

# **The Corporation of the Township of Algonquin Highlands**

## **By-law No. 2022-76**

A By-law to Regulate and Control Parking and Traffic on Township Roadways under the Jurisdiction of the Corporation of the Township of Algonquin Highlands.

**Whereas** Section 11 of the Municipal Act, 2001, as amended, a lower tier municipality may pass by-laws respecting matters within the sphere of jurisdiction set out therein;

**And Whereas** pursuant to the Municipal Act, 2001, S.O. 2001, c.25, Section 27 (1), as amended, authorizes Municipalities to enact by-laws respecting matters regarding “highways, including parking and traffic on highways” it has jurisdiction over;

**And Whereas** Section 63 of the Municipal Act, 2001, S.O. 2001, c.25, as amended provides that where a municipality passes a by-law for prohibiting or regulating the placing, stopping, standing or parking of an object or vehicle on a highway, it may provide for the removal and impounding or restraining and immobilizing of any object or vehicle placed, stopped, standing or parked on a highway in contravention of the by-law;

**And Whereas** Subsection 425 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended authorizes municipalities to pass by-laws providing that any person who contravenes a by-law of the municipality passed under said Act is guilty of an offence;

**And Whereas** Section 427 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides in part that a by-law establishing a system of accessible parking shall provide that every person who contravenes the by-law is guilty of an offence;

**And Whereas** Section 428 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a by-law may provide for offences for a vehicle parked in contravention of a by-law passed under this Act;

**And Whereas** Section 429 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act;

**And Whereas** Section 432 of the Municipal Act, 2001, S.O. c.25, as amended, states that a municipality may provide for a procedure for the voluntary payment of penalties

out of court in cases where it is alleged that a by-law related to parking, standing or stopping of a vehicle has been contravened;

**And Whereas** Section 7.1 of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, authorizes municipal councils to pass by-laws designating private roads as fire routes along which no parking of motor vehicles shall be permitted;

**Now Therefore**, the Council of the Corporation of the Township of Algonquin Highlands enacts as follows:

## 1.0 Short Title

1.1.1 The short title of this By-Law shall be the “Parking By-Law”

## 2.0 Definitions

In this By-Law:

2.1 Accessible Parking Space – means a parking space designated under this by-law for the exclusive use of a vehicle displaying a valid accessible parking permit as issued by the Ministry;

2.2 Authorized Sign - means any sign, marking or other device which has been placed or erected on a highway, municipal property or private property under the authority of the Township for the purposes of regulating, warning, or guiding traffic and includes an official sign;

2.3 Boulevard - means that portion of municipal property located between the roadway and the property line, but does not include a shoulder. A boulevard may or may not contain sidewalk or driveway;

2.4 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 highways and any vehicle bearing commercial licence plates;

2.5 Controlled-Access Road – means a road so designated under the Highway Traffic Act R.S.O. 1990, Ch. P.50, Section 39;

2.6 Council – shall mean the elected council of the Township of Algonquin Highlands;

2.7 Corner - means the point of intersection of curbs or edges of the roadways;

2.8 Driveway - means improved land on a highway which provides vehicular access from the roadway to a laneway or a parking area on adjacent land;

2.9 Double Parking - means the parking of a vehicle on any roadway, beside another vehicle which is legally parked adjacent to the curb of the roadway or edge of the roadway, so that the vehicles are side by side or any part of the vehicles is side by side;

2.10 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.

2.11 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;

2.12 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;

2.13 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.

2.14 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;

2.15 Municipality - means the Corporation of the Township of Algonquin Highlands;

2.16 Officer - for the purpose of this by-law means a member of the Ontario Provincial Police or a By-Law Enforcement Officer, authorized to enforce the provisions of this by-law and includes all other persons appointed as Provincial Offences Officers pursuant to the Provincial Offences Act, R.S.O. 1990, chapter P33;

2.17 Official Sign - means a sign approved by the Ministry of Transportation;

2.18 Operator - shall mean any person who drives or operates or who has care and control of a vehicle upon a highway;

2.19 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;

2.20 Parking Infraction - means any unlawful parking, standing, or stopping of a vehicle that constitutes an offence;

2.21 Parking Space - means a portion of a highway or a municipal or private parking lot that is designated for the parking of a vehicle by suitable markings;

2.22 Regulations - means the regulations made under the Highway Traffic Act and this by-law;

2.23 Roadway - means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder;

2.24 Road Allowance - means that portion of the Municipality that is designated as road property;

2.25 Shoulder – means that part of a highway lying adjacent to the roadway that is improved with granular or paved surface and is not intended for the passage of motor vehicles or pedestrians;

2.26 Sidewalk - means a path or strip of land paved or otherwise on a highway physically set apart of designed, made available or intended for pedestrian use;

2.27 Stop or Stopping or Standing - 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 direction of an officer or police officer or a traffic sign or signal;

2.28 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 Township of Algonquin Highlands, when the time referred to shall be one hour in advance of standard time;

2.29 Traffic - shall include pedestrians, vehicles, street cars and any other conveyances, either singly or together, while using any highway for the purpose of travel;

2.30 Traffic Control Devices - means any sign or roadway, curb or sidewalk marking or other device erected or placed under the authority of the Council for the purpose of guiding or directing traffic;

2.31 Traffic Signal - means any device manually, electrically or mechanically operated for the regulation of traffic;

2.32 Trailer - means a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, a mobile home, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn;

2.33 Township Property – means any property owned or occupied by the Corporation of the Township of Algonquin Highlands;

2.34 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 not including motor vehicles running only upon rails;

2.35 Without Consent - means when a vehicle is parked on Township property and the owner or operator has been notified by the Township that parking is prohibited. Notification may be verbal or written. Written notification is deemed served if it has been affixed to the vehicle in a conspicuous place for a twenty-four (24) hour period.

### 3.0 General Regulation

3.1 This by-law where it applies to highways only applies to highways under the jurisdiction of the Township of Algonquin Highlands.

### 4.0 Parking – Authorized Sign

4.1 Where authorized signs are erected and on display, no person shall park a vehicle on a highway or part of a highway in contravention of the authorized sign, or for a longer period than allowed for as indicated on the authorized sign.

### 5.0 Prohibited Parking – Anytime

5.1 No person shall park a vehicle at any time:

- a) on a sidewalk; crosswalk or pedestrian crossover;
- b) within 10 meters of a stop sign;
- c) within 3 meters (9.8 feet) of an intersection;
- d) on any bridge or approach thereto;

- e) within 3 meters (9.8 feet) of a fire hydrant;
- f) facing in the opposite direction of the flow of traffic that would normally occur on the side of the road where the vehicle is parked;
- g) on any highway or portion thereof in such a manner as to obstruct traffic
- h) in such a manner as to prevent the convenient removal of any vehicle previously parked or left standing;
- i) in front of or within 1 meter (3.3 feet) of a public or private driveway;
- j) in a manner that blocks more than one designated parking space if the vehicle size would normally allow it to fit wholly within the designated space;
- k) on any highway that has been ordered closed by an authority that is authorized to issue such order.

## 6.0 Obstructing Road

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

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

## 7.0 Winter Parking – Highway Clearing and Maintenance

7.1 No person shall park a vehicle on a highway within the Township between the hours of 12:00 a.m. of any day and 7:00 a.m. of the same day, commencing November 15 of each year until April 15 of the following year.

7.2 No person shall park a vehicle or permit a vehicle to remain parked on any highway or on Township property in such a manner as to interfere with the clearing of snow, or the sanding or maintenance operations of a highway.

## 8.0 Accessible Parking Regulations

### 8.1 Definitions

8.2 Accessible Parking Space - means a parking space designated under this by-law for the exclusive use of a vehicle displaying an accessible parking permit in accordance with the requirements of the Highway Traffic Act and the regulations made thereunder and this by-law;

8.3 Permit - means an accessible parking permit issued under the Highway Traffic Act and the regulations made thereunder or a permit, number plate or other marker or device issued by another jurisdiction and recognized under that Act.

8.4 An accessible parking space:

a) shall be distinctly indicated in accordance with the requirements of the Highway Traffic Act and the regulations made thereunder; and

b) shall include a part of any highway or of any Township property or private property marked by official signs restricting its use as an accessible parking space.

8.5 No person or organization shall park a vehicle in an accessible parking space, unless a currently valid permit has been issued to that person, or organization, or to a passenger being picked-up or transported in the vehicle and such permit is displayed on or in the vehicle in accordance with the requirements of the Highway Traffic Act, the regulations made thereunder and this by-law.

## 9.0 Fire Routes

9.1 No person shall park or leave standing or permit a vehicle to be parked or left standing:

a) within a fire route, where authorized signs are erected and on display;

b) in front of or within eight (8) meters of a lot on which there is a Fire Hall;

c) on the side of the highway on which the Fire Hall is located.

## 10.0 Parking on Municipal Property

10.1 No person shall park a trailer or motorized snow vehicle or permit a trailer or motorized snow vehicle to remain parked when authorized signs have been erected on any Township parking lot for more than seventy two (72) hours.

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

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

## 11.0 Exceptions

11.1 The provisions of this By-law shall not apply to:

- a) Fire Department vehicles;
- b) Police Department vehicles;
- c) Ambulances;
- d) Authorized vehicles owned by the Township of Algonquin Highlands;
- e) Authorized vehicles contracted to perform work for the Township of Algonquin Highlands.

## 12.0 Obstruction

12.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this by-law.

## 13.0 Towing and Impounding

13.1 A Police Officer, By-Law Enforcement Officer, or those appointed by the Township to enforce this by-law and the provisions under the Highway Traffic Act, as amended, upon discovery of a vehicle parked or standing contrary to the provisions of this by-law may cause a vehicle to be moved or taken to a place and stored in a suitable place.

13.2 In the event of a vehicle being removed or taken to a place and stored, when found in contravention of this by-law, all costs and charges for the removal, care, and storage of the vehicle, if any, are a lien upon the vehicle, which must be enforced in the manner provided by the Repair and Storage Liens Act, R.S.O 1990, c.25, as amended.

## 14.0 Enforcement

14.1 The Ontario Provincial Police and the By-law Enforcement Officers, as appointed by by-law by the Council of the Township, shall enforce the provisions of this by-law.

14.2 The Operations Manager is hereby authorized to place or erect and to maintain such signs as may be necessary to give effect to the provisions of this by-law or as are required to warn or guide traffic for the safety or convenience of the public.

## 15.0 Penalty Provisions



15.1 Where a vehicle is found parked in contravention of the provisions of this by-law, the police officer or officer so finding the vehicle may issue a certificate of parking infraction and a parking infraction notice. The parking infraction notice may be served upon the owner of the vehicle identified in the notice or upon the operator of the vehicle by a method prescribed by the Provincial Offences Act, R.S.O. 1990, chapter P33, as amended.

15.2 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 R.S.O. 1990, c. P. 33, as amended.

15.3 If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

#### 16.0 Conflict

16.1 In the event of conflict between the provisions of this by-law and the Highway Traffic Act, R.S.O. 1990, Chap. H.8, as amended, the provisions of the said Act prevail.

#### 17.0 Severability

17.1 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.

#### 18.0 Repeal

18.1 That By-law number 2016-31 is hereby repealed and all amendments thereto.

#### 19.0 Effective Date

19.1 That this By-law shall come into force and take effect on the date of its final passing.

**Read** a First, Second and Third time and finally passed this 21 day of July, 2022.

Original Signed By

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**Mayor Carol Moffatt**

Original Signed By

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**Clerk Dawn Newhook**