

THE CORPORATION
OF THE
MUNICIPALITY OF ARRAN-ELDERSLIE

BY-LAW NO. 43 - 08

BEING A BY-LAW TO AMEND THE MUNICIPAL CODE (REGULATE TRAFFIC & PARKING)

WHEREAS it is deemed advisable to amend the Municipal Code;

NOW THEREFORE The Corporation of the Municipality of Arran-Elderslie hereby enacts as follows:

1. That Schedule C Transportation Services, Regulate Traffic, be added as follows:

"SCHEDULE C TRANSPORTATION SERVICES
REGULATE TRAFFIC & PARKING

BEING A BY-LAW TO REGULATE TRAFFIC AND PARKING ON HIGHWAYS UNDER THE JURISDICTION OF THE CORPORATION OF THE MUNICIPALITY OF ARRAN-ELDERSLIE

WHEREAS the *Municipal Act, 2001, S.O. c.25*, as amended, with respect to regulating traffic provides that,

"Scope of powers

- 8. (1)** *The powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues.*

Ambiguity

- (2) In the event of ambiguity in whether or not a municipality has the authority under this or any other Act to pass a by-law or to take any other action, the ambiguity shall be resolved so as to include, rather than exclude, powers the municipality had on the day before this Act came into force.*

Scope of by-law making power

- (3) Without limiting the generality of subsections (1) and (2), a by-law under sections 10 and 11 respecting a matter may,*

- (a) regulate or prohibit respecting the matter;*
- (b) require persons to do things respecting the matter;*
- (c) provide for a system of licences respecting the matter.*

Broad authority, lower-tier and upper-tier municipalities

- 11. (1)** *A lower-tier municipality and an upper-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public, subject to the rules set out in subsection (4).*

By-laws

- (2) A lower-tier municipality and an upper-tier municipality may pass by-laws, subject to the rules set out in subsection (4), respecting the following matters:...*

- 6. Health, safety and well-being of persons....*

- (3) A lower-tier municipality and an upper-tier municipality may pass by-laws, subject to the rules set out in subsection (4), respecting matters within the following spheres of jurisdiction:*

- 1. Highways, including parking and traffic on highways....*

Impounding of objects, vehicles on highway

- 63. (1)** *If a municipality passes a by-law for prohibiting or regulating the placing, stopping, standing or parking of an object or vehicle on or near 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 or near a highway in contravention of the by-law and subsection 170 (15) of the Highway Traffic Act applies with necessary modifications to the by-law.*

Exception

- (2) Subsection (1) does not authorize any action with respect to a motor vehicle on a parking lot on land not owned or occupied by the municipality.*

Entry on land

- (3) The municipality may, at any reasonable time, enter upon land near a highway for a purpose described in subsection (1).*

Sale of impounded object, etc.

- (4) Despite subsection (1), if the removed object or vehicle, other than a motor vehicle, is used to sell anything on or near a highway and the object or vehicle is not claimed by the owner within 60 days after its removal, it becomes the property of the municipality and may be sold and the proceeds shall form part of the general funds of the municipality.*

Perishable objects

- (5) Despite subsections (1) and (4), any perishable object or refreshment in or on the removed object or vehicle becomes the property of the municipality upon removal and may be destroyed or given to a charitable institution.*

Exception

- (6) Subsection (5) does not apply to a perishable object or refreshment that comes into the possession of a police force in the circumstances described in section 132 of the Police Services Act.*

Impounding vehicles parked

101. (1) If a municipality passes a by-law regulating or prohibiting the parking or leaving of a motor vehicle on land, it may provide for the removal and impounding or restraining and immobilizing of any vehicle, at the vehicle owner's expense, parked or left in contravention of the by-law and subsection 170 (15) of the Highway Traffic Act applies with necessary modifications to the by-law.

Entry on land

(2) A municipality may enter on land at reasonable times for the purposes described in subsection (1).

Signs

(3) If signs are erected on land specifying conditions on which a motor vehicle may be parked or left on the land or regulating or prohibiting the parking or leaving of a motor vehicle on the land, a motor vehicle parked or left on the land contrary to the conditions or prohibition shall be deemed to have been parked or left without consent.

Enforcement

(4) If it is alleged in a proceeding that a by-law referred to in this section has been contravened, the oral or written evidence of a police officer, police cadet or municipal law enforcement officer is receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated in it in respect of,

- (a) the ownership or occupancy of the land;
- (b) the absence of the consent of the owner or occupant; and
- (c) whether any person is an occupant or is an owner.

No notice

(5) Written evidence under subsection (4) shall be admitted without notice under the Evidence Act.

Disabled parking permits

102. (1) If a municipality passes a by-law for establishing a system of disabled parking, the sole manner of identifying vehicles shall be a disabled parking permit issued under and displayed in accordance with the Highway Traffic Act and the regulations made under it.

Designated parking spaces

(2) Without limiting sections 9, 10 and 11, a local municipality may require the owners or operators of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, to provide designated parking spaces for vehicles displaying a disabled parking permit and if it does so, the local municipality shall prescribe the conditions of use of the disabled parking permit and shall prohibit the improper use of the permit.

Removal of vehicle

(3) A by-law passed in accordance with subsection (2) may provide for the removal and impounding of any vehicle, at its owner's expense, parked or left contrary to the by-law.

PART XIV
ENFORCEMENT
Offences and Penalties

Authority to create offences

425. (1) A municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence.

Directors and officers

(3) A by-law under this section may provide that a director or officer of a corporation who knowingly concurs in the contravention of a by-law by the corporation is guilty of an offence.

Offence re illegally parked vehicle

428. A by-law may provide that, where a vehicle has been left parked, stopped or standing in contravention of a by-law passed under this Act, the owner of the vehicle is guilty of an offence, even though the owner was not the driver of the vehicle at the time of the contravention of the by-law, and is liable to the applicable fine unless, at the time of the offence, the vehicle was in the possession of another person without the owner's consent.

Authority to establish fines

429. (1) Subject to subsection (4), a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act.

Same

- (2) Without limiting subsection (1), a system of fines may,
 - (a) designate an offence as a continuing offence and provide for a minimum and maximum fine for each day or part of a day that the offence continues;
 - (b) designate an offence as a multiple offence and provide for a minimum and maximum fine for each offence included in the multiple offence;
 - (c) establish escalating fines for a second and subsequent convictions for the same offence; and
 - (d) establish special fines in addition to the regular fine for an offence which are designed to eliminate or reduce any economic advantage or gain from contravening the by-law.

Restrictions

- (3) The following rules apply to the system of fines:
 - 1. A minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000. However, a special fine may exceed \$100,000.
 - 2. In the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000. However, despite paragraph 1, the total of all of the daily fines for the offence is not limited to \$100,000.
 - 3. In the case of a multiple offence, for each offence included in the multiple offence, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000. However, despite paragraph 1, the total of all fines for each included offence is not limited to \$100,000.

Fine under another Act

(4) If the provisions of any other Act, other than the Provincial Offences Act, provide for the fines for a contravention of a by-law of a municipality, the municipality cannot establish a system of fines under this section with respect to the by-law.

Definition

(5) In this section,

"multiple offence" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of a by-law.

Payments out of court

432. A by-law under section 425 may establish a procedure for the voluntary payment of penalties out of court where it is alleged that any of the following by-laws have been contravened:

1. By-laws related to the parking, standing or stopping of vehicles.

Municipality entitled to fines

433. (1) Except as otherwise provided in this or any other Act, every fine imposed for a contravention of a by-law of a municipality or by-law of a local board of the municipality belongs to the municipality."

AND WHEREAS the Highway Traffic Act, R.S.O. 1990, c.H.8, as amended, with respect to municipal by-laws regulating traffic, provides that,

Rate of speed

128. (1) No person shall drive a motor vehicle at a rate of speed greater than,

- (a) 50 kilometres per hour on a highway within a local municipality or within a built-up area;
- (b) despite clause (a), 80 kilometres per hour on a highway, not within a built-up area, that is within a local municipality that had the status of a township on December 31, 2002 and, but for the enactment of the Municipal Act, 2001, would have had the status of a township on January 1, 2003, if the municipality is prescribed by regulation;

Regulation

- (1.1) The Minister may by regulation prescribe the municipalities to which clause (1) (b) applies.

Rate of speed by by-law

- (2) The council of a municipality may, for motor vehicles driven on a highway or portion of a highway under its jurisdiction, by by-law prescribe a rate of speed different from the rate set out in subsection (1) that is not greater than 100 kilometres per hour and may prescribe different rates of speed for different times of day.

By-laws, regulations effective when posted

- (11) No by-law passed under this section or regulation made under clause (7) (c) becomes effective until the highway or portion of it affected by the by-law or regulation, as the case may be, is signed in accordance with this Act and the regulations.
- (12) Where a by-law or regulation passed under this section becomes effective, the rates of speed prescribed in subsection (1) do not apply to the highway or portion of the highway affected by the by-law or regulation.

Penalty

- (14) Every person who contravenes this section or any by-law or regulation made under this section is guilty of an offence and on conviction is liable, where the rate of speed at which the motor vehicle was driven,
 - (a) is less than 20 kilometres per hour over the speed limit, to a fine of \$3 for each kilometre per hour that the motor vehicle was driven over the speed limit;
 - (b) is 20 kilometres per hour or more but less than 30 kilometres per hour over the speed limit, to a fine of \$4.50 for each kilometre per hour that the motor vehicle was driven over the speed limit;
 - (c) is 30 kilometres per hour or more but less than 50 kilometres per hour over the speed limit, to a fine of \$7 for each kilometre per hour that the motor vehicle was driven over the speed limit; and
 - (d) is 50 kilometres per hour or more over the speed limit, to a fine of \$9.75 for each kilometre per hour that the motor vehicle was driven over the speed limit.

AND WHEREAS Ontario Regulation 8/03, of the Highway Traffic Act, R.S.O. 1990, c.H.8, as amended, with respect to municipal by-laws regulating traffic, provides that,

"LOCAL MUNICIPALITIES WHERE 80 KILOMETRES PER HOUR SPEED LIMIT APPLIES

Application of 80 km/hr speed limit

1. The local municipalities listed in the Table are prescribed for the purpose of clause 128 (1) (b) of the Act. O. Reg. 8/03, s. 1.

TABLE

...Armstrong
Arran-Elderslie
Ashfield-Colborne-Wawanosh...

AND WHEREAS the Provincial Offences Act, R.S.O. 1990, CHAPTER P.33, as amended, provides for payment out of court, as follows:

Payment out of Court

8. (1) Where an offence notice is served on a defendant who does not wish to dispute the charge, the defendant may sign the plea of guilty on the offence notice and deliver the offence notice and amount of the set fine to the office of the court specified in the notice.

Conviction

- (2) Acceptance by the court office of payment under subsection (1) constitutes a plea of guilty whether or not the plea is signed and endorsement of payment on the certificate of offence constitutes the conviction and imposition of a fine in the amount of the set fine for the offence.

AND WHEREAS it is deemed advisable to provide for the regulation of traffic;

NOW THEREFORE The Corporation of the Municipality of Arran-Elderslie hereby enacts as follows, that:

PART I - SHORT TITLE

This by-law may be cited as the Traffic and Parking By-law.

PART II - HIGHWAY TRAFFIC ACT

1. The provisions of this by-law shall be subject to the provisions of the Highway Traffic Act, R.S.O.1990, c.H.8 and any amendments thereto. The definitions contained within the Highway Traffic Act shall apply in the interpretation of this by-law except where inconsistent or defined herein, in which case the definition under this by-law shall apply.

PART III – DEFINITIONS

1. For the purposes of this by-law:

Bicycle includes a tricycle having a wheel or wheels of more than 50 centimetres in diameter.

Boulevard means that part of the highway situated between the curb line and the property line of the lot abutting the highway, including a driveway, but does not include a sidewalk or shoulder or multi-use trails.

By-Law Enforcement Officer means any employee or contractor of the Municipality appointed by Council to enforce or carry out the provisions of this by-law or any part or parts thereof.

Corner means the point of intersection of curb lines.

Council means the Municipal Council of the Corporation of the Municipality of Arran-Elderslie.

Cul-de-sac means a highway terminating in a turn-around.

Curb Lines

- a) where a curb has been constructed, means the line of curb, and
- b) where no curb has been constructed, means the edge of the roadway.

Drive means to drive, move or operate a vehicle.

Driveway means that part of a highway that provides vehicular access to and from the roadway and an adjacent property.

Heavy Truck means a vehicle or combination of vehicles, having a weight when unloaded of 4.6 metric tonnes (4,600 kilograms) or more, but does not include a passenger vehicle, an ambulance, a transit bus on its assigned route or a vehicle of the Police or Fire Departments.

Highway Traffic Act means the Highway Traffic Act, R.S.O. 1990, c. H.8 as amended and regulations made thereunder.

Motor Assisted Vehicle includes a motor-assisted bicycle, roller skate, roller blade, skateboard, coaster, toy vehicle, mini-bike, go-cart, scooter and any other motor assisted transportation device that weighs not more than 55 kilograms and that does not have sufficient power to enable the transportation device to attain a speed greater than 50 kilometres per hour on level ground within a distance of 2 kilometres from a standing start, but does not include a wheelchair.

Motorized Snow Vehicle means a self-propelled vehicle designed to be driven primarily on snow.

Municipality means the Municipality of Arran-Elderslie.

Muscular powered device includes, but is not limited to, in-line skates, roller blades, roller skates, skateboards, wheeled skis and scooters, but does not include devices used by the physically challenged or wheeled carriages for children;

One Way Street means a highway upon which vehicular traffic is limited to movement in one direction.

Parking Space means that part of the roadway, the use of which is designated for the purpose of parking a vehicle.

Pedestrian means any person afoot, any person in a wheelchair, any child in a wheeled carriage, and any person riding a non-motorized bicycle with wheels less than 50 centimetres in diameter.

Police, police department or police officer means the Ontario Provincial Police or a member of the Ontario Provincial Police;

Safety zone means that area or space set apart within a roadway for the exclusive use of pedestrians which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

School Bus means a bus that,

1. is painted chrome yellow, and
2. displays on the front and rear thereof the words "school bus" and on the rear thereof the words "do not pass when signals flashing".

School Crossing means any portion of a highway distinctly indicated for pedestrian crossing by school crossing signs and lines or other markings on the surface of the roadway.

School Purpose Vehicle means a vehicle that a school board has contracted to transport one or more students, including but not limited to a school bus.

Shoulder means that portion of the highway lying adjacent to the roadway which is improved with granular or paved surface and is not intended for the passage of motor vehicles.

Sidewalk means that portion of a highway between the curb line and the property line of the lot abutting the highway improved for the use of pedestrians.

Sign means any sign or roadway, curb or sidewalk marking or other device placed or erected on a highway, in accordance with the *Highway Traffic Act*, under the authority of this by-law for the purpose of regulating, warning or guiding traffic

Storing means the parking of a vehicle under the conditions provided by this by-law

Time refers to Eastern Standard Time or to Daylight Saving Time, as the case may be at the time a regulation is enforced

Traffic includes pedestrians, ridden or herded animals, vehicles and any other conveyances either singly or together while using any street, roadway or highway for the purpose of travel.

Traffic control device means a sign, marking or other device on a highway for the purpose of controlling, guiding or directing traffic.

Unlicensed Vehicle means a motor vehicle that does not have a current validation sticker visibly affixed to its licence plate.

U-turn means the turning of a vehicle within a highway so as to proceed in the opposite direction;

Wheelchair means a chair mounted on wheels driven by muscular or any other kind of power and used for the carriage of a person who has a physical defect or disability.

Works Manager means the individual so appointed by the Municipality

PART IV – ENFORCEMENT AND AUTHORITY

1. Enforcement

All provisions of this by-law may be enforced by Police Officers throughout the Municipality. By-law Enforcement Officers shall enforce the parking and stopping provisions of this by-law.

2. Authority To Install Signs

1. The Works Manager or designate is hereby authorized to place, erect and maintain or cause to be placed, erected and maintained such traffic control devices and traffic control signs that are required to give effect to the provisions of this by-law and/or which are authorized by the Schedules to this by-law.
2. The Works Manager or designate, notwithstanding the other provisions of this By-law, is further authorized for the duration of the situation to place, erect or maintain such traffic control devices, including signs, and traffic control signals that are not authorized by this by-law but are required for safety, construction and/or emergency reasons.
3. 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 or official sign, or which conceals from view or interferes with the effectiveness of any authorized sign, without prior approval of the Works Manager or designate.
4. No person shall deface, alter, remove or otherwise interfere with any traffic control devices, markings or signs.

3. Scope

All provisions of this by-law are applicable to highways or parts of highways under the jurisdiction of the Municipality.

PART V – GENERAL – USE OF HIGHWAYS & ROADWAYS

1. Driving On a Boulevard, Curb, Sidewalk or Multi-Use Trail

1. No person shall drive a motor vehicle or a motor-assisted vehicle on any boulevard, sidewalk or multi-use trail except at a driveway.
2. No person shall ride a bicycle on any boulevard or sidewalk except at a driveway.
3. No person shall drive a motorized snow vehicle on any sidewalk or multi-use trail or on any boulevard beside a sidewalk or multi-use trail.
4. No person shall drive a motor vehicle over a raised curb except at a place where there is a ramp

2. Closed Highways

1. No person shall drive or park a vehicle except an emergency vehicle or a vehicle authorized by the Works Manager, or designate, or by a Police Officer, through or enter upon any highway, or part thereof, that is roped or barricaded or marked by authorized signs prohibiting its use.

3. Newly Painted Lines

1. No person shall drive, or attempt to drive, on or over, tamper with or walk on any newly painted line or series of lines on any roadway or shoulder in a manner that damages said lines when the presence of such is indicated by signs, markers, pylons, electric lanterns or otherwise.

4. U-Turns-Schedule H

1. Where U-turns are not prohibited, no driver shall make a U-turn unless it can be made in safety and without interfering with other traffic.
2. Where signs are erected and are on display, in accordance with the Regulations of the Highway Traffic Act, no driver shall turn any vehicle, in any intersection or portion of highway set out in Column 1 of Schedule H to this by-law proceeding in the direction or emerging from a property set out in Column 2 of the said Schedule, in the direction set out in Column 3 of the said Schedule, during the times or days set out in Column 4 of the said Schedule.

5. Muscular Powered Devices

1. No driver, or pedestrian, shall make careless use of a muscular powered device on a highway, including any roadway or sidewalk, in a park or in any other area owned and maintained by the Municipality.
2. No driver, or pedestrian, shall operate a muscular powered device in a manner dangerous to other persons or to public property.
3. A police officer may require any driver, or pedestrian, who is operating a muscular powered device to stop and to provide identification of him/herself.
4. For the purposes of this section, giving one's correct name and address is sufficient identification.
5. No driver, or pedestrian, shall ignore the request of a police officer to stop and identify himself or herself.

6. Speed Limits-Schedule I

1. Where signs are erected and are on display, no driver shall operate any vehicle, on any highway or portion of highways as set out in Column 1 of Schedule I to this by-law between the limits set out in Column 2 of the said Schedule, exceeding the maximum rate of speed set out in Column 3 of the said Schedule.
2. In any public park the maximum rate of speed shall be 20 kilometres per hour.

7. Use of Sidewalks

1. No pedestrians shall fail to utilize sidewalks whenever they are provided adjacent to a roadway.
2. No person shall park a bicycle on a sidewalk unless same shall stand or be parked in a manner which does not obstruct, restrict or alter in any way the normal pedestrian flow of traffic on the sidewalk.

8. The Use of Roller Skates

1. Unless allowed under a permit granted by the Municipality, no person, upon roller skates, roller blades or similar footwear, shall go upon a roadway except for the purpose of crossing the roadway and when so crossing such person shall have the rights and be subject to the obligations of a pedestrian.

9. Obstructing a Sidewalk

1. No person shall obstruct or impede pedestrians on a sidewalk unless otherwise permitted by the Municipality.

10. Animals

1. Riding on a Boulevard, Sidewalk or Multi-Use Trail

No person shall ride, drive, lead or back any animal, except household pets, within, across or along any sidewalk, boulevard or multi-use trail except on a driveway.

2. Attendance While In Motion

No person shall drive an animal drawn vehicle on a highway unless he or she remains upon the vehicle while it is in motion or walks beside the animal drawing it.

3. Parking

No person shall leave a carriage, cart, wagon, sleigh or sled drawn by an animal on a highway without the animal drawing it.

11. Debris on Roadway

1. Unless authorized by the Works Manager, no person shall place, drag, track or store any debris or accumulation of material, including snow, ice, mud, manure or any other object, upon any part of, or adjacent to any roadway.

12. Damage to Roadway

1. No person shall cause, or allow any damage to be caused, to any roadway surface, drainage ditch, curb, gutter, sidewalk or boulevard, including filling drainage ditches, causing ruts, removal of gravel or any hard surface material by the operation of any equipment or vehicle or by herding any animals along or across any highway.

PART VI – GENERAL - PARKING & STOPPING

1. No person shall improperly park or stop any vehicle on any portion of a highway thereof except as follows:

1. Where parking is permitted on the right-hand side of the roadway of a highway designated for two-way traffic, no person shall park or stop any vehicle on the left-hand side of the roadway.
2. Where parking is permitted on the right-hand side of the roadway of a highway designated for two-way traffic, no person shall park or stop any vehicle on the right-hand side of the highway or portion thereof except as follows:
 1. where there is a raised curb, having regard for the direction such vehicle was proceeding, with its right front and rear wheels parallel to and not more than 30 centimetres (12 inches) from such curb;
 2. Where there is no curb or a rolled curb, with the right front and rear wheels parallel to and as near to the right hand limit of the highway as is practicable without stopping or parking on a sidewalk or footpath or on any part of the highway where grass is grown or which is not intended for the use of vehicles.
3. Where parking is permitted on the left-hand side of the roadway of a highway designated for one-way traffic, no person shall park or stop any vehicle on the left-hand side of the highway or portion thereof except as follows:
 1. Where there is a raised curb, on the left-hand side of the roadway, having regard to the direction such vehicle was proceeding, with its left front and rear wheels parallel to and not more than 30 centimetres (12 inches) out from such curb;
 2. Where there is no curb or a rolled curb, with the left front and rear wheels parallel to and as near to the left-hand limit of the highway as is practicable without stopping or parking on a sidewalk or footpath or on any part of the highway where grass is grown or which is not intended for the use of vehicles.

2. Angle Parking

1. The provisions of section 1.1 above do not apply where angle parking is permitted under Part VII Section 1 hereof or to parking or stopping a vehicle on the left-hand side of the roadway of a highway designated for one-way traffic.
2. Where angle parking is permitted on a highway, no person shall stop or park any vehicle except at an angle of 90 degrees from the curb or boundary of the roadway with the front end of the vehicle at such curb or boundary.
3. Where angle parking spaces are designated by lines painted on the roadway, no person shall stop or park any vehicle except within an area so designated as a parking space.

3. Storing of Vehicles on Roadways

1. Notwithstanding any regulations herein contained with respect to the parking of vehicles, no person shall use any part of any roadway for the storing of a new or used motor vehicle in the process of being repaired or awaiting repairs, or to be wrecked or for parking or storing any other vehicles or machinery of various kinds for sale or awaiting repairs, or to be wrecked, except such repairs as have been necessitated by an emergency.

4. Parked Vehicle Causing Interference to be Hauled

1. No person shall park or stand a vehicle on a highway in such a manner as to interfere with the movement of traffic or the clearing of snow from the highway.
 1. The Works Manager, or designate, shall carry out the provisions of this section.
 2. The Works Manager, upon discovery of any vehicle parked or standing in any place contrary to this by-law, may cause said vehicle to be hauled away to a municipal compound for that purpose, and all costs and charges for the hauling, care and storage of the said vehicle, are a lien upon the vehicle, which may be enforced in the manner provided by the Repair and Storage Liens Act,

and all such charges shall be paid at the Municipal Office prior to the release of the said vehicle from the municipal compound.

3. The Works Manager shall, as soon as practical after a vehicle has been hauled to a municipal compound, report the following information to the Ontario Provincial Police: licence plate number, date, time and location from where the vehicle was removed, location and phone number to where the vehicle was towed and the name of the Municipal Officer.

5. No Stopping

1. No person shall stop a vehicle on a highway in any of the following places:
 1. on or over a sidewalk;
 2. within an intersection;
 3. within a designated pedestrian crossover;
 4. within 12.5 metres (41 feet) of a pedestrian crossover;
 5. between a safety zone and the adjacent side of the roadway or within 15 metres (49 feet) of the points of such side opposite the ends of the safety zone;
 6. alongside or across the highway from any excavation or obstruction in the roadway when the free flow of traffic would thereby be impeded;
 7. on the roadway alongside of any stopped or parked vehicle;
 8. upon any bridge;

6. No Parking

1. No person shall park a vehicle on a highway in any of the following places:
 1. in front of or within 1 metre (39 inches) of a driveway or laneway or so as to obstruct vehicles in the use of a driveway or laneway;
 2. in front of the entrance or exit to a lot or building where fire department vehicles, public utility vehicles, police vehicles, or other emergency vehicles are kept or stored, in such a manner as to impede the movement of such vehicles;
 3. within 3 metres (10 feet) of a point in the edge of the roadway adjacent to a fire hydrant;
 4. within 12.5 metres (41 feet) of a pedestrian crossover;
 5. within 9 metres (30 feet) of an intersecting roadway;
 6. within 15 metres (49 feet) of any intersection controlled by traffic signals;
 7. on any roadway having an overall width of less than 6 metres (20 feet);
 8. on any highway between the hours of 2:00 a.m. to 7:00 a.m. from November 1st to March 31 following;
 9. in front of an entrance to or exit from any building or enclosed space in which persons may be expected to congregate in large numbers such as hotels, theatres, public halls;
 10. in such a position as will prevent the removal of any other vehicle previously parked;
 11. in front of the entrance to any place where goods or merchandise are regularly delivered or removed
 12. in a place so as to interfere with the formation of a funeral procession.

7. No Parking Where Signs Erected

1. Where signs in accordance with the Regulations of the Highway Traffic Act are erected and are on display, no person shall on any highway park any vehicle:
 1. within 15 metres (49 feet) of an intersection;
 2. within 30 metres (98.5 feet) of an intersection controlled by traffic signals;
 3. within 25 metres (82 feet) of any point designated as a bus or coach stop;
 4. between 8:30 a.m. and 4:30 p.m. upon that side of a highway adjacent to any school property.

PART VII –PARKING & STOPPING RESTRICTIONS & PROHIBITIONS ON CERTAIN HIGHWAYS

1. Permitted Angle Parking-Schedule A

Angle parking in accordance with the provisions of Part VI Section 2 is permitted on the highways at the sides and between the limits set out respectively in Columns 1, 2, and 3 of Schedule "A" attached hereto and forming a part of this by-law.

2. No Parking-Schedule B

Where signs in accordance with the Regulations of the Highway Traffic Act are erected and are on display no person shall park a vehicle on any highway at the side and between the limits set out respectively in Columns 1, 2, and 3 of Schedule "B" attached hereto and forming a part of this by-law, during the prohibited times or days set out in Column 4 of the said Schedule.

3. Restricted Parking-Schedule C

Where signs in accordance with the Regulations of the Highway Traffic Act are erected and are on display no person shall park a vehicle on any highway at the side and between the limits set out respectively in Columns 1, 2, and 3 of Schedule "C" attached hereto and forming a part of this by-law, during the times and/or days set out in Column 4 of the said Schedule for a longer period than that set out in Column 5 of the said Schedule.

4. Restricted Parking "Handicapped"

Where signs, in accordance with the regulations of the Highway Traffic Act, are erected and are on display designating a "Handicapped Parking Space", no person shall park a vehicle in such designated space unless said vehicle is displaying a handicap parking permit issued by the Ministry of Transportation that bears the symbol for the disabled.

5. Overnight Parking by Permit – Riverside Park

No person shall park any vehicle, in Riverside Park, over night except by *Overnight Parking Permit* in accordance with the following provisions:

1. There shall be twenty-eight (28) sites available for overnight parking by permit along Riverside Drive, being ten (10) sites on the north side and eighteen (18) sites on the south side.
2. No person shall park along Riverside Drive during the period from 8:00 p.m. to 8:00 a.m. the following morning, without an overnight parking permit.
3. An overnight parking permit may be purchased, at the Municipal Office
4. No person shall park overnight without the overnight parking permit displayed on the dashboard of the driver's side of the front windshield. Failure to display the permit may result in the vehicle being ticketed or hauled away, as provided for in Part VI Section 4 of this By-law.
5. No person shall park overnight along Riverside Drive except where signs have been erected to designate the areas available for overnight parking by permit. Failure to park in designated areas may result in the vehicle being ticketed or hauled away, as provided for in Part VI Section 4 of this By-law.
6. No person shall park an inoperative vehicle along Riverside Drive.
7. No person shall park an unlicensed vehicle along Riverside Drive.

6. Loading Zones

1. The 9 metre parking spaces directly south of the pedestrian crossover on both the east and west sides of 1st Avenue South are designated as 10 minute loading zones.
2. No person shall park a vehicle for more than 10 minutes in a loading zone when signs, in accordance with the Regulations of the Highway Traffic Act, are erected and on display.

7. No Stopping-Schedule D

1. Where signs, in accordance with the Regulations of the Highway Traffic Act, are erected and are on display no person shall stop a vehicle on any highway at the side and between the limits set out respectively in Columns 1, 2, and 3 of Schedule D attached hereto and forming a part of this by-law, during the prohibited times or days set out in Column 4 of the said Schedule.

PART VIII –ONE-WAY STREETS & PEDESTRIAN CROSSEVERS

1. DESIGNATED ONE-WAY STREETS-Schedule E

1. The highways set out in Column 1 of Schedule E attached hereto and forming a part of this by-law, between the limits set out in Column 2 of the said Schedule, are hereby designated for one-way traffic only in the direction set out in Column 3 of the said Schedule.
2. No person shall drive a vehicle on a highway designated for one-way traffic except in direction so designated only.
3. Each designation made by section 1 shall be effective upon the erection of official signs in accordance with the Regulations of the Highway Traffic Act.

2. DESIGNATED PEDESTRIAN CROSSEVERS-Schedule F

1. The portions of roadways set out in Column 1 of Schedule F attached hereto and forming a part of this by-law, at the locations named in Column 2 of the said Schedule are designated as pedestrian crossovers.
2. When a pedestrian or a person in a wheelchair crossing a roadway within a pedestrian crossover is upon the half of the roadway upon which a vehicle is travelling or is upon half of the roadway and is approaching the other half of the roadway on which a vehicle is approaching so closely to the pedestrian crossover as to endanger him, no driver of such vehicle shall fail to yield the right-of-way to the pedestrian or a person in a wheelchair by slowing down or stopping if necessary.
3. Each designation made by this Section shall be effective upon signs being erected in accordance with the Regulations of the Highway Traffic Act.

PART IX – SCHEDULES PART OF BY-LAW

1. The Schedules referred to in this by-law form part of this by-law and each entry in a Column 1 of such a Schedule shall be read in conjunction with the entry or entries across there from and not otherwise.

PART X - PENALTIES

1. Except where otherwise expressly provided in this by-law, every person who contravenes any provision of this by-law is guilty of an offence and is liable, upon conviction, to a fine not exceeding Five Thousand Dollars (\$5,000.00), inclusive of costs, for each offence, recoverable under the *Provincial Offences Act, R.S.O. 1990*, as amended.
2. The owner of a vehicle may be charged with and convicted of a parking or other 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.
3. Any person violating the provisions of Parts V and VIII of this by-law is guilty of an offence and shall be subject to the penalty provided for such violation in the *Highway Traffic Act*.
4. Any person violating the provisions of Part VI of this by-law, in addition to penalties provided by this by-law, will be subject to the vehicle being towed away, as provided under Section 170.(1) of the *Highway Traffic Act R.S.O. 1980*, as amended.
5. All costs and charges incurred for removing, caring for and storing a vehicle pursuant to subsection 4. of this section, shall be a lien upon the vehicle, which lien may be enforced in the manner provided for in the *Repair and Storage Liens Act, R.S.O. 1990, Chapter R. 25*, as amended

PART XI - VALIDITY

1. Should any part, section or provision of this by-law be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or in part thereof, other than the part which was declared to be invalid.

PART XII - EFFECTIVE DATE

1. This by-law will come into force and take effect on the 15th day of March, 2009.

SCHEDULE A

ANGLE PARKING

(Reference Part VII Section 1)

COLUMN 1	COLUMN 2	COLUMN 3	
HIGHWAY	SIDE OR SIDES	FROM	TO
CHESLEY			
1ST AVE N	WEST	SOUTH END BAPTIST CHURCH	NORTH END BAPTIST CHURCH
2ND AVE SE	Both	2ND ST SE	3RD ST SE

SCHEDULE B

NO PARKING

(Reference Part VII Section 2)

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4
HIGHWAY	SIDE(S)	FROM	TO	TIME
CHESLEY				
1ST AVE N	EAST	175 FEET NORTH OF 2ND ST NE	4TH ST NE	ANYTIME
1ST AVE N	WEST	4TH ST NW	NORTH TOWN LIMITS	ANYTIME
4TH ST NE	BOTH	1ST AVE N	2ND AVE NE	ANYTIME
2ND ST SE	SOUTH	1ST AVE S	EAST END OF 2ND AVE SE	ANYTIME
3RD ST SE	NORTH	2ND AVE SE	4TH AVE SE	ANYTIME
3RD ST SE	SOUTH	1ST AVE S	2ND AVE SE	ANYTIME
5TH ST SE	NORTH	1ST AVE S	WALLACE ST	ANYTIME
7TH ST SE	NORTH	1ST AVE S	2ND AVE SE	ANYTIME
2ND AVE SE	WEST	3RD ST SE	4TH ST SE	ANYTIME
4TH ST SE	NORTH	1ST AVE S	COMMUNITY PARK	ANYTIME
WALLACE ST	EAST	5TH ST SE	4TH ST SE	ANYTIME
3RD AVE SE	WEST	3RD ST SE	4TH ST SE	ANYTIME
2ND AVE SE	WEST	5TH ST SE	7TH ST SE	ANYTIME
6TH ST SE	NORTH	1ST AVE S	EAST END OF 6TH ST SE	ANYTIME
2ND AVE SW	EAST	2ND ST SW	3RD ST SW	ANYTIME
2ND AVE SW	WEST	3RD ST SW	4TH ST SW	ANYTIME
2ND AVE SW	EAST	4TH ST SW	7TH ST SW	ANYTIME
7TH ST SW	NORTH	1ST AVE S	2ND AVE SW	ANYTIME
1ST AVE S	EAST	6TH ST SE	7TH ST SE	ANYTIME
1ST AVE S	WEST	7TH ST SW	150 M SOUTH	ANYTIME
2ND AVE SW	WEST	2ND ST SW	NORTH	ANYTIME
2ND AVE SW	EAST	2ND ST SW	NORTH	ANYTIME
PAISLEY				
QUEEN ST	WEST	ROWE ST	TEESWATER BRIDGE	ANYTIME
QUEEN ST	EAST	ROWE ST	TEESWATER BRIDGE	ANYTIME
ROWE ST	NORTH	QUEEN ST	MILL DRIVE	ANYTIME
GOLDIE ST	NORTH	QUEEN ST	EAST TOWN LIMIT	ANYTIME
GOLDIE ST	SOUTH	QUEEN ST	BRIDGE	ANYTIME
INKERMAN	NORTH	QUEEN ST	VICTORIA ST	ANYTIME
TARA				
YONGE ST	EAST	WHITES AVE	SOUTH	ANYTIME

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4
HIGHWAY	SIDE(S)	FROM	TO	TIME
			TOWN LIMIT	
YONGE ST	WEST	WHITES AVE	MILL STREET	ANYTIME
WHITES AVE	SOUTH	YONGE ST	WEST 200 M	ANYTIME

SCHEDULE C

RESTRICTED PARKING
(Reference Part VII Section 3)

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4	COLUMN 5
HIGHWAY	SIDE(S)	FROM	TO	TIMES AND/OR DAYS	MAXIMUM PERIOD ALLOWED
CHESLEY					
1ST AVE S	BOTH	SAUGEEN RIVER BRIDGE	4TH ST SW	9:00 A.M. TO 6:00 P.M. MONDAY TO SATURDAY EXCEPT HOLIDAYS	2 HOURS
1ST AVE S	WEST	SOUTH END POST OFFICE LOT	NORTH END POST OFFICE LOT	9:00 A.M. TO 6:00 P.M. MONDAY TO SATURDAY EXCEPT HOLIDAYS	15 MINUTES
PAISLEY					
QUEEN ST	BOTH	INKERMAN ST	ROWE ST	9:00 A.M. TO 6:00 P.M. MONDAY TO SATURDAY EXCEPT HOLIDAYS	2 HOURS
QUEEN ST	BOTH	NORTH END OF BRIDGE	CHURCH ST	9:00 A.M. TO 6:00 P.M. MONDAY TO SATURDAY EXCEPT HOLIDAYS	2 HOURS
QUEEN ST	EAST	30' SOUTH OF POST OFFICE	NORTH END OF POST OFFICE	9:00 A.M. TO 6:00 P.M. MONDAY TO SATURDAY EXCEPT HOLIDAYS	15 MINUTES
TARA					
					NONE

SCHEDULE D**NO STOPPING**

(Reference Part VII Section 7)

COLUMN 1	COLUMN 2	COLUMN 3
HIGHWAY	FROM	TO
CHESLEY		
NONE		

SCHEDULE E**DESIGNATED ONE-WAY STREETS**

(Reference Part VIII Section 1)

COLUMN 1	COLUMN 2	2
HIGHWAY	FROM	TO
CHESLEY		
4TH ST SE	4TH AVE SE	EAST TO COMMUNITY CENTRE

SCHEDULE F**PROVIDING FOR DESIGNATED PEDESTRIAN CROSSOVERS**

(Reference Part VIII Section 2)

COLUMN 1	COLUMN 2
HIGHWAY	LOCATION
CHESLEY	
1ST AVE S	AT A POINT SITUATE .5 M SOUTH OF 2ND ST

SCHEDULE H**PROVIDING FOR RESTRICTED TURNING MOVEMENTS**

(Reference Part V Section 4)

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
HIGHWAY	PROCEEDING DIRECTION	TURNING	TIMES
CHESLEY			
1ST AVE S AT 4TH ST S	ALL DIRECTIONS	U-TURNS	ANYTIME
1ST AVE S AT 3RD ST S	ALL DIRECTIONS	U-TURNS	ANYTIME
1ST AVE S AT 2ND ST S	ALL DIRECTIONS	U-TURNS	ANYTIME
1ST AVE N AT 4TH ST N	ALL DIRECTIONS	U-TURNS	ANYTIME

SCHEDULE I

PROVIDING FOR SPEED LIMITS


(Reference Part V Section 6)

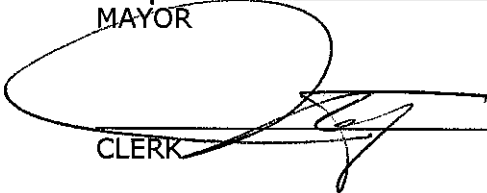
COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
HIGHWAY	FROM	TO	SPEED
CHESLEY			
1ST AVE S	DURST ST	SOUTH TOWN LIMITS	50 KM PER HR
4TH ST NE	1ST AVE N	EAST TOWN LIMITS	50 KM PER HR
1ST AVE N	4TH ST'S NW & NE	NORTH TOWN LIMITS	50 KM PER HR
ALL OTHER STREETS			40 KM PER HR
PAISLEY			
ALL STREETS			50 KM PER HR
TARA			
ALL STREETS			50 KM PER HR

2. And that this by-law shall take effect with final passing.

Read a first and second time this 22nd day of DECEMBER, 2008.

Read a third time and finally passed this 22nd day of DECEMBER, 2008.


MAYOR


CLERK