



## The Corporation of the Municipality of South Huron

### By-Law # 77-2018 Parking on Municipal Roads

#### Being A By-Law Regulating Parking On Municipal Roads Within The Municipality Of South Huron.

Whereas the Municipal Act, S.O. 2001, c.25 Sec. 11(2) 3 states where a sphere or part of a sphere of jurisdiction is assigned to an upper tier municipality non-exclusively by the Table, its lower tier municipalities have the power to pass by-laws under that sphere or part; and

Whereas the whole sphere is assigned to all upper tier municipalities non- exclusively, highways, including parking and traffic on highways;

Now Therefore the Council of the Corporation of the Municipality of South Huron enacts as follows:

#### Part "A"

##### 1. Definitions:

For the purposes of this by-law:

**"Appropriate Sign"** means any sign or device placed or erected on a highway under the authority of this By-law and the Public Works Manager, for the purpose of regulating, warning or guiding traffic

**"Boulevard"** shall be construed to mean that portion of every highway within the limits of the Municipality, which is not used as a sidewalk, road shoulder or a traveled roadway.

**"By-Law Enforcement Officer"** means a person duly appointed by the Municipality of South Huron for enforcing the provisions of this by-law and who shall have the powers as set out in the Provincial Offences Act, R.S.O., 1990. Chapter P. 33 as amended.

**"Police Officer"** means a member of the Ontario Provincial Police.

**"Council"** means the Council of the Municipality of South Huron.

**"Curb line"** means, where the curb is constructed, the line thereof; where no curb is constructed "curb line" shall be construed as meaning the edge of the travelled portion of the highway

**“Designated Parking Space”** means a designated parking space or parking area for physically disabled persons, with appropriate signs erected and on display.

**“Disabled Person Parking Permit”** means a disabled person parking permit issued under the Highway Traffic Act or a permit, number plate or other marker or device issued by another jurisdiction and recognized under the Highway Traffic Act.

**“Intersection”** means the areas 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.

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

**“Municipality”** means the Municipality of South Huron

**“Overnight Parking Permit”** means a permit issued by the Municipality of South Huron for the purpose of allowing a vehicle to park for a limited time on a street within the jurisdiction of the municipality.

**“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.

**“Physically Disabled Person”** means a person who is physically disabled in such a way that his/her mobility is seriously restricted and includes a person who uses a wheelchair, crutches, braces or other mobility assisting devices.

**“Director of Operations and Infrastructure”** means a person duly appointed but the Municipality of South Huron who is responsible for the design, construction and maintenance of the municipal road system, sewers, waterlines, and landfill operations.

**“School Bus Loading Zones”** means a designated area for the dropping off and picking up of children by a school bus.

**“School Drop Off/ Pickup Zone”** means a designated area for the dropping off and picking up of children by vehicles other than a school bus.

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

**“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 a traffic control sign or signal.

**“Traffic Control Signal”** means any device, manually, electrically or mechanically operated for the regulation or control of traffic.

**“Street or Highway”** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

**“Roadway”** includes the surface portion of the highway designed and intended for the travel of vehicles.

**“Vehicle”** includes a motor vehicle, trailer, traction engine, farm tractor, road building machine, and any vehicle drawn, propelled or driven by any kind of power including muscular power, but does not include a motorized snow vehicle or the cars of electric or steam railways running upon rails.

**“Time”** means where any expression of time occurs or where an hour or other period of time is stated, the time referred to shall be Eastern Standard Time except in periods when daylight saving time is in effect, in which periods, it shall refer to daylight saving time.

## **2. Distances**

- a) Where a distance is used in this By-law as part of a prohibition of parking or stopping within a specified distance of an object, structure, land or a part of a highway, such distance shall be measured;
  - i) From the projection of the nearest curb line or edge or roadway in the direction stated unless it is specifically stated otherwise, and
  - ii) Along the curb or edge of the roadway to a point in such curb or edge of roadway opposite such object, structure, land or part of a highway, unless the context otherwise requires, and
  - iii) From such object, structure, land, or part of highway in all directions
- b) All distances/dimensions are measured in the metric measurement of metres or as otherwise indicated.

## **Part “B”**

### **Regulated Parking**

#### **3. General Parking Regulations:**

- a) Where authorized signs are erected and are on display, no person shall park a vehicle in disobedience to the directions given on the said sign prohibited by ‘Schedule B’ attached hereto and forming a part of this By-law.
- b) No person shall park or stand a vehicle:
  - i) On or over a sidewalk, crosswalk or boulevard;
  - ii) In front of or within 2 metres of any lane, driveways or alley entrance;
  - iii) Except at points where parking is otherwise designated, with the right hand wheels of the vehicle at a greater distance from the curb line than 0.3 of a metre, or in winter as nearly within such distance as the conditions of the highway permit;

- iv) On the roadway side of a vehicle stopped or parked at the edge or curb of a highway;
- v) At the edge of curb on the left side of the roadway having regard to the direction such vehicle was proceeding except when parking is permitted on the left hand side of the roadway of a highway designated for one way traffic;
- vi) In such a position as to obstruct traffic;
- vii) On any bridge, or any approach thereto;
- viii) Within 3 metres of the point of the curb line which is nearest any fire hydrant;
- ix) Within 2 metres of the space on the same side of the highway directly in front of the entrance to church, hospital, hotel, theatre, hall or other public building where large numbers of people assemble, except while actually taking on or discharging passengers when any such stop or stand has been officially designated and appropriately signed.
- x) Within 9 metres of an intersection;
- xi) Within 9 metres of any level crossing of a railway;
- xii) In a position or place that prevents or is likely to prevent removal of any vehicle previously parked;
- xiii) On any roadway where parking is prohibited as indicated by the appropriate sign.

#### **4. Parking Spaces for Physically Disabled Persons:**

- a) Council may by resolution designate certain areas on streets in the Municipality of South Huron as parking areas for physically disabled persons.
- b) Each private disabled person parking space in respect of which an agreement within the Municipality of South Huron is entered into by the owner of the disabled person parking space, and where authorized signs are erected, is hereby designated as a Disabled Person parking space as required under Section 4.
- c) When appropriate signs have been erected and are on display no person shall stand or park a vehicle in such areas designated as parking for physically disabled persons except:
  - i) Where the operator of the vehicle is a physically disabled person and a permit or sticker as described in Section 4 is displayed on the vehicle, such person may stand or park the vehicle in such area; and
  - ii) Where the operator of the vehicle is in the process of discharging or picking up a physically disabled person, such person may stand or park the vehicle in such area;
  - iii) A motor vehicle that is identified by an identifying permit.
- d) A permit or sticker issued by the Ministry of Transportation shall be displayed on:
  - i) Inner surface of the windshield, as close as practicable to the lower left hand corner and as close as practicable to the left hand side of the motor vehicle; or
  - ii) Outer surface of the sun visor on the left hand side of the motor vehicle so as to be visible through the windshield from the exterior of the car, when the sun visor is in a lowered position.

#### **5. Overnight Parking on Municipal Streets:**

- a) Where appropriate signs are erected and are on display no person shall park or allow a vehicle to stand upon any part of any street between the hours of 2:00 a.m. and 6:00 a.m. local time on the highways or parts of highways as designated by the signs.
- b) The owner of a vehicle which is parked or standing in contravention of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in Section 61 of the Provincial Offences Act, R.S.O., 1990, Chapter P33 and Set Fine as attached.
- c) Section 5(2) shall not apply to vehicles if the owner of such vehicle has obtained an Overnight Parking Permit from the Municipality of South Huron, and has the same affixed to the inside of the left rear window of said vehicle.

## **6. Exemption of Municipal Vehicles**

- a) Sections 3 to 5 of this By-law do not apply to vehicles of the Municipality or vehicles contracted by the municipality where such vehicles are actually engaged in the performance of cleaning, maintenance repair, construction, snow removal or other work on any highway within the municipality.
- b) Sections 3 to 5 of this By-law do not apply to emergency vehicles engaged in carrying out their normal services within the municipality.

## **7. Removal of Vehicles in Contravention of By-Law:**

- a) In addition to any other penalty provided for in this By-law, a Police Officer, Officer or By-law Enforcement Officer appointed for the carrying out of the provisions of The Highway Traffic Act, may cause a motor vehicle that is parked in contravention of this By-law to be removed and taken to be stored in a safe place.
- b) Where a motor vehicle is removed and stored pursuant to Section 7(1) all costs and charges for the removal, care, and storage of the motor vehicle which may be enforced in the same manner as provided for in the Repair and Storage Liens Act, and are the responsibility of the vehicle owner, and the vehicle owner is liable for all related costs.

## **8. Owner Liability:**

Where a motor vehicle has been left 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 motor vehicle at the time of the contravention of this By-law, is guilty of an offence, and is liable to the fine prescribed for the offence in the by-law, unless, at the time of the offence, the vehicle was in possession of some person other than the owner without the owner's consent.

## **9. Parking Infraction Notice:**

- a) Where a vehicle is found parked in contravention of the provisions of this By-law, a Police Officer, Officer or the Municipal By-law Enforcement Officer so finding a vehicle may complete a parking infraction notice in the form of a serially numbered notice stating:
  - i) The license number of the vehicle, concise description of vehicle and the expiry date of the sticker;
  - ii) A description of the offence;

- iii) The date, time and location of the alleged offence;
  - iv) The signature of the issuing officer;
  - v) The set fine for the alleged offence;
  - vi) That the owner or driver thereof may make a voluntary early payment in the amount and manner set forth in Section 12 or pay the set fine as indicated on the parking infraction notice prior to the 15<sup>th</sup> day set out in the Provincial Offences Act, Part II.
- b) The Officer shall prepare the Parking Ticket in triplicate and shall attach one copy of the parking infraction notice to the vehicle or give the copy to the driver of the vehicle and deliver two copies to the office of the Treasurer of the Municipality of South Huron.

## **Traffic Regulations**

### **10. Parking on Municipal Parking Lots:**

No person shall park a vehicle in any parking area owned or leased by the Municipality for public parking purposes for any period in excess of 24 hours.

## **Part "C"**

### **General Provisions:**

### **11. Penalties:**

- a) Any person who contravenes any provisions of this By-Law is guilty of an offence and on conviction is liable to a fine as provided for in Section 61 of the Provincial Offences Act, R.S.O., 1990, Chap.P.33, and Set Fine Schedule "A" attached.
- b) A person served with a parking infraction notice may report to the office of the Treasurer of the Municipality of South Huron to make a voluntary early payment as indicated on the notice. Such payment must be received by the Treasurer or his/her designate, within fourteen days of the date on which the notice was issued, inclusive of Saturdays, Sundays, and holidays.

### **12. Authority to Enforce This Bylaw:**

A Police Officer, Officer or By-law Enforcement Officer of the Municipal Corporation designated pursuant to the Provincial Offences Act, as a Provincial Offences Officer shall enforce the provisions of the Parking By-law.

### **13. Schedules Adopted:**

The Schedules referred to in this By-law shall form part of this By-law and each entry in a column of such a Schedule shall be read in conjunction with the entry or entries across there from, and not otherwise.

### **14. All previous By-laws inconsistent with this By-law are hereby repealed.**

**15.** This By-law shall become effective when approved by the Ministry of Transportation and the Ministry of the Attorney General.

**16.** Any particular provisions hereof shall become effective when appropriate signs applicable to such particular provision has/have been erected and is/are on display.

**17.** In the event of conflict between the provisions of this by-law and The Highway Traffic Act, the provisions of the Act will prevail.

Read a first and second time this 4<sup>th</sup> day of September, 2018.

Read a third time and finally passed this 4<sup>th</sup> day of September, 2018.

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Maureen Cole, Mayor

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Rebekah Msuya-Collison, Clerk

**Set Fine**

**Schedule "A"**

**By-Law 77-2018**

**Parking on Municipal Roads**

Recoverable under the Provincial Offences Act R.S.O., 1990, Chap.P.33

**The Municipality Of South Huron  
Schedule "A" Of By-Law 77-2018 Part II  
Provincial Offences Act**

ITEM	COLUMN 1	COLUMN 2	COLUMN 4
	Short Form Wording	Provision Creating or Defining Offence	Set Fines
1	Stop or park vehicle on/over sidewalk/crosswalk/boulevard	3.b.i.)	\$35.00
2	Stop or park vehicle in front of or within 2 metres of a laneway	3.b.ii.)	\$35.00
3	Stop or park more than 0.3 metres from curb	3.b.iii.)	\$35.00
4	Stop or park adjacent to parked car on highway	3.b.iv.)	\$35.00
5	Stop or park vehicle in wrong direction	3.b.v.)	\$35.00
6	Stop or park obstructing traffic	3.b.vi.)	\$45.00
7	Stop or park on bridge or approach of a bridge	3.b.vii.)	\$35.00
8	Stop or park within 3 metres of a fire hydrant	3.b.viii.)	\$65.00
9	Stop or park within 2 metres of entrance to public building	3.b.ix.)	\$35.00
10	Stop or park within 9 metres of an intersection	3.b.x.)	\$35.00
11	Stop or park within 9 metres of railway crossing	3.b.xi.)	\$35.00
12	Stop or park preventing removal of another vehicle	3.b.xii.)	\$35.00
13	Park in signed area where prohibited	3.b.xiii.)	\$35.00
14	Park on municipal land	5.b	\$35.00



17	Park in area designated for physically disabled person	4.c	\$300.00
18	Park on street between the hours of 2 a.m. to 6 a.m.	5.a	\$45.00
19	Park on municipal parking lot more than 24 hours	10	\$45.00

Note: the general penalty provision for the offences listed above is section 11 of By-Law # 77-2018, a certified copy of which has been filed.