

CORPORATION OF THE TOWNSHIP OF ADMASTON/BROMLEY

BY-LAW NO. 2007-64

Being a by-law to regulate parking, control traffic or leaving of a vehicle on specific highways in the Township

WHEREAS, pursuant to the provisions of Section 9 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(1) 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 the Township of Admaston/Bromley;

NOW THEREFORE the Council of the Corporation of the Township of Admaston/Bromley hereby enacts as follows:

PART I - INTERPRETATION AND DEFINITIONS

SECTION 1

- a) 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:
- b) **“Authorized Emergency Vehicles”** shall include vehicles of the Fire Department, Police Department, and such ambulance and emergency vehicles of the Municipal Departments, or public service corporation as are designated or authorized by the Municipality.
- c) **“Boulevard”** shall mean all parts of the highway save and except any roadway, shoulder and sidewalk; and
 - 1. (i) **“Outer Boulevard”** shall mean that part of the highway lying between any sidewalk and the traveled portion of the highway or the near edge of the shoulder where such exists;
 - 2. (ii) **“Inner Boulevard”** shall mean that part of the highway lying between the property line and the edge of the sidewalk nearest the property line and where there is no sidewalk, it means that part of the highway lying between the property line and the traveled portion of the highway or the edge of the shoulder, where such exists, furthest from the traveled portion of the highway.
- d) **“Curb”** shall include the edge of the traveled portion of the street.
- e) **“Disabled person”** means a person who has been issued a permit by the Province of Ontario, or other jurisdiction;

- f) **“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;
- g) **“Highway”** sees definition for “Street”.
- h) **“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.
- i) **“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.
- j) **“Motorized”** shall mean any method of propulsion other than physical exertion.
- k) **“Official Standard Time”** shall mean standard time or daylight savings time, as may be in use in the Township.
- l) **“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.

“Permit,” means a disabled person-parking permit issued by the Ministry of Transportation pursuant to the Highway Traffic Act and the regulations made thereunder, or a permit, numbered plate, or other marker or device, issued by another jurisdiction and recognized under said Act;

- m) **“Person”** shall mean every person, firm, co-partnership, association, or corporation.
- n) **“Provincial Offences Enforcement Officer”** shall mean the By-Law Enforcement Officer authorized by the Township and designated under the Provincial Offences Act, to enforce parking regulations.
- o) **“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.
- p) **“School”** shall mean a school under the Education Act.
- q) **“Shoulder”** shall mean that part of a street or highway adjacent the roadway that is provided as a refuge for stopped or disabled vehicles, for use by emergency vehicles and for lateral support of the roadway structure.
- r) **“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.
- s) **“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.
- t) **“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.
- u) **“Township”** means the Corporation of the Township of Admaston/Bromley.

- v) **“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.

PART II - GENERAL REGULATIONS

SECTION 2

- 2.01 It is an offence for any person to do any forbidden act or fail to perform any act required in this by-law.
- 2.02 No person shall fail or refuse to comply with any lawful order or direction of a Police Officer or Provincial Offences Enforcement Officer.
- 2.03 The Provincial Offences Enforcement Officer shall have the duty of enforcing the provisions of this By-law.

SECTION 3

- 3.01 In the event of conflict between this By-law and any other By-law passed prior to the effective date of this by-law, the provisions of this By-Law shall take precedence.

PART III - PARKING - GENERAL REGULATIONS

SECTION 4

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

- 4.01 in such a manner as to obstruct a sidewalk,
- 4.02 in such a manner as to obstruct an entrance on the highway to, or from, a private road or lane, or
- 4.03 within nine meters (30 feet) of any intersection on any street on which the Township By-law permits parking unless designated otherwise;
- 4.04 in a position or a place that prevents or is likely to prevent the removal of any vehicle already parked on the roadway;
- 4.05 Displaying any motorized vehicle for sale;
- 4.06 For the purpose of washing, greasing or repairing such vehicle, except where such repairs are necessitated by emergency;
- 4.07 unloading or transferring of materials of any kind from one vehicle to Another except in cases of emergency.
- 4.08 in such a manner as to obstruct the ordinary traffic of the street, including sidewalks, and no vehicle shall be parked on any street at any unreasonable time, having regard to the traffic requirements of the street in question.

- 4.09 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

SECTION 5

Parking on streets and roadways specific regulations

- 5.01 From December 1st 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 Township of Admaston/Bromley. Vehicles parked on any part of a street, highway or boulevard within the Township of Admaston/Bromley that restricts snowplowing and/or snow removal will be subject to a fine and further may be towed away at the owner's expense.

SECTION 6

- 6.01 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.
- 6.02 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 Part III of this By-law and to impound the vehicle until the owner or responsible person pays to the Township the towing charge. Payment of the towing charge shall be by the owner or responsible person handling the exact amount of the towing charge in cash to the authorized person at the Municipal Office, 477 Stone Road and the authorized person shall place this money in a sealed envelope provided for this purpose. Should the owner of the vehicle, or the responsible person, not pay the towing charges and obtain the release of the vehicle within seven (7) days of the occurrence, the Township shall then have the right to take court action to reclaim the towing costs and court costs.
- 6.03 The Council of the Corporation of the Township of Admaston/Bromley shall, by resolution, have the authority to designate any area, street, or part of a street as a parking area.

PART IV - OPERATION OF MOTORIZED VEHICLES

SECTION 7

- 7.01 No person shall litter or deposit on a highway or sidewalk any glass, nails, tacks, or scraps of metal or any rubbish, refuse, waste or paper material.
- 7.02 No person shall drive a vehicle upon a sidewalk unless he is entering upon or leaving a driveway or lane or entering upon or leaving land adjacent to a highway.

PART V - OFFENCES AND PENALTIES

SECTION 8

8. 01 Any person who contravenes any provision of this Bylaw is guilty of an offence and upon conviction is liable to a fine as provided for under the Provincial Offences Act.

8.02 **OPERATION OF MOTORIZED VEHICLE VIOLATIONS
FORM OF NOTICE**

- (1) Where the operator of a vehicle is found to be in contravention of the Operation of Motorized Vehicles Provisions of this by-law (part IV, section 11), the Issuing Officer may issue a serially numbered Certificate of Offence Notice, Form 1 PROVINCIAL OFFENCES ACT ONTARIO COURT OF JUSTICE, in the manner as prescribed by the Provincial Offences Act Part I - COMMENCEMENT OF PROCEEDINGS BY CERTIFICATE OF OFFENCE
- (2) Fines issued under Part I of the Provincial Offences Act are payable only to the Ontario court of Justice – Provincial Offences Court.

8.03 **LIABILITY OF OWNER**

- (1) 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.

8.04 **VEHICLES SUBJECT TO REMOVAL WHEN ILLEGALLY
PARKED**

- (1) 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.

SECTION 9

- (1) All sections of this By-law shall be deemed to be separate and independent and the invalidity of any section or provision hereof shall not affect the remaining sections.

PART VI – BY-LAW IN FORCE

SECTION 10

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 6TH DAY OF DECEMBER, 2007

READ A THIRD TIME AND FINALLY PASSED THIS 6TH DAY OF DECEMBER,
2007

Mayor

Clerk-Treasurer