

Consolidated Parking By-Law No. 93-19
up to and including By-Law No. 2008-27

Amendments

<u>By-Law No.</u>	<u>Date of Amendment</u>
2001-55	July 9, 2001
2006-26	April 10, 2006
2006-108	October 10, 2006
2008-27	March 10, 2008

THE MUNICIPALITY OF DYSART ET AL

CONSOLIDATED BY-LAW NO. 93-19

**BEING A BY-LAW TO REGULATE AND CONTROL PARKING ON
TOWNSHIP ROADS**

WHEREAS, pursuant to the Municipal Act, R.S.O. 2001, c. 25, as amended, and the Motorized Snow Vehicle Act, R.S.O. 1990, c. M.44, the Municipality may pass by-laws respecting the parking of motor vehicles on municipal highways and on other municipal lands, including by-laws to designate parking spaces for the exclusive use of certain motor vehicles, and to impose fees for parking; (By-law No. 2008-27)

NOW THEREFORE, the Council of the Corporation of the United Townships of Dysart et al ENACTS AS FOLLOWS:

1. This By-law may be referred to as the Dysart Parking Control By-law and shall apply to all Township roads within the Corporate boundaries.

2. DEFINITIONS

In this By-law;

- 2.1) “Boulevard” means an improved or unimproved area lying between the roadway and the street line;
- 2.2) “Highway” includes a common and public highway, street avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicle and includes the area between the lateral property lines thereof;
- 2.3) “Intersection” means the arc embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of the two or more highways that join one another at an angle, whether or not one highway crosses the other;
- 2.4) “Official Sign” means a sign in conformity with the Highway Traffic Act regulations or approved by the Ministry of Transportation;
- 2.5) “Park” or “Parking” when prohibited means the halting of a vehicle, whether occupied or not, except when halted temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;

- 2.6) “Police Officer” or “Officer” for the purpose of this By-law means a member of the Ontario Provincial Police or a municipal law enforcement officer, authorized to enforce the provisions of this By-law and includes all other persons appointed as provincial offences officers pursuant to the Provincial Offences Act, R.S.O. 1990, chapter P33;
- 2.7) “Roadway” means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder;
- 2.8) “Sidewalk” means a path or strip of land paved or otherwise on a highway physically set apart or designed, made available or intended for pedestrian use;
- 2.9) “Stop” or “Stopping” or “Standing” means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic, or to comply with the direction of a constable or other police officer or a traffic sign or signal;
- 2.9.1) “Taxicab” means a motor vehicle kept or used for hire for the conveyance of passengers or goods; (By-law No. 2006-26)
- 2.10) “Vehicle” includes any automobile, motorcycle, motor assisted bicycle, trailer, traction engine, farm tractor, road building machine and vehicle drawn, propelled or driven by any kind of power, including muscular power and motorized snow vehicles but not including motor vehicles running only upon rails.

3. PARKING REGULATIONS:

- 3.1) No person shall at any time park a vehicle facing in a direction opposite to that of the normal direction of traffic on the side of the road that the vehicle is parked.
- 3.2) No person shall park a vehicle unless the vehicle is parallel to the curb of the edge of the roadway and the passenger side wheels are not more than 15 centimetres (5.9 inches) on to the roadway from the curb or the edge of the roadway.
- 3.3) No person shall park a vehicle at any time of the following places:
 - i) on a sidewalk or the improved portion of a boulevard;
 - ii) in front of a public or private driveway or laneway or within three quarters (3/4) of a meter of the limits thereof;

- iii) within an intersection or 9 metres (29.5 feet) of the limits of an intersection;
- iv) on any bridge or in any subway or the approaches thereto;
- v) on any highway or portion thereof in such a manner as to obstruct traffic;
- vi) in such a position so as to prevent the convenient removal of any vehicle previously parked or left standing;
- vii) on any portion of a highway that has been designated as a pedestrian crossover or within 9 metres (29.5 feet) of the limits thereof;
- viii) on any roadway for a period longer than three (3) hours between the hours of 12:00 midnight and 7:00 A.M.

3.4) No person shall park a vehicle:

- i) at any time where a temporary no parking sign has been erected by an order made by the Municipal Council;
- ii) at any time where a sign is on display in front of an entrance to the theatre, auditorium or other place where large assemblages are held in such theatre, auditorium or other building;
- iii) in such a manner that the vehicle is not wholly within a designated parking space unless such vehicle is of such length so as to render it impossible to do so and section 6.2(f) hereof is complied with when applicable;
- iv) on that portion of a Highway adjacent to any school property between 8:30 A.M. and 4:30 P.M. on Monday to Friday inclusive.

3.5) The operator of a bus or taxicab shall not stop or park upon any Municipal Road other than those portions designated as Bus or Taxi Stands provided that this provision shall not prevent the operator from temporarily stopping for the purpose of and while actively engaged in loading or unloading passengers.

3.6) No person shall at any time park a vehicle on the highways or portions thereto as specified in Schedule "A" attached hereto, or park a vehicle at anytime on municipal property or portion thereof where it is posted as prohibited. (By-law No. 2008-27)

- 3.7) Subject to Section 3.6, no person shall park a vehicle in the locations set out in Schedule “B” in excess of the specified time limits therein on the days specified therein.
- 3.8) No person shall park or leave a motor vehicle on land owned by the municipality without the Municipality’s consent. Any vehicle found in contravention will be removed in accordance with Section 9. (By-law No. 2006-26)

4. STANDING REGULATIONS:

- 4.1) No person shall at any time allow a vehicle to be standing on a highway or portion thereof specified in Schedule “C” attached hereto.
- 4.2) No person shall at any time allow a vehicle to be standing on a sidewalk or the improved portion of a boulevard.

5. LOADING / UNLOADING OF VEHICLES:

- 5.1) No person shall park or stop a vehicle to load or unload from the side of the vehicle other than the side adjacent to the curb or edge of the roadway.
- 5.2) No person shall at any time park or stop a vehicle to load or unload said vehicle with the passenger side wheels more than 15 centimetres (5.9 inches) on to the roadway from the edge of the curb or roadway.

6. PARKING METER ZONES:

- 6.1) Subject to the other provisions of this By-law, those portions of the Municipal Roads listed in Schedule “D” shall be and are hereby designated as parking meter zones.
- 6.2) Notwithstanding anything in this By-law to the contrary, the following rules and regulations apply to parking meter zones;
 - i) No person shall park a vehicle in a parking meter zone between the hours of 9:00 A.M. and 6:00 P.M. on Mondays, Tuesdays, Wednesdays, Thursdays and Saturdays or between the hours of 9:00 A.M. and 9:00 P.M. on Fridays throughout the year except when such days are legally and lawfully proclaimed holidays unless the owner or operator of such vehicle deposits in the parking meter provided for the parking space the sum of twenty-five cents for each and every sixty (60) minute period in accordance with and up to and including the maximum period indicated on the dial of the meter for each parking space used or the sum of One Dollar (\$1.00) for each and every Sixty (60) Minute Period, Highland Street to Maple; (By-law No. 2001-55)

- ii) No person shall allow a vehicle to remain parked for a longer period than that for which payment has been made in the form of coins deposited in the parking meter or meters, provided however, that this shall not prevent the owner or operator of the vehicle from using the unexpired time remaining on the meter from its previous use without depositing a coin therein;
- iii) No person shall allow a vehicle to remain in a parking space controlled by an individual parking meter for a period longer than one hundred and twenty minutes at any one time;
- iv) No person shall park a vehicle in such a manner that it is not wholly within an area designated as a parking space provide that if the vehicle is of such length that it cannot be parked within one parking space, the person parking the vehicle may occupy two (2) spaces and shall deposit the necessary amounts in the parking meter for both spaces;
- v) Nothing in this By-law shall be construed as prohibiting the Municipality from providing for free parking space for loading or unloading, for taxi or bus stops and for the matters of a similar nature or for removing or not installing parking meters in the said parking meter zones and for special consideration; and
- vi) Any portion or portions of the areas designated in this By-law as Parking Meter Zones may be at any time be designated temporarily as “No Parking” areas by such official as Municipal Council may by resolution designate for that purpose, and in that event such area or areas so designated shall for the period of such designation be areas in which no vehicles may be parked.

7. DISABLED PARKING REGULATIONS:

7.1) In this section:

- i) “designated parking space” means a parking space designated under this By-law for the exclusive use of a vehicle displaying a permit in accordance with the requirements of the Highway Traffic Act and the regulations made thereunder and this By-law;
- ii) “municipal or private property” means any open area or portion of a structure, other than a street or highway, intended for the temporary parking of vehicles and on which there are designated parking spaces, whether their use involves the payment of a fee or otherwise;

- iii) “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 that Act.

7.2) A designated parking space:

- i) shall be distinctly indicated in accordance with the requirements of the Highway Traffic Act and the regulations made thereunder;
- ii) on municipal or private property shall have a width of not less than 4.4 metres; and
- iii) shall include a part of any street or of any municipal or private parking lot marked by signs restricting its use for disabled parking.

7.3) No person or organization shall park a vehicle in a designated parking space, unless a currently valid 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, the regulations made thereunder and this By-law.

7.4) No person shall park or stand a vehicle in such a manner as to interfere with the movement of traffic, the clearing of snow, or the sanding or maintenance of a highway.” (By-law No. 2006-26)

7.5) The driver or operator of a vehicle which displays a permit in accordance with the requirements of the Highway Traffic Act and the regulations made thereunder and this By-law shall not be required to pay an amount in excess of the normal fee paid by other users of the same parking lots or other parking facilities to which the public has access.

8. PENALTIES:

8.1) Where a vehicle is found parked in contravention of the parking provisions of this by-law, the police officer or officer so finding the vehicle may issue a certificate of parking infraction and a parking infraction notice. The said parking infraction notice may be served upon the owner of the vehicle identified in the notice or upon the operator of the vehicle by a method prescribed by the Provincial Offences Act, R.S.O. 1990, chapter P33.

8.2) The certificate of parking infraction and parking infraction notice shall state:

- i) the permit number and concise description of the vehicle;

- ii) that the vehicle is parked contrary to the provisions of this By-law;
- iii) the date, time and place of the alleged offence;
- iv) the amount of the set fine and voluntary early payment;
- v) that the owner thereof may report to the Municipal Office within seven days after the day when the ticket is attached and make voluntary early payment of the fine or deposit the amount of the fine in the red fine box located at Municipal Office or in the downtown core within seven days after the day when the ticket was attached or mail said fine to be received by the Municipal Office within seven days after the day when the ticket is attached.

8.3) The following offences are offences in which voluntary payment in full satisfaction in respect to the offences may be made:

- i) parking wrong way on a two way street contrary to Section 3.1 herein;
- ii) parked more than 15 centimetres (5.9 inches) from edge of roadway / curb contrary to Section 3.2 herein;
- iii) parked on sidewalk / boulevard contrary to Section 3.3(i) herein;
- iv) parked obstructing driveway / laneway contrary to Section 3.3(ii) herein;
- v) parked within an intersection or within 9 metres (29.5 feet) of an intersection contrary to Section 3.3(iii) herein;
- vi) parked on bridge or any subway or the approaches thereto contrary to Section 3.3(iv) herein;
- vii) parked on a highway obstructing traffic contrary to Section 3.3(v) herein;
- viii) parked for longer than 3 hours between midnight and 7:00A.M. contrary to Section 3.3(viii) herein;
- ix) parked not totally in designated parking space contrary to Section 3.4(iii) herein;
- x) parked in school zone contrary to Section 3.4(iv) herein;

- xi) parked in position preventing convenient removal of other previously parked or standing vehicle contrary to Section 3.3(vi) herein;
 - xii) parked in prohibited area contrary to Section 3.6 herein;
 - xiii) parked longer than times posted contrary to Section 3.7 herein;
 - xiv) standing in prohibited area contrary to Section 4.1 herein;
 - xv) standing on sidewalk / boulevard contrary to Section 4.2 herein;
 - xvi) load / unload vehicle from prohibited side contrary to Section 5.1;
 - xvii) load / unload vehicle with passenger side wheels more than 15 centimetres (5.9 inches) from edge of roadway / curb contrary to Section 5.2;
 - xviii) park at expired meter contrary to Section 6.2(ii) herein;
 - xix) parked in excess of 2 hour limit contrary to Section 6.2(iii) herein; and
 - xx) parked in designated parking space for disabled parking without permit contrary to Section 7.3 herein.
 - xxi) bus or taxicab parked in an area not designated contrary to Section 3.5). (By-law No. 2006-26)
 - xxii) parked interfering with traffic, snow removal, sanding or maintenance contrary to Section 7.4). (By-law No. 2006-26)
- 8.4) Any person violating any of the provisions of this By-law shall be subject to a fine in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990, chapter P33.
- 8.5) The owner of a vehicle shall incur the penalties provided for any violator of this By-law unless, at the time of such violation, the vehicle was in the possession of some person other than the owner or his chauffeur, without the owner's consent and the driver of the motor vehicle not being the owner shall incur the penalties provided for any violation of the terms of this By-law.
- 8.6) The provisions of this By-law shall not apply in respect of municipally owned or emergency vehicles while the occupants of such vehicles are engaged in the performance of their duties.

9. REMOVING AND IMPOUNDING VEHICLES:

Any municipal law enforcement officer, police officer, police cadet or any person appointed for carrying out the provisions of the Highway Traffic Act may, under the authority of Section 170(15) of the Highway Traffic Act, R.S.O. 1990, chapter H8, upon discovery of any vehicle found in contravention of this By-law may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, caring and storage thereof, are a lien upon the vehicle, which may be enforced in the manner, provided by the Repair and Storage Liens Act, R.S.O. 1990, chapter R25.

10. IMPLEMENTATION:

10.1) Municipal law enforcement officers of the Corporation of the Township of Dysart et al are hereby appointed to enforce this By-law.

10.2) The Road Superintendent is hereby authorized and directed to obtain, erect and maintain such official signs as are necessary to give effect to the provisions of this By-law.

10.3) This By-law comes into force and takes effect on the date of passage hereof, subject to the provisions of the Provincial Offences Act, R.S.O. 1990, chapter P33.

10.4) By-laws numbered 84-8, 89-2,89-13,90-38 and 92-24 shall be and are hereby repealed.

11. ENFORCEMENT:

11.1) The provisions of this By-law shall be enforced by any police officer or officer as defined by Section 2.6 herein.

READ A FIRST TIME: April 12, 1993

READ A SECOND TIME: April 12, 1993

READ A THIRD TIME
AND FINALLY PASSED: April 12, 1993

SCHEDULE “A”
(By-Law No. 2006-108)

(List of roads or portions of roads where parking is prohibited.)

- Independent Street, north and south sides of road between intersection of Eastern Avenue and Cattail Road between the hours of 8:00A.M. and 6:00 P.M. daily.
- Victoria Street adjacent to school property between hours of 8:30 A.M. and 4:40 P.M., Monday through Friday.
- The east ½ (33 feet) of the original road allowance between the Township of Sherborne and the Township of Havelock, being located at Lot 1, Concession 12, Township of Havelock.
- Wigamog Road – “No Parking” as indicated between signs in the vicinity of Lot 6, Concession 3, Township of Dysart, Silver Beach Campground.
- Grass Lake Road from the intersection of County Road 1 (Gelert Road) to 1061 Grass Lake Road on both sides and from 1061 Grass Lake Road to 1173 Grass Lake Road on the west side.
- Blue Heron Trail on both sides of the road at Plan 633, Block 21, Township of Guilford for a distance of about 1100 feet between posted signs in front of the Blue Heron Boat Launch Area.

SCHEDULE “B”

(List where time limit on parking)

- 15 minute parking east side of Maple Avenue within limits of width of Post Office property as posted.
- 3 hours parking maximum on any Municipal Roadway between 12:00 Midnight and 7:00 A.M.
- Municipal Parking Lot – Maple Avenue. Visitor and Staff parking only. Monday through Friday between hours of 9:00 A.M. and 5:00 P.M.

SCHEDULE “C”

(List roads where no standing)

- No standing within 9 metres (29.5 feet) of all intersections.
- No standing in front of Vehicle Access Doors to Municipal Fire Hall.
- No standing in front of Vehicle Access Doors to Ambulance Hall.

SCHEDULE “D”

(List parking meter zones)

- Highland Street north and south sides between the intersections of Cedar Avenue to the west and Oak Avenue (now Dysart Avenue) to the east.
- Maple Avenue east and west sides between the intersection of Mountain Street to the south and York Street to the north.