

THE CORPORATION OF THE TOWNSHIP OF STRATHROY-CARADOC

BY-LAW NO. 20-07

A By-law to Regulate Speed and Parking on Roads within the Township of Strathroy-Caradoc.

Whereas Sections 11, 100, 101 and 102 of the *Municipal Act, 2001* authorize a municipality to regulate parking;

And Whereas Section 128(2) of the *Highway Traffic Act*, R.S.O. 1990, c.H.8 authorizes a municipality to regulate speed on public Highways;

Now therefore the Council of The Corporation of the Township of Strathroy-Caradoc enacts as follows: -

- 1. The title of this By-law shall be as follows:

Short Title: Parking By-law

- 2. **DEFINITIONS:**

For the purpose of this By-law: -

Authorized Sign

Means any sign, curb or sidewalk marking, or other device placed or erected on a highway under the authority of this bylaw for the purposes of regulating, warning or guiding traffic.

Boulevard shall mean a strip of grass or other vegetation between a sidewalk and a roadway.

By-law Enforcement Officer means a person appointed by the Municipal Corporation for enforcing the provisions of this By-law including a Police Officer.

Commercial Motor Vehicle means a motor vehicle having permanently attached thereto a truck or delivery body and includes an ambulance, hearse, casket wagon, fire apparatus, bus and tractor used for hauling purposes on the Highways, also means a taxi-cab.

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

Fire Route shall mean any part of a roadway or a private roadway designated by signage as a route that will be used for emergency vehicles or emergency personnel, including without limitation, fire trucks, emergency response vehicles, ambulances and any other similar motor vehicles.

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 motor vehicles and includes the area between the lateral property lines thereof and the entire road allowance. For clarity, "Street" or "Highway" shall include Rural Highways and Urban Highways.

Motor Vehicle includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, a commercial motor vehicle 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 stream railways running only upon rails.

One-Way Highway

Means a highway upon which vehicular traffic is limited to movement in one direction.

Park, Parked or Parking means the standing of a motor vehicle whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

Parking Infraction

Means any unlawful parking, standing, or stopping of a vehicle that constitutes an offence.

Parking Infraction Notice

Means a notice authorized by the *Provincial Offences Act* and placed on any vehicle parked in contravention of this bylaw, providing for the payment of the penalty out of court.

Physically Disabled Person shall mean a person who is permanently or temporarily physically disabled in such a way that mobility is seriously restricted and includes a person who uses a wheelchair, crutches, braces or other mobility assisted devices.

Police Officer means an officer employed by The Corporation of the Township of Strathroy-Caradoc Police Service.

Private Parking Lot shall mean a privately owned lot that is used, in whole or in part, for the purpose of parking motor vehicles.

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

Roadway includes the travelled portion of a street or highway designed and intended for the travel of motor vehicles and includes any designated parking areas.

Rural Highways shall mean the highways within the Township of Strathroy-Caradoc that surround and lie between the urban residential settlements of Strathroy, Mt. Brydges, Melbourne, Campbellvale and Delaware West.

School Bus Loading Zone

Means an area marked by signs indicating such area to be for the sole use of school buses engaged in receiving or discharging passengers.

Sidewalk

Means that portion of a boulevard, which is paved, bricked or otherwise hard surfaced and intended for the use of pedestrians.

Stand or Standing

Means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.

Stop or Stopping

Means the complete cessation of movement 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.

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 motor vehicles and includes the area between the lateral property lines thereof and includes the entire road allowance. For clarity, "Street" or "Highway" shall include Rural Highways and Urban Highways.

"U" Turns

Means to turn a vehicle within a roadway so as to proceed in the opposite direction

Urban Highways shall mean the highways within the built up settlements within the boundaries of the Township of Strathroy-Caradoc know as Strathroy, Mount Brydges, east side of the hamlet of Melbourne, Campbellvale and the hamlet of Delaware West.

3. **PARKING REGULATIONS**

(i) **No Parking - At Any Time**

No person shall park a motor vehicle on the highways or parts of highways designated by signage as a "No Parking" area.

(ii) **No Parking – Restricted**

No person shall park a motor vehicle on the highways or parts of highways contrary to the posted times as designated by the signage.

(iii) **No Parking – Limited**

No person shall park a motor vehicle on the highways or parts of highways in excess of the time limit as designated by the signage.

(iv) **No Stopping Areas**

No person shall stop a motor vehicle on the highways or parts of Highways during the times as designated by the signage as "No Stopping".

(v) **No Overnight Parking – Winter Months**

No person shall park a motor vehicle overnight on the roadway or parts of the roadway between the hours of 2:00 a.m. and 7:00 a.m. from December 1st to March 31st each year.

(vi) **No Parking or Standing - Commercial Vehicles – 2-Hour Limit**

No commercial motor vehicle shall be parked or left standing for a longer period than two (2) hours, upon any part of any highway.

(vii) **No Parking – School Bus Loading Zone**

Where signs have been erected and are on display designating an area as a school bus loading zone, no person shall park a motor vehicle so as to obstruct a school bus loading zone.

(viii) **No Parking – Wrong Side of Highway**

No person shall park a motor vehicle on any highway unless on the right hand side of the highway having regard to the direction of the flow of traffic.

(ix) **No Parking – Distance from Curb**

No person shall park a motor vehicle on any highway equipped with curbs unless the motor vehicle is parallel to and not more than 30 centimetres from the curb.

(x) **No Parking or Standing – Recreation Vehicles – 48 hours**

No recreational vehicle shall be parked or left standing for a longer period than forty eight (48) hours, upon any part of any highway.

4. Parking Regulations – General Prohibition

No person shall park a motor vehicle in contravention of authorized posted signs.

No person shall park a motor vehicle:

- (i) on a highway within three metres of a fire hydrant;
- (ii) so as to obstruct a public or private roadway, driveway or entrance;
- (iii) so as to obstruct a sidewalk;
- (iv) so as to obstruct a pedestrian crosswalk;
- (v) so as to interfere with the movement of traffic;
- (vi) so as to interfere with the clearing of snow from the highway;
- (vii) on a boulevard
- (viii) in an area designated as parking for physically disabled persons
- (ix) in an area designed by signage as a Fire Route;
- (x) in a private parking lot except as permitted in paragraph five (5) herein.

5. Private Parking Lot

- i. The owner of any private parking lot shall designate parking spaces for motor vehicles that are used to transport physically disabled persons and for other motor vehicles.
- ii. No motor vehicle shall park or be left standing in a private parking lot unless:
 - a. The motor vehicle is parked within the boundaries of a space designated in the private parking lot as a parking space; and
 - b. In the case of a motor vehicle occupying a parking space for physically disabled persons, the operator of the motor vehicle has obtained and posted a permit in the motor vehicle confirming that the motor vehicle has been parked in such an area for the benefit of a physically disabled person.

6. Speed Limit Restrictions

- i. The maximum rate of speed on all rural and urban highways shall be in accordance with the *Highway Traffic Act*, R.S.O. 1990, c.H.8 unless otherwise posted.

- ii. Where signs are posted that set out the maximum rate of speed, or speed limit, on any rural highway or urban highway, no person shall drive a motor vehicle at a rate of speed greater than the posted speed limit.

7. **REMOVAL OF MOTOR VEHICLES IN CONTRAVENTION OF BY-LAW**

- i. In addition to any other penalty provided for in this by-law, a Police Officer or By-law Enforcement Officer, may cause a motor vehicle that is parked in contravention of this by-law to be removed and taken to be stored at a location determined by a Police Officer or By-law Enforcement Officer.
- ii. Where a motor vehicle is removed and stored pursuant to section 7(i), all costs and charges for the removal, care, and storage of the motor vehicle shall be paid by the motor vehicle owner and shall form a lien on the motor vehicle which may be enforced in the same manner as provided for in the *Repair and Storage Liens Act*.

8. **TRAFFIC CONTROL**

(a) **One-Way: Designated Highways**

Where highways are designated as one way by the erection of official signage, no person operating a motor vehicle shall drive in the opposite direction.

(b) **No U-Turns**

Where official signs are on display, no person operating a motor vehicle shall make a U-turn.

9. **OWNER LIABILITY**

Where a motor vehicle has been left parked, stopped or left standing in contravention of this by-law, the owner of the motor vehicle, notwithstanding that he/she 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 this by-law unless, at the time of the offence, the motor vehicle was in possession of some person other than the owner without the owner's consent.

10. **PARKING INFRACTION NOTICE**

- i. Where a motor vehicle is found parked in contravention of the provisions of this by-law, a Police Officer or By-law Enforcement Officer so finding the motor vehicle may complete and place upon or attach to the motor vehicle a Parking Infraction Notice in the form of a serially numbered notice stating:

- a) the licence number of the motor vehicle and the expiry date of the sticker;
 - b) a description of the offence;
 - c) the date, time and location of the alleged offence;
 - d) the signature of the issuing officer;
 - e) the early payment fine and set fine for the alleged offence;
 - f) that the owner or driver thereof may make a voluntary early payment in the amount and manner set forth or pay the set fine as indicated on the Parking Infraction Notice prior to the 15th day as set out under Part II of the Provincial Offences Act, R.S.O. 1990, c.P.33;
 - g) the owner's or driver's right to dispute the parking infraction notice in the Courts of Ontario;
 - h) that in the event of failure to make such payment, a conviction may be registered under Part II of the Provincial Offences Act, R.S.O. 1990 c. P.33.
 - i) the address of the parking authority payment office.
- ii. The By-law Enforcement Officer or the Police Officer shall attach one copy of the parking infraction notice to the motor vehicle and deliver one copy to the Treasurer of The Corporation of the Township of Strathroy-Caradoc.

11. **ENFORCEMENT**

Any Police Officer or By-law Enforcement Officer is hereby authorized to enforce the provisions of this By-law.

12. **PENALTIES**

- i. Any person who contravenes any provision 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 c.P.33, Chapter P.33, Schedule "A" hereto and under the Highway Traffic Act, R.S.O. 1990, c.H.8.

- ii. A person served with a parking infraction notice shall report and make payment to the office of the Treasurer. Such payment must be received by the Treasurer within fifteen days from the date on which the notice was issued, inclusive of Saturdays, Sundays, and holidays, failing which the fines shall be increased in accordance with Schedule "A" to this By-law.
- iii. All penalties set out in this by-law shall be in addition to and not in substitution for, any penalties imposed in any other by-law, statute, or under any of the laws of the Province of Ontario and the laws of Canada applicable therein.

13. **SEVERABILITY**

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

14. **CHANGE IN STATUTES**

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

15. **EFFECTIVE DATE**

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

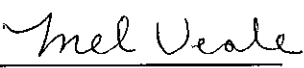
16. **INCONSISTENCY**

If any other by-law of The Corporation of the Township of Strathroy-Caradoc is inconsistent with the sections, clauses or provisions herein, the sections, clauses or provisions of this by-law shall prevail to the extent of such inconsistency. If this Section 14 is applied to any other by-law, all other sections, clauses or provisions of that by-law shall remain in full force and effect.


17. **REPEAL**

Bylaw 50-04 and any other bylaw inconsistent with the contents of this bylaw are hereby rescinded.

Read a First, Second and Third time and finally passed in Open Council this 19th day of March. 2007.



Mayor



Clerk

Set Fine Schedule "A"

THE CORPORATION OF THE TOWNSHIP OF STRATHROY-CARADOC
PART II Provincial Offences Act
BYLAW NO. 20-07, Parking Bylaw

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Voluntary Payment Payable Within 15 Days	Column 4 Set Fine
1.	Park on highways where prohibited	3.i	\$15.00	\$22.50
2.	Park on highway during restricted time	3.ii	\$15.00	\$22.50
3.	Park on highway longer than permitted	3.iii	\$15.00	\$22.50
4.	Stop on highways where prohibited	3.iv	\$15.00	\$22.50
5.	Park on roadway between 2:00 a.m. & 7:00 a.m.	3.v	\$15.00	\$22.50
6.	Park Commercial Vehicle more than 2 hours	3.vi	\$15.00	\$22.50
7.	Park in School Bus Loading Zone	3.vii	\$25.00	\$37.50
8.	Park on the left side of curb	3.viii	\$25.00	\$37.50
9.	Park more than 30 cm from the curb	3.ix	\$15.00	\$22.50
10.	Park recreational vehicle on highway longer than 48 hours	3.x	\$15.00	\$22.50
11.	Park – within 3 metres of a fire hydrant	4.(i)	\$25.00	\$37.50
12.	Park – obstruct private roadway/driveway	4.(ii)	\$15.00	\$22.50
13.	Park – obstruct sidewalk	4.(iii)	\$15.00	\$22.50
14.	Park – obstruct pedestrian crosswalk	4.(iv)	\$25.00	\$37.50
15.	Park - interfere with traffic	4. (v)	\$25.00	\$37.50
16.	Park – interfere with snow clearing	4.(vi)	\$15.00	\$22.50
17.	Park - on boulevard	4.(vii)	\$15.00	\$22.50
18.	Park in area designated for physically disabled persons	4.(viii)	N/A	\$300.00
19.	Park in a Fire Route	4.(ix)	\$15.00	\$22.50

"NOTE: the general penalty provision for the offences listed above is section 12 of bylaw 20-07, a certified copy of which has been filed".