

THE CORPORATION OF THE TOWNSHIP OF ALNWICK/HALDIMAND

BY-LAW NO. 137-2019

BEING A BY-LAW FOR THE REGULATION OF VEHICULAR PARKING IN THE TOWNSHIP OF ALNWICK/HALDIMAND

WHEREAS the Municipal Act, 2001, S.O. 2001, c.25, Section 11 provides that a lower tier Municipality may pass by-laws respecting matters within highways, including parking under its jurisdiction; and

WHEREAS the Council of the Corporation of the Township of Alnwick/Haldimand deems it expedient to pass a by-law to regulate parking within the Township;

NOW THEREFORE The Council of the Corporation of the Township of Alnwick/Haldimand HEREBY ENACTS as follows:

In this by-law:

- (a) Words imparting the singular number or masculine gender only, including more persons, parties or things of the same kind than one and females as well as males and the converse.
- (b) A word interpreted in the singular number has a corresponding meaning when used in plural.
- (c) "May" to be construed as permissive.
- (d) "Shall" to be construed as imperative.
- (e) The various prohibitions of this by-law are cumulative and not mutually self-exclusive.

PART I - DEFINITIONS - FOR THE PURPOSE OF THIS BY-LAW

1. Definitions: In this By-Law:

- (a) "*Authorized Sign*" - means any sign which is authorized pursuant to the Highway Traffic Act or the Regulations passed there under or the Council of the Corporation or an Official designated by the Council to exercise its authority in this regard.
- (b) "*Boulevard*" - means that portion of every street of the Township lying between the curb or edge of the travelled portion of the highway and the street line, exclusive of the area covered by any sidewalk and shall include any ornamental median strip of the highway
- (c) "*Commercial Motor Vehicle*" - means a motor vehicle having permanently attached thereto a truck or delivery body and including an ambulance, hearse, fire apparatus, police patrol, motor bus or tractor, used for hauling purposes on the highway.
- (d) "*Corporation*" - means the Corporation of the Township of Alnwick/Haldimand.
- (e) "*Council*" - shall mean the Council of the Corporation of Township of Alnwick/Haldimand
- (f) "*Crosswalk*" - means that part of a highway at an intersection, or elsewhere, which is included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs, or in the absence of curbs from the edges of the approved portion of the highway or any portion of a roadway, at an intersection or elsewhere, distinctly indicated for pedestrian crossing by signs or by-laws or other markings on the surface.

- (g) "*Designated Disabled Parking*" – means a parking space marked by a sign indicating such space to be for the sole use of vehicles operated by or conveying a disabled person for which an Accessible Parking Permit has been issued pursuant to the provisions of the Highway Traffic Act and the regulations thereto.
- (h) "*Public Works Manager*" - means the Public Works Manager for the Corporation of The Township of Alnwick/Haldimand.
- (i) "*Double Park(ing)*" – as applied to a vehicle shall mean to allow that vehicle to remain stationary on the same side of the highway alongside and parallel with or nearby parallel to another vehicle already parked or standing or stopped at the curb of such highway.
- (j) "*Fire Department*" – means the Fire Department of the Corporation of The Township of Alnwick/Haldimand.
- (k) "*Fire Route*" – means any road, lane, ramp or other means of vehicular access to or egress from a building or structure as identified by authorized signs and may include part of a parking lot.
- (l) "*Highway*" – means a highway within the meaning of the Municipal Act 2001, as amended, and the Highway Traffic Act, as amended.
- (m) "*Intersection*" - means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more highways that join one another at an angle, whether or not one highway crosses the other.
- (n) "*Loading Zone*" – means a part of a highway designated by suitable markings and/or signs where commercial motor vehicles may be loaded or unloaded.
- (o) "*Municipal Property*" and/or "*Township Property*" – means all such property excluding a highway defined in the Highway Traffic Act which is clearly marked by a legible sign(s) prohibiting parking thereon.
- (p) "*Park*" or "*Parking*" – When prohibited means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
- (q) "*Parking Area*" – means an area to which the public has access whether for payment or a fee or otherwise.
- (r) "*Parking Space*" – means a portion of a highway or municipal parking area that is designated for the parking of a vehicle by suitable markings.
- (s) "*Private Property*" – means a private road or driveway, or property clearly marked as private property by fences or by a legible sign(s) erected by or on behalf of the owner, indicating that it is private property or prohibiting trespassing or parking or words to like effect.
- (t) "*Provincial Offences Officer*" – means a Municipal Law Enforcement Officer(s) for the Corporation who is duly appointed by the Council of the Corporation for the purpose of enforcing the provisions of the Corporation's By-laws or a Police Officer, which contracts the provision of police services to the Corporation of the Township of Alnwick/Haldimand.
- (u) "*Roadway*" - means the part of the highway that is improved, designed or originally used for vehicular traffic but does not include the shoulder, and where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway and not to all of the roadways collectively.

- (v) "*Set Fines*" - means that fine for parking infractions pursuant to the provisions of Part II of the Provincial Offences Act, as set by the Regional Senior Judge Ontario Court (Provincial Division).
- (w) "*Stand*" or "*Standing*" - When prohibited, means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.
- (x) "*Stop*" or "*Stopping*" – when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a constable or other police officer or of a traffic control sign or signal.
- (y) "*Vehicle*" – Includes a motor vehicle, trailer, tractor, engine, farm tractor, road-building machine and any other vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle, the cars of electric or steam railways running only upon rails.

PART II – ENFORCEMENT

1. A Provincial Offences Officer, of the Corporation shall enforce the provisions of this by-law.
2. The Public Works 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.
3. No person shall wilfully move, alter, deface or otherwise interfere with any traffic control device erected or placed pursuant to the provisions of this by-law.
4. The Public Works Manager is hereby authorized to erect temporary "NO PARKING" signs for special events that may take place within the Township.

PART III – PARKING RESTRICTIONS – GENERAL

1. No person shall stop, stand or park any vehicle in a designated Disabled Parking spot, in accordance with **Schedule "A" Designated Disabled Parking Areas**, attached hereto and forming part of this by-law, at any time without having an Accessible Parking Permit affixed to the vehicle and actually be engaged in discharging or taking a passenger or passengers who is or are handicapped.
2. No person shall park any vehicle at any time on any highway or portion of a highway within the Corporation as hereinafter described in **Schedule "B" "No Parking Anytime – Restrictions"** attached hereto and forming part of this by-law.
3. No person shall park any vehicle on any highway, or portion thereof, at any time within the Township in such a way as to **obstruct the removal of snow**; and further that no person shall park any vehicle on any Township highway or portion thereof from the period of **November 1 of one year to April 30th**, in order to conduct Public Works Winter Maintenance Operations.
4. No person shall park any vehicle on any highway or portion thereof for a greater period of time than **forty-eight (48) consecutive hours**.
5. Any vehicle in contravention of this by-law may be removed and impounded at the owner's expense in accordance with section 170(15) of the Highway Traffic Act.
6. The Clerk or Public Works Manager may reserve or assign any area or parking space for emergencies, functions or special circumstances.

PART IV - PROHIBITED PARKING

1. In Specified Places – No Sign Required.

No person shall park a vehicle in any of the following places:

- a. Within 9 (nine) meters of an intersection.
 - b. Within 3 (three) meters of a fire hydrant.
 - c. In front of any driveway.
 - d. On roadway to display vehicle "For Sale".
 - e. On the roadway for the purposes of vehicle repair.
 - f. On a driveway blocking a sidewalk.
 - g. On any bridge or the approaches thereto.
 - h. On a roadway that may interfere with road maintenance.
 - i. Within the turning area of a cul-de-sac.
 - j. On a boulevard.
 - k. On Township Property unless Parking Permit has been issued.
 - l. On any street in such a manner as to obstruct traffic.
 - m. In such a position as will prevent the convenient removal of any vehicle previously parked or standing.
- ### 2. **No person shall park** a heavy motor vehicle (3 tons), except Emergency, Delivery/Collection or Public Works vehicles, can remain parked on any portion of the Township Roads unless a Special Permit has been acquired.
- ### 3. In Specified Places Where Signs on Display

Municipal Property – Where no parking signs are erected and are on display no person shall park a vehicle on Municipal Property unless actively engaged in Municipal operations and/or activity.

PART V – NOTICE OF VIOLATION

1. (a) Where a vehicle is found parked in contravention of the parking provisions of this by-law, the Provincial Offences Officer so finding the vehicle shall attach to the vehicle a Parking Infraction Notice in the form of a prepared notice stating:
 - i. Licence number and description of the vehicle.
 - ii. That the vehicle is unlawfully parked with reference to the section of this by-law.
 - iii. Date, time and place of the alleged offence.
 - iv. That the owner or operator thereof may report to the Municipal Office within seven (7) days, exclusive of Saturdays, Sundays and holidays, after the date when the ticket is attached, to make payment of the penalty.
 - v. That in the event of failure to so report and make such payment, a Notice of Impending Conviction will be issued under the Provincial Offences Act.
- (b) The owner or operator of the vehicle may, within seven (7) days, exclusive of Saturdays, Sundays and holidays, after the Parking Infraction Notice is attached to the vehicle, report to the Municipal Office and voluntarily pay such payment indicated on the Parking Infraction Notice which shall be accepted as payment of the penalty in full satisfaction in respect of the alleged offence and a receipt therefore shall be given to the person making the payment.
- (c) If voluntary payment is not made in accordance with the procedure provided in Section 13 of this by-law, the procedure of the Provincial Offences Act and the penalties provided for under this by-law, alleged to have been contravened, shall apply.
- (d) Upon presentation of each Parking Infraction Notice, and if voluntary payment is duly made, no further proceedings against the defendant for such violation shall be taken.

PART VI – GENERAL

1. (a) For the purpose of this by-law, where a numbered plate issued pursuant to the provisions of Section 7 of the Highway Traffic Act, R.S.O. 1990, is exposed on a vehicle, the holder of the permit corresponding thereto shall be deemed to be the owner of that vehicle unless the numbered plate was exposed on that vehicle without the permit holder's consent and the burden of proof is on the permit holder.

(b) This by-law where it applies to a highway, only applies to highways under the jurisdiction of the Corporation.

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

(d) No person shall wilfully move, alter, deface or otherwise interfere with any parking signs erected or placed pursuant to the provisions of this by-law.

(e) Where any vehicle is parked in contravention of any provision of this by-law, the Provincial Offences Officer may cause it to be moved or taken and placed in storage pursuant to the provisions of Section 170(15) of the Highway Traffic Act, and the costs for removing and storing the vehicle shall be a lien upon the vehicle which may be enforced in the manner provided in the Repair and Storage Lien Act, R.S.O. 1990.

(f) The owner of a vehicle that is parked, stopped or left standing in contravention of this by-law as the case may be is guilty of an offence and on conviction is liable to such fines in this by-law unless the owner proves to the satisfaction of the Court that at the time of the offence the motor vehicle was in possession of another person without the owner's express or implied consent.


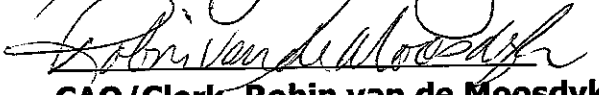
(g) No person shall hinder or otherwise obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the Municipality in the lawful exercise of power or duty under this by-law.

PART VII - PENALTIES FOR VIOLATIONS UNDER THE PROVINCIAL OFFENSES ACT

1. Any 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, and all such penalties shall be recoverable under the Provincial Offences Act, and all the provisions of the Provincial Offences Act shall apply hereto.

This By-Law shall come into force and take effect upon the date of an order from the Ontario Court of Justice approving the set fines for the offenses established by this by-law.

This **By-Law No. 137-2019** as read and deemed to be PASSED this 7th day of November 2019.


Deputy Mayor, Gail Latchford

CAO/Clerk, Robin van de Moosdyk

**The Corporation of The Township of Alnwick/Haldimand
Schedule "A" of By Law No. 137-2019
Designated Disabled Parking Areas**

HIGHWAY/PROPERTY	LOCATION	NUMBER OF SPACES
Alnwick Civic Centre and Library, Roseneath	Parking Lot, front of building	One
Alnwick Civic Centre, Roseneath	Parking Lot, back of building	Two
Fenella Community Hall, Fenella	Parking Area, Upper level	One
Fenella Community Hall, Fenella	Parking Lot, Lower Level	One
Haldimand Memorial Arena and Park facility, Grafton	Parking Lot	Two
Vernonville Community Centre	Parking Lot	One
Centreton Community Hall, Centreton	Parking Lot	One
Municipal Administration Office, Grafton	Parking Lot	One
Grafton Community Centre and Library	Parking Lot	One
Nawautin Nature Sanctuary, Grafton	East Entrance	One
Nawautin Nature Sanctuary, Grafton	West Entrance	One

**Schedule "B" of By Law No. 137-2019
No Parking at Anytime-Restrictions**

HIGHWAY	SIDE(S)	FROM & TO	PERIOD
McDonald Road, Centreton	Both	North from the entrance to Peter's Woods Provincial Park to the top of the hill	Anytime
McDonald Road, Centreton	Both	South of the entrance to Peter's Woods Provincial Park to the intersection of the unopened road allowance and McDonald Road	Anytime
McDonald Road, Centreton	Both	North and south 30 metres of the entrance of the parking lot to proceed into the Northumberland Forest	Anytime
Beagle Club Road, Bowmanton	Both	North and south 30 metres of the entrance of the parking lot to proceed into the Northumberland Forest and/or any road access into the Northumberland Forest	Anytime
Bowmanton Road, Bowmanton	Both	East and West 30 metres of any road access into the Northumberland Forest	Anytime
Tucker Road, Centreton	Both	North and south 30 metres of the entrance of Tucker Road into the Northumberland Forest	Anytime

The Corporation of The Township of Alnwick/Haldimand

Voluntary and Set Fines Part II Provincial Offences Act By-Law No. 137-2019 Regulation of Vehicular Parking

Item	Short Form Wording	Provision Creating or Defining Offence	Voluntary Payment (payable within 7 days)	Set Fine
1	Park in Designated Disabled Parking Space	Part III, 1.	\$300.00	\$350.00
2	Park in a Restricted Area – Anytime	Part III, 2.	\$75.00	\$85.00
3	Park to Obstruct Snow Removal	Part III, 3.	\$75.00	\$85.00
4	Park to obstruct Winter Maintenance between November 1 to April 30	Part III, 3.	\$75.00	\$85.00
5	Park Longer than 48 hours	Part III, 4.	\$75.00	\$85.00
6	Park within nine metres of an intersection	Part IV, 1. a.	\$40.00	\$50.00
7	Parked within three metres of a fire hydrant	Part IV, 1.b.	\$40.00	\$50.00
8	Park in front of any driveway	Part IV, 1.c.	\$40.00	\$50.00
9	Park on road way to display "For Sale"	Part IV, 1.d.	\$40.00	\$50.00
10	Park on road way for purpose of vehicle repair	Part IV, 1.e.	\$40.00	\$50.00
11	Parked blocking a sidewalk	Part IV, 1.f.	\$40.00	\$50.00
12	Park on any bridge or the approaches thereto	Part IV, 1.g.	\$40.00	\$50.00
13	Park on road way interfering with road maintenance	Part IV, 1.h.	\$40.00	\$50.00
14	Park within the turning area of a cul-de-sac	Part IV, 1.i.	\$40.00	\$50.00
11	Park on a boulevard	Part IV, 1.j.	\$40.00	\$50.00
16	Park on any street in a manner to obstruct traffic	Part IV, 1.l.	\$40.00	\$50.00
17	Park to prevent the removal of vehicles previously parked	Part IV, 1.m.	\$40.00	\$50.00
18	Park heavy motor vehicles (3 tons) without Special Permit	Part IV, 2	\$40.00	\$50.00
19	Park on Municipal Property contrary to sign	Part IV, 3.	\$75.00	\$85.00
20	Hinder or obstruct and Officer in the lawful exercise of power or duty	Part VI, 1.g.	\$75.00	\$85.00

Note: The penalty provision for the offences indicated above is Section 61 of the Provincial Offences Act, R.S.O. 1990, c.P.33