

**THE CORPORATION OF THE MUNICIPALITY OF HIGHLANDS EAST  
BY-LAW NUMBER 2008-10**

**BEING A BY-LAW FOR THE REGULATION OF PARKING  
WITHIN THE MUNICIPALITY OF HIGHLANDS EAST**

**WHEREAS** the Table appended to section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended provides that the whole of the sphere of jurisdiction “highways, including parking and traffic on highways” is assigned non-exclusively to all upper-tier municipalities;

**AND WHEREAS** subsection 11(4) 3 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended provides that where a sphere or part of a sphere of jurisdiction is assigned non-exclusively to an upper-tier municipality, both the upper and its lower-tier municipalities have the power to pass by-laws under that sphere or part;

**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** section 100.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended authorizes a municipality to pass by-laws to regulate or prohibit the parking or leaving of a motor vehicle on private property without the consent of the owner of the land;

**AND WHEREAS** section 102 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended provides that a municipality may require owners and operators of public parking lots or facilities to provide designated parking spaces for vehicles displaying a disabled parking permit;

**AND WHEREAS** section 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended provides that a municipality may pass by-laws imposing fees and charges on any class of person for services or activities provided or done by or on behalf of it and for the use of its property;

**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** subsection 428 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended provides that where a vehicle is left parked, stopped or standing in contravention of a by-law under said *Act*, the owner of the vehicle, even though the owner was not the driver 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 some other person than the owner without the owner’s consent;

**AND WHEREAS** subsection 439 (20) of the *Municipal Act, 2001*, S.O. 2001, 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

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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 Municipality of Highlands East enacts as follows:

**1. DEFINITIONS**

1.1 For the purpose of this by-law:

“**bicycle**” has the same meaning as in the *Highway Traffic Act*, R.S.O 1990, Chap. H.8, as amended;

“**boulevard**” means the area between the traveled portion of the street or highway and the limit of the public highway right-of-way, but does not include a gravel shoulder;

“**corner**” means the point of intersection of curbs or edges of the portion of the highway used for vehicular traffic;

“**corporation**” means the Corporation of the Municipality of Highlands East;

“**council**” means the Council of the Corporation of the Municipality of Highlands East;

“**crosswalk**” means

- a) that part of a highway at an intersection that 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 roadway; or
- b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface;

“**curb**” means a border of concrete or stone along the edge of a street;

“**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;

“**highway**” includes a common or public highway, street, avenue, boulevard, parkway, driveway, square, place, bridge, viaduct or trestle, designated and intended for, or used by the general public for the passage of vehicles;

“**identifying marker**” when used with respect to parking for disabled persons means the disabled

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persons parking permit issued by the Ministry of Transportation under the authority of the *Highway Traffic Act*, R.S.O. 1990., c. H.8, as amended;

**“intersection”** means the area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of two or more roadways which join one another at an angle, whether or not one highway crosses the other;

**“loading”** means the physical activity of moving merchandise from or to a property or another vehicle and the physical activity of passengers entering or departing a vehicle;

**“motorcycle”** means a self-propelled vehicle having a seat or saddle for the use of the driver and designated to travel on not more than three wheels in contact with the ground, and includes a bicycle with a motor attached and a motor scooter;

**“motor vehicle”** includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated by this by-law, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the *Highway Traffic Act*, R.S.O. 1990, Chap. H.8, as amended;

**“municipality”** means the Municipality of Highlands East;

**“official sign”** means a sign approved by the Ministry of Transportation;

**“one-way street”** means a street upon which vehicular traffic is limited to movement in one direction;

**“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 for receiving or discharging passengers;

**“parking space”** means a portion of the surface of the roadway designated by suitable markings for the purpose of parking a motor vehicle;

**“pedestrian”** means a person on foot, children in wheeled carriages and a person in a wheelchair powered by muscular power or any other kind of power;

**“person”** includes any person, firm, partnership, association, corporation, company or organization of any kind;

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“**roadway**” means the part of the highway that is improved, designed or ordinarily 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 separately and not to all of the roadways collectively;

“**shoulder**” means that portion of every street which abuts the roadway and which is designed and intended for the stopping of motor vehicles but which extends no more than 3.6 metres in width from the limit of the roadway;

“**sidewalk**” means any municipal walkway, or that portion of a street between the curb line or the lateral line of a roadway and the adjacent property line, primarily intended for the use of pedestrians;

“**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;

“**stop**” or “**stopped**” or “**stopping**” when required, means the complete cessation of movement;

“**street**” or “**highway**” includes a common and public highway, street, avenue, parkway, lane, alley, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

“**traffic**” includes pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any street for the purposes of travel;

“**traffic signal**” means any device manually, electrically or mechanically operated for the regulation of traffic;

“**vehicle**” includes any motor vehicle, trailer, traction engine, farm tractor, road building machine 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 PARKING OF VEHICLES**

### **2.1 Manner of Parking – All Vehicles**

- 2.1.1 No person shall park a vehicle on any street except upon the right-hand side of the roadway, having regard for the direction in which the vehicle is required to proceed, and when parked on a roadway, the right front and rear wheels or runners of the vehicle shall be parallel to and distant not *less* than 0.3 metres from the right-hand edge of the roadway adjacent to which such vehicle is parked.

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- 2.1.2 No person shall park or leave a motor vehicle illegally on land owned by the Municipality without consent of the Municipality. Any vehicle found in contravention will be removed in accordance with Section 4.3.
- 2.1.3 Notwithstanding 2.1.2, abutting property owners may park their motor vehicle on municipal property fronting their lots providing that its location does not interfere with the movement of traffic, the clearing of snow, or the sanding or maintenance of a highway.
- 2.1.4 Notwithstanding 2.1.3 neighbouring property owners may park their motor vehicle on municipal property fronting their neighbour's lot provided they have obtained permission from their neighbor.

**2.2 Parking on a One-Way Street**

- 2.2.1 Where parking is permitted on a one-way street, a person may park a vehicle on both sides of a one-way street in the permitted locations and facing in the direction in which the vehicle is required to proceed and parallel to and distant not more than 0.3 metres from the edge of the roadway.

**2.3 No Parking – Unposted Locations**

- 2.3.1 No person shall park a vehicle in any of the following places during the specified times:
- a) in such a manner so that any part of the vehicle is situated upon or over a sidewalk at any time of the day or night;
  - b) between a sidewalk and the adjacent roadway at any time;
  - c) on any boulevard at any time, except where authorized by by-law, enacted under the *Municipal Act*, R.S.O. 1990, c. M.45, or the *Municipal Act*, 2001;
  - d) on a roadway or shoulder in front of a public or private driveway access or lane at any time;
  - e) within an intersection at any time;
  - f) within 2 metres of a fire hydrant or where the hydrant is set back from the edge of the roadway, within 2 metres of the point at which the prolongation of the centre line of the hydrant at right angles to the edge of the roadway intersects such edge at any time;
  - g) on a crosswalk at any time;
  - h) within 6 metres of the nearest crosswalk at an intersection at any time;
  - i) on any street in a manner which obstructs traffic at any time;

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- j) in a position which will prevent the convenient removal of any other vehicle previously parked at any time;
- k) within 15 metres of any intersection controlled by traffic signals.

**2.4 No Parking – Posted Locations**

2.4.1 No person shall park a vehicle or any part of a vehicle in the following locations when appropriate signs have been erected and are on display, which signs are hereby authorized:

- a) in front of the entrance to an office building;
- b) in front of the entrance to a hospital;
- c) in front of the main entrance to, or any emergency exit from, a theatre, auditorium, or other building while assemblages are being held in such theatre, auditorium, or other building;
- d) within 20 metres of any intersection;
- e) within 8 metres of the location of a fire hall and the premises used in connection therewith on that side of the street on which such fire hall is located, or on the opposite side of the street within 8 metres of a point opposite the centre exit of such fire hall;

**2.5 No Parking – Snow Routes**

2.5.1 No person shall park a vehicle upon any streets or parts of streets hereinafter when appropriate signs are erected and are on display prohibiting its use for parking until the snow thereon is removed, which signs are hereby authorized.

**2.6 No Parking – Fire Routes**

2.6.1 A private roadway along which approval has been given by the Corporation for the erection of official signs is a fire route.

2.6.2 No person shall park a vehicle along a fire route or so that any part of a vehicle is located within the fire route.

**2.7 Restricted Parking**

2.7.1 No person shall park a vehicle for a period of time in excess of two hours upon the streets or parts of streets

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hereinafter when appropriate signs are erected and are on display restricting its use for parking, which signs are hereby authorized.

**2.8 Parking During Emergencies or Special Events**

- 2.8.1 Notwithstanding any other provisions of this by-law, in case of fire, a parade, an assembly of persons, a congestion of traffic, a construction project or an emergency, parking may be restricted or prohibited by the Corporation or its authorized representatives or a police officer, and no person shall park a vehicle in contravention of such restrictions or prohibition where signs have been erected or notice has otherwise been given in respect of such restrictions or prohibitions, such signs being hereby authorized.

**2.9 General Parking Restrictions**

- 2.9.1 Except where otherwise provided in this by-law, no person shall park a vehicle on any street or part of a street for a period longer than three consecutive hours.

**3 STOPPING OF VEHICLES**

**3.1 Double Parking Prohibited**

- 3.1 No person shall stop a vehicle in a manner known as “double parking” or in any traffic lane other than the curb lane.

**3.2 No Stopping – Unposted Locations**

- 3.2.1 No person shall be permitted to stop a vehicle in any of the following places during the specified times:
- a) in such a manner so that any part of the vehicle is situated upon or over a sidewalk at any time of the day or night;
  - b) between a sidewalk and the adjacent roadway at any time;
  - c) on any boulevard at any time, except where authorized by by-law, enacted under the *Municipal Act*, R.S.O. 1990, c. M.45, or the *Municipal Act*, 2001;
  - d) on a roadway or shoulder in front of a public or private driveway access or lane at any time;
  - e) within an intersection at any time;
  - f) within 2 metres of a fire hydrant or where the hydrant is set back from the edge of the roadway, within 2 metres of the point at which the prolongation of the centre line of the hydrant at right angles to the

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edge of the roadway intersects such edge at any time;

- g) on a crosswalk at any time;
- h) within 6 metres of the nearest crosswalk at an intersection at any time;
- i) on any street in a manner which obstructs traffic or obstructs the clearing of snow from the street at any time;
- j) in a position which will prevent the convenient removal of any other vehicle previously parked at any time;
- k) in or in front of any public lane;
- l) on any ramp or maneuvering area established as part of a parking arrangement under the *Municipal Act*, R.S.O. 1990, c. M.45, or the *Municipal Act, 2001*, or a successor of that section at any time;
- m) within 15 metres of any intersection controlled by traffic signals.

**3.4 No Stopping – Designated Streets and Times**

3.4.1 No person shall stop a vehicle or any part of a vehicle upon those streets, during the prohibited time or times, when “No Stopping” signs have been erected and are on display and which indicate the prohibited time or times, which signs are hereby authorized.

**4. GENERAL PROVISIONS**

**4.1 Enforcement of By-Law**

4.1.1 This by-law may be enforced by the Municipal Law Enforcement Officer, Provincial Offences Officer or any other person appointed by the council.

**4.2 General Penalty**

4.2.1 Except where otherwise expressly provided by this by-law or the *Highway Traffic Act*, R.S.O. 1990, Chap. H.8, as amended, every person who:

- a) contravenes any provision of this by-law; or
- b) is the owner of a vehicle that is parked or stopped in contravention of any provision of this by-law,

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is guilty of an offence and on conviction is liable to any penalty as provided in the *Provincial Offences Act*, R.S.O. 1990, Chap. P.33, as amended, and more specifically those penalties set out in Schedule “A” of this by-law.

**4.3 Illegally Parked Vehicles**

4.3.1 Where a vehicle has been left parked, stopped or left standing in contravention of this by-law as passed, the owner of the vehicle, notwithstanding that he or she was not the driver of the vehicle at the time of the contravention of the by-law, is guilty of an offence and is liable to the fine prescribed for the offence unless, at the time of the offence, the vehicle was in possession of some person other than the owner without the owner’s consent.

4.3.2 In addition to any other penalties prescribed herein, a Police Officer, Provincial Offences Officer, or a Municipal Law Enforcement Officer or designate may cause a vehicle parked or left in contravention of this by-law to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage, if any, are a lien against the said vehicle which may be enforced in the manner provided by the *Repair and Storage Liens Act*, R.S.O. 1990, Chap. R.25, as amended.

**4.4 Executive Acts Authorized**

4.4.1 The Reeve and Council are hereby authorized to do all things and the Reeve and Clerk are hereby authorized to execute on behalf and under the seal of the Corporation any document necessary to give effect to this by-law.

**4.5 Headings Not Part of By-law**

4.5.1 The headings in the body of this by-law form no part of the by-law but are inserted for convenience of reference only.

**4.6 Conflict With Highway Traffic Act**

4.6.1 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.

**4.7 Short Form Name**

4.7.1 The short form name of this by-law shall be “**Municipality of Highlands East Parking By-Law**”.

**5. SEVERABILITY**

5.1 If a court of competent jurisdiction declares any provisions, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, the intention of council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with the terms to the extent possible according to law.

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- 5.2 In the event of conflict between the provisions of this By-law and the *Highway Traffic Act*, the provisions of the said Act prevail.
- 5.3 Should any section of this By-law be declared invalid by a court of competent jurisdiction, such Section shall be construed as being severed from this By-law and the remainder of this By-law shall continue in full force and effect.
- 6. EFFECTIVE DATE**
- 6.1 This by-law shall not come into force and take effect until signs have been erected and are on display in compliance with the Regulations of the Ministry of Transportation.

**READ a first time this 12<sup>th</sup> day of February, 2008.**

**READ a second time this 12<sup>th</sup> day of February, 2008.**

**READ a third time and finally passed in open council this 12<sup>th</sup> day of February, 2008.**

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**REEVE**

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**CLERK**

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Schedule "A" - Set Fine Schedule**

**THE CORPORATION OF THE MUNICIPALITY OF HIGHLANDS EAST**

**PART II Provincial Offences Act**

By-law #2008-10, For the Regulation of Parking Within the Municipality of Highlands East:

<b>ITEM</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Offence creating provision or Defining Offence</b>	<b>COLUMN 3 Voluntary Payment Payable within 5 days</b>	<b>COLUMN 4 Set Fine</b>
1.	Park on municipal land	Section 2.1.2	20.00	\$ 30.00
2.	Double Parked	Section 3.1.1	20.00	\$ 30.00
3.	Park in No Stopping Zone	Sections 3.2.1, 3.4.1	20.00	\$ 30.00
4.	Improperly parked	Sections 2.1.1, 2.1.2, 2.1.3, 2.1.4, 2.2.1, 2.4.1	10.00	\$ 15.00
5.	Park on a Sidewalk	Section 2.3.1(a)	10.00	\$ 15.00
6.	Park Between Sidewalk and Adjacent Roadway	Section 2.3.1(b)	\$ 10.00	\$ 15.00
7.	Park on a Boulevard	Section 2.3.1(c)	\$ 10.00	\$ 15.00
8.	Park in front of Private Driveway	Section 2.3.1(d)	\$ 10.00	\$ 15.00
9.	Park in or in Front of Public Lane	Section 2.3.1(d)	\$ 10.00	\$ 15.00
10.	Park within an Intersection	Section 2.3.1(e)	\$ 10.00	\$ 15.00
11.	Park too Close to Hydrant	Section 2.3.1(f)	\$ 10.00	\$ 15.00
12.	Park in a Crosswalk	Section 2.3.1(g)	\$ 10.00	\$ 15.00
13.	Park too Close to Crosswalk	Section 2.3.1(h)	\$ 10.00	\$ 15.00
14.	Park on Any street in such a manner as to obstruct traffic	Section 2.3.1(i)	\$ 10.00	\$ 15.00
15.	Park in such a position as will prevent the removal of any other vehicle previously parked or standing	Section 2.3.1(j)	\$ 10.00	\$ 15.00
16.	Park too Close to Intersection Controlled by Traffic Signals	Section 2.3.1(k)	\$ 10.00	\$ 15.00
17.	Park in Front of an Entrance to a Office Building	Section 2.4.1(a)	\$ 10.00	\$ 15.00

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<b>ITEM</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Offence creating provision or Defining Offence</b>	<b>COLUMN 3 Voluntary Payment Payable within 10 days</b>	<b>COLUMN 4 Set Fine</b>
18.	Park in Front of an Entrance to a Hospital	Section 2.4.1(b)	\$ 10.00	\$ 15.00
19.	Park in front of main entrance to, or any emergency exit from, a theatre, auditorium, or public building, while assemblages are being held therein.	Section 2.4.1(c)	\$ 10.00	\$ 15.00
20.	Park too Close to Intersection where Sign Posted	Sections 2.4.1(d)	\$ 10.00	\$ 15.00
21.	Park too Close to Fire Hall	Section 2.4.1(e)	\$ 10.00	\$ 15.00
22.	Park in Prohibited Area	Section 2.7.1	\$ 10.00	\$ 15.00
23.	Park in Snow Route	Section 2.5.1	\$ 10.00	\$ 15.00
25.	Park in a Fire Route	Section 2.6.1, 2.6.2	\$ 10.00	\$ 15.00
26.	Park in Restricted Parking Area	Section 2.7.1	\$ 10.00	\$ 15.00
27.	Park Contrary to Emergency Signs	Section 2.8.1	\$ 10.00	\$ 15.00
28.	Park longer Than 3 Hours	Section 2.9.1	\$ 10.00	\$ 15.00

Note: The penalty provision for the offences indicated above is Section 4.2 of By-law 2008-10, a certified copy of which has been filed.