

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2006 - 095

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 2006-095.**

Article 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.

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

**“Council” or “City Council”** means the municipal council for the City.

**“Director of Emergency Services”** 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;

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

**"municipal law enforcement officer"** means a person appointed by Council under 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; or
- (d) it is a minor sports association or organization
- (e) it is a Community Betterment Organization or Group that returns 100% of its net proceeds to the community for the community's benefit.

**"police officer"** means a chief of police or any 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.

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.

Article 2.00: Approved Road Toll Charitable Event
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2.01 **Criteria:** A charitable road toll conducted by a charitable organization shall be allowed within the City of Kawartha Lakes if the following criteria is met:

- a) the roadway where the event is conducted has a maximum speed of 50 kilometers per hour;
- b) the proceeds of the road toll 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 insurance company;
- 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 for a non-profit organization.

2.02 **Register:** A charitable organization, upon meeting the criteria outlined in Section 2.01, shall register the event with the City Clerk’s Office a minimum of 14 days prior to the event. The City Clerk shall ensure there are no date and location conflicts between charitable organizations or events.

2.03 **Notification:** The City Clerk upon receipt of a request 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 Director of Emergency Services
- b) The Director of Public Works
- c) The Manager of Building and Municipal Law Enforcement
- d) The Police Service with jurisdiction.

Article 3.00: Administration and Effective Date
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3.01 **Administration of the By-law:** The City Clerk is responsible for the administration of this by-law.

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 9th day of May, 2006.

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Mayor

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Clerk