

3.5 **Parking Spaces**

Where parking spaces are distinctly marked on a street no person shall park a vehicle except within the marked area so that no part of the vehicle encroaches on an adjacent parking space, aisle or traffic lane unless the vehicle cannot be accommodated in one parking space.

4. Parking & Stopping Regulation

4.1 **Parking Prohibited – General**

a) No person shall park a vehicle in any of the following places:

i) on or overhanging the sidewalk or curb;
ii) on that portion of a boulevard that is not intended for the use by vehicles and that portion of the boulevard between the sidewalk and curb;
iii) in front of or within 1.5 meters of the entrance to a driveway or so as to prevent ingress to or exit from such driveway;
iv) within an intersection;
v) within three (3) meters of a fire hydrant;
vi) within a designated fire route;
vii) within fifteen (15) meters of any railway track which crosses the roadway or is adjacent to a roadway;
viii) within nine (9) meters of an intersecting roadway unless specified
ix) on any bridge;
x) in such a position as will prevent the convenient removal of any other vehicle previously parked or standing;
xi) in front of the entrance to a theatre, auditorium, or other building where large assemblies are being held in such theatre, auditorium or other building or for a reasonable time immediately preceding and following such assemblages;
xii) on the approaches, turning, or ramp areas to any Public Boat Launching Ramp in such a manner as to interfere with the launching or landing of any water craft;
xiii) on any highway for the purpose of repairing, washing, or maintenance of a vehicle, save when such use of the highway is unavoidable through emergency;
xiv) on any highway for the purpose of soliciting, vending, buying or selling goods and/or service otherwise permitted by By-law;
xv) on a crosswalk
xvi) on any highway so as to obstruct or prohibit snow removal operations
xvii) on any highway if it is immobile or unlicensed for the current year

b) No vehicle shall stand or park on any street within the Town where the effect of the standing or parking would obstruct the passage of vehicles on the street.

c) No person shall park a vehicle from November 1st to April 15th, on a highway under the jurisdiction of the Town of Kearney.

4.2 **Parking Prohibited - In specific places where authorized signs displayed**

a) When authorized signs have been erected and are on display, no person shall park a vehicle in any of the following places:

i) on any highways or parts of highways named or described in Schedule A of this By-law, on the side or sides of highways set out in the said schedule, during the times and/or days set out in the said schedule;
ii) on any public lane;
iii) in a cul-de-sac along the turn around;
iv) on any highway within fifteen (15) meters of the termination of a dead end highway;
v) within thirty (30) meters of an intersection controlled by traffic control signals;
vi) within fifteen (15) meters of an intersection; (unless specified or permitted)

b) **Bus Loading Zones**

When authorized signs have been erected and are on display, no person shall park, stop or stand a vehicle with the exception of a School Purpose Vehicle during the process of loading or unloading pupils in a designated Bus Loading Zone.

4.3 **Loading and Unloading Commercial Vehicles**

a) No person engaged in the loading or unloading of a commercial vehicle shall permit his vehicle to stand for a period longer than the actual loading or unloading required.
b) Notwithstanding anything contained elsewhere in this By-law, where a lane is located at the rear or to the side of premises to or from which the loading or unloading is to be carried out, the loading or unloading shall be made from the lane.
c) Where ever possible, vehicles shall be loaded or unloaded from the side and be parked within 6 inches of the curb.

4.4 **Stopping Prohibited - In Specific Places where authorized signs displayed**
No person shall stop a vehicle, unless otherwise permitted in this By-law, on any highways or parts of highways, on the side or sides of highways unless authorized signs have been erected.

4.5 **Stopping Prohibited – General**
a) No person shall stop a vehicle in any of the following places:
i) on a sidewalk;
ii) on a crosswalk;
iii) within a designated fire route;
iv) within a school bus loading zone;
v) on, under or within 30 meters of a bridge, elevated structure, tunnel and/or underpass; (unless specified or permitted)
vi) on a highway alongside another vehicle which is stopped, standing or parked except where such stopping, standing or parking is in compliance with traffic control signals, authorized signs or other lawful traffic control method.

4.6 **Parked on Private or Municipal Property without Consent**
a) No vehicle shall be parked on Private Property without the consent of the owner or adult occupant of the property.
b) No person shall park, store, or permit the parking or storage of any vehicle of any type on any portion of Municipal property, including parking areas and driveways, during overnight hours without prior express written authorization from the Town of Kearney or if the parking is taking place in a designated carpool lot by the Town of Kearney.

4.7 **Accessible Parking Regulations**
a) A designated parking space shall be distinctly indicated in accordance with the requirements of the *Highway Traffic Act* and the regulations made thereunder.
b) No person shall park, stop or stand a vehicle in a designated accessible parking space, or be entitled to the benefit of an exemption under this by-law, unless a currently valid accessible parking permit has been issued to that person or to a passenger being picked up or transported in such vehicle, and such permit is displayed on or in the vehicle in accordance with the *Highway Traffic Act.*
c) Every person having possession of an accessible parking permit shall, on the demand of a police officer, police cadet, municipal law enforcement officer or an officer appointed for carrying out the provisions of the *Highway Traffic Act*, surrender the permit for reasonable inspection to ensure compliance with the provisions of the *Highway Traffic Act,* the regulations made thereunder and this by-law.
d) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under the *Highway Traffic Act*, the regulations made thereunder and this by-law

4.8 **Temporary "No Parking" or "No Stopping" Signs**
a) The Ontario Provincial Police, Public Works Department, Fire Department, By-law Enforcement Department may erect or cause to be erected "No Parking" and "No Stopping" signs in such places and for such temporary periods as may be reasonably necessary or advisable and no person shall park or stop their vehicle in accordance with said authorized signs.
b) Pursuant to the above section, no unauthorized person may remove, alter, injure, obstruct or otherwise interfere with an authorized sign erected.

4.9 **Exemptions**

a) The provisions of this By-law respecting parking, stopping or standing of vehicles shall not apply to:
i) Emergency Vehicles where the operator is engaged in the performance of their duty;

ii) motor vehicles forming part of a funeral cortege, provided that all such vehicles are parked only on one side of the highway at one time;

iii) a motor vehicle that has been rendered immobile due to mechanical failure, provided that the owner of said vehicle has removed the vehicle within 24 hours of the breakdown so long as the vehicle is not impeding traffic;

iv) a municipally owned or leased vehicle, where the operator is engaged in work on behalf of the Town;

v) a motor vehicle during any emergency which includes and is not limited to fire, flood, or other natural disaster, road repairs or maintenance, or public utility maintenance or repair and any circumstances in which *section 134 of the Highway Traffic Act, R.S.O., 1990,* applies.

b) Any person may make application to Council to be granted an exemption from the time limited parking regulations. The request must provide specific dates, times, locations and reasons for the exemption. Council, by resolution, may refuse, allow or alter the requested exemption. Breach by the applicant of any of the terms or conditions of any exemption granted by Council shall render the exemption null and void.

5. Traffic Regulation

5.1 Through Streets

Through Highways as defined in the Highway Traffic Act. Every operator or driver of vehicle shall, immediately before entering or crossing any one of these streets, bring the vehicle to a full stop.

5.2 Intersection Yield Signs

The highways or parts of highways in the Town, where Yield Right-of-Way Signs are installed or shall hereinafter be installed and as listed in the appropriate schedule of this By-law shall be designated as "Yield Right-of-Way" Intersections.

5.3 One-Way Streets

When authorized signs have been erected and are on display, the highways or parts of highways will be named or described in a schedule to this by-law which therefore designates them as one-way highways in the direction of travel stated in the said schedule.

5.4 Community Safety Zones

When authorized signs have been erected and are on display, the highways or parts of highways named or described in Schedule "B" to this by-law are designated as Community Safety Zones.

5.5 Turn Movement Prohibition

When authorized signs have been erected and are on display prohibiting a U-turn, no person operating a vehicle shall disobey the sign and execute a U-turn.

6. Traffic Control Devices

6.1 The Superintendent of Public Works, or designate, is hereby authorized and directed to erect and maintain such signs, traffic control signals, markings, barricades, traffic control devices and other structures and equipment as are required to give effect to this By-law and as are required to regulate, direct, warn or guide pedestrian and vehicular traffic for the safety and convenience of the public.

6.2 The Superintendent of Public Works, or designate, is authorized to temporarily remove or otherwise annul such parking regulation signs and other traffic control devices as may be necessary to accommodate the interests of the Town.

6.3 Save as may be otherwise more specifically provided in this By-law or the Highway Traffic Act, it shall be an Offence against the provisions of this By-law for any person to fail to comply with the directions of any Official Traffic Sign or Traffic Control Device Regulating Traffic on a Highway.

7. Enforcement

7.1. Where a vehicle is found parked in violation of the provisions of this By-law, the By-law Enforcement Officer, or Fire Chief so finding the vehicle may attach to the vehicle a Certificate of Parking Infraction, or Administrative monetary penalty which states:

a) the license number of the vehicle and any other identification tag marking, if any, of such vehicle.

b) the date, time and location when such vehicle is parked in violation of any of the provisions of this By-law

c) that the vehicle has violated the provisions of the By-law and nature of the alleged offence.

d) that the owner or operator thereof may report to the Corporation within fifteen (15) days after the date the Certificate of Parking Infraction was issued to make voluntary payment of the penalty indicated on said certificate.

7.2 The owner of a motor vehicle may be charged with and convicted of an offence for contravention of any provision of this Bylaw for which the driver of the vehicle is subject to be charged unless, at the time of the offence, the vehicle was in the possession of some person other than the owner without the owner's consent.

7.3 **Vehicle Towing**
In addition to any other penalties provided for in this By-law, a By-law Enforcement Officer, Superintendent of Public Works, Fire Officer or Designate or Ontario Provincial Police, where a vehicle is in contravention of this By-law, at their discretion, may cause the vehicle to be removed, taken away and stored in a suitable place and all costs and charges incurred are the responsibility of the owner of said vehicle and shall be a lien, upon the vehicle, which lien may be enforced in the manner provided for by the *Repair and Storage Liens Act, R.S.O., 1990, Chapter R.25, as amended.*

8. Penalties
Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction, shall be liable to a fine of not more than five thousand ($5,000.00) dollars, as provided for in the ***Provincial Offences Act, R.S.O. 1990, Chapter P. 33***

9. Schedules
The schedules to this By-law shall be deemed to form part of this By-law.

10. Severability
If any section or sections of this By-law or parts thereof are found by a court of law to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this by-law shall be deemed to be separate and independent therefrom and to be enacted as such.

11. Conflict
If a provision of this By-law conflicts with an Act or regulation or another By-law the provision that is the most restrictive shall prevail.

12. Repealed By-Laws
This By-law repeals By-law _____and any amendments thereof.

13. Effective Date
This By-law shall come into force and take effect upon the date of its passing, as it pertains to Administrative Monetary Penalties, and The Town of Kearney's Current Fees and Charges By-law.

This By-law shall come into force and take effect upon the Set Fine approval by the Attorney General's Office, as it pertains to Provincial Offences Act matters.

14. Schedule D
Part II Offences short form wording and set fines for such offences

Once the by-law has been approved, the short form wording and set fines will be applied for with the Provincial Offences Courts to have them approved.
These offences can be issued as Part II ticketing on the persons committing the offences on the day of the offence, or within 30 days of the offence.

READ A FIRST, SECOND AND THIRD TIME, passed, signed and the Corporate Seal attached hereto, this February day of 26th, 2026.

THE CORPORATION OF THE
TOWN OF KEARNEY

Mayor

Clerk

Schedule "A" Parking Prohibited

Street	From	To	Side	Period

Schedule "B" Community Safety Zone

Street	From	To	Side	Rate of Speed

Schedule "C" Fire Routes

Street	From	To
Main Street	No parking sign east of 111 Main St	No parking sign west of 111 Main St

Schedule "D"

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 EARLY VOLUNTARY PAYMENT (payable within 7 days)	COLUMN 4 SET FINE
1	Park facing the wrong direction.	3.1	$50.00	$75.00
2	Park not at a 45-degree angle.	3.2	$50.00	$75.00
3	Park not at a 90-degree angle.	3.3	$50.00	$75.00
4	Park on wrong side of one-way street.	3.4	$50.00	$75.00
5	Park not wholly within a parking space.	3.5	$50.00	$75.00
6	Park on sidewalk.	4.1(a)(i)	$50.00	$75.00
7	Park on boulevard.	4.1(a)(ii)	$50.00	$75.00
8	Park obstructing driveway.	4.1(a)(iii)	$50.00	$75.00
9	Park within intersection.	4.1(a)(iv)	$50.00	$75.00
10	Park within 3 m of fire hydrant.	4.1(a)(v)	$50.00	$75.00
11	Park within fire route.	4.1(a)(vi)	$50.00	$75.00
12	Park within 15 m of railway tracks.	4.1(a)(vii)	$50.00	$75.00
13	Park within 9 metres of an intersecting roadway.	4.1(a)(viii)	$50.00	$75.00
14	Park on a bridge.	4.1(a)(ix)	$50.00	$75.00
15	Park obstructing other vehicle(s).	4.1(a)(x)	$50.00	$75.00
16	Park obstructing theater, auditorium or other places of assembly entrance.	4.1(a)(xi)	$50.00	$75.00
17	Park obstructing public boat launch and ramp.	4.1(a)(xii)	$50.00	$75.00
18	Park for the purpose of repairing, washing or maintenance of vehicle.	4.1(a)(xiii)	$50.00	$75.00
19	Park for the purpose of soliciting.	4.1(a)(xiv)	$50.00	$75.00
20	Park obstructing crosswalk.	4.1(a)(xv)	$50.00	$75.00
21	Park obstructing snow removal.	4.1(a)(xvi)	$50.00	$75.00
22	Park immobile or unlicensed vehicle.	4.1(a)(xvii)	$50.00	$75.00
23	Park obstructing traffic.	4.1(b)	$50.00	$75.00
24	Park during prohibited times.	4.1(c)	$50.00	$75.00
25	Park in prohibited area.	4.2(a)(i)	$50.00	$75.00
26	Park in public lane.	4.2(a)(ii)	$50.00	$75.00

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 EARLY VOLUNTARY PAYMENT (payable within 7 days)	COLUMN 4 SET FINE
28	Park within 15 metres of dead end.	4.2(a)(iv)	$50.00	$75.00
29	Park within 30 metres of intersection controlled by traffic control signals.	4.2(a)(v)	$50.00	$75.00
30	Park within 15 metres of intersection.	4.2(a)(vi)	$50.00	$75.00
31	Park within bus loading zone.	4.3	$50.00	$75.00
32	Park commercial vehicle longer than loading and unloading time.	4.4(a)	$50.00	$75.00
33	Stop within no stopping area.	4.5(a)	$50.00	$75.00
34	Stop on sidewalk.	4.5(a)(i)	$50.00	$75.00
35	Stop on crosswalk.	4.5(a)(ii)	$50.00	$75.00
36	Stop within fire route.	4.5(a)(iii)	$50.00	$75.00
37	Stop within bus loading zone.	4.5(a)(iv)	$50.00	$75.00
38	Stop within 30 metres of bridge, elevated structure, tunnel or underpass.	4.5(a)(v)	$50.00	$75.00
39	Park on private property without consent.	4.6(a)	$50.00	$75.00
40	Park on municipal property without consent.	4.6(b)	$50.00	$75.00
41	Park in a designated accessible parking space without a valid permit.	4.7(b)	n/a	$300.00

Note: the general penalty provision for the offences listed above is section 8 of Bylaw 2026-09, a certified copy of which has been filed.