

The Corporation of the City of Kawartha Lakes

By-law 2020-XXX

A By-law to Regulate Charitable Road Tolls in the City Of Kawartha Lakes

Recitals

1. The Safe Streets Act, 1999, S.O. 1999, Chapter 8 and the Highway Traffic Act, R.S.O. 1990 Chapter H.8 authorizes the municipality to pass a by-law to allow certain activities to be conducted.
2. Council considers it advisable to authorize certain charitable road toll activities within the municipality.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2020-XXX

Section 1.00: Definitions and Interpretation

1.01 Definitions: In this by-law,

“aggressive manner” means a manner that is likely to cause a reasonable person to be concerned for his or her safety or security;

“charitable organization” means an organization registered under the *Income Tax Act* (Canada);

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of he clerk described in section 228 of the *Municipal Act, 2001*;

“Council” or “City Council” means the municipal council for the City;

“Fire Chief” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Director of Public Works” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Licensing Enforcement Officer” means the Municipal Licensing Enforcement Officer employed by the City responsible for issuing, administration and approval of licenses in accordance with provincial legislation and City policies and procedures, or their delegate.

"Manager of Municipal Law Enforcement and Licensing" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

"Municipal Law Enforcement Officer" means a person appointed by Council as a Municipal Law Enforcement Officer for the City of Kawartha Lakes in accordance with section 15 of the *Police Services Act* to enforce the by-laws of the City;

"non-profit" is an adjective used to describe an applicant who meets one or more of the following requirements:

- (a) it is registered in Ontario as a non-profit corporation by the applicable Provincial or Federal authority or Ministry;
- (b) it is certified by an Accountant (to the satisfaction of the Clerk) as a Person that makes no profit and intends to make no profit in its day to day business operations;
- (c) it files no income tax return as a commercial or for profit business;
- (d) it is a minor sports association or organization; or
- (e) it is a Community Betterment Organization or Group that returns 100% of its net proceeds to the community for the community's benefit.

"Paramedic Chief" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

"Police Officer" means a chief of police or other police officer in a police service which is responsible for enforcing the by-laws of the City;

"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;

"solicit" means to request, in person, the immediate provision of money or another thing of value, regardless of whether consideration is offered or provided in return, using the spoken, written or printed word, a gesture or other means;

"vehicle" includes automobile, motorcycle, van, truck, trailer, bus, mobile home, traction engine, farm tractor, road-building machine, bicycle, motor-assisted bicycle, motorized snow vehicle, streetcar and any other vehicle

drawn, propelled or driven by any kind of power, including muscular power.

1.02 Interpretation Rules:

- (a) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.
- (b) The regulations established by this by-law respecting charitable road tolls apply throughout the City.
- (c) The regulations in this by-law and any approved toll road application are not intended to exempt the organizer from compliance to other City by-laws or provincial or federal laws and regulations.

1.03 Statutes: References to laws in this by-law are meant to refer to the statutes, as amended from time to time that are applicable within the Province of Ontario.

1.04 Severability: If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Approved Charitable Road Toll Event

2.01 Application: A charitable organization, upon meeting the criteria outlined in Section 2.02, shall make a Municipal Events application (MEA) in the form prescribed by the City to hold the event. The MEA application shall be submitted a minimum of 14 days prior to the event. The MEA shall be circulated to collect comment or concerns. The approval process shall ensure there are no date and location conflicts between charitable organizations or events.

2.02 Criteria: A charitable road toll conducted by a charitable or non-profit organization shall be allowed within the City of Kawartha Lakes if the following criteria are met:

- a) The roadway where the event is conducted has a maximum speed of 50 kilometers per hour;
- b) the proceeds of the toll road are for charitable activities within the City;
- c) the road toll is conducted in a non-aggressive manner;
- d) the charitable organization provides the City with proof of general liability insurance to an amount approved by the City;

- e) Only one road toll event per charitable organization in a calendar year for their own organization and one sponsored road toll event where the proceeds are to be donated to an approved non-profit or charitable organization;
- f) the intersection where the event is conducted must have a marked pedestrian crossing with traffic control measures present;
- g) the road toll must not impede vehicle or pedestrian access to businesses;
- h) the road toll event must be completed no later than one hour before dusk;
- i) all persons participating in the road toll must be a minimum of 18 years of age;
- j) all persons participating in the road toll must be wearing high-visibility safety garments;
- k) The road toll shall not be permitted in the following location:
 - i. On any Provincial Highway
 - ii. On any bridge or within 50 metres of any bridge

2.03 **Signage Requirements:** The charitable organization conducting the road toll must post signs that meet the following criteria:

- a) signs must be posted 4 hours in advance of the road toll on all roads leading to the intersection at which the road toll is being conducted;
- b) signs must clearly indicate the organization's name and the time and date of the charitable road toll;
- c) signs must be a minimum of height of 71cm and a minimum width of 55cm;
- d) signs must not obstruct the sidewalk, traffic, or lines of sight for traffic;
- e) at the conclusion of the event all signs must be removed immediately event.

2.04 **Reporting Requirement:** Organizations must submit a financial report in the form prescribed by the Licensing Enforcement Officer within 30 days of the road toll event.

2.05 **Notification:** City staff upon receipt of a MEA to hold a road toll in accordance with the criteria set out in Section 2.01 shall provide a copy of the request to:

- a) The Fire Chief
- b) The Paramedic Chief
- c) The Director of Public Works
- d) Insurance Risk Management Coordinator
- e) The Manager of Municipal Law Enforcement; and

- f) The Police Service with jurisdiction
- 2.06 **Refusal of Application:** Upon consultation of any of the parties listed in Section 2.05, City staff may refuse an application.

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The Manager of Municipal Law Enforcement and Licensing or his or her designate is responsible for the administration of this by-law.
- 3.02 Repeal: By-law 2015-199, a By-Law to Regulate Charitable Road Tolls in the City of Kawartha Lakes, is repealed.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this XX day of XXX, 2020.

Andy Letham, Mayor

Cathie Ritchie, City Clerk