

**THE CORPORATION OF THE
TOWNSHIP OF ADELAIDE METCALFE**

BY-LAW No. 30 of 2023

**BEING A BY-LAW TO REGULATE PARKING WITHIN THE TOWNSHIP OF
ADELAIDE METCALFE**

WHEREAS the *Municipal Act, 2001*, S.O. 2001, Chapter 25, Sections 11, 100, 101 and 102 provides that By-laws may be passed by the Councils of local municipalities with respect to regulating parking within the municipality;

WHEREAS the *Highway Traffic Act, R.S.O. 1990*, c.H.8, section 128(2) authorizes a municipality to regulate speed on public Highways; and

NOW THEREFORE the Council of the Corporation of the Township of Adelaide Metcalfe enacts as follows:

SECTION 1
SHORT TITLE

1. SHORT TITLE

This By-law may be cited as the Township of Adelaide Metcalfe "Parking By-law."

SECTION 2
DEFINITIONS

2. DEFINITIONS

In this By-law:

- 2.1 **"Authorized Sign"** means any sign, curb or sidewalk marking, or other device placed or erected on a highway under the authority of this Parking By-law for the purposes of regulating, warning or guiding traffic.
- 2.2 **"Boulevard"** means a strip of grass or other vegetation between a sidewalk and a roadway.
- 2.3 **"Bus Stop"** means that part of a highway designated by the Municipality by a "bus stop" sign for the use of buses, as a space for loading and unloading passengers.

- 2.4 **"By-law Enforcement Officer"** means a person appointed by the Township of Adelaide Metcalfe for enforcing the provisions of this Parking By-law including a Police Officer.
- 2.5 **"Commercial Motor Vehicle"** means a motor vehicle having permanently attached thereto a truck or delivery body and includes an ambulance, hearse, taxicab, casket wagon, fire apparatus, bus and tractor used for hauling purposes on the Highways.
- 2.6 **"Council"** means the Council of the Corporation of the Township of Adelaide Metcalfe.
- 2.7 **"Designated Parking Space"** means a designated parking space or parking area with the appropriate signs erected and on display.
- 2.8 **"Disabled Person Parking Space"** means a parking space designated under this Parking By-law for exclusive use of a motor vehicle displaying a disabled person parking permit.
- 2.9 **"Drive"** means to drive, move or operate a motor vehicle.
- 2.10 **"Driveway"** means that part of a highway that provides vehicular access to and from the roadway and an adjacent property.
- 2.11 **"Emergency Vehicle"** includes an ambulance, fire department vehicle, vehicle operated by an Officer in the performance of his or her duties, and other vehicle being used to respond to an emergency.
- 2.12 **"Fire Route"** means any part of a roadway or a private roadway that is designated for 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.
- 2.13 **"Heavy Vehicle"** means a truck, bus or other type of motor vehicle or attached equipment, the weight of which, separately or combined, when unloaded, is three tonnes or more or, when loaded, is five tonnes or more.
- 2.14 **"Highway" or "Highways"** includes a common and public highway, street, Lot, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used by, the general public for the passage of motor vehicles, and includes the area between the lateral property lines thereof and the entire road allowance. For clarity, a "Street" or "Highway" shall also include Rural Highways and Urban Highways.
- 2.15 **"Highway Traffic Act"** means the *Highway Traffic Act*, R.S.O. 1990, c. H.8 as amended.

- 2.16 "Lot" means a separate parcel of land that has been assigned a property identifier under section 141 of the *Land Titles Act, R.S.O 1990, c. L.5*.
- 2.17 "**Motorized Snow Vehicle**" means a self-propelled motor vehicle designated to be driven primarily on snow.
- 2.18 "**Motor Vehicles**" includes a motor vehicle, truck, heavy truck, trailer, semi-trailer, traction engine, farm tractor, road-building machine, a commercial motor vehicle, motorcycle, motor assisted bicycle unless otherwise indicated in the *Highway Traffic Act*, transport truck, motor assisted vehicle used to transport and/or convey goods or people, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a motorized snow vehicle or the cars of electric or stream railways running only upon rails.
- 2.19 "**Municipality**" means the Corporation of Township of Adelaide Metcalfe.
- 2.20 "**Municipal Parking Lot or Space**" means all or a portion of a parking lot, space, roadway, deck, garage, or other facility for the parking of vehicles which is owned or operated by the Municipality.
- 2.21 " **Officer**" means:
- i) any Police Officer; or
 - ii) a By-law Enforcement Officer, Building Inspector or Chief Building Official as appointed by the Council of the Municipality;
- 2.22 "**One-Way Highway**" means a highway upon which vehicular traffic is limited to movement in one direction.
- 2.23 "**Parking Infraction**" means any unlawful parking, standing, or stopping of a vehicle that constitutes an offence under this Parking By-law.
- 2.24 "**Parking Infraction Notice**" means a notice pursuant to the *Provincial Offences Act*, and placed on any vehicle parked in contravention of this Parking By-law, providing for the payment of the penalty out of court.
- 2.25 "**Parking Space**" means that part of a roadway that is designated by the Municipality for the purpose of parking one (1) motor vehicle.
- 2.26 "**Park, Parked or Parking**" means the standing of a motor vehicle whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
- 2.27 "**Person**" includes a corporation, organization as well as a person.
- 2.28 "**Physically Disabled Person**" means a person who is permanently or temporarily physically disabled in such a way that mobility is seriously restricted

and includes a person who uses a wheelchair, crutches, braces or other mobility assisted devices.

- 2.29 “**Private Parking Lot**” means a privately owned lot that is used, in whole or in part, for the purpose of parking motor vehicles.
- 2.30 “**Public Laneway**” means a right of way owned by the Municipality that provides motor vehicles access for individual owners and occupants to and from Municipal Streets.
- 2.31 “**Recreational Vehicle**” means any vehicle used for recreational purposes, including all-terrain vehicles (ATV), off-road motorcycles, snowmobiles, boats, jet skis (PWC), camper trailers, motor homes, and any other trailer utilized for the aforementioned.
- 2.32 “**Roadway**” includes the travelled portion of a street or highway designed and intended for the travel of motor vehicles and includes any designated parking areas.
- 2.33 “**School Bus Loading Zone**” means an area marked by signs indicating such area to be for the sole use of school buses engaged in receiving or discharging passengers.
- 2.34 “**Shoulder**” means that part of the highway lying adjacent to the roadway that is improved with granular or paved surface and is not intended for the passage of motor vehicles.
- 2.35 “**Sidewalk**” means the portion of a boulevard, which is paved, bricked or otherwise hard surfaced and intended for the use of pedestrians.
- 2.36 “**Signage or Sign**” means Municipality staff or its designates, are hereby authorized and directed at any time in its sole discretion to erect or place “No Parking Signs” on any Street, Highway or Lot/Land owned or within the Municipality’s jurisdiction.
- 2.37 “**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.
- 2.38 “**Stop or Stopping**” means the complete cessation of movement 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 traffic control sign or signal.
- 2.39 “**Street or Highway**” includes a common and public highway, street, avenue, parkway, driveway, square, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of motor vehicles and includes the

area between the lateral property lines thereof and includes the entire road allowance. For clarity, "Street" or "Highway" shall include any rural Highways and urban Highways.

- 2.40 "Unauthorized Area" means any area within the jurisdiction of the Municipality where parking is not permitted.
- 2.41 "U-Turns" means to turn a vehicle within a roadway to proceed in the opposite direction.
- 2.42 "Vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, roadbuilding machine, motorcycle, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or the cars of electric or steam railways running only upon rails.
- 2.43 "Wheelchair" means a chair mounted on wheels driven by muscular or any other kind of power for the carriage of a person who has a physical disability.

SECTION 3 **PARKING REGULATIONS – GENERAL PROHIBITION**

No Person Shall Park a Motor Vehicle:

- 3.1 on the Highways or parts of Highways designated by signage as a "No Parking" area.
- 3.2 on the Highways or parts of Highways contrary to the posted times as designated by the signage.
- 3.3 on the Highways or parts of Highways in excess of the time limit as designated by the signage.
- 3.4 on the Highways or parts of Highways during the times as designated by the signage as "No Stopping".
- 3.5 overnight on a Highway, roadway, Land/Lot owned by the Municipality, or parts of the Roadway between the hours of 10:00 p.m. to 6:00 a.m., commencing November 1 of each year until April 15 of the following year.
- 3.6 no Commercial Motor Vehicle shall be parked or left standing for a longer period than seventy-two (72) hours, upon any part of any Street, Highway, or any land/Lot owned by the Municipality.
- 3.7 or leave a Motor Vehicle standing for a longer period than seventy-two (72) hours, upon any Street, Highway, or any Land/Lot owned by the Municipality.

- 3.8 where signs have been erected and are on display designating an area as a school bus loading zone, no person shall park a Motor Vehicle to obstruct a school bus loading zone.
- 3.9 on any Highway unless the right hand side of the Highway having regard to the direction of the flow of traffic.
- 3.10 on any Highway equipped with curbs unless the Motor Vehicle is parallel to and not more than thirty (30) centimeters from the curb.
- 3.11 on a sidewalk.
- 3.12 to obstruct a sidewalk.
- 3.13 within three (3) metres of a fire hydrant, or where the hydrant is setback from the edge of the roadway, within three (3) metres of the point at which the prolongation of the centerline of the hydrant, at right angles to the edge of the roadway would intersect such edge.
- 3.14 to block a public or private driveway or land.
- 3.15 on a Boulevard.
- 3.16 to obstruct a public or private roadway, driveway or entrance.
- 3.17 to obstruct a pedestrian crosswalk.
- 3.18 to interfere with the movement of traffic.
- 3.19 within an intersection.
- 3.20 in a position that will prevent the convenient removal of any other vehicle previously parked.
- 3.21 while on a roadway where any wheel on the passenger side of the vehicle is located more than thirty (30) centimeters from the edge of the roadway or curb.
- 3.22 in an area identified for the use of disabled persons, except a Motor Vehicle, which displays a valid disabled person's parking permit issued by the Ministry of Transportation under the authority of the *Highway Traffic Act*.
- 3.23 while on portions of Streets, Highways or Municipally owned Land/Lot as designated by no parking Signs.
- 3.24 more than a forty-five (45) degree angle to the curb and where a parking space is designated by pavement markings, not more than one (1) motorcycle shall be parked in each space.

- 3.25 that is advertised, marked, priced or displayed for sale.
- 3.26 to interfere with the clearing of snow from the Highway.
- 3.27 in an area designed by signage as a Fire Route.
- 3.28 in a private parking lot except as permitted in section 4 herein.
- 3.29 which does not bear valid license plates, on any Street or Highway.

SECTION 4
PRIVATE PARKING LOT REGULATIONS

- 4.1 The owner of any private parking lot shall designate parking spaces for Motor Vehicles that are used to transport physically disabled persons and for other Motor Vehicles.
- 4.2 No Motor Vehicle shall park or be left standing in a private parking lot, unless:
 - a) the Motor Vehicle is parking within the boundaries of a space designated in the private parking lot as a parking space; and
 - b) in the case of a Motor Vehicle occupying a parking space for physically disabled persons, the operator of the Motor Vehicle has obtained and posted a permit in the Motor Vehicle confirming that the Motor Vehicle has been parking in such an area for the benefit of a physically disabled person.

SECTION 5
SPEED LIMIT RESTRICTIONS

- 5.1 The maximum rate of speed on all rural and urban Highways shall be in accordance with the *Highway Traffic Act*, unless otherwise posted.
- 5.2 Where signs are posted that set out the maximum rate of speed, or speed limit, on any rural Highway or urban Highway, no person shall drive a Motor Vehicle at a rate of speed greater than the posted speed limit.

SECTION 6
REMOVAL OF MOTOR VEHICLES IN CONTRAVENTION OF THIS BY-LAW

- 6.1 In addition to any other penalty provided for in this Parking By-law, a Police Officer or By-law Enforcement Officer may cause a Motor Vehicle that is parked in contravention of this Parking By-law to be removed, towed or impounded, and

taken to be stored at a location determined by a Police Officer or By-law Enforcement Officer.

- 6.2 Where a Motor Vehicle is removed, towed, impounded and/or stored pursuant to section 6.1 above, any and all costs, including the Municipality's administrative costs and charges associated with the removal, tow, impounding, care, and storage of the Motor Vehicle shall be fully (100%) paid by the Motor Vehicle owner, and shall form a lien on the Motor Vehicle that may be enforced in the same manner as provided for in the *Repair and Storage Liens Act*. Without limiting the above, any failure to pay the Municipality's administrative costs associated with the removal, tow, impounding, care and storage of the Motor Vehicle, the Municipality reserves the right to add said associated administrative costs and expenses to the tax roll of the vehicle Owner and collect the debt for such expenses in a like manner as municipal taxes, as set out in the *Municipal Act*.

SECTION 7 **TRAFFIC CONTROL REGULATIONS**

- 7.1 Where Highways are designated as one way by the erection of official signage, no person operating a Motor Vehicle shall drive in the opposite direction.
- 7.2 Where official signs are on display, no person operating a Motor Vehicle shall make a U-Turn.

SECTION 8 **OWNER LIABILITY**

- 8.1 Where a Motor Vehicle has been left parked, stopped, or left standing in contravention of this Parking By-law, the owner of the Motor Vehicle, notwithstanding that he/she was not the driver of the Motor Vehicle at the time of the contravention of this Parking By-law, is guilty of an offence, and is liable to the fine prescribed for the offence in this Parking By-law unless, at the time of the offence, the Motor Vehicle was in possession of some other person other than the owner without the owner's consent.

SECTION 9 **PARKING INFRACTION NOTICE**

- 9.1 Where a Motor Vehicle is found parked in contravention of the provisions of this Parking By-law, an Officer so finding the Motor Vehicle may complete and place upon or attach to the Motor Vehicle a Parking Infraction Notice in the form of a serially numbered notice, which states:

- a) the license plate number of the Motor Vehicle, and the expiry date of the sticker;
- b) a description of the offence;
- c) the date, time, and location of the alleged offence;
- d) the signature of the issuing Officer;
- e) the early payment of the fine, and set fine for the alleged offence;
- f) that the owner or driver thereof may make a voluntary early payment in the amount and manner set forth, or pay the set fine as indicated on the Parking Infraction Notice prior to the 15th day as set out under Part II of the *Provincial offences Act*;
- g) the owner's or driver's right to dispute the Parking Infraction Notice in the Courts of Ontario;
- h) that in the event of failure to make such payment, a conviction may be registered under Part II of the *Provincial Offences Act* R.S.O., 1990 c P.33; and
- i) the address of the parking authority payment office.

9.2 The Officer shall attach one (1) copy of the Parking Infraction Notice to the Motor Vehicle, and deliver one (1) copy to the Treasurer of The Corporation of the Township of Adelaide Metcalfe.

SECTION 10 **ENFORCEMENT**

10.1 Any Police Officer or By-law Enforcement Officer is hereby authorized to enforce the provisions of this Parking By-law.

SECTION 11 **PENALTIES**

11.1 Any person who contravenes any provision of this Parking By-law is guilty of an offence, and on conviction is liable to a fine as provided in the *Provincial Offences Act*, or as set out in Schedule "A" attached hereto.

11.2 A person served with a Parking Infraction Notice shall report and make payment to the office of the Municipality's Treasurer. Such payment must be received by the Treasurer within fifteen (15) days from the date on which the notice was issued, inclusive of Saturdays, Sundays, and holidays – failing which, the fines shall be increased in accordance with Schedule "A" to this Parking By-law.

11.3 All penalties set out in this Parking By-law shall be in addition to, and not in substitution for, any penalties imposed in any other By-law, statute, or under any of the laws of the Province of Ontario and the laws of Canada applicable therein.

SECTION 12
SEVERABILITY

- 12.1 If any section, clause or provision of this Parking By-law be held by a Court of competent jurisdiction to be invalid, in whole or in part, the validity of the remainder of that section, clause or provision and the validity of the remainder of this Parking By-law shall not be affected thereby. Each section, clause or provision of this Parking By-law are hereby deemed to be separate and distinct sections, clauses or provisions.

SECTION 13
CHANGES IN STATUTES

- 13.1 Where an Act or any portion of any Act is referred to in this Parking By-law, such reference shall be interpreted as referring to any subsequently renumbered sections of the Act and/or changes to the date of the Act and/or amendments or revisions to the Act or re-enactments of the Act or any legislation that replaces the Act.

SECTION 14
EFFECTIVE DATE

- 14.1 This Parking By-law comes into full force and effect on the date of passage of this Parking By-law or, in the event that the approval of the Ministry of the Attorney General or any other third party is required, such date that the requisite approvals have been obtained.

SECTION 15
INCONSISTENCY

- 15.1 If any other By-law of the Municipality is inconsistent with the sections, clauses or provisions herein, the sections, clauses or provisions of this Parking By-law shall prevail to the extent of such inconsistency. If this section 15 is applied to any other By-law, all other sections, clauses or provisions of that By-law shall remain in full force and effect.

SECTION 16
REPEAL

- 16.1 By-law #42-2005 and any other By-law inconsistent with the contents of this Parking By-law are hereby rescinded and replaced by this By-law.


Read a first, second and third time

IN OPEN COUNCIL

This 1st day of May, 2023



Sue Clarke, Mayor



Michael Barnier, Clerk

The Township of Adelaide Metcalfe By-Law XX of 2023: Parking By-law

Part II Provincial Offences Act

Schedule "A" SET FINES

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Voluntary Payment Payable Within 15 Days	Column 4 Set Fine
1.	Parking on Highways where prohibited by signage	3.1	\$50.00	\$75.00
2.	Parking on Highways contrary to posted signs	3.2	\$50.00	\$75.00
3.	Parking on Highways in excess of time limit	3.3	\$50.00	\$75.00
4.	Parking on Highways contrary to no stopping signage	3.4	\$50.00	\$75.00
5.	Parking overnight between 10:00pm-6:00am from November 1 – April 15.	3.5	\$50.00	\$75.00
6.	Parking or left a commercial vehicle standing longer than 72 hours, upon any Street, Highway, land owned by the Municipality.	3.6	\$50.00	\$75.00
7.	Parking or left a Motor Vehicle standing for longer than 72 hours, upon any Street, Highway or land/lot owned by the Municipality.	3.7	\$50.00	\$75.00
8.	Parking or obstructing a school bus loading zone.	3.8	N/A	\$250.00
9.	Parking on a Highway unless the right hand side of the Highway having regard to the direction of the flow of traffic.	3.9	\$50.00	\$75.00
10.	Parking on a Highway equipped with curbs unless the Motor Vehicle is parallel to and not more than 30 centimeters from the curb.	3.10	\$50.00	\$75.00
11.	Parking on a sidewalk.	3.11	\$50.00	\$75.00
12.	Parking causing obstruction	3.12	\$50.00	\$75.00

	to a sidewalk.			
13.	Parking within 3 metres of a fire hydrant.	3.13	N/A	\$250.00
14.	Blocking a public or private driveway or land.	3.14	\$50.00	\$75.00
15.	Parking on a Boulevard.	3.15	\$50.00	\$75.00
16.	Parking to cause obstruction to a public or private roadway, entrance or driveway.	3.16	\$50.00	\$75.00
17.	Parking to cause obstruction to a pedestrian crosswalk.	3.17	\$50.00	\$75.00
18.	Parking to interfere with the movement of traffic.	3.18	\$50.00	\$75.00
19.	Parking within an intersection.	3.19	\$50.00	\$75.00
20.	Parking in a position that will prevent the removal of other vehicles previously parked.	3.20	\$50.00	\$75.00
21.	Parking while on a roadway where any wheel on the passenger side of the vehicle is located more than 30 centimeters from the edge of the roadway or curb.	3.21	\$50.00	\$75.00
22.	Parking in an area identified for the use of disabled persons, except a Motor Vehicle, which displays a valid disabled person's parking permit issued by the Ministry of Transportation.	3.22	N/A	\$250.00
23.	Parking while on portions of Highways or Municipally owned land/Lot as designated by no parking signs.	3.23	\$50.00	\$75.00
24.	Parking more than a 45-degree angle to the curb and where a parking space is designated by pavement markings, not more than 1 motorcycle shall be parking in each space.	3.24	\$50.00	\$75.00
25.	Parking that is advertised, marked, priced, or displayed for sale.	3.25	\$50.00	\$75.00
26.	Parking to interfere with the clearing of snow from the	3.26	\$50.00	\$75.00

	Highway.			
27.	Parking in an area designated by signage as a Fire Route.	3.27	\$50.00	\$75.00
28.	Parking in a private parking lot except as permitted in section 4.	3.28	\$50.00	\$75.00
29.	Parking a Motor Vehicle that does not bear valid license plates on any Street or Highway within the Municipality.	3.29	\$50.00	\$75.00

NOTE: The penalty provision(s) for the offence(s) indicated above is Section 3 of the Parking By-law Number 30 of 2023, a certified copy of which By-law has been filed.