

THE CORPORATION OF THE MUNICIPALITY OF HASTINGS HIGHLANDS

BYLAW 2020-009

REGULATING THE TRAFFIC AND PARKING/STOPPING OF VEHICLES IN THE MUNICIPALITY OF HASTINGS HIGHLANDS

WHEREAS, Section 11 (3) of the *Municipal Act, 2001, 5.0., c.25*, as amended, provides that a Municipality may pass bylaws with respect to the regulating and controlling of traffic within their boundaries and for prohibiting the parking, standing or stopping of motor vehicles on the designated highways or the designated parts of highways, and for prohibiting the deposit of snow, or ice, or any waste or litter upon a highway and may provide for penalties and enforcement of said bylaws;

AND WHEREAS, Section 102.1 (1) without limiting sections 9, 10, 11 of the *Municipal Act 2001 5.0., c.25*, as amended, a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any bylaws respecting the parking, standing or stopping of vehicles;

AND WHEREAS, Section 427 of the *Municipal Act, 2001, 5.0., 2001, c.25*, as amended, provides in part that a bylaw establishing a system of accessible parking shall provide that every person who contravenes the bylaw is guilty of an offence;

AND WHEREAS, R.R.O., 1990, Regulation 581 under the *Highway Traffic Act* provides regulations for accessible parking for persons with disabilities;

AND WHEREAS, Section 428 of the *Municipal Act, 2001, 5.0., 2001, c.25*, as amended, provides that a bylaw may provide for offences for a vehicle parked in contravention of a bylaw passed under this Act;

AND WHEREAS, Section 429 (1) of the *Municipal Act, 2001, S.0., 2001, c.25*, as amended, provides that a municipality may establish a system of fines for offences under a bylaw of the municipality passed under this Act;

AND WHEREAS, Section 432 of the *Municipal Act, 2001, 5.0., c.25*, as amended, provides in part that a bylaw related to parking, standing or stopping of vehicles, passed under Section 425 may establish a procedure for the voluntary payment of penalties out of court;

NOW THEREFORE the Council of the Municipality of Hastings Highlands enacts as follows:

The provisions of this bylaw are subject to the provisions of the *Highway Traffic Act*, R.S.O. 1990, as amended, or re-enacted from time to time and the regulations made there under.

1.0 Definitions

1.1 In this Bylaw:

- (i) **“Authorized Sign”** - means any sign or roadway, curb or sidewalk marking or device, placed or erected anywhere under the authority of the Municipality for the purpose of regulating, warning or guiding traffic and includes an official sign.
- (ii) **“Bicycle”** - shall mean as defined in the Highway Traffic Act, as amended.
- (iii) **“Boulevard”** - means that portion of municipal property located between the roadway and the property line.
- (iv) **“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 highway.
- (v) **“Corner”** - means the point of intersection of curbs or edges of the roadways.
- (vi) **“Crosswalk”** - means that part of a highway at an intersection that is included within the connections of the lateral lines of the sidewalk on opposite sides of the highway measured from the edges of the roadway, or any portion or a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or lines or other markings on the road surface.
- (vii) **“Driver/Owner”** – for the purpose of this bylaw, means a person who drives or owns the vehicle in question.
- (viii) **“Fire Route”** - means 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.
- (ix) **“Heavy Truck”** - means a commercial motor vehicle, larger than a truck commonly identified as a one-ton pickup truck or a van with maximum one-ton cargo capacity, used for the transportation of any material whether animate or inanimate.
- (x) **“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 vehicles and includes the area between the lateral property lines thereof.
- (xi) **“Intersection”** - means the area embraced within the prolongation or connection of the lateral curb lines or if none, then of the lateral curb lines or if none, then of the lateral boundary lines of two or more highways that join one another at an angle whether one highway crosses the other.
- (xii) **“Litter”** - means all rejected, abandoned or discarded materials, containers and goods incidental to the operation of households, farms, business establishments and public places.
- (xiii) **“Minister”** - means the Minister of Transportation.

- (xiv) **“Ministry”** - means the Ministry of Transportation.
- (xv) **“Median”** - means a portion of a highway so constructed as to separate traffic traveling in one direction from traffic traveling in the opposite direction by a physical barrier or an unpaved strip of ground.
- (xvi) **“Motor Vehicle”** - includes an automobile, motorcycle, motor-assisted bicycle unless otherwise excluded by the Highway Traffic Act and any other vehicle propelled or driven otherwise than by muscular power but does not include motor vehicles running only upon rails or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or a road-building machine within the meaning of the Highway Traffic Act.
- (xvii) **“Municipality”** - means the Municipality of Hastings Highlands.
- (xviii) **“Officer”** - includes members of the Ontario Provincial Police, the Municipality of Hastings Highlands Fire Department, the Bylaw Enforcement Officer, or any person authorized by the Municipality of Hastings Highlands to regulate or to enforce the provisions of this Bylaw.
- (xix) **“Official Sign”** - means a sign approved by the Ministry.
- (xx) **“One-Way Street”** - means a street upon which vehicular traffic is limited to movement in one direction.
- (xxi) **“Park or Parking When Prohibited”** - means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while engaged in loading or unloading merchandise or passengers.
- (xxii) **“Parking Infraction”** - means any unlawful parking, standing, or stopping of a vehicle that constitutes an offence.
- (xxiii) **“Parking Penalty 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.
- (xxiv) **“Pedestrian”** - means a person afoot and includes children, persons afoot with mechanical aid or aids, and invalids in wheelchairs or similar devices.
- (xxv) **“Pedestrian Crossover”** - means any portion of a roadway, designated by Bylaw, 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 the Regulations.
- (xxvi) **“Provincial Offences Officer”** - means a police officer or a person designated under the Provincial Offences Act.
- (xxvii) **“Regulations”** - means the regulations made under the Highway Traffic Act and this bylaw.
- (xxviii) **“Roadway”** - means the part of the highway that is improved, designed or ordinarily used for vehicular traffic including any designated parking areas 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 the roadways collectively.
- (xxix) **“Road Allowance”** - means that portion of the Municipality that is designated as road property.

- (xxx) **“Sidewalk”** - means that portion of a highway, between the curb lines of a roadway or the lateral edge lines of a roadway and the adjacent property lines, designed and intended for the use of pedestrians.
- (xxxi) **“Stop” or “Stopping”** - means the halting or standing 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 an authorized traffic control sign or signal.
- (xxxii) **“Stand” or “Standing”** when prohibited – means the halting of a vehicle, whether occupied or not, except for the purpose of and while engaged in the receiving or discharging of passengers.
- (xxxiii) **“Street or Highway”** - includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or use by, the general public for the passage of vehicles and any portion of a street between the lateral property lines. The word street shall denote highway and vice versa.
- (xxxiv) **“Time”** - where any expression of time occurs or where any hour or other period of time is stated, the time referred to shall be Eastern Standard Time, except during a period when daylight Saving Time is in effect in the Municipality of Bluewater, when the time referred to shall be one hour in advance of standard time.
- (xxxv) **“Traffic”** - means lawful vehicular or pedestrian movement on the highway and includes, ridden or herded animals, vehicles and other conveyances either singly or together while using any street for the purpose of travel.
- (xxxvi) **“U-Turn”** - means to turn a vehicle within a roadway to proceed in the opposite direction.
- (xxxvii) **“Vehicle”** - includes a motor vehicle, trailer, traction engine, farm tractor, road building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power but does not include a motorized snow vehicle.
- (xxxviii) **“Words”** - where any word or expression used in this By-law is not defined herein, reference shall be made to the Highway Traffic Act, the Interpretation Act, as amended or re-enacted from time to time or a generally accepted dictionary and the interpretation that best supports the spirit and intent of this By-law shall be adopted.

2.0 Parking

2.1 When authorized signs are erected and on display, no person shall leave a vehicle in disobedience to the directions given on the said sign on any street or part of street in the municipality, except Police, Fire Department, Operations Department, Ambulance, and municipal vehicles in the course of their duties.

2.2 When parking spaces have been established by suitable markings on the road surface on any street or part of street in the municipality, no person shall park a vehicle except within the space designated by the markings.

2.3 "Parallel Parking" - When parking is permitted, no person shall park or stop a vehicle on any highway, except on the right side of the highway having regard for the direction in which the vehicle has been proceeding and the right front and right rear wheels or runners of the vehicle are parallel to and distant respectively not more than 15 cm. (6 inches) from the curb or edge of the roadway.

3.0 Prohibited Parking

3.1 No person shall park a vehicle or bicycle:

- a) On a sidewalk;
- b) On a crosswalk or pedestrian crossover;
- c) Within any intersection;
- d) Within a fire route, where authorized signs are erected and on display;
- e) On a bridge or approaches thereto;
- f) Within 3 metres (9.8 feet) of a point on the curb or edge of the roadway directly opposite a fire hydrant;
- g) Within 3 metres (9.8 feet) of an intersection;
- h) On any street or highway in such a position as to obstruct traffic;
- i) In such a manner as to interfere with the convenience or removal of any vehicle previously parked or standing;
- j) On any street or highway in such a manner as to interfere with necessary civic services such as but not limited to road repair, snow plowing or snow removal that is already in progress, or where signs or notices have been placed indicating any snow removal or other civic operations are to be commenced;
- k) Impeding entrance to or exit from a private or public driveway;
- l) On any street or highway between the hours of 12:00 a.m. (midnight) and 7:00 a.m. Eastern Standard Time from October Fifteenth (15th) to April Fifteenth (15th) each year;

Section 3.0 Exemption:

Permission may be granted, by authorized representatives of the municipality for relief from the provisions of this bylaw during construction or any unusual or unforeseen circumstance.

4.0 Heavy Trucks

4.1 No person shall park or stop a heavy truck in any residential area for any reason other than to load or unload cargo and for no longer of a period than reasonably required to load or unload cargo.

5.0 Limited Time Parking Zones

5.1 Where authorized signs are erected and on display, no person shall park a vehicle on a street or part of a street for a longer period than allowed by the said authorized sign.

6.0 Accessible Parking

6.1 Where authorized signs bearing the International Symbol for Accessibility are erected and on display in public or private parking areas, parking lots or parking facilities, no person shall park a vehicle in a designated parking space except when the parking is for the convenience of a person with disabilities and the vehicle displays a permit bearing the International Symbol for Accessibility as approved by the Minister.

7.0 Parking on Municipal Property

7.1 No person shall park a motor vehicle on property owned or occupied by the Municipality or any local board thereof without the consent of the Municipality or said local board.

7.2 Where signs are displayed, no person shall park or leave a vehicle on Municipal property, including a Municipal dock or boat launch, without written authority from the Municipality.

8.0 Miscellaneous Prohibitions

8.1 No person, without lawful authority, shall push or blow snow onto the roadway or road allowance.

8.2 No person, without lawful authority, shall deposit litter, mud, dirt, gravel, stone, cement or any other object(s) on the roadway or road allowance.

9.0 Exceptions

9.1 The provisions of this Bylaw shall not apply to:

- a) Fire Department vehicles;
- b) Police Department vehicles;
- c) Ambulances;
- d) Authorized vehicles owned or employed by the Municipality of Hastings Highlands; or
- e) Emergency vehicles while performing the duties for which they were intended.

10.0 Enforcement and Penalties

10.1 The provisions of this Bylaw shall be enforced by an Officer, as defined in Section 1.0 of this Bylaw.

11.0 Emergency Prohibitions

11.1 Notwithstanding any other provisions of this Bylaw, the Municipality or a person authorized by the Municipality, during emergency or special circumstances, may declare a period of emergency parking prohibition and by use of signs or other clear directions, may suspend the parking of vehicles on any street or parts thereof. A vehicle parked before the declaration of the Municipality or authorized agent may be deemed to be parked in contravention of this Section providing all reasonable attempts have been made to contact the owner or driver of the vehicle. Where the owner or driver of the vehicle has been notified of the emergency parking prohibition and has been given reasonable opportunity to remove the vehicle and fails to or refuses to obey the directions of the Municipality or authorized agent, the owner or driver of the motor vehicle has committed an offence.

12.0 Procedures

12.1 An Officer who has reason to believe that a Person has contravened this Bylaw may issue a Penalty Notice in accordance with the Administrative Monetary Penalty System Bylaw.

12.2 The issuing Officer may serve a Parking Penalty Notice in accordance with the Administrative Monetary Penalty System Bylaw or;

- a) On the owner of the vehicle by affixing the notice to the vehicle in a conspicuous place at the time of the alleged infraction or by delivering it personally to the person having care and control of the vehicle at the time of the alleged infraction; or

13.0 Penalties

13.1 Every person who contravenes any provision of this bylaw 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, C.p.33.

13.2 All penalties imposed by a judicial official are recoverable under the provisions of the Provincial Offences Act together with such costs and expenses as are imposed there under in Schedule 'A' of this bylaw.

13.3 The Administrative Monetary Penalty System Bylaw applies to each administrative penalty issued pursuant to this Bylaw.

13.4 Each person who contravenes any provision of this Bylaw shall, upon issuance of a Penalty Notice in accordance with the Administrative Monetary Penalty System Bylaw, be liable to pay to the Municipality an administrative monetary penalty.

14.0 Severability

14.1 Should any provision, or any part of a provision, of this Bylaw be declared invalid, or to be of no force and effect, by a court of competent jurisdiction, it is the intent of Council that such a provision, or part of a provision, shall be severed from this Bylaw, and every other provision of this Bylaw shall be applied and enforced in accordance with its terms to the extent possible according to law.

14.2 Bylaw 2012-068 and all its amendments shall be rescinded on the day this bylaw comes into force and effect.

15.0 Short Title

15.1 The short title of this bylaw shall be the Parking Bylaw.

16.0 Effective Date

16.1 **THAT** this Bylaw shall come into effect on the day it was passed.

AMENDED, ENACTED AND PASSED IN COUNCIL this 15th day of July 2020.

'Vic A. Bodnar'

'Suzanne Huschilt'

Vic A. BODNAR, Mayor

Suzanne Huschilt, Municipal Clerk



**SCHEDULE "A" to Bylaw 2020-009
A Bylaw to Regulate the Traffic and Parking/Stopping of
Vehicles in the
Municipality of Hastings Highlands**

Part I – Provincial Offences Act Set Fines

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1	Leave vehicle where prohibited	Section 2.1	\$90.00
2	Deposit snow on roadway/road allowance	Section 8.1	\$90.00
3	Deposit any object(s) on the roadway/road allowance	Section 8.2	\$125.00

THE PENALTY PROVISION FOR THE OFFENCES CITED ABOVE IS SECTION 13.1 OF BYLAW NUMBER 2020-009, A CERTIFIED OF WHICH HAS BEEN FILED.