

CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS

BY-LAW No. 25-2001

BEING a By-law for the purpose of regulating traffic and parking on the highways within the Township of North Dundas

WHEREAS provision is made in the *Municipal Act*, R.S.O. 1990, Chapter M.45, Section 210 and amendments thereto, for the purpose of allowing a municipal corporation to regulate and control traffic and parking on highways under its jurisdiction on municipal or private property;

NOW, THEREFORE THE COUNCIL FOR THE CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS ENACTS AS FOLLOWS:

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1. DEFINITIONS

In this By-law:

- 1.1 **Bicycle** includes a tricycle and a unicycle but does not include a motor-assisted bicycle.
- 1.2 **Boulevard** means all parts of the highway save and except any roadway, shoulder or sidewalk.
- 1.3 **Chief of Police** means the officer in charge of any detachment of the Ontario Provincial Police either providing police services to an area municipality by agreement, or other wise having jurisdiction in the municipality.
- 1.4 **Commercial Motor Vehicle** means a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, buses and tractors used for hauling purposes on the highways.
- 1.5 **Corner** with reference to a highway intersection means the point of intersection of the prolongation of the lateral curb lines or in the absence of curbs the prolongation of the edges of the roadways.
- 1.6 **Corporation** means the Corporation of the Township of North Dundas.
- 1.7 **Crosswalk** means:
 - 1.7.1 that part of a highway at an intersection that is included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the roadway; or
 - 1.7.2 any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface.
- 1.8 **Curb** means the edge of the travelled portion of the highway.
- 1.9 **Driveway** means a part of a highway improved to provide vehicular access from the roadway to a lane way or a parking area on adjacent land.
- 1.10 **Engineer** means the engineer designated by Council of the Corporation of the Township of North Dundas for the time being or such other person or persons designated by Council of the Corporation of the Township of North Dundas and shall include a Road Superintendent and Director of Public Works.
- 1.11 **Gross Weight** means the combined weight of vehicle and load.
- 1.12 **Heavy Trucks** means a motor vehicle having a carrying capacity in excess of 2 tonnes and any vehicle having a gross weight in excess of 4.5 tonnes, but does not include an ambulance or a school vehicle.
- 1.13 **Highway** includes the entire right-of-way of a common and public highway, municipal road, street, avenue, driveway, place or bridge designed and intended for, or used by, the general public for the passage of vehicles.
- 1.14 **Highway, One-Way** means a highway upon which the movement of vehicular traffic is limited to one direction.
- 1.15 **Holiday** includes Sunday, New Year's Day, January 2nd, Good Friday, Easter Monday, Victoria Day, the Day proclaimed as a Civic holiday by the Corporation, Labour Day, Canada Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, the Day proclaimed as the Birthday or day fixed by proclamation of

the Governor General for the celebration of the birthday of the reigning sovereign, and any day appointed by proclamation of the Governor General or the Lieutenant-Governor-in-Council as a public holiday or for a general fast or thanksgiving, and the next following day when any such holiday, except Remembrance Day, falls on a Sunday.

- 1.16 **Intersection** means the area 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 which join one another at an angle, whether or not one highway crosses the other.
- 1.17 **Laneway** means improved land adjacent to the highway which provides access from the highway to a parking area on adjacent land.
- 1.18 **Loading Zone** means the part of a highway, private property or property of the Corporation, set apart for the exclusive purpose of parking a vehicle to load or unload.
- 1.19 **Mobile Canteen** includes all vehicles of any kind in or from which any food or other edible substance or any beverage is offered for sale or sold.
- 1.20 **Motorcycle** means a self-propelled vehicle having a seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, and includes a motor scooter but does not include a motor-assisted bicycle.
- 1.21 **Motor Vehicle** includes an automobile, motorcycle, motor-assisted bicycle unless otherwise indicated in the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, as amended, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, as amended.
- 1.22 **Municipal Law Enforcement Officer** means a peace officer for the purpose of enforcing municipal By-laws, as set out in the *Police Services Act*, and shall include a By-law Enforcement Officer.
- 1.23 **Park** or **Parking** when prohibited means the standing of a vehicle, whether occupied or not.
- 1.24 **Parking Space** means that part of the surface of the roadway, the use of which is designated for the purpose of vehicle parking.
- 1.25 **Peace Officer** means a Municipal Law Enforcement Officer for the purpose of enforcing this By-law.
- 1.26 **Pedestrian** means
- 1.26.1 a person on foot; or
- 1.26.2 an invalid, child or other person in a wheeled chair, baby carriage, or play vehicle.
- 1.27 **Pedestrian Crossover** means any portion of a roadway, designated by this By-law, at an intersection or elsewhere, distinctly indicated for pedestrian crossing by signs on the highway and lines or other markings on the surface of the roadway as prescribed by regulations under the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, as amended.

- 1.28 **Physically Disabled Permit** means
- 1.28.1 a disabled person parking permit issued under the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, as amended, or
- 1.28.2 a permit, number plate or other number or device issued by another jurisdiction and recognized under the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, as amended.
- 1.29 **Physically Disabled Person** means a person who suffers from a permanent or temporary disability rendering it difficult or burdensome to walk.
- 1.30 **Police Force** means any detachment of the Ontario Provincial Police providing police services to an area municipality by agreement or otherwise having jurisdiction in the municipality.
- 1.31 **Police Officer** means a chief of police or any other police officer, but does not include a special constable, a First Nation constable, a Municipal Law Enforcement Officer or an auxiliary member of a police force.
- 1.32 **Police Vehicle** means a vehicle owned or operated by the Police Commission of an area municipality, the Ontario Provincial Police or the Royal Canadian Mounted Police.
- 1.33 **Public Parking Area** means an open area or structure, other than a street, used for the temporary parking of more than four (4) motor vehicles and available for public use whether free, for compensation, or as an accommodation for clients, customers or visitors.
- 1.34 **Public Vehicle** means a motor vehicle operated on a highway by, for or on behalf of any person for the transportation for compensation of passengers, or passengers and express freight that might be carried in a passenger vehicle, but does not include the cars of electric or steam railways running only on rails, taxicabs, nor motor vehicles operated solely within the corporate limits of one urban municipality.
- 1.35 **Roadway** means that 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.
- 1.36 **Roadway, Lane** means a highway which has been divided into separate lanes for vehicular traffic which lanes are indicated by lines or other markings on the surface of the roadway or in any other manner.
- 1.37 **Shoulder** means that part of the highway immediately adjacent to the travelled portion of the roadway and having a surface which has been improved for the use of vehicles with asphalt, concrete or gravel.
- 1.38 **Sidewalk** means that portion of a highway between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians
- 1.39 **Sign, Authorized** means any sign or roadway, curb or sidewalk 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.
- 1.40 **Sign, Official** means a sign approved by the Ministry of Transportation and Communications of Ontario.

- 1.41 **Stand** or **Standing** when prohibited, means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.
- 1.42 **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 constable or other Police Officer or of a traffic control sign or signal.
- 1.43 **Traffic** includes pedestrians, animals which are ridden, led or herded, vehicles, and other conveyances either singly or together while using a highway for the purposes of travel.
- 1.44 **Traffic Control Device** means any sign, signal or other roadway, curb, or sidewalk marking, or any other device erected or placed under the authority of this By-law for the purpose of warning, regulating, guiding or directing traffic.
- 1.45 **Traffic Control Signal** means any device operated manually, electrically, mechanically or electronically for the regulation or control of traffic.
- 1.46 **Traffic, One-Way** means movement by vehicles upon a highway in one direction only.
- 1.47 **Trailer** means a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, a mobile home, another motor vehicle, or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn.
- 1.48 **U-Turn** means the turning of a vehicle within the highway so as to proceed in the opposite direction to that in which the vehicle was travelling immediately prior to making the turn.
- 1.49 **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 only upon rails.
- 1.50 **Vending Vehicle** includes all vehicles of any kind in or from which goods, produce, food or beverage are offered for sale or sold.

2. DISTANCES

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:

- 2.1 along the curb or edge of the roadway from 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
- 2.2 from such object, structure, land, or part of a highway in all directions.

3. INTERPRETATION - GENERAL

In this By-law:

- 3.1 words importing the singular number or the masculine gender only, include more persons, parties or things of the same kind than one and female as well as males and the converse
- 3.2 a word interpreted in the singular number has a corresponding meaning when used in the plural
- 3.3 “may” shall be construed as permissive.
- 3.4 “shall” shall be construed as imperative.
- 3.5 Where a measurement of length is provided in imperial measure and in brackets, in this By-law, e.g. (ft.), such measurement is given as a guide to interpretation only and in all cases the metric standard shall take precedence.

PART “A”

Part I - Regulations

4. SPECIAL CIRCUMSTANCES

- 4.1 If the Chief of Police, Fire Chief, Director of Public Works, Municipal Law Enforcement Officer, or the By-law Enforcement Officer is of the opinion that for some temporary period to ensure the safety of the public, the proper movement of traffic, the parking of vehicles, or the proper and safe performance of some vital function of the Corporation, or an area municipality, special regulations are required for the movement, parking or stopping of vehicles on a highway under the jurisdiction of the Corporation, such person is authorized to make special regulations to prohibit or regulate the movement, parking or stopping of vehicles on such highway during such times and days as such person deems proper and necessary and such person shall erect official signs or otherwise give reasonable notice to indicate such special regulations.
- 4.2 When official or authorized signs have been erected or notice has otherwise been given under Subsection 4.1, every person shall obey the instructions or directions on any sign so erected and the sign is deemed to have been erected pursuant to the section that normally regulates or prohibits the matter, and those provisions apply to any act or failure to act contrary to the special regulations made pursuant to Subsection 4.1.

Part II - Parking and Stopping

5. GENERAL REGULATIONS

- 5.1 Two-Way Highways and Right Side of One-Way Highways**
Subject to Subsection 5.2 and 5.3 no person shall park or stop any vehicle or permit a vehicle to remain parked or stopped on any highway except as follows:
- 5.1.1 where there is a raised curb, on the right side of the travelled portion of the highway, having regard to the direction in which the vehicle was travelling, with its right front and rear wheels parallel to and not more than fifteen (15 cm) centimetres (5.9") away from such curb; or
- 5.1.2 where there is no curb or a rolled curb, on the right side of the highway having regard to the direction in which the vehicle was travelling, with the right front and rear wheels parallel to and as near to the right hand limit of the highway and is practicable without stopping over any part of a highway which is landscaped or which is not intended for the use of vehicles.

5.2 One-Way Highways

Subject to Subsection 5.3, where parking is permitted on the left side of a highway designated for one-way traffic, a person may park or stop any vehicle provided the vehicle is parked:

5.2.1 where there is a raised curb, on the left side of the travelled portion of the highway having regard to the direction in which the vehicle was travelling, with its left front and rear wheels parallel to and more than fifteen (15cm) centimetres (5.9") away from such curb; or

5.2.2 where there is no curb or a rolled curb, on the left of the highway having regard to the direction in which the vehicle was travelling, with the left front and rear wheels parallel to and as near to the left hand limit of the highway as is practicable without stopping over any part of a highway that is landscaped or which is not intended for use of vehicles.

5.3 Exemption - Angle Parking

Subsection 5.1 and 5.2 do not apply where angle parking is permitted under this By-law.

6. VENDING VEHICLES

No person who is selling or offering for sale goods, food, beverage or produce from a stationary vehicle on a highway shall park the vehicle or permit the vehicle to remain parked in such a manner as to obstruct traffic.

7. HEAVY TRUCKS, TRAILERS AND BUSES

No person shall park any heavy truck, trailer or bus or permit any of them to be parked on any highway within the municipality for any continuous period of time exceeding three (3) hours.

8. PARKING PROHIBITED WITH SIGNS

When official signs have been erected, no person shall park a vehicle or permit a vehicle to remain parked on any highway within prohibited parking zone.

9. PARKING PROHIBITED WITHOUT SIGNS

No person shall park a vehicle or permit a vehicle to remain parked on any highway:

9.1 within three (3 m) metres (9.9 feet) of an intersection;

9.2 within three (3 m) metres (9.9 feet) of a fire hydrant;

9.3 in front of or within one and one-half (1.5m) metres (4.9 feet) of a laneway or driveway;

- 9.4 so as to obstruct a vehicle in the use of any laneway or driveway:
- 9.5 in such a position that will prevent the convenient removal of any other vehicle previously parked or standing;
- 9.6 for the purpose of displaying the vehicle for sale;
- 9.7 for the purpose of greasing, or repairing the vehicle except for such repairs as have been necessitated by an emergency;
- 9.8 on the travelled portion of the roadway where the roadway width is six (6m) metres (19.7 feet) or less;
- 9.9 on a driveway within one (1m) metre (3.3 feet) of a sidewalk or footpath, or if there is no sidewalk or footpath, within two (2m) metres (6.6 feet) of the roadway;
- 9.10 on or partly on or over a sidewalk;
- 9.11 within an intersection or crosswalk;
- 9.12 upon a bridge;
- 9.13 in such a position/manner to obstruct traffic;
- 9.14 in front of the main entrance to, or any emergency exit from any hotel, hospital, nursing home, theatre auditorium or other building or enclosed space in which persons may be expected to congregate in large numbers; or
- 9.15 in contravention of any traffic control device.

10. PARKING REGULATIONS - HIGHWAY CLEARING, SNOW REMOVAL AND HIGHWAY CLEANING

No person shall park a vehicle or permit a vehicle to remain parked on any highway,

- 10.1 so as to interfere in any manner with the work of removing snow or ice therefrom or the clearing of snow therefrom, or
- 10.2 in such a manner so as to interfere with highway cleaning operations.

11. PARKING PROHIBITED - SPECIFIED TIMES AND PLACES - SIGNS - SCHEDULE "I"

When official signs have been erected, no person shall park a vehicle or permit a vehicle to remain parked on any highway at the side and between the limits set out respectively in columns 1, 2 and 3 of Schedule "I" in this By-law during the times or days set out in column 4 of Schedule "I".

12. STOPPING PROHIBITED IN SPECIFIED PLACES - NO SIGNS

- 12.1 School Crosswalk Zones, are established where the parts of the highway,
- 12.1.1 are within fifteen (15m) metres (49.2 feet) of the approach side of a school crosswalk designated by markings and authorized school crosswalk signs; and
 - 12.1.2 are within fifteen (15m) metres (49.2 feet) of the leaving side of a school crosswalk designated by markings and authorized school crosswalk signs, are hereby established as a school crosswalk zone.

12.2 Offences

No person shall stop a vehicle or permit a vehicle to remain stopped on any highway:

- 12.2.1 on or partly on or over a sidewalk or footpath;
- 12.2.2 within an intersection or crosswalk;
- 12.2.3 adjacent to or across from any excavation or obstruction in the roadway when the free flow of traffic would thereby be impeded;
- 12.2.4 on the roadway side of any stopped or parked vehicle;
- 12.2.5 upon any bridge
- 12.2.6 within thirty (30 m) metres (98.4 feet) of the approach side of the nearest rail of any level crossing of a railway; or
- 12.2.7 within fifteen (15 m) metres (49.2 feet) of the leaving side of the nearest rail of any level crossing of a railway.
- 12.2.8 between the hours of 7:00am and 5:00pm in a school crossing zone.

13. STOPPING PROHIBITED WITH SIGNS

- 13.1 Pedestrian Crossover Zones are established where the parts of the highway,
- 13.1.1 are within fifteen (15m) meters (49.2 feet) of the approach side of a pedestrian crossover; and
 - 13.1.2 are within fifteen (15m) meters (49.2 feet) of the leaving side of a pedestrian crossover, are hereby established as a pedestrian crossover zone.

- 13.2 Offences
When official signs have been erected, no person shall stop a vehicle or permit a vehicle to remain stopped on any highway,
- 13.2.1 within a pedestrian crossover;
- 13.2.2 within a pedestrian crossover zone; or
- 13.2.3 within the turning basin of a cul de sac.

14. STOPPING PROHIBITED IN SPECIFIED PLACES - SIGNS - SCHEDULE “II”

- 14.1 Notwithstanding Schedule “I” and “III” to the contrary, when official signs have been erected, no person shall stop a vehicle or permit a vehicle to remain stopped on any highway, at the side and between the limits set out respectively in columns 1, 2 and 3 of Schedule “ II ” to this By-law during the times or days set out in column 4 of Schedule “ II ”.
- 14.2 The provisions of Section 13.2 and Section 14.1 of this By-law relating to stopping do not apply to prevent the stopping of a motor vehicle for the purpose of and while actually engaged in receiving or discharging a physically disabled person provided that such motor vehicle has a valid physically disabled permit properly displayed in accordance with the provisions of the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, as amended.

15. PARKING, STANDING AND STOPPING EXEMPTIONS- FUNERAL CORTEGES

The provisions of this By-law relating to parking, standing and stopping do not apply to prevent the parking, standing or stopping of passenger motor vehicles forming part of any funeral cortege, provided that all such vehicles are parked or stopped on only one side of a highway at one time.

16. MAXIMUM PARKING LIMIT

16.1 Specified parking period - Specified highways - Schedule “ III ”

Notwithstanding Schedule “I” to the contrary, when official signs have been erected, no person shall park a vehicle or permit a vehicle to remain parked on a highway at the side and between the limits set out respectively in columns 1, 2 and 3 of Schedule “ III ” to this By-law during the times or days set out in column 4 of the said Schedule for a longer period of time than is set out in column 5 of the said Schedule.

16.2 General Limits

Subject to the other provisions of this By-law, no person shall park a vehicle or permit a vehicle to remain parked on a highway for a period of time longer than three (3) hours between 7:00 a.m. of one day and 7:00 p.m. of the same day.

16.3 Parking Limitation on Adjacent Areas

No person shall park a vehicle or permit a vehicle to remain parked on a highway within one (1) hour from the time of its removal from a part of highway referred to in Subsections 16.1, 16.2, and 16.4 within three hundred (300 m) meters (984.2 feet) of such part of highway.

16.4 Overnight Winter Parking Prohibition

No person shall park a vehicle or permit a vehicle to remain parked on a highway at any time between 11:00 p.m. and 7:00 a.m. from November 1 of the current year to April 1 of the succeeding year.

16.5 Overnight Winter Parking Suspension

On or after the 1st day of March in any year, the Roads Superintendent may, by his order,

16.5.1 suspend the operation of Subsection 16.4, provided that in his opinion, the fall or accumulation of snow, ice or snow and ice removal functions, regular highway maintenance or the proper use and movement of vehicles on the highway; or

16.5.2 reinstate the operation of Subsection 16.4.

16.6 Special Exemption Permits

The prohibition with respect to times set out for restricted parking in Subsection 16.4 of this section shall not apply where a special exemption permit for overnight winter parking prohibition has been issued and the special exemption permit is visibly displayed in the front windshield of any vehicle.

Prior to the issuance of a special exemption permit by the Municipal Law Enforcement Officer, the Municipal Law Enforcement Officer shall be satisfied that:

The special exemption permit will apply only to residential areas for the purpose of holding special private events, receptions or other gatherings;

The special exemption permit shall be limited to only those persons attending such private event, reception or gathering;

The special exemption permit shall be valid for one day only during the period from November 1st to April 1st;

The special exemption permit shall enable any person attending such an event to park on the highway in compliance with this By-law in proximity to the area in which the event is being held between the restricted hours of 1:00 a.m. to 7:00 a.m.

The application for a special exemption permit shall be signed by the person requesting such permit and shall indicate the date of the event, the name, address and telephone number of the person in charge of the event, the number of vehicles expected at the event, and the location of the event.

No person shall park a vehicle or permit a vehicle to remain parked on a highway at any time between 1:00 a.m. and 7:00 a.m. from November 1st to April 1st with a special exemption permit that has expired.

17. ANGLE PARKING

17.1 Pavement Markings

Where an angle parking space is designed by lines or other markings on the roadway, or otherwise, no person shall stop, stand or park a vehicle or permit a vehicle to remain parked or standing therein except entirely within the area so designated as a parking space.

17.2 Angle

Where angle parking is permitted on a highway, no person shall stop, stand or park any vehicle or permit a vehicle to remain parked or standing except at the angle designated by signs or markings on the roadway.

17.3 Method of Parking

Where angle parking on a highway other than at an angle of 90 degrees to the curb or edge of roadway is permitted, no person shall park a vehicle or permit a vehicle to remain parked on such highway except with the front end of the vehicle at the curb or edge of the roadway.

PART III -PARKING FOR THE PHYSICALLY DISABLED

18. DISABLED PERSON PARKING ZONES

18.1 Establishment - Schedule “IV”

The parts of highways at the side and between the limits set out respectively in columns 1, 2 and 3 of Schedule “IV” are hereby established as disabled person parking zones during the time and day set out in column 5 of the said Schedule.

18.2 Regulation of Use

When official signs have been erected no person shall park or stop a vehicle or permit a vehicle to remain parked or stopped in a disabled parking zone other than a person displaying a valid physically disabled permit in accordance with the provisions of the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, as amended.

19. PARKING REQUIRED FOR THE PHYSICALLY DISABLED

Every owner and operator of a public parking area shall provide reserved parking spaces for the exclusive use of physically disable persons, or persons conveying physically disable persons, to park their motor vehicles, in at least the amount prescribed by the following table:

| Capacity of Public Parking Area (number) of parking spaces | Minimum Number of Spaces to be Reserved for physically Disable Persons |
|---|---|
| 1 - 9 | 0 |
| 10-19 | 1 |
| 20-49 | 2 |
| 50-99 | 3 |
| 100-199 | 4 |
| 200-399 | 5 |
| 400 and more | 6 |

20. PARKING SPACE REQUIREMENTS

The reserved parking spaces referred to in Section 19 shall be of a width, of three point sixty-six (3.66 m) meters (12.0 feet) each, or of a length so as to be the same length as the other parking spaces in the same parking facility, hard surfaced, level, placed so as to be accessible to physically disable persons whether via ramps, depressed curbs, or other appropriate means, and so placed as to permit easy access by such persons to or from a motor vehicle parked therein, and identified by authorized signs as prescribed in Section 21.1.

21. AUTHORIZED SIGNS

- 21.1 The authorized signs referred to in Section 20 shall comply with the signs described under Section 11 of the *Ontario Regulation 581/90* made under the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, as amended.
- 21.2 The public parking area owner and operator shall be jointly responsible for the procurement and installation of the authorized signs referred to in Section 20.
- 21.3 The public parking area owner and operator shall be jointly responsible:
- 21.3.1 for the maintenance of the authorized signs referred to in Section 20, and,
- 21.3.2 for ensuring that the shape, symbol and colors of the authorized signs referred to in Section 20 conform to the provisions of Subsection 21.1.

22. PROHIBITED USE OF PERMIT

- 22.1 No person shall park or leave a motor vehicle in a public parking area in a parking space reserved for physically disabled persons and identified by authorized signs as prescribed by Section 21.1 of this By-law, unless a valid permit is displayed upon its dashboard or on the sun visor in accordance with the provisions of the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, as amended.
- 22.2 The provisions respecting the placement of a valid physically disabled permit referred to in Subsection 22.1 hereof shall be deemed to be satisfied if a valid physically disabled permit is placed on the dashboard or on the sun visor of the motor vehicle at the request of a constable, Municipal Law Enforcement Officer or owner or operator of a public parking area.
- 22.3 Neither public parking area owners nor operators shall authorize any person, other than a physically disabled person or a person conveying a physically disabled person, to park a motor vehicle in any space reserved for physically disabled persons and identified by authorized signs as prescribed in Section 21.1 of this By-law.
- 22.4 No person, other than the person to whom it was issued or a person conveying the person to whom it was issued, shall use or display a physically disabled permit issued to a physically disabled person to enjoy the privileges or avoid the restrictions set out in Subsection 22.1 hereof.

- 22.5 Notwithstanding the other provisions of this By-law, a Municipal Law Enforcement Officer, a constable or an officer appointed for carrying out the provisions of Part “III” of this By-law does not require the written complaint of the public parking area owner or operator to enforce the provisions of Subsection 22.1 hereof.
- 22.6 The appointment of Municipal Law Enforcement Officers to enforce Part “III” of this By-law shall be deemed to be sufficient authority to enforce the provisions of Subsection 22.1 hereof.
- 22.7 A displayed physically disabled permit shall not be valid when the motor vehicle in or on which it is displayed is not actually being used for the purposes of transporting a physically disabled person.

23. FREE ACCESS

Public parking area owners and operators shall maintain unobstructed access to each parking space identified by authorized signs as prescribed by Section 21 of this By-law and each space shall be kept free of snow or otherwise maintained to the same standards as all other parking spaces in the same parking facility.

24. OFFENCES AND PENALTIES

Every person who contravenes or causes or permits any contravention of any of the provisions of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*, R..S.O. 1990, Chapter P.33, as amended.

PART IV - DRIVING AND RELATED RULES

25. BARRICADED HIGHWAYS

No person shall drive, operate or park a vehicle or permit a vehicle to remain parked on any highway barricaded and marked by signs showing that its use for the time is prohibited or restricted.

26. COASTING ON ROADWAY

No person shall coast on a roadway, whether on a sleigh, skateboard, roller skate, roller blade, cart, children's wagon or toboggan.

27. TRAFFIC CONTROL AT FIRES

27.1 No person shall drive or park a vehicle other than a peace officer or fire department vehicle on any highway within ninety (90m) meters (295.3 feet) of a fire scene, fire apparatus or fire-fighting equipment, except as directed by a peace officer, Police Officer or officer of the fire department.

27.2 Unless directed by a peace officer, Police Officer or fire department, no person shall drive a vehicle over a fire hose on any highway.

28. EMERGENCY AND SPECIAL REGULATIONS

Notwithstanding any provisions of this By-law to the contrary, a Police Officer, Peace Officer, Municipal By-law Enforcement Officer or other person designated may, during any emergency or special circumstance, by the erection of appropriate signs or signals, prohibit or regulate the movement of vehicles on any highway or part of a highway and no person shall drive or operate a vehicle in contravention of any such sign or signal.

29. VEHICLES CROSSING SIDEWALKS, BOULEVARDS AND CURBS

29.1 Vehicles on Sidewalks Prohibited

No person shall drive a vehicle, or ride upon a skateboard, roller blade or roller skate, on a sidewalk except for the purpose of directly crossing the sidewalk.

29.2 Curb and Sidewalk Depressions

No person shall drive a vehicle over a raised curb or sidewalk except at a place where there is a ramp, rolled curb depressed curb.

29.3 Exemptions

Subsections 29.1 and 29.2 shall not apply to wheel chairs, baby carriages, tricycles and wagons.

30. BOARDING AND ALIGHTING FROM MOVING VEHICLES

No person shall board or alight from any vehicle while such vehicle is in motion.

31. MUNICIPAL VEHICLES PERFORMING WORK ON HIGHWAYS - EXEMPTION

The provisions of Section 29 do not apply to municipal vehicles that are engaged in the performance of cleaning, clearing, maintenance, repair, construction or other work on any highway.

PART V - NO HEAVY TRUCK ROUTE

32. HEAVY TRUCK PROHIBITED ON CERTAIN HIGHWAYS SCHEDULE “V”

No person shall drive or cause to be driven a heavy truck on a highway or part of a highway where “no heavy truck signs” are erected or are displayed on any highway between the limits set out respectively in column 1, 2 and 3 of Schedule “V” to this By-law.

33. EXEMPTIONS

- 33.1 deliveries to a location on a no heavy truck route;
- 33.2 the performance of services on a no heavy truck route;
- 33.3 proceeding to or from a garage or the relocation for the purpose of housing, storing or repairing a heavy truck on a heavy truck route;
- 33.4 public services by the Corporation;
- 33.5 a privately owned vehicle(s) driven to or from the owner’s residence;
- 33.6 emergency services which may require otherwise, prohibited use of vehicle.

34. DEVIATION TO BE DIRECT

Every deviation onto a no heavy truck route as set out in Section 33 of this By-law shall be made from the highway which is not bound by a heavy truck route to the nearest point of distance to the premises or location of performance of services.

PART VI - PEDESTRIANS

35. PEDESTRIANS PROHIBITED ON ROADWAY

Except for the purpose of crossing a roadway, where there is a sidewalk that is reasonably passable on one side or on both sides of a roadway, no person shall walk on the roadway.

36. PEDESTRIAN BARRIERS

No person shall go over or under a pedestrian barrier installed on a sidewalk, or at any other location within a highway.

37. PLAYING ON ROADWAY PROHIBITED

37.1 No person shall play or take part in any game or sport upon a roadway.

37.2 Where there are sidewalks, no person on or riding in or by means of any children's wagon, toboggan, or similar device shall go upon a roadway, except for the purpose of crossing it, and when so crossing, such person shall have the rights and be subject to the obligations of pedestrian.

PART VII - BICYCLES

38. BICYCLES

- 38.1 A person driving a bicycle upon a roadway shall;
 - 38.1.1 drive as near the right - hand side of the roadway as practicable; and
 - 38.1.2 exercise due care when passing a parked, stopped or standing vehicle or one proceeding in the same direction.
- 38.2 A person driving a bicycle upon a highway designated for one-way traffic shall;
 - 38.2.1 drive as near the right - hand or left - hand side of the roadway as practicable.
 - 38.2.2 exercise due care when passing a parked, stopped or standing vehicle or one proceeding in the same direction.
- 38.3 persons driving bicycles upon a roadway shall do so in a single file.
- 38.4 no person driving a bicycle upon a highway shall carry any package, bundle or article which prevents the rider from keeping both hands on the handle bars.
- 38.5 no person driving a bicycle upon a highway shall remove his feet from the pedals while the bicycle is in motion.
- 38.6 no person shall place a bicycle upon a highway except in such a manner as to cause the least possible obstruction to pedestrian or vehicular traffic.

PART VIII - SIGNS

39. ERECTION OF SIGNS, TRAFFIC CONTROL SIGNALS, ETC.

The Roads Superintendent or any other person acting under his/her authority is hereby authorized and directed to erect and maintain such signs, traffic control signals, markings, barricades, traffic control devices and other structures, plant and equipment as are required to give effect to this By-law and as are required to regulate, direct, warn or guide pedestrian and vehicular traffic for the safety and convenience of the public.

40. CONFLICTING PRIVATE SIGNS

No person shall place, maintain or display upon, any highway, any sign, signal, marking or device which,

40.1 conceals a traffic control device, traffic control signal, from view,

40.2 interferes with the effectiveness of a traffic control device, traffic control signal,

40.3 purports to be or is an imitation of or resembles any official or authorized sign, traffic control signal or traffic control device.

41. DEFACING SIGNS AND TRAFFIC CONTROL SIGNALS

No person shall move, remove, deface or in any manner interfere with any authorized or official signs, traffic control signals, markings or other traffic control devices placed, erected or maintained under this By-law.

42. FRESHLY PAINTED LINES ON ROADWAY

42.1 No person shall drive any vehicle over any markings on the roadway where markers are in place to indicate that the marking material has been freshly applied.

42.2 No person shall drive any vehicle onto or over any marker placed on the roadway.

PART IX - OFFENCES AND PENALTIES

43. OFFENCES AND PENALTIES

Every person who contravenes or causes or permits any contravention of any of the provisions of Part "A" of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.

44. VEHICLES SUBJECT TO REMOVAL WHEN ILLEGALLY PARKED

In addition to any other penalties provided by this by-law, upon discovery of any vehicle parked, stopped or standing on any highway in contravention of the provisions of this By-law, a Police Officer, police cadet, Municipal Law Enforcement Officer or an officer appointed for the purpose of carrying out the provisions of this By-law, may cause such vehicle to be moved or taken to and placed or stored in a suitable place and all costs and charges for the removing, care 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*, RSO, 1990, Chapter R.25.

45. LIABILITY OF OWNER

45.1 The owner of a vehicle that is parked, stopped or left standing in contravention of this By-law is guilty of an offence 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.

45.2 The owner of a vehicle shall incur the penalties provided for any contravention of this By-law unless, at the time of the contravention, the vehicle was in the possession of some person other than the owner or his chauffeur without the owner's consent and the driver or operator of a vehicle not being the owner shall also incur the penalties provided for any such contravention.

PART X - APPLICATION AND ADMINISTRATION

46. ENFORCEMENT

- 46.1 This By-law shall be enforced by the Municipal Law Enforcement Officers of the Corporation.
- 46.2 The Municipal law Enforcement Officers are exempt from complying with the provisions of this By-law while actively engaged in its enforcement on the parts thereof that they have been appointed to enforce when no suitable parking is available.
- 46.3 No person shall obstruct, hinder or interfere with the Municipal Law Enforcement Officer in the performance of his duties.

47. APPLICATION OF BY-LAW

This By-law applies to all highways under the jurisdiction of the Corporation.

48. EMERGENCY VEHICLES - EXEMPTION

Part "A" of this By-law shall not, in case of emergency, apply to ambulances, police, fire, emergency measures department vehicles and municipal law enforcement vehicles in the performance of their duties.

49. ORDER PROHIBITING

In addition to the imposing of a fine or other remedy, a court of competent jurisdiction may upon conviction of an offence under this By-law, issue an order prohibiting the continuation or repetition of the violation by the person convicted.

50. SEVERABILITY

It is hereby declared that each and every of the foregoing provisions of this By-law is severable and that, if any provisions of this By-law should for any reason be declared invalid by any Court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

51. BY-LAW SUBJECT TO THE *HIGHWAY TRAFFIC ACT*, R.S.O. 1990, Chapter H.8, AS AMENDED

The provisions of this By-law are subject to the provisions of the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, as amended.

52. 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 therefrom, and not otherwise.

53. FORMER BY-LAWS REPEALED

By-law number 05-94 (Village of Chesterville, regulating traffic and parking as amended)
By-law number 76-10, 75-20 and 93-18 (Village of Winchester regulating traffic and parking as amended) are hereby repealed in their entirety.

54. PART "A" OF BY-LAW IN FORCE

Part "A" of this By-law shall come into force and take effect on January 1st, 2003.

PART "B"

PROPERTY - PRIVATE PROPERTY AND PROPERTY OF THE CORPORATION

55. In this part:

55.1 "owner", when used in relation to property, means,

55.1.1 the registered owner of the property,

55.1.2 the registered owner of a condominium unit whose consent shall extend only to the control of the unit of which he is owner and any parking spaces allotted to him by the condominium corporation or reserved for his exclusive use in the declaration or description of the property

55.1.3 the spouse of a person described in Subsection 55.1.1 or 55.1.2, hereof

55.1.4 where the property is included in description registered under *The Condominium Act*, the board of directors of the condominium corporation,

55.1.5 a person authorized in writing by the property owner as defined in Subsections 55.1.1, 55.1.2, 55.1.3, 55.1.4 hereof to act on the owner's behalf for requesting the enforcement of this part of the By-law

55.2 "occupant" means,

55.2.1 the tenant of the property or part thereof whose consent shall extend only to the control of the land of which he is tenant and any parking spaces allotted to him under his lease or tenancy agreement,

55.2.2 the spouse of a tenant,

55.2.3 a person or a municipality, or a local board thereof having an interest in the property under an easement or right of way granted to or, local board whose consent shall extend only to the part of the property that is subject to the easement or right of way,

55.2.4 a person authorized in writing by an occupant as defined in Subsections 55.2.1, 55.2.2, or 55.2.3 to act on the occupant's behalf for requesting the enforcement of this part of the By-law.

56. The driver of a motor vehicle, not being the owner, is also liable to such a penalty, unless at the time the offence was committed, the motor vehicle was in the possession of a person other than the owner, without the owner's consent;

- 56.1 Subject to Subsection 56.3, the driver or owner of a motor vehicle parked or left on private property is not liable to any penalty or to have the motor vehicle removed from such property or impounded under this part of the By-law, except upon the written complaint of the owner or occupant of the property given to a constable or officer appointed for the carrying out of the provisions of this part of the By-law;
- 56.2 Where an owner or occupant of property affected by this part of the By-law has posted signs stating conditions on which a motor vehicle may be parked or left on the property or prohibiting the parking or leaving of a motor vehicle on the property, a motor vehicle parked or left on the property contrary to such conditions or prohibition shall be deemed to have been parked or left without consent;
- 56.3 If it is alleged in a proceeding that a provision of Part “B” of this By-law has been contravened, the oral or written evidence as proof, in the absence of evidence to the contrary of the facts stated therein, in respect of,
- 56.3.1 the ownership of occupancy of the property;
 - 56.3.2 the absence of the consent of the owner or occupant; or
 - 56.3.3 whether any person is an owner or an occupant as defined in Section 55;
- a document offered as evidence under Subsection 56.3 shall be admitted without notice under the *Evidence Act*, R.S.O. 1990, Chapter E.23, as amended.
57. No person shall park or leave any motor vehicle on private property without the consent of the owner or occupant of the property.
58. Whenever a motor vehicle is parked or left on private property without the express authority of the owner or occupant of such property, a Police Officer, police cadet, Municipal Law Enforcement Officer or an officer appointed for the carrying out of this By-law, upon the written complaint of the owner or occupant of the property, shall cause the said motor vehicle to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, shall be paid by the owner of the said motor vehicle and such costs and charges shall be a lien upon the said motor vehicle which may be enforced in the manner provided by the *Repair and Storage Liens Act*, R.S.O. 1990, Chapter R.25, as amended.
59. No person shall park or leave any motor vehicle on property of the Corporation where parking is by sign designated as an area in which parking is prohibited.

60. No person shall park or leave any motor vehicle on property of the Corporation where an area is by sign designated as reserved, unless the area is reserved for such person or class of persons.
61. No person shall park or leave any motor vehicle on property of the Corporation where parking is by sign regulated by time limits for a longer period of time than that set out on the sign.
62. No person shall park or stop a motor vehicle or permit a motor vehicle to remain parked or stopped on the property of the Corporation in an area designated by sign as a loading zone, except for the purpose of and while actually engaged in loading thereon or unloading therefrom, passengers, freight or merchandise.
63. Whenever a motor vehicle is parked or left in an unauthorized area on property of the Corporation and is in contravention of any provisions of Part “B” of this By-law, a Police Officer, police cadet, Municipal Law Enforcement Officer or an officer appointed for the carrying out of the provisions of this By-law, shall upon the written complaint of an authorized employee of the Corporation shall cause the said motor vehicle to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, shall be paid by the owner of the said motor vehicle and such costs and charges shall be a lien upon the said motor vehicle, which may be enforced in the manner provided by the *Repair and Storage Liens Act*, R.S.O. 1990, Chapter R.25, as amended.
- 64. OFFENCES AND PENALTIES**
Every person who contravenes or causes or permits any contravention of any of the provisions of Part “B” of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.

PART “B” OF BY-LAW IN FORCE

65. Part “B” of this By-law shall come into force and take effect on January 1st, 2003.

READ A FIRST AND SECOND TIME, this 11th day of June 2001

Mayor

Clerk

READ A THIRD TIME, this 25th day of November 2002

Mayor

Clerk