

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW No. 2005 - 23
THE MUNICIPAL PARKING BY-LAW

**Being a BY-LAW To regulate, govern and control
the parking of vehicles in the Municipality of Magnetawan**

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes Municipalities to pass By-laws for regulating traffic on highways, prohibiting of unauthorized parking on private or Municipal property, for standing, parking or stopping of motor vehicles, for the owners and drivers of motor vehicles on any highway or part thereof under the jurisdiction of the Municipality or other parking facility the public has access to and for regulating and controlling the use including the use for the purposes of untravelled portions of highways;

AND WHEREAS Part XIV of the *Municipal Act, 200*, S.O. 2001, c. 25, as amended, provides that Councils of all Municipalities have the power to impose fines and enforce By-laws;

AND WHEREAS the *Highway Traffic Act*, R.S.O. 1990 c. H-8, as amended, provides that Councils of Municipalities have the power to make By-laws to regulate, govern and control parking within the boundaries of the said Municipality;

NOW THEREFORE the Council of the Corporation of the Municipality of Magnetawan enacts as follows:

SECTION 1 SHORT TITLE

This By-law may be cited as the “Municipal Parking By-law”.

SECTION 2 DEFINITIONS

- 2.1** **“Authorized Sign”** means any sign, or marking on a roadway, curb or sidewalk or other device placed or erected on a highway under the authority of this By-law for the purpose of regulating, warning or guiding traffic.
- 2.2** **“Boulevard”** means all parts of a highway save and except any roadway, shoulder or sidewalk.
- 2.3** **“Corporation”** means the Corporation of the Municipality of Magnetawan.
- 2.4** **“Council”** shall mean the Council of the Corporation of Magnetawan.
- 2.5** **“Fire Route”** means a public and private roadway, lane, driveway or parking lot aisle, not less than three (3) metres wide, designated by this By-law as Fire Routes.
- 2.6** **“Highway”** includes a common and public highway, street, avenue, parkway, 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 total width of the road allowance.
- 2.7** **“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 (2) or more highways that join one (1) another at an angle, whether or not one highway crosses the other.
- 2.8** **“Motor Vehicle”** includes an automobile, motorcycle and any other vehicles propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or traction engine, farm tractor, self propelled instrument of husbandry or road building machine within the meaning of the *Highway Traffic Act*.

- 2.9** “**Municipal By-law Enforcement Officer**” means the officer or employee of the Corporation of the Municipality of Magnetawan charged with the duty of enforcing this By-law.
- 2.10** “**Municipality**” means the Municipality of Magnetawan.
- 2.11** “**Occupant**” means
- a) the tenant of private property or part thereof whose consent to permit parking on private property shall extend only to the control of the land or part thereof of which he/she is the tenant and any parking spaces allowed to him/her under their lease or agreement;
 - b) the spouse of a tenant;
 - c) a person, a Municipality or a Local Board thereof, having an interest in the property under an easement of right of way granted to or expropriated by the person, Municipality or Local Board whose consent to permit parking on private property shall extend only to that part of the property that is subject to the easement or right of way.
 - d) a person authorized in writing by an occupant as defined in clauses (a), (b) and (c) of this section to act on the occupant’s behalf for requesting the enforcement of this By-law.
- 2.12** “**Official Sign**” means an authorized sign approved by the Ministry of Transportation of Ontario.
- 2.13** “**Owner**” when used in relation to property means:
- a) the registered owner of the property;
 - b) the spouse of the person described in clause (a);
 - c) a person authorized in writing by the property owner as described in clauses (a) or (b) of this section to act on the owner’s behalf for requesting the enforcement of this By-law.
- 2.14** “**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.
- 2.15** “**Parking Infraction Notice**” means a notice authorized by the Provincial Offences Act.
- 2.16** “**Police Officer**” means a Police Officer as defined under the Ontario Police Act.
- 2.17** “**Private Roadway**” means any private roadway, private driveway, lane, ramp or other means to enter or egress from a property, building or structure and it may include part of a parking lot.
- 2.18** “**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 (2) or more separate roadways, the term roadway refers to any one (1) roadway separately and not to all of the roadway collectively.
- 2.19** “**Schedule**” means a schedule referred to in this By-law and forming part of this By-law.
- 2.20** “**Shoulder**” means that part of the highway immediately adjacent to the roadway and having a surface which has been improved with asphalt, concrete or gravel.
- 2.21** “**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.
- 2.22** “**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 Police Officer or of a traffic control sign.
- 2.23** “**Vehicle**” means a motor vehicle, trailer, traction vehicle, farm tractor, road building machine, snowmobile and any vehicle drawn, propelled or driven by any kind of power.

SECTION 3

APPLICATIONS AND GENERAL REQUIREMENTS

- 3.1** This By-law applies to all highways under the jurisdiction of the Corporation of the Municipality of Magnetawan.
- 3.2** The Schedules referred to in the By-law shall form part of this By-law and each entry in a column of such a Schedule shall be read in conjunction with the entries across and not otherwise.
- 3.3** Where any expression of time occurs or where any hour or other period of time is stated in the By-law or on a sign erected pursuant to this By-law, the time referred to shall be Standard Time, except in periods when Daylight Saving Time is in effect, in which periods it shall be Daylight Saving Time.
- 3.4** The provisions of this By-law shall not apply to ambulances, police and fire vehicles, while engaged in the performance of their duties and motor vehicles actually engaged in works undertaken for the Municipality of Magnetawan.
- 3.5** 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 sign or traffic control signal, or which conceals from view or interferes with the effectiveness of an authorized sign or traffic control device.
- 3.6** The Roads Superintendent is authorized to place or erect and to maintain such authorized signs and traffic control signals as are required to give effect to the provisions of the safety or convenience of the public.

SECTION 4

PARKING PROVISIONS

4.1 General Parking and Stopping Requirements

4.1.1 Method of Parking - Parallel - Two (2) Way Traffic

4.1.1.1 No person shall park or stop any vehicle on any highway or portion thereof except as follows:

- a) where there is a raised curb, on the right side of the roadway with the right front and rear wheels having regard to the direction in which such vehicle was proceeding, parallel to and not more than thirty (30) centimetres out from such curb;
- b) where there is a rolled curb or no curb with the right front and rear wheels parallel to and as near to the right of the roadway as is practical.

4.1.1.2 The provisions of subsection 4.1.1.1 do not apply where angle parking is permitted or to parking or stopping a vehicle on the left side of the roadway or a highway designated for one-way traffic.

4.1.2 Method of Parking - Parallel - One (1) Way Traffic

4.1.2.1 Where a highway is designated for one-way traffic and parking is permitted on the left side of such highway no person shall park or stop any vehicle on the left side of the highway or portion thereof except as follows:

- a) where there is a raised curb, on the roadway with the left front and the rear wheels, having regard to the direction in which such vehicle is proceeding, parallel to and not more than thirty (30) centimetres out from such curb;
- b) where there is a rolled curb or no curb, with the left front and rear wheels, having regard to the direction in which such vehicle was proceeding, parallel to and as practical.

4.2 Parking Prohibited in Specified Places - Signs not Required

4.2.1 No person shall park any vehicle on any highway:

- 4.2.1.1 in front of or within two (2) metres of the intersection of a private roadway, or within sixty (60) centimetres of a driveway on all Village Roads;
- 4.2.1.2 within three (3) metres of a point on the curb or edge of the roadway nearest to any fire hydrant;
- 4.2.1.3 within nine (9) metres of an intersecting roadway;
- 4.2.1.4 within fifteen (15) metres of any level crossing of a railway;
- 4.2.1.5 for the purpose of displaying the vehicle for sale;
- 4.2.1.6 for the purpose of washing, greasing or repairing the vehicle, except for such repairs as have been necessitated by an emergency;
- 4.2.1.7 along side the tracks of any railway;
- 4.2.1.8 in such a position as will prevent the removal under its own power of any other vehicle;
- 4.2.1.9 so as to obstruct a crosswalk;
- 4.2.1.10 so as to interfere with the movement of traffic;
- 4.2.1.11 on a highway within 152 metres of fire fighting apparatus where said apparatus is actually engaged in fighting a fire, or when if directed by a member of the Police or Fire Department;
- 4.2.1.12 on a bridge;
- 4.2.1.13 on a boulevard.

4.3 Parking Prohibited in Specified Places where Signs are on Display

Where authorized signs are on display indicating that parking is prohibited, no person shall park any vehicle on any highway:

- 4.3.1 within thirty (30) metres of an intersection controlled by traffic control signals;
- 4.3.2 within a turning basin at the end of a cul-de-sac;
- 4.3.3 within fifteen (15) metres of the termination of a cul-de-sac.

4.4 Stopping Prohibited in Specified Places where Signs not Required

No person shall park any vehicle on a highway:

- 4.4.1 on or over a sidewalk or footpath;
- 4.4.2 alongside or across the highway from any excavation or obstruction in the roadway when the free flow of traffic would thereby be impeded;
- 4.4.3 on the roadway side of any stopped vehicle;
- 4.4.4 upon any bridge or elevated structure or within any tunnel or underpass.

SECTION 5

SPECIFIC PARKING, STOPPING AND STANDING REQUIREMENTS

5.1 Parking Restrictions and Prohibitions on Certain Highways

5.1.1 Where authorized signs are on display indicating that parking is prohibited, no person shall park a vehicle on any highway at the side and between the limits set out in Schedule A, during the prohibited times or days set out in said Schedule.

5.1.2 Nothing in this Section shall be deemed to permit parking at any location where or at any time when parking is prohibited.

5.2 Stopping Restrictions and Prohibitions on Certain Highways

Where authorized signs are on display indicating that stopping is prohibited, no person shall stop a vehicle on any highway at the side and between the limits set out respectively in Schedule B, during the prohibited times or days set out in said Schedule.

5.3 Standing Restrictions and Prohibitions on Certain Highways

Where authorized signs are on display indicating that standing is prohibited, no person shall stand a vehicle on any highway at the side and between the limits set out respectively in Schedule C, during the prohibited times or days set out in said Schedule.

5.4 Fire Routes

The public and private roadways, lanes, driveways and parking lot aisles outlined in Schedule D hereto, are hereby authorized and assigned as fire routes.

5.5 Parking on Private or Municipal Property

5.5.1 No person shall park or leave a motor vehicle:

5.5.1.1 on private property without consent of the owner or occupant of the property;

5.5.1.2 on property owned or occupied by the Municipality or any local board thereof, without the consent of the Municipality or Local Board as the case may be.

5.5.2 Any vehicle parked or left contrary to this By-law may be removed and/or impounded at its owners expense, subject to the limiting provisions of the By-law;

5.5.2.1 A vehicle shall be deemed to have been removed if a towing vehicle has been summoned to remove it by a person authorized to enforce this By-law.

5.5.3 Where an owner or occupant of property affected by this By-law has posted signs stating conditions on which a motor vehicle may be parked or left on the property or prohibiting the parking or leaving of a motor vehicle on the property, a motor vehicle parked or left on the property contrary to such conditions or prohibitions shall be deemed to have been parked or left without consent.

5.5.4 A Police Officer or Municipal By-law Enforcement Officer, in respect of a particular property to enforce this By-law shall be deemed to have the written authority of the owner or occupant of the property to enforce this By-law and such officers are not required to receive written complaint before enforcing this By-law.

5.6 Parking on Untravelled Portions of Highways

- 5.6.1 No person shall park or leave any vehicle upon any portion of an untravelled highway for a period exceeding seventy-two (72) hours.
- 5.6.2 Vehicles parked or left in contravention of this Section may, by order of a Police Officer or Municipal By-law Enforcement Officer, be removed and impounded at the expense of the owner thereof.

SECTION 6 PHYSICALLY HANDICAPPED PARKING

- 6.1 Every owner and operator of a parking lot or of a parking facility to which the public has access may designate parking spaces for the exclusive use of a motor vehicle operated by a physically handicapped person, or a motor vehicle carrying a physically handicapped person in respect of which a permit has been issued and properly displayed.
- 6.2 No person shall park, store or leave standing, a motor vehicle in a designated handicapped parking space unless a handicapped permit is properly displayed on the vehicle.

SECTION 7 SNOW REMOVAL

In order to facilitate the process of snow removal from highways, no person shall park any vehicle on any highway under the jurisdiction of the Municipality of Magnetawan from November 1, of each year to April 15, of the following year.

SECTION 8 PENALTY PROVISIONS FOR PARKING INFRACTIONS

- 8.1 A Police Officer or Municipal By-law Enforcement Officer, upon discovery of any vehicle parked, stopped or left standing in contravention of the provisions of this By-law, may attach a Parking Infraction Notice to the vehicle.
- 8.2 Every person who contravenes the provisions of this By-law, upon conviction, is guilty of an offence and is liable to a fine as provided for pursuant to the *Provincial Offences Act*, for each offence, exclusive of costs.
- 8.3 A Police Officer or Municipal By-law Enforcement Officer, upon discovery of any motor vehicle parked or left standing in contravention of this By-law, may cause it to be moved to, or stored in a suitable place, and all costs and charges for removing, care and storage thereof, if any, are a lien upon the vehicle, which may be enforced in the manner provided by the *Mechanics Lien Act*.
- 8.4 Any vehicle parked or left standing on any highway for a period exceeding seventy-two (72) hours shall be considered to be abandoned. Upon discovery of such abandonment, a Police Officer or Municipal By-law Enforcement Officer may cause it to be moved to or stored in a suitable place, and all costs and charges for removing, care and storage thereof, if any, are a lien upon the vehicle, which may be enforced in a manner provided by the relevant provisions of the *Mechanics Lien Act*.

SECTION 9 PARKING INFRACTION NOTICE

- 9.1 Every person who contravenes any provisions of this By-law may be issued a Parking Infraction Notice which shall indicate the particulars of the offence and the set fine amount.
- 9.2 The Parking Infraction Notice will be in a format set out in Schedule F. This Notice will clearly indicate the particulars of the offence, the set fine for the offence and the conditions for payment or a trial option.

SECTION 10 BY-LAW MAINTENANCE

Additions and deletions to the By-law Schedules may be made when deemed necessary by Council, and such changes shall be made by a Resolution in Council.

SECTION 11 REPEAL

By -Law No. 2002 - 32 is hereby repealed.

SECTION 12 SEVERABILITY

If a Court of competent jurisdiction should declare any Section or part of any section of the By-law to be invalid, such Section or part of such Section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law and it is hereby declared the remainder of the By-law shall be valid and shall remain in force.

SECTION 13 EFFECTIVE DATE

This By-law shall come into full force and effect upon the final passing thereof.

**Passed in open Council as read a First, Second and Third time,
this 24th day of August, 2005**

**THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN**

Sam Dunnett, *Mayor*

Brenda J. Fraser, *Clerk/Administrator*

SCHEDULE 'A'

PROHIBITED PARKING

	LOCATION		FROM/TO	
1)	Burrows Street / North Sparks Street intersection S/S		Corner, as posted	At all times
2)	North Sparks Street / Burrows Street intersection	W/S	Corner, as posted	At all times
3)	North Sparks Street	W/S	154 North Sparks Street south to 114 South Sparks Street, as posted	At all times
4)	South Sparks Street	E/S	115 South Sparks Street to 143 North Sparks Street, as posted	At all times

SCHEDULE 'B'
PROHIBITED STOPPING

LOCATION

TIME

SCHEDULE 'C'

PROHIBITED STANDING

LOCATION

TIME

SCHEDULE 'D'

FIRE ROUTES

	LOCATION		FROM/TO	
1.	Ahmic Street	S/S	Across from AHCFRCC, as posted	At all times
2.	Ahmic Street	N/S	In front of Fire Hall, as posted	At all times
3.	Albert Street	S/S	Across from Fire Hall, as posted	At all times
4.	Albert Street	N/S	In front of Fire Hall, as posted	At all times

SCHEDULE 'E'

PHYSICALLY HANDICAPPED PARKING

LOCATION

1.	Magnetawan Area Community Centre	As Posted	At all times
2.	Magnetawan Centennial Park	As Posted	At all times
3.	Magnetawan Lions Pavilion	As Posted	At all times
4.	Magnetawan Medical Building	As Posted	At all times

SCHEDULE 'F'

PARKING INFRACTION NOTICE AND SET FINES

The Parking Infraction Notice shall be in three (3) parts, the original, the violators copy and the Officers copy. The set fines shall be set out on the front of the Parking Infraction Notice in the following format:

FRONT PAGE