**The Corporation of the Village of South River**

**By-Law No. 34 – 2016**

**Being a by-law to regulate traffic and to govern and control the parking of vehicles in the Village of South River**

Whereas the Municipal Act. S.O. c.25, 2001 as amended, s.11 authorizes municipalities to pass by-laws respecting matters within their jurisdiction.

And that the Municipal Act S.O. c.25, 2001 as amended, s 11(3) .1 includes highways including parking and traffic on highways and s.11(3).2 includes transportation systems other than highways.

And Whereas the said act provides that fines may be charged for offences created by vehicles left parked, stopped or standing.

Now Therefore the Council of the Corporation of the Village of South River enacts as follows:

**1. Definition:**

1. “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.
2. “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. “Fire Route” means a public or private roadway, lane, driveway or parking lot aisle, not less than 3 meters wide, designated by this by-law as fire routes.
2. “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 vehicles, and includes the total width of the road allowance.
3. “Intersection” means the area embraced within the prolongation or connection 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 or not one highway crosses the other.

f) “Motor Vehicle” includes an automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or traction engine, farm tractor, self-propelled implement of the husbandry or road building machine within the meaning of the Highway Traffic Act.

g) “Occupant” means the tenant or their spouse of private property or part thereof whose consent to permit parking on private property shall extend only to the control of the land or part thereof of which he/she is the tenant and any parking spaces allotted to him under their lease or agreement or a person a municipality or a local board thereof, having an

interest in the property under an easement or right of way granted to or expropriated by the person, municipality or local board whose consent to permit parking on private property shall extend only to that part of the property that is subject to the easement or right of way or a person authorized in writing by an occupant.

 h) “Official Sign” means an authorized sign approved by the Ministry of Transport of Ontario.

 i) “Owner” when used in relation to property means: a) the registered owner of the property or b) the spouse of the person described in clause (a)

j) “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 actually engaged in loading or unloading merchandise or passengers.

k) “Parking Infraction Notice” means a notice authorized by the Provincial Offences Act.

l) Police Officer” means a police officer who is a member of the Ontario Provincial Police Force.

m) “Private Roadway” means any private roadway, private driveway, lane, ramp or other means to or egress from a property, building or structure and it may include part of a parking lot.

n) “Roadway” means the part of the highway that is improved, designed or ordinarily used for 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 of the roadway collectively.

p) “Schedule” means a schedule referred to in this by-law and forming part of this by-law.

q) “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.

r) “Sidewalk” means a path or strip of land paved or otherwise on a highway physically set apart or designated, made available or intended for pedestrian use

s) “Stand or Standing where Prohibited” means the halting of a vehicle, whether occupied or not, except for the purpose of an while actually engaged in receiving or discharging passengers.

t) “Stop or Stopping” where 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 police officer or of a traffic control sign.

u) “Village” means the Village of South River.

v) “Vehicle” means a motor vehicle, trailer, traction vehicle, farm tractor, road building machine, snowmobile and any vehicle drawn, propelled or driven by any kind of power.

**2. Application and General Requirements:**

 a) This by-law applies to all highways under the jurisdiction of the Village of South River.

 b) The Schedules referred to in this by-law shall form part of this by-law and each entry in a column of such a schedule shall be read in conjunction with the entries across therefrom and not otherwise.

d) The provisions of this by-law shall not apply to ambulances, police and fire vehicles, and motor vehicles actually engaged in works undertaken for the Village.

e) No person shall place, maintain or display upon or in view of any highway, any sign, signal, marking or device which purports to be or is an imitation of or resembles an authorized sign or traffic control signal or which conceals from view or interferes with the effectiveness of an authorized sign or traffic control device.

f) The roads superintendent is authorized to place or erect and to maintain such authorized signs and traffic control signals as are required to give effect to the provisions of the safety or convenience of the public.

**Parking Provisions**

**3. General parking and stopping requirements:**

3.1 Parking Prohibited in Specified Places - Signs Not Required:

 a) No person shall park any vehicle on any highway:

 i) In front of or within 2 meters of the intersection of a private

 roadway, or within 60 centimeters of a driveway on all Village roads.

 ii) Within 3 meters of a point on the curb or edge of the roadway

 nearest to any fire hydrant;

 iii) Within 6 meters of an intersection.

 iv) Within 15 meters of any level crossing of a railway.

 v) In such a position as will prevent the removal under its own

 power of any other vehicle;

 vi) So as to obstruct a crosswalk;

 vii) So as to interfere with the movement of traffic;

 ix) On a bridge

b) Notwithstanding Section 3.2(a)(iii) does not apply to employees of funeral homes and those persons with the permission by the funeral director for the purpose of a funeral procession.

**4. Specific Parking, Stopping and Standing Requirements**:

4.1 Fire Routes

a) No person shall park in/on public and private roadways, lanes, driveways and parking lots aisles as authorized and assigned as fire routes.

4.2 Parking on Municipal Property:

a) No person shall park or leave a motor vehicle;

b) on private property without consent of the owner or occupant of the property;

c) on property owned or occupied by the Municipality or any local board thereof, without the consent of the Municipality.

d) any vehicle parked or left contrary to this by-law may be removed and/or impounded at its owner’s expense subject to the provisions of this by-law;

e) a vehicle shall be deemed to have been removed if a towing vehicle has been summoned to remove it by a person authorized to enforce this by-law.

f) Where an owner or occupant of property affected by this bylaw has posted signs stating conditions on which a motor vehicle maybe parked or left on the property or prohibiting the parking or leaving of a motor vehicle on the property, a motor vehicle parked or left on the property contrary to such conditions or prohibition shall be deemed to have been parked or left without consent.

g) A Municipal Law Enforcement Officer, or police officer in respect of a particular property to enforce this by-law shall be deemed to have the written authority of the owner or occupant of the property to enforce this by-law and such officers are not required to receive a written complaint before enforcing this by-law.

4.3 Parking on Untraveled Portions of Highways:

a) No person shall park or leave any vehicle upon any portion of an untraveled highway for period exceeding twenty-four (24) hours.

b) 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.

**5. Accessible parking:**

5.1 Every owner and operator of a parking lot or of a parking facility to which the public has access may designate parking spaces for the exclusive use of a motor vehicle operated by a physically handicapped person, or a motor vehicle carrying a physically handicapped person in respect of which a permit has been issued and property displayed.

5.2 No person shall park a motor vehicle in a designated accessible parking space without a valid accessible permit displayed on the vehicle.

5.3 No person shall use a permit on a vehicle without the person that the permit is issued for.

**6. Snow Removal:**

6.1 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.

6.2 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.

6.3 The Municipality nor its employees or contractors, shall 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.

**7. Penalty Provision or Parking Infractions:**

7.1 Every person guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine and the Chief Judge of the Ontario Court Provincial division, shall be requested to establish set fines in accordance with Schedule “A” attached to this by-law.

7.2 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.

7.3 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.

This by-law shall take effect upon being passed.

READ A FIRST AND SECOND TIME IN OPEN COUNCIL THIS 14TH DAY OF NOVEMBER 2016,

READ A THIRD TIME AND PASSED IN OPEN COUNCIL THIS 14TH DAY OF NOVEMBER 2016.

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MAYOR, JIM COLEMAN

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CLERKADMINISTRATOR, SUSAN L. ARNOLD

**THE CORPORATION OF THE VILLAGE OF SOUTH RIVER**

**SCHEDULE “A”**

**BY-LAW NO. 34-2016: PARKING BY-LAW**

**SET FINE AMOUNTS**

Provincial Offences Act-Part II

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **ITEM** | **SHORT FORM WORDING** | **PROVISION CREATING OR DEFINING OFFENCE** | **EARLY PAYMENT AMOUNT** | **SET FINE** |
| 1 | park a motor vehicle in a designated handicapped parking space | 5.2 | $200.00 | $300.00 |
| 2 | use a permit on a vehicle, without the person that the permit is issued for | 5.3 | $200.00 | $300.00 |

Note: The general penalty provision for the offences listed above is Section 7 of the bylaw 34-2016, A certified copy of which has been filed.