



THE CORPORATION OF THE TOWNSHIP OF DAWN-EUPHEMIA

BY-LAW 2016-34

Being a By-law to Regulate Parking on Roads within the Township of Dawn-Euphemia

WHEREAS the Municipal Act, 2001, c. 25 SS. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the Municipal Act, 2001, c. 25 SS. 5 (3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS the Municipal Act, 2001, c. 25 S. 11 authorizes municipalities to pass by-laws prohibiting or regulating parking on highways and on properties other than highways;

AND WHEREAS the Municipal Act, 2001, c. 25 S. 102 authorizes municipalities to pass by-laws requiring the owners or operators of parking lots or other parking facilities, to which the public has access, to provide designated parking spaces for the use of vehicles operated by or carrying disabled persons;

AND WHEREAS the Municipal Act, 2001, c. 25 S. 100 through 101 authorizes municipalities to pass by-laws for prohibiting unauthorized parking on municipal or private property;

AND WHEREAS the Highway Traffic Act authorizes a municipality to pass by-laws to provide for placing, regulating and maintaining upon public highways, traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS it is deemed expedient and in the best interests of public safety to regulate and control the parking of vehicles within the Township of Dawn-Euphemia;

The Council of the Corporation of the Township of Dawn-Euphemia enacts as follows:

1. **TITLE**

This By-law may be cited as the "Parking By-Law".

PART "A" – DEFINITIONS

2. **DEFINITIONS**

"AUTHORIZED SIGN" means any sign, marking, or other device placed or erected on a highway under the authority of this By-Law for the purpose of regulating, warning or guiding traffic.

"BICYCLE" is a tricycle, unicycle and a power-assisted bicycle.

"BOULEVARD" means the portion of every highway within the limits of the Township of Dawn-Euphemia which is *not* used as a sidewalk or a travelled roadway.

“COMMERCIAL MOTOR VEHICLE” means a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, tractors, heavy trucks (over 4500 kgs), dumpsters, backhoes, buses and tractors used for hauling purposes on highways, and taxi-cabs; also includes every vehicle designed, maintained, or used primarily for the transportation of property in the furtherance of a commercial enterprise or for supplying of services in the furtherance of a commercial enterprise.

“CORPORATION” means the Corporation of the Township of Dawn-Euphemia.

“DESIGNATED PARKING SPACE” or “DESIGNATED DISABLED PERSON PARKING SPACE” means a parking space designated for parking of vehicles and marked by an official sign indicating such space to be for the sole use of vehicles displaying a disabled person parking permit.

“DISABLED PERSON PARKING PERMIT” means a disabled person parking permit issued under the Highway Traffic Act or a permit, numbered plate or other marker or device issued by another jurisdiction and recognized under the Highway Traffic Act.

“DRIVEWAY”, “LANE” or “LANEWAY” means a private passageway for a motor vehicle, having at least one end thereof connected to a road, and providing the principal means of vehicular access to a lot.

“FIRE ROUTE” means any part of a private roadway, driveway or lane designated by signage as a route that will be used for emergency vehicles or emergency personnel, including without limitation, fire trucks, emergency response vehicles, ambulances and any other similar motor vehicles.

“HEAVY TRUCK” means any commercial motor vehicle which has a rated gross vehicle weight exceeding 4,535.92 kilograms (10,000 pounds) according to the current permit or vehicle registration which has been issued under the Highway Traffic Act, or its foreign equivalent for such vehicle, regardless of the actual weight of such vehicles, but does not include a vehicle operated by or on behalf of the Corporation or a school bus which is in the course of transferring children or handicapped adults to and from schools.

“HIGHWAY” or “STREET” includes a common or public highway, street, avenue, crescent, court, drive, road, parkway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for passage of vehicles.

“LOADING ZONE” means the part of a highway set apart for the exclusive purpose of parking a vehicle to load or unload same.

“MOTOR VEHICLE” or “VEHICLE” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, motor assisted bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power.

“MUNICIPALITY” means The Corporation of the Township of Dawn-Euphemia.

“OFFICER” means any police officer; or any person or the employee or agent of any entity authorized by the Corporation for the purposes of enforcing and carrying out the provisions of this By-law.

“OFFICIAL SIGN” means a sign approved by the Ministry of Transportation of Ontario.

“PARK”, “PARKED” or “PARKING” means the halting 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.

“PARKING INFRACTION” means any unlawful parking, standing or stopping of a vehicle that constitutes an offence.

“PARKING INFRACTION NOTICE” means a notice authorized by the Provincial Offences Act and placed on any vehicle parked in contravention of this By-Law, providing for the payment of the penalty out of court.

“PHYSICALLY DISABLED PERSON” shall mean a person who is permanently or temporarily physically disabled in such a way that mobility is seriously restricted and includes a person who uses a wheelchair, crutches, braces or other mobility assisted devices.

“POLICE OFFICER” means a member of the Police Force having jurisdiction in the area.

“PUBLIC WORKS SUPERINTENDENT” means the Public Works Superintendent (or designate) for the Corporation of the Township of Dawn-Euphemia.

“RECREATIONAL VEHICLE” means any vehicle used for recreational purposes, including all-terrain vehicles (ATV), off road motorcycles, snowmobiles, boats, jet skis, camper trailers, motor homes, and any trailer utilized for the aforementioned.

“ROADWAY” means the part of the highway that is designed and intended for the travel of motor vehicles, but does not include the shoulder.

“SCHOOL BUS LOADING ZONE” means an area marked by signs indicating such area to be for the sole use of school buses engaged in receiving or discharging passengers.

“SIDEWALK” means the portion of a boulevard, which is paved, bricked, concrete, or otherwise hard surfaced and intended for the use by pedestrians.

“SHOULDER” means that portion of every highway or street which abuts the roadway and which is designed and intended for passage or stopping of motor vehicles.

“STAND” or “STANDING”, means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.

“STOP” or “STOPPING”, 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 constable or other police officer or of a traffic control sign or signal.

“STREET” or “HIGHWAY” includes a common or public highway, street, avenue, crescent, court, drive, road, parkway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for passage vehicles.

“TRAFFIC CONTROL SIGNAL” means any device, manually, electrically or mechanically operated for the regulation or control of traffic.

“URBAN HIGHWAYS” means the highways within the built up settlements within the boundaries of the Township of Dawn-Euphemia.

“VEHICLE” or “MOTOR VEHICLE” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, motor assisted bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power.

PART "B" - GENERAL TRAFFIC

3. APPLICATION OF BY-LAW

This By-Law applies to all highways under the jurisdiction of The Corporation of the Township of Dawn-Euphemia.

4. AUTHORITY TO IMPLEMENT TEMPORARY PROVISIONS

The Public Works Superintendent (or designate) is hereby given authority as the occasion arises and when required in order to assist in the care of moving traffic, to set apart and indicate or designate on highways in the Municipality space or spaces for the parking of a vehicle or vehicles by causing lines to be painted, signs to be erected or otherwise upon the pavement, curbs or surface of the roadway or immediately adjacent thereto, or on the highway or highways or portions of highways, as a temporary provision for the restriction of parking on highways or portions of highways and to make such other temporary provision for directing the traffic as may be necessary.

5. BY-LAW SUBJECT TO THE HIGHWAY TRAFFIC ACT

The provisions of this By-Law are subject to the provisions of the Highway Traffic Act RSO 1990, Chap. H. 8, as amended and any successor legislation thereto.

6. EMERGENCY FIRE REGULATIONS

No driver of any vehicle shall drive a vehicle within 150 metres of any building which is on fire; nor shall a vehicle be driven over or across any line of a hose laid by the Fire Department.

7. FUNERALS AND PARADES

No person shall drive any vehicle, except emergency vehicles, between the vehicles in any duly authorized parade or funeral procession on any highway, provided the vehicles in such parade or procession are properly designated.

8. INTERFERENCE WITH AUTHORIZED/OFFICIAL SIGNS

No person shall alter, deface, remove or destroy any sign erected by the Municipality or any pavement lines or other marks for guiding the parking of vehicles or the regulations of traffic, and no person shall alter, interfere with, or change the position of any such sign, line or other mark, unless he/she has been duly authorized so to do.

9. OBEDIENCE TO ALL SIGNS AND SIGNALS

It shall be the duty of all persons using the highways to observe the directions indicated by any official signs, permanent or temporary signs, or signals erected or placed for the purpose of regulating or directing traffic.

10. PROHIBITION OF THE REPAIRING, WASHING, WAXING OR GREASING OF VEHICLES

No person shall make use of the roadway for the purpose of washing, waxing, greasing, or repairing any vehicle, except such emergency repairs as are necessary to enable the vehicle to be removed from the highway and disabled vehicles shall be removed or caused to be removed from the highway by the driver or owner without delay.

11. NO DRIVING ON SIDEWALK, PATH, OR BOULEVARD

No driver of any vehicle shall drive within, upon, across or along any sidewalk, path or boulevard except at a driveway.

12. ABANDON VEHICLES

No person shall abandon any vehicle, including any vehicle that is incapable of being propelled or driven by any kind of power, on or near a highway or roadway.

13. UNAUTHORIZED SIGNS

No person shall place, maintain or display on any highway any unauthorized device which is an imitation of, or purports to be, or resembles any official sign or signal, or which purports to direct parking or the movement of traffic or the actions of operators of vehicles. Any such device shall be deemed a public nuisance and any Police, Public Works Superintendent (or designate) or Officer authorized to enforce this By-Law may remove the same without notice.

PART "C" - REGULATED PARKING

14. GENERAL PARKING REGULATIONS

(a) No person shall stop or park a vehicle or permit a vehicle to be stopped or parked:

- (i) So as to obstruct a sidewalk;
- (ii) So as to obstruct a public or private roadway, driveway, lane or entrance;
- (iii) So as to interfere with the movement of traffic;
- (iv) So as to obstruct a pedestrian crosswalk;
- (v) So as to obstruct an intersection;
- (vi) On any bridge or bridge approach;
- (vii) On a boulevard
- (viii) On a highway within 3 metres of a fire hydrant;
- (ix) So as to interfere with the clearing of snow;
- (x) Within 15 metres of the nearest rail of a level Railway Crossing;
- (xi) Alongside or adjacent to the tracks of any railway;
- (xii) In a position or place that prevents or is likely to prevent the removal of any vehicle already parked on the highway;
- (xiii) In an area designated by signage as a Fire Route;
- (xiv) At locations where "No Parking" signs have been erected and are on display;
- (xv) On land owned or occupied by the Municipality, without written consent of the Municipality;
- (xvi) On a highway or property owned by the Municipality where parking by the public is not authorized;
- (xvii) On a highway for the purpose of displaying a vehicle for sale;
- (xviii) So as to obstruct a school bus loading zone whereby signs have been erected and are on display designating an area as a school bus loading zone.

(b) Any owner or operator of a vehicle found to be contravening any provision of Section 14(i) to 14(xviii) of this By-law is guilty of an offence and such contravention may result in the issuing of a parking infraction notice by an officer in accordance with the amounts as set out in Schedule "A" of this By-law. Each day that such violation continues shall constitute a separate offence.

15. SPECIFIC PARKING REGULATIONS

(a) **Overnight Parking on Municipal Roads** – No person shall park a vehicle on any highway, or parts thereof under the jurisdiction of the Corporation overnight so as to interfere with the clearing of snow, from November 15th to April 15th of each year.

- (b) **No Parking – Wrong Side of Highway** - No person shall park a motor vehicle on any highway unless on the right hand side of the highway having regard to the direction of the flow of traffic.
- (c) **Parking of Commercial Vehicles** - No commercial motor vehicle shall be parked or left standing, upon any part of any highway or in any residential zone within the territorial limits of the Municipality. This does not apply to prohibit the parking or standing of any commercial vehicle upon a highway in any residential zone while the operator thereof is actually engaged in the delivery of goods or services to any premises.
- (d) **No Parking or Standing – Recreational Vehicles** – No recreational vehicle shall be parked or left standing, upon any part of any highway.
- (e) **Parking in Designated Disabled Person Parking Space**
 - (i) Subject to that set forth in subsection (ii) to this Section, no person or organization shall park a vehicle in a designated disabled person parking space unless a currently valid disabled person parking permit has been issued to that person, organization or to a passenger being picked up or transported in the vehicle and such permit is displayed on or in the vehicle in accordance with the requirements of the Highway Traffic Act.
 - (ii) Vehicles displaying currently valid permits, numbered plates, or other markers and devices bearing the international symbol of access for the disabled and issued by other jurisdictions are entitled to the same privileges as vehicle displaying disabled person parking permits issued by the Province of Ontario.
- (f) Any owner or operator of a vehicle found to be contravening any provision of Section 15(a) to 15(e) of this By-law is guilty of an offence and such contravention may result in the issuing of a parking infraction notice by an officer in accordance with the amounts as set out in Schedule “A” of this By-law. Each day that such violation continues shall constitute a separate offence.

16. EXEMPTION – MUNICIPAL VEHICLES PERFORMING WORK ON HIGHWAYS

The provisions of this By-Law do not apply to vehicles of the Municipality where such vehicles are actually engaged in the performance of cleaning, maintenance, duty, repair, constructions, snow or ice removal or other work on any highway or any vehicle under contract to the Municipality and engaged in any of the aforesaid activities.

17. EXEMPTION FOR EMERGENCY VEHICLES

This By-law shall not apply to ambulances, police and fire department motor vehicles, public utility motor vehicles and motor vehicles actually engaged in emergency works undertaken for the Corporation if compliance herewith would seriously interfere with the function which the motor vehicle is performing.

PART “D” - GENERAL PROVISIONS

18. GENERAL PENALTY

- (a) Any person who contravenes any provision 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, and in Schedule “A”, Set Fine.

- (b) A person served with a Parking Infraction notice may submit to the Provincial Offices Office to make a voluntary early payment as indicated on the notice. Such payment must be received within fourteen (14) days of the date on which the notice was issued, inclusive of Saturdays, Sundays and holidays.
- (c) All penalties set out in this by-law shall be in addition to and not in substitution for, any penalties imposed in any other by-law, statute, or under any of the laws of the Province of Ontario and the laws of Canada applicable therein.

19. OWNER LIABILITY

Where a vehicle has been parked, stopped or left standing in contravention of this By-Law, the owner of the vehicle, notwithstanding that he was not the driver of the vehicle at the time of contravention of the By-Law, is guilty of an offence and is liable to the fine prescribed for the offence 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.

20. REMOVAL OF MOTOR VEHICLES IN CONTRAVENTION OF BY-LAW

- (a) In addition to any other penalty provided for in this By-Law, an Officer may cause a motor vehicle that is parked by contravention of this By-Law to be removed and taken to be stored at a location determined by the Officer.
- (b) Where a motor vehicle is removed and stored pursuant to section 21(a), all costs and charges for the removal, care, and storage of the motor vehicle shall be paid by the motor vehicle owner and shall form a lien on the motor vehicle which may be enforced in the same manner as provided for in the *Repair and Storage Liens Act* or any successor legislation.

21. AUTHORITY TO ENFORCE THIS BY-LAW

The Public Works Superintendent (or designate) appointed by the Municipality and any Police Officer holding jurisdiction within the territory limits of the Municipality is authorized to enforce the provisions of this By-Law. In addition, any other Officer appointed by the Municipality for purposes of enforcement of this By-Law is authorized to enforce such non-moving violations. For the purposes as so set forth, the said Officers shall be considered Provincial Offences Officers for the purposes of enforcement of this By-Law.

22. REVOKING OF PARKING INFRACTION NOTICE

At the discretion of the Officer and the Administrator-Clerk, a Parking Infraction Notice may be revoked due to an emergency or any unusual or unforeseen circumstance.

23. ENFORCEMENT – PROVINCIAL OFFENCES ACT (ONTARIO)

Subject to any provisions set forth above, enforcement herein shall be pursuant to the provisions of the Provincial Offences Act (Ontario), and any conflict between the provisions of the By-Law and the said Provincial Offences Act (Ontario), save and except that relating to payment of penalties out of court, shall be resolved in favour of the said Provincial Offences Act (Ontario).

24. CONFLICT WITH HIGHWAY TRAFFIC ACT

In the event of conflict between the provisions of this By-Law and the Highway Traffic Act, the provisions of the Act prevail.

25. HEADINGS NOT PART OF THE BY-LAW

The headings in the body of this By-Law form no part of the By-Law but are inserted for convenience of reference only.

26. DEVIATION FROM FORMS

Where a form of words or expressions are prescribed in any schedule to this By-Law, deviations therefrom not affecting the substance or calculated to mislead do not vitiate them.

27. FORMER BY-LAWS REPEALED

All other By-Laws pertaining to the regulation of traffic and parking on highways in the Municipality that are inconsistent with the terms of this By-Law are hereby repealed.

28. SEVERABILITY

If any section, clause or provision of this By-Law be held by Court of competent jurisdiction to be invalid, in whole or in part, the validity of the remainder of that section, clause or provision and the validity of the remainder of the By-Law shall not be affected thereby. Each section, clause or provision of this By-Law are hereby deemed to be separate and distinct sections, clauses or provisions.

29. CHANGE IN STATUSES

Where an Act or any portion of any Act is referred to in this By-Law, such reference shall be interpreted as referring to any subsequently renumbered sections of the Act and/or changes to the date of the Act and/or amendments or revisions to the Act or re-enactments of the Act or any legislation that replaced the Act.

30. EXECUTIVE ACTS AUTHORIZED

The Mayor and the Clerk are hereby authorized to execute on behalf and under seal of the Municipality any document necessary to give effect to this By-Law.

31. EFFECTIVE DATE

This By-Law shall come into full force and effect on the date of passage of this By-Law or, in the event that the approval of the Ministry of the Attorney-General or any other third party is required, such date that the requisite approvals have been obtained.

This By-law is considered read a first, second and third time and finally passed this 2nd day of AUGUST, 2016.

Mayor

Clerk

Set Fine Schedule 'A'

The Corporation of the Township of Dawn-Euphemia
 Part II Provincial Offences Act
 By-law No. 2016-34: Parking By-law

Item No.	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Early Voluntary Payment (Payable within 14 days)	Column 4 Set Fine
1	Parked obstructing sidewalk	14(a)i	\$20.00	\$30.00
2	Parked obstructing roadway, driveway, lane, entrance	14(a)ii	\$20.00	\$30.00
3	Parked interfering with movement of traffic	14(a)iii	\$20.00	\$30.00
4	Parked obstructing crosswalk	14(a)iv	\$20.00	\$30.00
5	Parked obstructing an intersection	14(a)v	\$20.00	\$30.00
6	Parked on bridge/approach	14(a)vi	\$20.00	\$30.00
7	Parked on boulevard	14(a)vii	\$20.00	\$30.00
8	Parked within 3 meters of a fire hydrant	14(a)viii	\$20.00	\$30.00
9	Parked - interfere with snow removal	14(a)ix	\$20.00	\$30.00
10	Parked within 15 meters of railway crossing	14(a)x	\$20.00	\$30.00
11	Parked alongside/adjacent to railway track	14(a)xi	\$20.00	\$30.00
12	Parked preventing removal of vehicle	14(a)xii	\$20.00	\$30.00
13	Parked in designated fire route	14(a)xiii	\$20.00	\$30.00
14	Parked where "No Parking" signs displayed	14(a)xiv	\$20.00	\$30.00
15	Parked - without Municipality's consent	14(a)xv	\$20.00	\$30.00
16	Parked - public not authorized	14(a)xvi	\$20.00	\$30.00
17	Parked displaying a for sale sign	14(a) xvii	\$20.00	\$30.00
18	Parked obstructing a school bus loading zone	14(a) xviii	\$20.00	\$30.00
19	Parked overnight so as to interfere with snow removal between Nov 15 to Apr 15	15(a)	\$30.00	\$40.00
20	Parked wrong side of Highway	15(b)	\$30.00	\$40.00
21	Parked Commercial Vehicle on any highway or residential zone	15(c)	\$30.00	\$40.00
22	Parked Recreational Vehicle on any highway	15(d)	\$30.00	\$30.00
23	Park in area designated for physically disabled persons	15(e)	n/a	\$300.00

Note: the general penalty provision for the offences listed above is Section 14 & 15 of the By-law 2016-34, a certified copy of which has been filed.