

The Corporation of the Village of South River

By-law 43-2019

PARKING BY-LAW

WHEREAS Sections 8 and 10 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended confer upon Councils the power to pass a by-law in relation to the Parking of Vehicles on Village Highways and on other lands owned by the Village;

AND WHEREAS Sections 63 and 101 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended shall permit such by-law to authorize the impounding of Vehicles improperly parked;

AND WHEREAS Sections 425, 427, 428 and 429 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended shall authorize the creation of offences and the imposition of liability on the owner of a Vehicle left parked, Stopped or standing in contravention of such by-law, and for the payment of penalties out of court.

AND WHEREAS the Council of the Corporation of the Village of South River deems it expedient to pass a By-law to regulate and control parking within the Village of South River;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE VILLAGE OF SOUTH RIVER ENACTS AS FOLLOWS:

1.0 Definitions:

In this By-law:

- 1.1 “Act” means the Highway Traffic Act, R.S.O. 1990, c. H.8 and shall include the regulations thereunder;
- 1.2 “Authorized Sign” means any sign, or marking on a roadway, curb or sidewalk 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 or accessible parking.
- 1.3 “Boulevard” means an improved or unimproved area lying between the Road and the street line;
- 1.4 “By-law Enforcement Officer” means a person who is appointed by Council to enforce by-laws enacted and passed by Council;

1.5 “Crosswalk means;

(i) 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

(ii) 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;

1.6 “Council” means the Council of the Corporation of the Village of South River;

1.7 “Designated Accessible Parking Space” means a parking space:

a) located on-street or in a Public Parking Lot owned or under jurisdiction of the Village

b) marked by a Sign as prescribed by the Act as a parking space to be for the sole use of Vehicles displaying a Permit;

1.8 “Driveway” means a Highway as defined in the Act;

1.9 “Fire Route” means any Highway or other means of vehicular access to or from a building and it may include part of a parking lot set aside for use by authorized emergency Vehicles;

1.10 “Highway” as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8;

1.11 “Intersection” means the area where two or more roads meet and includes 9 meters from the lateral boundary lines of two or more roads;

1.12 "Official Sign" means any permanent or temporary Sign or Road, curb or Sidewalk marking or other device placed or erected on a Highway under the authority of this By-law and specified in the Act or otherwise approved by Council for the purpose of regulating, warning and guiding traffic;

1.13 “Operator” means a person who operates a motor Vehicle;

1.14 “Owner” means a person who is registered as the owner of a motor Vehicle;

1.15 “Park”, “Parked” or “Parking” means the standing of a Vehicle, whether occupied or not, except when parked temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;

1.16 “Parking Space” means a portion of the surface of a street or Parking lot designated by markings, the use of which is intended for a Vehicle to remain or to leave a Vehicle for a period of time;

1.17 “Person with a Disability” means an individual that meets the requirements of such as set out in the Accessibility for Ontarians with Disabilities Act (AODA) S.O. 2005, CHAPTER 11;

1.18 “Permit” means an accessible Parking Permit issued by the Province pursuant to the Act or other device issued for the same purpose by another jurisdiction and recognized in law by that jurisdiction and not being expired;

1.19 “Public Parking Lot” means any open public 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, under jurisdiction of the Village;

1.20 “Road” means the part of the Highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder;

1.21 shoulder means; that part of the highway immediately adjacent to the roadway and having a surface which has been improved with asphalt, concrete or gravel.

1.22 “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;

1.23 “Standing” means the Stopping of a Vehicle to engage in the unloading and loading passengers;

1.24 “Stop” or “Stopped” 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 directions of a police officer or a traffic control Sign or Signal;

1.25 “Street” means a Highway as defined in the Act;

1.26 “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 does not include a motor Vehicle running only upon rails;

1.28 “village” means the Village of South River.

1.29 “Unauthorized Vehicle” means:

a) a Vehicle that is not displaying an accessible Parking Permit in accordance with the requirements of this by-law or the Act;

- b) a Vehicle that is displaying an accessible Parking Permit but is not being used to pick up or transport the holder of the Permit; or
- c) in the case of corporation to which an accessible Parking Permit that has been issued and is not being used to pick up or transport a Person with a Disability.

2.0 Parking Regulations and Prohibitions:

2.1 No person shall Park a Vehicle outside of a designated Parking Space.

2.2 No person shall at any time Park a Vehicle facing in a direction opposite to that of the traffic on the side of the road on which the Vehicle is Parked.

2.3 No person shall Park a Vehicle on a Sidewalk or Boulevard.

2.4 No person shall Park a Vehicle in front of a public or private driveway.

2.5 No person shall Park a Vehicle within an Intersection.

2.6 No person shall Park a Vehicle on any Highway in such a manner as to obstruct traffic.

2.7 No person shall Park a Vehicle in a position that will prevent the convenient exit of any other Vehicle previously Parked or standing.

2.8 No person shall Stop a Vehicle on a Sidewalk.

2.9 Where an Official Sign or Signs have been erected prohibiting it, no person shall Stop in an area indicating no Stopping.

2.10 Where an Official Sign or Signs have been erected prohibiting the Parking of a Vehicle, no person shall Park in an area indicating no Parking.

2.11 Where an Official Sign or Signs have been erected prohibiting Parking, no person shall Park a Vehicle in a Fire Route.

2.12 No person shall Park a Vehicle overnight between the hours of 11:00pm and 7:00am.

2.13 Every Designated Accessible Parking Space on a Highway or within a Public Parking Lot under jurisdiction of the Village shall be distinctly indicated by a Sign, which is in a form and content as prescribed by the Act, as amended.

2.14 Every Designated Accessible Parking Space Signed in the manner described in Section 2.13 above, is designated for the exclusive use of a Vehicle displaying a valid Accessible Parking Permit.

2.15 A Vehicle displaying a valid Permit or number plate bearing the international symbol of access for Persons with a Disability that is issued by the authority having the jurisdiction is entitled to the same privileges as a Vehicle displaying an Accessible Parking Permit issued under the Act.

2.16 All Signed Designated Accessible Parking Spaces shall be subject to enforcement upon any Public Parking Lot and any Highway owned or under the jurisdiction of the Village.

2.17 No person shall Park an Unauthorized Vehicle in a Designated Accessible Parking Space.

3.0 Penalties:

3.1 Every 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 the Provincial Offences Act.

3.2 Every person who is guilty of an offence under this By-law, if permitted under the Provincial Offences Act, may pay a set fine as approved by the appropriate Justice of the Ontario Court of Justice, in accordance with Schedule "A" attached to this By-law.

3.3 The owner of a Vehicle may be charged with and convicted of an offence under this Bylaw for which the driver of the Vehicle is subject to be charged and on conviction the owner is liable to the penalty prescribed or provided for the offence, unless, at the time of the offence, the Vehicle was in possession of some person other than the owner without the owner's consent.

3.4 Within seven (7) days of the date of infraction, inclusive of Saturdays, Sundays and statutory holidays, the Owner or Operator may make the Early Option Payment as listed in Schedule "A".

3.5 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.

4.0 Snow Removal:

4.1 No person shall park any vehicle on any highway under the jurisdiction of the Village between the hours of 12 a.m. to 7:30 a.m. from November 01 of each year to April 30 of the following year.

4.2 Vehicles parked or left in contravention of this section may, by order of a Municipal Law Enforcement Officer, Roads Superintendent or a police officer be removed and impounded at the expense of the owner thereof.

4.3 The Village employees and contractors shall not be responsible for any damages caused to such unlawfully parked vehicles, by any equipment engaged in winter maintenance of public roads, or in the removal of said vehicle.

5.0 Exemptions:

5.1 Section 4.1 does not apply to:

- a) Emergency Vehicles while engaged in their duty;
- b) Village employees engaged in the maintenance of a Designated Accessible Parking Space;

6.0 Removing and Impounding Vehicles:

6.2 A Municipal Law Enforcement Officer, road supervisor or their designate or police officer upon discovery of any motor vehicle parked or left standing in contravention of this By-law may cause it to be moved to, or stored in a suitable place, and all costs and charges for removing, care and storage thereof, are to be paid prior to releasing the motor vehicle.

6.3 Any vehicle parked or left standing on any highway for a period exceeding 24 hours shall be considered to be abandoned, upon discovery of such abandonment a Police Officer or Municipal Law Enforcement Officer may cause it to be moved to, or stored in a suitable place, and all costs and charges for removing, care and storage thereof, if any, are a lien upon the vehicle, which may be enforced in a manner provided by the relevant provisions of the Mechanics Lien Act.

7.0 Enforcement:

7.1 Enforcement of this by-law shall be carried out by the Village or the Ontario Provincial Police.

8.0 Defined Area

8.1 This By-law applies to all public parking lot's and highways within the boundaries of the Village of South River.

9.0 Severability:

9.1 If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law. Such section shall be severed and it is hereby declared that the remainder of the by-law shall be valid and shall remain in full force and effect.

10. Short Title:

10.1 This By-law shall be known as the "Parking By-Law" and shall come into effect upon passage.

READ a first and second time this 9th day of December, 2019.

READ a third time and finally passed this 9th day of December, 2019.

Don McArthur, Clerk Administrator

Jim Coleman, Mayor

CORPORATION OF THE VILLAGE OF SOUTH RIVER
PART II PROVINCIAL OFFENCES ACT
By-Law No. 43-2019 – Parking By-Law
Schedule “A”

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Voluntary Payment Payable within 7 Days	Column 4 Set Fine
1	Parked outside a designated space	2.1	\$40.00	\$50.00
2	Parked wrong way	2.2	\$40.00	\$50.00
3	Did park on sidewalk or boulevard	2.3	\$40.00	\$50.00
4	Parked obstructing driveway	2.4	\$40.00	\$50.00
4	Parked within an intersection	2.5	\$40.00	\$50.00
5	Parked obstructing traffic	2.6	\$45.00	\$55.00
6	Parked preventing vehicle from leaving	2.7	\$45.00	\$55.00
7	Stopped in prohibited area	2.9	\$40.00	\$50.00
8	Parked in prohibited area	2.10	\$40.00	\$50.00
9	Parked in a fire route	2.11	\$90.00	\$100.00
10	Parked overnight	2.12	\$45.00	\$50.00
11	Parked unauthorized vehicle in designated accessible parking space	2.17	N/A	\$300.00

Note: The general penalty provision for the offences listed above is section 3 of bylaw 43-2019, A certified copy of which has been filed.

