

CORPORATION OF THE TOWNSHIP OF HORTON

PARKING BY-LAW

NO. 2013 - 32

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BEING a by-law to regulate and control parking of vehicles in the Township of Horton.

WHEREAS pursuant to the *Municipal Act, 2001*, Chapter M.45, R.S.O. 1990, as amended, by-laws may be passed by the councils of local municipalities;

AND WHEREAS the Council of the Corporation of the Township of Horton deems it expedient to regulate and control the parking of vehicles in the Township of Horton;

NOW THEREFORE the Council of the Corporation of the Township of Horton enacts as follows:

PART I - INTERPRETATION

Unless specifically modified or changed herein, words or expressions used in this By-law have the same meaning as given or used in the *Highway Traffic Act*, Chapter H.8, R.S.O. 1990, as amended.

1. TITLE

This By-law shall be known and may be cited as "THE PARKING BY-LAW".

2. DEFINITIONS

For the purpose of this By-law, the following definitions shall apply:

- (a) **"access routes for fire department"** means any highway, road, driveway, lane, ramp, or other means of vehicular access or egress so designated and shall conform to the requirements of the *Fire Protection and Prevention Act*, the *Ontario Building Code Act* and regulations thereto as amended. Also referred to as a **"Fire Route"**.
- (b) **"By-law Enforcement Officer"** means a person so appointed by the Municipality under the *Police Services Act*.
- (c) **"corner"** means the point of intersection of curbs or edges of the portion of the highway for vehicular traffic.
- (d) **"curb"** shall include the edge of the travelled portion of the highway.
- (e) **"disabled person"** means a person who has applied for and has met the requirements and has been issued a disabled person parking permit in accordance with the *Highway Traffic Act*, Chap H.8 R.S.O. 1990 as amended.
- (f) **"driveway"** means improved land on a highway which provides vehicular access between a highway to a laneway or a parking area on adjacent land.
- (g) **"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.
- (h) **"highway direction"** means the direction that a highway is deemed to run for the purposes of this By-law and is not necessarily the direction the highway runs in its entire length.
- (i) **"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 which join one another at an angle, whether or not one highway crosses the other.
- (j) **"laneway"** means improved land adjacent to the highway that provides access between a highway and a parking area or other destination.

- (k) **“Municipality”** means The Corporation of the Township of Horton.
- (l) **“normal business hours”** means 8:00 a.m. to 4:00 p.m., Monday to Friday except on holidays defined under the *Retail Business Holiday Act*, Chapter R.30, R.S.O. 1990, as amended.
- (m) **“obstruct traffic”** means to park a vehicle in a manner that obstructs the orderly flow and safe passage of traffic moving on a highway in any direction.
- (n) **“park or parking”** - means the halting 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.
- (o) **“parking lot (public or private)”** means any open area or portion of a structure, other than a street or highway intended for the temporary parking of vehicles whether its use involves the payment of a fee or otherwise.
- (p) **“parking space”** - means a part of the highway, the use of which is designated by signs or posts or lines or other markings on the highway or any other area used for the purpose of parking a vehicle.
- (q) **“permit”** means a Disabled Person Parking Permit issued under the *Highway Traffic Act*; a permit, number plate or other marker or device issued by another jurisdiction and recognized under that Act; or a permit issued by the Township of Horton for extended parking in a municipal parking lot and/or street.
- (r) **“police officer, constable, special constable”** - means a person so appointed by the Ontario Provincial Police.
- (s) **“Public Works Manager”** means a person so appointed by the Municipality
- (t) **“sidewalk”** means that portion of a highway between the curb lines and the property line of the lot abutting the highway and which is intended for the use of pedestrians.
- (u) **“sign”** means any sign or marking on a highway, curb or sidewalk or other device placed or erected under the authority of the By-law for the purpose of regulating, warning or guiding traffic and parking; or for the purpose of the removal of snow.
- (v) **“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.
- (w) **“stop or stopping”** means the halting of a vehicle, even momentarily, 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 or signal.
- (x) **“Township”** means The Corporation of the Township of Horton.
- (y) **“unsigned highway”** means a highway or portion of highway with no posted signs restricting or not permitting the parking of vehicles.
- (z) **“vehicle”** includes an automobile, truck, motorcycle, motorized snow vehicle, bus, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind or power, including muscular power, but does not include vehicles running only upon rails.

3. TIME

Notwithstanding the *Time Act*, Chapter T. 9, R.S.O. 1990 as amended, so long as the time commonly observed in the Municipality is one hour in advance of Standard Time, the times mentioned in this By-law shall be reckoned in accordance with the time so commonly observed and not Standard Time.

4. SCHEDULES AND SEVERABILITY

- (1) The Schedules A to, and including, F attached to this By-law shall be read with and form part of this By-law. All measurements contained in the attached schedules are referenced from the nearest intersecting highway limit unless otherwise specified therein.
- (2) Should any part, section, subsection or portion of this By-law be repealed or declared by a court of competent jurisdiction to be illegal, the same shall not affect the validity of the By-law as a whole or in part thereof, except for that which was declared to be invalid.

PART II - PARKING

5. PARKING PROHIBITED AT ANY TIME

No person shall park or stop, or cause to be parked or stopped, any vehicle in any of the following places at any time of the day unless such stopping is explicitly permitted by painted lines on the pavement, signs or other municipal markings or at the direction of a Police Officer:

- a. On any bridge;
- b. On any highway in such a manner as to obstruct traffic;
- c. In front of the entrance to a fire station;
- d. In front of a public driveway;
- e. In front of a private driveway;
- f. On the approaches to any bridge;
- g. In such a position as to prevent the convenient departure of any other vehicle previously parked or standing;
- h. On the right-hand side of the highway, having regard for the direction in which the vehicle had been proceeding.

6. DESIGNATED "NO PARKING" AREAS

- (1) Those highways and portions of highways named and described in **Schedule A** hereto attached shall be designated "No Parking" areas.
- (2) Where signs to that effect are on display, no person shall park a vehicle at any time within the highway or portion of highway named or described in **Schedule A** as "No Parking" areas.
- (3) In the event of a conflict between a provision in the By-law made under this section and a provision of any other section, the provision that is the most restrictive of parking prevails.

7. RESTRICTED PARKING

- (1) Where authorized signs to that effect are on display, no person shall park a vehicle within the highway or portion of highway named or described in **Schedule B** for a period longer than specified, during the time period for which such parking restrictions are in effect as indicated on the said Schedule.

- (2) No person shall park a vehicle on any unsigned highway for a period longer than 24 hours.
- (3) In the event of a conflict between a provision in the By-law made under this section and a provision of any other section, the provision that is the most restrictive of parking prevails.

8. ACCESS ROUTES FOR FIRE DEPARTMENT

- (1) Where authorized signs to that effect, on private highways or portions of parking lots of public buildings, are on display, no person shall park or stand a vehicle within or so as to obstruct a "Fire Route".

9. PARKING ON MUNICIPAL OR PRIVATELY OWNED LANDS

- (1) No person shall park or leave any vehicle on municipally or privately owned or controlled property without the written consent of the Clerk of the municipality or the property owner or occupier.
- (2) Where signs have been erected and are on display, no person shall park or leave any vehicle in any parking lot or vacant lands adjacent to and associated with municipal facilities unless such person is an employee or elected official of the municipality engaged in municipal business or such person is, at the time the vehicle is parked or left, actively participating in the activities currently being provided in or on the municipal property or engaged by such patron to provide transportation.
- (3) Notwithstanding Section 9(2), signs may be posted by the Township defining certain parking spaces within the lands associated with the facilities as being reserved for use by certain individuals, employees, permit holders or classes of vehicles and such use shall be clearly marked on the sign. No person shall park any vehicle in a reserved parking space unless the to do so..

10. BOAT LAUNCH PARKING LOT

- (1) No person shall park a vehicle or permit a vehicle to remain parked in the Municipal Parking Lot know as the Horton Boat Launch unless by permit.
- (2) No person shall park a vehicle or permit a vehicle to remain parked in such a manner as to obstruct the use of the parking lot, the parking lot entrance, exit or highway that is laid out for the movement of vehicles through the parking lot.

11. WINTER PARKING RESTRICTIONS

- (1) No person shall park, or stand a vehicle or permit a vehicle to remain parked on any highway or in a municipal parking lot between the hours of 2:00 a.m.to 7:00 a.m. from December 1 in any year to March 31 of the following year, both dates inclusive.
- (2) No person shall park or stand a vehicle or permit a vehicle to remain parked on any highway at any time when the highway is specially marked with signs indicating snow removal or when such person has received verbal or written notice from a representative of the Town indicating the prohibition of parking.
- (3) This section shall be enforced by the By-law Enforcement Officer and / or the Public Works Manager or his/her designate.

12. MUNICIPAL VEHICLES EXEMPTION

Any vehicle owned by the municipality and any authorized emergency vehicle shall be permitted to park in any parking space, provided always that said vehicle displays on the exterior of the vehicle, a recognized symbol of the Town or wording displaying the ownership of the vehicle and is being used in the performance of municipal duties. This exemption also includes the personal vehicles of volunteer firefighters when on duty.

13. EMERGENCY PROHIBITION

- (1) Notwithstanding anything to the contrary contained, herein, a Police Officer, Fire Chief / Captain, Public Works Director or By-law Enforcement Officer, during any emergency or special circumstance may:
 - a. prohibit any or all parking on a highway within the area affected by the emergency or special circumstances; or
 - b. authorize the erection of temporary "No Parking" signs or barricades on any highway or portion of highway; or
 - c. declare that any vehicle already parked is parked illegally regardless of the time permitted for parking such vehicle under the provisions of this By-law.
- (2) Where possible, the owner or driver of a vehicle declared to be illegally parked, under section 13 (1) of this By-law, shall be notified by a Police Officer or By-law Enforcement Officer that such parking has been prohibited and shall be ordered to remove the vehicle within a time specified.
- (3) Where the owner or driver notified under section 13 (2) to remove the vehicle does not do so, or where the owner or driver cannot immediately be located, the said vehicle declared to be parked illegally may be removed and impounded forthwith by an order of a Police Officer or By-law Enforcement Officer in accordance with Section 19 of this By-law "Removal of Illegally Parked Vehicles". Where in the opinion of the Officer, the vehicle owner has not voluntarily contravened the order, the costs associated with the towing and impounding will be borne by the municipality.

14. DESIGNATED PARKING SPACES FOR DISABLED PERSONS

- (1) No person shall park a vehicle in a designated "Parking Space for Disabled Persons" when a properly marked sign is displayed unless a valid disabled persons parking permit is displayed on the front dash of the vehicle or the front of an extended sun visor so as to be clearly visible from the exterior of the vehicle.
- (2) The vehicle is operated by the holder of a disabled person parking permit or by a person engaged to pick up or transport the holder of a disabled person parking permit.
- (3) No person shall use or display a disabled person parking permit in any fashion other than for which the permit was issued.

15. OBEY SIGNALS

Every person shall promptly obey all signals or instructions given either by a Police Officer or a By-law Enforcement Officer or a traffic control device or a traffic signal.

16. AUTHORIZED SIGNS AND PARKING CONTROL DEVICES

- (1) The Township shall erect all authorized signs and other parking control devices necessary for the lawful implementation and enforcement of this By-law.
- (2) No person shall place, maintain or display upon or in the view of any highway, any sign, signal, marking or device which purports to be or is an imitation or resembles any authorized sign or parking control device.
- (3) No person shall damage, deface or tamper with any authorized sign or other parking control device and no unauthorized person shall move, or remove the same.

PART III - OFFENCES & PENALTIES

17. PARKING INFRACTION NOTICE

- (1) Where a vehicle is found to be in contravention of the parking or stopping provisions of this By-law, the Issuing Officer may issue and place on the vehicle, a serially numbered Parking Infraction Notice, in the form prescribed by the Provincial Offences Act.
- (2) The serially numbered Parking Infraction Notice shall state:
 - a. the licence number of the vehicle;
 - b. the nature of the alleged infraction;
 - c. the date, time and place of the alleged infraction;
 - d. the set fine provided therein for the violation and
 - e. a statement that the owner shall within fifteen (15) days pay the set fine provided for the infraction by taking it or mailing it to the Township of Horton Municipal Office.
- (3) The Parking Infraction Notice mentioned in Section 17(2) above shall be prepared as required and the Issuing Officer shall attach one copy to the vehicle and retain the other copy for further processing in accordance with the *Provincial Offences Act*, Chapter P.33, R.S.O. 1990, as amended.
- (3) If payment is not made in accordance with the procedure set out on the Parking Infraction Notice provided for in Section 17(2)e. above, the Provincial Offences Act shall apply.

18. PENALTIES

- (1) Any person violating any of the provisions of this By-law has committed an offence and upon conviction shall be liable to a penalty pursuant to the Provincial Offences Act, Chapter P.33, R.S.O. 1990 as amended.
- (2) The driver of a vehicle, not being the owner, is liable to any penalty provided under this By-law.
- (3) The owner of the vehicle may be charged with and convicted of an offence under this By-law for which the driver of the vehicle is subject to be charged unless, at the time of the offence, the vehicle was in the possession of some person other than the owner without the owner's consent and on conviction the owner is liable to the penalty prescribed or provided for the offence.
- (4) Set fines may be established for certain offences contained in this By-law. Such set fines shall be established pursuant to the Provincial Offences Act and shall become effective upon the approval of same by the Chief Judge of the Provincial Offences Court.

19. REMOVAL OF ILLEGALLY PARKED VEHICLE

- (1) A police officer, by-law enforcement officer or an officer appointed for carrying out the provisions of the Highway Traffic Act, upon discovery of any vehicle parked or left in contravention of this By-law, may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, caring and storage thereof, if any, are a lien upon the vehicle which may be enforced in the manner provided by Part III of the Repair and Storage Liens Act, Chapter R.25, R.S.O. 1990 as amended.
- (2) The provisions of this section also apply to the Public Works Manager or his/her designate for purposes of enforcing Section 11 Winter Parking Restrictions.
- (4) The Township will not be liable for damages that may occur to vehicles being moved under the provisions of Section 19(1).

20. ENFORCEMENT AND AUTHORITY

- (1) The provisions of this By-law shall be enforced by By-law Enforcement Officers and Police Officers appointed by the Township.
- (2) The provisions of Section 14 of this By-law may also be enforced by the Public Works Manager or his/her designate.

PART IV – APPLICATION & ADMINISTRATION

21. REPEAL SECTION

BE IT FURTHER ENACTED, that the parking provisions of By-Law 2001-08 and all subsequent by-laws that amended the parking provisions of By-Law 2001-08, are hereby repealed upon this by-law coming into force and taking effect as provided for in Section 22 of this by-law.

22. EFFECTIVE DATE

The provisions of this By-law shall come into force and take effect on the day of its passing.

THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF HORTON ENACTS AS FOLLOWS:

SCHEDULE	DESIGNATION
Schedule 'A'	No Parking
Schedule 'B'	Restricted Parking

All By-laws or parts of by-laws previously passed that are inconsistent with the provisions of this by-law are hereby repealed.

Read a First and Second Time this 2nd day of July, 2013.
Read a Third Time and Passed this 2nd day of July, 2013.

Don Eady, Mayor

Mackie McLaren , C.A.O. / Clerk

SCHEDULE "A"
NO PARKING

Column 1 Street	Column 2 Location	Column 3 Side	Column 4 Period
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UNDER CONSTRUCTION

SCHEDULE "B"
RESTRICTED PARKING

Column 1	Column 2	Column 3	Column 4	Column 5
Street	From	To	Side	Period

UNDER CONSTRUCTION

TOWNSHIP OF HORTON
PART II PROVINCIAL OFFENCES ACT
Parking By-law # 2013 - 32
Appendix 1

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Voluntary payment (payable within 7 days)	COLUMN 4 Set Fine
1.	Park on a bridge	Part II Section 5(a)	\$20.00	\$30.00
2.	Park in a manner that obstructs traffic	Part II Section 5 (b)	\$20.00	\$30.00
3.	Park in front of the entrance to a fire station	Part II Section 5 (c)	\$20.00	\$30.00
4.	Park in front of a public driveway	Part II Section 5 (d)	\$20.00	\$30.00
5.	Park in front of a private driveway	Part II Section 5 (e)	\$20.00	\$30.00
6.	Park on the approach to a bridge	Part II Section 5 (f)	\$20.00	\$30.00
7.	Park in a manner to prevent the convenient departure of other vehicle	Part II Section 5 (g)	\$30.00	\$50.00
9.	Park facing wrong direction	Part II Section 5 (h)	\$20.00	\$30.00
10.	Park in a designated No Parking area	Part II Section 6 (2)	\$20.00	\$30.00
11.	Park Contrary to Specified Time	Part II Section 7 (1)	\$20.00	\$30.00
12.	Park on any unsigned highway for longer than 24 hours.	Part II Section 7 (2)	\$20.00	\$30.00
13.	Park as to obstruct a designated Fire Route	Part II Section 8 (1)	\$30.00	\$50.00
14.	Park on municipally-owned property without consent	Part II Section 9 (1)	\$20.00	\$30.00
15.	Park on private property without consent	Part II Section 9 (1)	\$20.00	\$30.00
16.	Posted No Parking Municipal Lot	Part II Section 9 (2)	\$20.00	\$30.00
17.	Park in Reserved Space Municipal lot	Part II Section 9 (3)	\$20.00	\$30.00
18.	Boat Launch – No Permit	Part II Section 10 (1)	\$20.00	\$30.00
19.	Boat Launch – Obstruct Traffic	Part II Section 10 (2)	\$20.00	\$30.00
20.	Park a vehicle between the hours of 2:00 a.m. & 7:00 a.m. from December 1 to March 31.	Part II Section 11 (1)	\$20.00	\$30.00
21.	Park on a highway specially marked with snow removal signs	Part II Section 11 (2)	\$20.00	\$30.00

TOWNSHIP OF HORTON
 PART II PROVINCIAL OFFENCES ACT
 Parking By-law # 2013 - 32
 Appendix 1

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Voluntary payment (payable within 7 days)	COLUMN 4 Set Fine
22.	Park in Parking Space for Disabled Persons –No Permit	Part II Section 14 (1)	\$250.00	\$300.00
23.	Fail to Display Disabled Parking Permit	Part II Section 14 (1)	\$30.00	\$50.00
24.	Improper use or display a disabled person parking permit	Part II Section 14 (3)	\$250.00	\$300.00
25.	Disobey Traffic Signal/Sign	Part II Section 15	\$20.00	\$30.00
26	Display Unauthorized Sign	Part II Section 16 (2)	\$20.00	\$30.00
27.	Damage/Tamper Remove Authorized Sign	Part II Section 16 (3)	\$250.00	\$300.00

NOTE: The general penalty provision for the offences above is section 18 of By-law 2013 - 32