

THE MUNICIPAL CORPORATION OF NORTH ALGONA WILBERFORCE TOWNSHIP

BY-LAW NO. 2011 - 35

Being a By-Law to regulate parking, control traffic or leaving of a vehicle on specific highways or Municipally controlled property in the Township.

WHEREAS, pursuant to the provisions of Section 8 of the Municipal Act, S.O. 2001, c.25, as amended, a Municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act,

AND WHEREAS pursuant to the provisions of Section 11(3) of the Municipal Act, S.O. 2001, c.25, as amended, Council of a Municipality may pass By-Laws respecting matters within the spheres of jurisdiction of highways, including parking and traffic on highways,

AND WHEREAS pursuant to the provisions of Section 101(2) of the Municipal Act, S.O. 2001, c.25, as amended, if the Municipality passes a By-Law to regulate and prohibit the parking or leaving of a motor vehicle on certain highways in the Township, it may provide for the removal and impounding or restraining and immobilizing of any vehicle, at the vehicle owner's expense, parked or left in contravention of the By-Law and subsection 170(15) of the Highway Traffic Act applies to the By-Law.

AND WHEREAS it is deemed expedient to regulate and restrict the parking of vehicles on or adjacent to highways under the jurisdiction of the Corporation of North Algona Wilberforce Township;

NOW THEREFORE the Council of the Corporation of North Algona Wilberforce Township hereby enacts as follows:

1. INTERPRETATION AND DEFINITIONS

That for the purposes of this By-law, the following definitions shall apply to the following words and phrases when used in this By-law:

1. **"Boulevard"** shall mean all parts of the highway save and except any roadway, shoulder and sidewalk; and
2. **"Crosswalk"** means that part of the highway at an intersection that is included within the connections of the lateral lines of the sidewalks on the 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 that is distinctly indicated for pedestrian crossing by signs or lines on the surface.
3. **"Curb"** shall include the edge of the traveled portion of the street.
4. **"Disabled person"** means a person who has been issued a permit by the Province of Ontario, or other jurisdiction;
5. **"Handicapped parking space"** means a parking space or zone marked by a sign or signs indicating such space or zone is for the sole use of vehicles displaying a valid permit, in accordance with the requirements of the Highway Traffic Act and regulations made hereunder and this By-Law;
6. **"Highway"** sees definition for "Street".
7. **"Intersection"** shall mean the area contained within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of two or more highways which join one another at an angle, whether or not one highway crosses the other. Where "No Stopping" or "No Parking" restrictions are in effect, the distance referred to is the distance to the nearest intersection street line.
8. **"Lane"** shall mean the entire width of the roadway surface between property lines at the rear, or side, of places of business or residential properties.
9. **"Motorized"** shall mean any method of propulsion other than physical exertion.
10. **"Municipal By Law Enforcement Officer"** shall mean the By-Law Enforcement Officer authorized by the Township and designated under the Provincial Offences Act, to enforce Municipal By-Laws and regulations .

1. INTERPRETATION AND DEFINITIONS CONT'D

11. **“Parking”** shall mean 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 of merchandise or passengers.
12. **“Permit,”** means a disabled person-parking permit issued by the Ministry of Transportation pursuant to the Highway Traffic Act and the regulations made there under, or a permit, numbered plate, or other marker or device, issued by another jurisdiction and recognized under said Act;
13. **“Person”** shall mean every person, firm, co-partnership, association, or corporation.
14. **“Provincial Offences Officer “** shall mean any person as defined by the Police Act of Ontario designated by the Municipality to enforce Municipal By Laws or any Peace Officer as defined by the Police Act.
15. **“Roadway”** shall mean that part of a street or highway that is improved, designed or ordinarily used for the purposes of 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 such roadways collectively.
16. **“School”** shall mean a school under the Education Act.
17. **“Sidewalk”** shall mean that portion of the street between the adjacent property lines and either the curb or those lateral lines of the roadway, which is intended for the use of pedestrians.
18. **“Street”** shall include a common and public highway, avenue, parkway, viaduct, and trestle, designated and intended for, or used by the general public for the passage of vehicles.
19. **“Township”** means the Corporation of North Algona Wilberforce Township.
20. **“Vehicle”** means 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 cars of electric or steam railways running only upon the rails.

2. GENERAL REGULATIONS

No person shall at any time park a vehicle on any street or roadway in the except in the case of an emergency,

- 2.1 In such a manner as to obstruct a sidewalk,
- 2.2 In such a manner as to obstruct a pedestrian crosswalk,
- 2.3 In such a manner as to obstruct an entrance or exit from any public or private roadway, lane or entrance.
- 2.4 Within three meters (10 ft.) of a point in the edge of the roadway and nearest a fire hydrant;
- 2.5 On a bridge.
- 2.6 Within nine meters (30 feet) of any intersection on any street on which the Township By-Law permits parking unless designated otherwise;
- 2.7 In a position or a place that prevents or is likely to prevent the removal of any vehicle already parked;
- 2.8 On any outer or inner boulevard that is grassed maintained and/or planted with trees and not normally used for parking;
- 2.9 On any fire route;
- 2.10 Where signs are erected indicating “No Parking” at specific times, no person shall park any vehicle upon any of the streets or portion of street described in this section for a longer period than designated by such signs:

2. GENERAL REGULATIONS CONT'D

- 2.11 No person shall park a vehicle or permit a vehicle to remain parked on any roadway so as to interfere in any manner with the work of municipal road maintenance service such as but not restricted to:
- a. Removing snow or ice;
 - b. Snow removal operations;
 - c. Cleaning operations, including sweeping;
 - d. Roadway or street repair operations;
 - e. Municipal services maintenance or repair operations

3. PARKING – SPECIFIC REGULATIONS

- 3.01 No person shall park a vehicle in a parking space where a sign, curb painting or pavement painting indicates that it is for the exclusive use of persons with disabilities who display on their vehicles a handicap placard or license plate that is issued or recognized by the Province of Ontario.
- 3.02 On uncurbed streets, standing vehicles shall be parallel to and as circumstances and weather conditions permit, to the edge of the boulevard or sidewalk as the same may be.
- 3.03 From November 29th to March 31st, no person shall park a vehicle, except a vehicle used for emergency purposes, on any part of a street, highway or boulevard within the North Algona Wilberforce Township between the hours of twelve o'clock midnight and seven o'clock a.m. Vehicles parked on any part of a street, highway or boulevard within the North Algona Wilberforce Township during the above-mentioned hours and months may be towed away at the owner's cost.
- 3.04 No person shall park on any street at any time during the display of signs, placed under the authority of the Works Superintendent, giving notice of snowplowing and/or snow removal operations.

4. ADMINISTRATION

- 4.01 During any period of time when by reason of any statute, law or regulation having the effect of the law, or under a public proclamation or request authorized or approved by Council of the Township, the public has been requested to observe advanced time commonly called "Daylight Savings Time", the hours of time mentioned or provided in this By-Law shall be construed as referring to "Daylight Savings Time" as commonly understood in place of Standard Time.
- 4.02 Any Provincial Offences Enforcement Officer is hereby authorized to remove or cause to have removed from any part of a street, highway or Township boulevard, any vehicle, at the owner's risk, which may be parked in violation of any part of this By-Law and to impound the vehicle until the owner or responsible person pays to the Impound lot the towing charge.
- 4.03 The owner of a vehicle that is parked, stopped, left standing or operating in contravention of this By-Law is guilty of an offence and shall incur the penalties provided for any contravention of this By-Law unless the owner proves to the satisfaction of the court that at the time of the offence, the vehicle was in the possession of another person without the owner's consent expressed or implied, at the time of the offence shall also be liable for the penalties provided for any such contravention.
- 4.04 In addition to any other penalties provided by this By-Law, upon discovery of a vehicle parked, stopped or standing on any highway in contravention of any provisions of this By-Law, or apparently abandoned on any municipal or public property, any Provincial Offences Enforcement Officer may cause such vehicle to be moved or taken to and placed or stored in a suitable place and all costs and charges, for removing a vehicle and storage thereof, if any, are a lien upon the vehicle being released and may be enforced in the manner provided by the Repair and Storage Liens Act.
- 4.05 The Council of the Corporation of North Algona Wilberforce Township shall, by resolution, have the authority to designate any area, street, or part of a street as a parking area.

5. ENFORCEMENT

- 5.01 It is an offence for any person to do any forbidden act or fail to perform any act required in this By-Law.
- 5.02 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 under the Provincial Offences Act.
- 5.03 The Municipal By Law Enforcement Officer shall have the duty enforcing the provisions of this By-Law.
- 5.04 In the event of conflict between this By-Law and any other By-Law passé prior to the effective date of this By-Law, the provisions of this By-Law shall take precedence.
- 5.05 The Public Works Director of North Algona Wilberforce Township is hereby authorized and directed to erect and maintain such signs, markings, barricades and other structures, plant and equipment as are required in accordance with the Schedules attached, to regulate, direct, warn or guide pedestrians and vehicular traffic for the safety and convenience of the public.
- 5.06 No person shall move, remove, deface or in any way interfere with any sign or marking placed, erected or maintained under this By-Law.
- 5.07 All sections of this By-Law shall be deemed to be separate and independent and the invalidity of any section or provision hereof shall no affect the remaining sections.

6. BY-LAW IN FORCE

This By-Law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST AND SECOND TIME THIS 17TH DAY OF OCTOBER, 2011.

MAYOR HAROLD WECKWORTH

CLERK MARILYN M. SCHRUDER

READ A THIRD TIME AND FINALLY PASSED THIS 17TH DAY OF OCTOBER, 2011.

MAYOR HAROLD WECKWORTH

CLERK MARILYN M. SCHRUDER

**CORPORATE
SEAL OF
MUNICIPALITY**

North Algona Wilberforce Township

Part II Provincial Offences Act

By-Law # 2011-35

Item	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Column 3 Set Fine
	Park, obstruct sidewalk	2.1	\$25.00
	Park, obstruct a pedestrian crosswalk	2.2	\$25.00
	Park, obstruct private road, lane	2.3	\$25.00
	Park, too close to fire hydrant	2.4	\$25.00
	Park obstruct Bridge	2.5	\$25.00
	Park, too close to Intersection	2.6	\$25.00
	Park, prevent removal of parked vehicle	2.7	\$25.00
	Park, Outer or Inner boulevard	2.8	\$25.00
	Park, obstruct fire route	2.9	\$25.00
	Park contrary to posted sign	2.10	\$25.00
	Park, interfere with municipal services	2.11	\$25.00
	Park, handicap space no permit	3.01	\$300.00
	Park no curb, not parallel	3.02	\$25.00
	Park, overnight winter	3.03	\$50.00
	Park, Interfere with snow removal operations	3.04	\$50.00
	outer or inner boulevard		
XX	XXXXXXXXXXXXXXXXXXXXXXXXXXXX	XXXXXXXXXXXX	XXXXXX

NOTE: The penalty provisions for the offences cited above are section 5 of By-Law 2011-35; a certified copy of which has been filed.