

The Corporation of the Township of Springwater

By-Law No. 2005-018

Being a By-law to regulate traffic and parking in the
Township of Springwater and to repeal By-law No. 2004-085

(Traffic & Parking By-Law)

Whereas Section 8 of the Municipal Act, S.O. 2001 as amended provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; (hereinafter the “Act”)

And Whereas under Sections 8 and 11 of the Act, the Township of Springwater as a lower tier municipality has non exclusive authority to pass by-laws respecting matters within the sphere of jurisdiction relating to Highways, including parking and traffic on highways as well as Parking, except on highways

And Whereas Subsection 9(3) of the Act provides that a by-law under section 11 respecting a matter may,

- a) Regulate or prohibit respecting the matter; and
- b) As part of the power to regulate or prohibit respecting the matter, require persons to do things respecting the matter, provide for a system of licences, permits, approvals or registrations respecting the matter and impose conditions as a requirement of obtaining, continuing to hold or renewing a licence, permit, approval or registration.

And Whereas Section 49 of the Act provides that 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.

And Whereas Section 100 of the Act provides that a local municipality may, in respect of land not owned or occupied by the municipality that is used as a parking lot, regulate or prohibit the parking or leaving of motor vehicles on that land without the consent of the owner of the land or regulate or prohibit traffic on that land if,

- a) The owner or occupant of the land has filed with the clerk of the municipality written consent to the application of the by-law to the land; and
- b) A sign is erected at each entrance to the land clearly indicating the regulation or prohibition.

And Whereas Section 1001.1 provides that a local municipality may in respect of land not owned or occupied by the municipality, regulate or prohibit the parking or leaving of motor vehicles without the consent of the owner of the land.

And Whereas under Section 101 of the Act, if a municipality passes a by-law under section 100 or 100.1 for regulating or prohibiting the parking or leaving of a motor vehicle on land not owned or occupied by the municipality without the consent of the owner, 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 to the by-law.

And Whereas Section 102 provides that 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,

- a) Shall prescribe the conditions of use of the disabled parking permit and shall prohibit the improper use of the permit; and
- b) May provide for the removal and impounding of any vehicle, at its owner's expense, parking or left contrary to the by-law

And Whereas Section 7.1 of the Fire Protection and Prevention Act. S.O. 1997, as amended provides that a council of a municipality may pass by-laws

- c) Designating private roads as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle parked or left along any of the fire routes at the expense of the owner of the vehicle.

And Whereas the Council of The Corporation of the Township of Springwater enacted By-law No. 2004-085 to regulate traffic and parking in the Township of Springwater;

And Whereas Council deems it necessary and desirable to pass a new by-law to regulate traffic and parking in the Township of Springwater;

Now Therefore the Council of The Corporation of the Township of Springwater enacts as follows:

1. Interpretation

- 1.1. Unless otherwise stated in this By-law, Subsection 1 of Section 1 of the Highway Traffic Act, R.S.O. 1990, Chapter H.8, as amended, is hereby adopted in this by-law for the purpose of definition and interpretation in this by-law.

- 1.2. For the purpose of this By-law, the following definitions shall apply:
- 1.2.1. **Adjacent:** means near, nearby or bordering;
- 1.2.2. **Boulevard:** means all parts of the highway save and except any roadway, shoulder or sidewalk;
- 1.2.3. **Bus:** means a motor vehicle designed for carrying ten or more passengers and used for the transportation of persons;
- 1.2.4. **Bus Stop:** means that part of a highway designated by a sign where buses will stop to take on or let off passengers;
- 1.2.5. **Centre Boulevard:** means that part of a highway which separates two roadways;
- 1.2.6. **Commercial Vehicles:** means a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, buses and tractors used for hauling purposes on the highways;
- 1.2.7. **Corner:** means the point of the intersection of curbs or edges of the portion of the highway used for vehicular traffic;
- 1.2.8. **Council:** means the Council of The Corporation of the Township of Springwater.
- 1.2.9. **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.
- 1.2.10. **Curb:** shall include the edge of the roadway and gutters;
- 1.2.11. **Disabled Person:** means an individual described in clause 2(1) of Ontario Regulation No. 581 as amended by Ontario Regulation 908/93 or such other regulation which may be enacted from time to time under the Highway Traffic Act;

- 1.2.12. **Disabled Permit Sign:** means a sign erected in accordance with the Highway Traffic Act and its regulations;
- 1.2.13. **Disabled Person Identifying Marker:** means a marker consisting of the international symbol for the disabled person, issued in connection with a permit by the Ministry of Transportation or other approval agency;
- 1.2.14. **Driveway:** means improved land on a highway which provides vehicular access from the roadway to a laneway or a parking area on adjacent land;
- 1.2.15. **Fire Route:** means a private roadway or laneway designated as a fire route by one or more signs erected by or on behalf of the owner or occupant of the private roadway or laneway;
- 1.2.16. **Highway:** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property line thereof;
- 1.2.17. **Highway Maintenance:** includes snow ploughing, snow removal, highway sweeping, grading, sanding and any other such maintenance as required to maintain proper highway conditions;
- 1.2.18. **Improved Land:** means land which has been constructed in such a manner using asphalt, concrete, gravel, or any suitable material, so as to permit its use by normal vehicular traffic;
- 1.2.19. **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;
- 1.2.20. **Laneway:** means improved land adjacent to the highway which provides access from the highway to a parking area on adjacent land;
- 1.2.21. **Local Board:** means a local board within the meaning of the Municipal Act;
- 1.2.22. **Mobile Home:** means a vehicle other than a motor vehicle, that is designed and used as a residence or working accommodation unit and exceeds 2.6 metres in width or eleven metres in length;
- 1.2.23. **Motor Vehicle:** includes an automobile, motorcycle, motor assisted bicycle 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;

- 1.2.24. **Municipal Property:** means property of the Township of Springwater or any local board thereof;
- 1.2.25. **Municipal Parking Lot:** means any municipal property, or portion thereof, where parking spaces have been delineated or an area has been posted and/or signed as an area for the parking of vehicles and shall include the municipal easement on the lands owned by the Flos Agricultural Society at 14 George Street where a parking lot has been established for the Elmvale Community Arena and other recreational facilities at this location.
- 1.2.26. **Municipality:** means The Corporation of the Township of Springwater;
- 1.2.27. **Officer:** means a By-law Officer appointed by Council or any authorized member of the Ontario Provincial Police or any other Police Service or any other person appointed or designated by Council to provide law enforcement services in the Township of Springwater;
- 1.2.28. **Official Sign:** means a sign or other device placed or erected on a highway or elsewhere pursuant to the provisions of this By-law and approved by the Ministry of Transportation or other approval authority;
- 1.2.29. **One-Way Highway:** means a highway upon which the movement of vehicular traffic is limited to one direction;
- 1.2.30. **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;
- 1.2.31. **Parking Space:** means that part of a roadway or municipal property designated for the purpose of parking a vehicle;
- 1.2.32. **Pedestrian:** includes a person on foot or a person in a wheelchair, stroller or carriage;
- 1.2.33. **Pedestrian Crossover:** means any portion of a roadway, designated by By-law of a municipality, at an intersection or elsewhere, distinctly indicated for pedestrian crossing by signs on the highway and lines or other markings on the surface of the roadway as prescribed by the regulations under the Highway Traffic Act;
- 1.2.34. **Person:** means any human being, firm, association, partnership, private club, common, joint tenants, agent or trustee and the heirs, executors or

other legal representatives of a person to whom the context can apply according to law and for the purpose of this By-law includes the owner or driver of a vehicle;

- 1.2.35. **Private Road:** means any private road, lane, ramp or other means of vehicular access to or from a building or structure and may include part of a parking lot.
- 1.2.36. **Physically Disabled Parking Space:** means those parking spaces designated, and so indicated by an official Disabled Permit Sign, for the use of a vehicle displaying a proper and valid Disabled Person Identifying Marker;
- 1.2.37. **Director of Public Works:** means the person appointed by Council to oversee highways in the Township, or his designate;
- 1.2.38. **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;
- 1.2.39. **School Bus:** means a bus that:
- a) Is painted chrome yellow with black lettering and trim; and
 - b) Displays on the front and rear thereof the words 'school bus' and on the rear thereof the words 'do not pass when signals flashing'; and
 - c) Is equipped with two (2) red signal lights on the rear thereof and two (2) red signal lights on the front thereof.
- 1.2.40. **School Bus Loading Zone:** means an area designated for the loading and unloading of passengers from an authorized school bus;
- 1.2.41. **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 for the use of vehicles;
- 1.2.42. **"Sidewalk" or "Footpaths":** means that portion of a highway as is set aside by the Township of Springwater for the use of pedestrians;
- 1.2.43. **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;

- 1.2.44. **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 or signal;
- 1.2.45. **Through Highways:** means a highway or part of a highway designated as such by the Minister of Transportation or by by-law of a municipality, and every such highway shall be marked by a stop sign or yield right-of-way sign in compliance with the regulations of the Ministry of Transportation;
- 1.2.46. **Township:** means The Corporation of the Township of Springwater;
- 1.2.47. **Traffic Signal or Traffic Control Signal:** means any device, manually, electrically or mechanically operated for the regulation or control of traffic;
- 1.2.48. **Trailer:** means a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, a mobile home, another motor vehicle or any device or apparatus not designated to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn;
- 1.2.49. **Truck Loading Zone:** means an area designated for the loading and unloading, from a commercial vehicle, of goods, merchandise, property and other products or commodities;
- 1.2.50. **U-turn:** means the turning of a vehicle within a highway so as to proceed in the opposite direction;
- 1.2.51. **Vehicle:** includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, 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 a street car;
- 1.2.52. **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; and
- 1.2.53. **Zone:** means an area of land designated for a specific use.

2. General Regulations

- 2.1. Where any expression of time occurs or where any hour or other period of time is stated, the time referred to shall be standing time, provided however, if what is known as 'daylight saving time' has been generally

adopted in the area for any period of the year, under any statute, order-in-council, by-law, resolution or proclamation, whether the same is effective in law or not such time shall be the time referred to during such period in any reference to time in this By-law.

- 2.2. This By-law applies only to highways forming part of the highway system under the jurisdiction of the Township.
- 2.3. The Schedules referred to in this By-law form part of this By-law and each entry in a column of such a Schedule shall be read in conjunction with the entry or entries across there from and not otherwise.
- 2.4. No part of this By-law or its implementation shall be construed or interpreted as authorizing the assumption of any unassumed part of a highway in any subdivision or any unassumed road allowance in the Township.
- 2.5. A word interpreted in the singular number has a corresponding meaning when used in the plural.
- 2.6. The word 'may' shall be construed as permissive and the word 'shall' shall be construed as imperative.
- 2.7. Any reference in this By-law to 'he' and 'she' or 'his' or 'her' shall be interpreted to be gender neutral and the provisions on this By-law shall be interpreted to apply equally to both male and female persons.
- 2.8. A word used in the present tense may include the past and/or future tense as appropriate within the context of this By-law.
- 2.9. The headings and subheadings used in this By-law shall not form part of the By-law, but shall be deemed to be inserted for convenience or reference only.
- 2.10. Where a distance is used in this By-law as part of prohibition of parking or stopping within a specified distance of an object, structure, land or part of a highway, such distance shall be measured:
 - 2.10.1. Along the curb or edge of the roadway from a point in such curb or edge of roadway opposite such object, structure, land or part of a highway, unless the context otherwise requires, and
 - 2.10.2. From such object, structure, land or part of a highway in all directions
- 2.11. The Director of Public Works for the Township of Springwater or his designate shall have authority to:

- 2.11.1. Place or erect and to maintain such official signs as are required to give effect to the provisions of this By-law; and
- 2.11.2. Remove any sign, marking or device which purports to be, or is an imitation of, or resembles an official sign or which conceals from view or interferes with the effectiveness of an official sign.
- 2.12. If compliance therewith is impractical, the provisions of this By-law shall not apply to:
 - 2.12.1. Ambulances, police, fire department, or public utility emergency vehicles;
 - 2.12.2. Vehicles actually engaged in works undertaken for, or on behalf of the Township.

3. Enforcement of By-Law

- 3.1. This By-law shall be enforced and administered by:
 - 3.1.1. Any By-law Officer, and/or
 - 3.1.2. Any Ontario Provincial Police Officer serving the Township, and/or
 - 3.1.3. Any Officer of any Police Service appointed or designated to provide police services for the Township, and/or
 - 3.1.4. Any person appointed by the Township to provide By-law Enforcement Services for traffic and parking by-laws.

4. General Offenses

- 4.1. No person shall drive a motor vehicle upon a sidewalk or footpath of a highway except for the purpose of directly crossing the sidewalk or footpath.
- 4.2. No person shall drive a motor vehicle over a raised curb except at a place where there is a ramp.
- 4.3. No person shall make a U-turn on any highway in the Township of Springwater:
 - 4.3.1. When upon a curve where traffic approaching the vehicle from either direction cannot be seen by the driver of the vehicle within a distance of 150 metres (150 m);

- 4.3.2. When on a railway crossing or within 30 metres (30 m) of a railway crossing;
- 4.3.3. When upon an approach to or near the crest of a grade where the vehicle cannot be seen by the driver of another vehicle approaching from either direction within 150 metres (150 m);
- 4.3.4. When within 150 metres (150 m) of a bridge, viaduct or tunnel where the driver's view is obstructed within such distance; and
- 4.3.5. Having a regard for subsections 4.3.1 through 4.3.4 above, unless it can be made safely and without interfering with other traffic and provided there are no official signs so erected and displayed which indicate that the making of a U-turn on such highway is prohibited.
- 4.4. Where official signs in accordance with the regulations of the Highway Traffic Act have been erected and are on display, no person shall park or stop a vehicle or allow a vehicle to remain parked or stopped in a parking space specifically designated and reserved for police parking.
- 4.5. No person shall ride a bicycle on a sidewalk:
 - 4.5.1. On the north side of Queen Street West from Yonge Street westerly to Maria Street, and
 - 4.5.2. On the south side of Queen Street West from Yonge Street westerly to the east side of the Municipal Parking Lot

5. General Stopping and Parking Regulation Offenses

- 5.1. No person shall park or stop any vehicle on any highway or portion thereof except as follows:
 - 5.1.1. Where there is a raised curb, on the right-hand side of the roadway, having regard to the direction such vehicle was proceeding, with its right front and rear wheels parallel to and not more than 15 centimetres out from such curb;
- 5.2. Notwithstanding the provisions of subsection 5.1, on designated one-way highways where parking or stopping is permitted on the left side of a highway, no person shall park or stop any vehicles on any highway or portion thereof except as follows:
 - 5.2.1. 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 15 centimetres out from such curb;

- 5.3. Where parking spaces are designated by lines painted on the roadway or in a municipal parking lot, no person shall stop or park any vehicle except within the designated parking space.
- 5.4. When angle parking is permitted, with signs, no person shall:
 - 5.4.1. When parking spaces are designated by painted lines on the roadway or in a municipal parking lot, park any vehicle other than within the designated parking spaces; or
 - 5.4.2. Where parking spaces are not designated by lines painted on the roadway or in a municipal parking lot, park or stop any vehicle except at an angle of 45 degrees to the curb or boundary of the roadway.
- 5.5. The provisions of subsection 5.1 and 5.2 do not apply on highways or in municipal parking lots where angle parking is permitted.

6. Parking Prohibited with Signs

- 6.1. Where official signs in accordance with the regulations of the Highway Traffic Act have been erected and are on display, no person shall park a vehicle or permit a vehicle to remain parked on any highway:
 - 6.1.1. In front of, or within nine metres (9 m) of a lot on which there is a fire station on the side of the highway on which the fire station is located;
 - 6.1.2. On the opposite side of a highway from a lot on which a fire station is located and within thirty metres (30 m), of the projected lot lines of the lot on which such fire station is located;
 - 6.1.3. Within twenty metres (20 m) of an intersection;
 - 6.1.4. Within thirty metres (30 m) of an intersection controlled by traffic signals;
 - 6.1.5. Within twenty-five metres (25 m) of any point designated as a bus stop;
 - 6.1.6. In front of the main entrance to, or any emergency exit from, any church, funeral home, hotel, hospital, nursing home, theatre, auditorium or other building or enclosed space in which persons may be expected to congregate in large numbers;
 - 6.1.7. Within thirty metres (30 m) of the approach side of a crosswalk or pedestrian crossover that is not located at an intersection;

- 6.1.8. Within fifteen metres (15 m) of the departure side of a crosswalk or pedestrian crossover that is not located at an intersection;
 - 6.1.9. So as to interfere with the formation of a funeral procession; or
 - 6.1.10. Between 8:00 a.m. and 5:00 p.m. upon that side of a highway adjacent to any school property.
- 6.2. Where official signs in accordance with the regulations of the Highway Traffic Act have been erected and are on display, no person shall park or stop a vehicle or allow a vehicle to remain parked or stopped in a parking space reserved for permit parking unless a valid permit has been obtained and is openly displayed and properly attached to the vehicle, in accordance with Township policy.

7. Parking Prohibited without Signs

- 7.1. No person shall park a vehicle or permit a vehicle to remain parked on any highway:
 - 7.1.1. In front of, or within one and one-half metres (1.5 m) of, a driveway or laneway so as to obstruct vehicles in the use of a driveway or laneway;
 - 7.1.2. Within three metres (3 m) of a point on the curb or edge of the highway opposite any fire hydrant;
 - 7.1.3. Within nine metres (9 m) of an intersection;
 - 7.1.4. Within fifteen metres (15 m) of any level crossing of a railway;
 - 7.1.5. On any roadway having an overall width of less than six metres (6 m);
 - 7.1.6. For a longer period than five hours on any highway, or in any municipal parking lot which is not restricted to a lesser period of time for parking;
 - 7.1.7. 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;
 - 7.1.8. Along the tracks of any railway;
 - 7.1.9. In front of the entrance to any place where goods or merchandise are regularly delivered or removed;
 - 7.1.10. In such a manner as to impede or obstruct the flow of other traffic during their lawful use of the highway or municipal parking lot;

- 7.1.11. In such a manner or position that will prevent the convenient removal of any other vehicle previously parked or left standing;
- 7.1.12. In front of a truck loading zone; or
- 7.1.13. For the purpose of greasing or repairing the vehicle except for such repairs as have been necessitated by an emergency.

8. Parking and Stopping Prohibited – Specified Places without Signs

- 8.1. No person shall park or stop a vehicle or permit a vehicle to remain parked or stopped on any highway;
 - 8.1.1. On any portion of a sidewalk;
 - 8.1.2. On any portion or within nine metres (9 m) of any intersection, crosswalk or pedestrian crossover;
 - 8.1.3. Upon any bridge or elevated structure except where parking is otherwise permitted in this By-law;
 - 8.1.4. Between a safety zone and the adjacent side of the roadway or within fifteen metres (15 m) of the points of such side opposite the ends of the safety zone;
 - 8.1.5. Adjacent to, or across the highway from any excavation or obstruction in the roadway when the free flow of traffic would thereby be impeded or obstructed;
 - 8.1.6. Alongside of any stopped or parked vehicle;
 - 8.1.7. In any public park unless in a municipal parking lot and unless the owner or occupant(s) of the motor vehicle are engaged directly or indirectly in recreational activities at the municipal facilities in the public park; or
 - 8.1.8. On any centre boulevard or centre strip separating two roadways or adjacent to either side or ends of such centre boulevard or centre strip.

9. Commercial Vehicles in Residential and Commercial Zones

- 9.1. No commercially licensed vehicle including trailers exceeding a net weight of 2,300 kilograms shall be parked on any highway within the Township, except for the purposes of temporary loading or unloading.

10. Stopping and Parking Restrictions and Prohibitions on Certain Highways

10.1. Parking Prohibited

Where official signs in accordance with the regulations of the Highway Traffic Act have been 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, 3 and 4 of Schedule A attached hereto and forming part of this by-law during the prohibited times or days as set out in Column 5 of the said Schedule A.

10.2. Restricted Parking

Where official signs in accordance with the regulations of the Highway Traffic Act have been 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, 3 and 4 of Schedule B attached hereto and forming part of this By-law for a longer period than that set out in Column 5 of the said Schedule B.

10.3. Stopping Prohibited

Where official signs in accordance with the regulations of the Highway Traffic Act have been 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, 3 and 4 of Schedule C attached hereto and forming part of this by-law during the prohibited times or days set out in Column 5 of the said Schedule C.

10.4. Restricted Stopping

Where official signs in accordance with the regulations of the Highway Traffic Act have been erected and are on display, no person shall stop a School Bus on any highway at the side and between the limits set out respectively in Columns 1, 2, 3 and 4 of Schedule D attached hereto and forming part of this By-law for a longer period than that set out in Column 5 of the said Schedule D.

11. Highway Maintenance and Snow Removal Parking

- 11.1. No person shall park a vehicle or permit a vehicle to remain parked on a highway or in a municipal parking lot in the Township between the hours of 2 o'clock in the forenoon and 7 o'clock in the forenoon during the period from November 1st to the following March 31st.
- 11.2. No person shall park a vehicle or permit a vehicle to remain parked on a highway in the Township in such a manner so as to interfere with highway maintenance and highway cleaning operations.

11.3. Any vehicle so parked as to contravene subsection 11.1, 11.2 or any other section of this By-law is liable to be moved and the owner thereof is subject to the provisions provided for in Section 24 of this By-law.

12. Parking Prohibited – Private Property and Property of the Municipality

12.1. For the purposes of this section the following definitions shall apply;

12.1.1. Occupant when used in relation to property means:

12.1.1.1. The lawful tenant or lessee of the property;

12.1.1.2. The registered tenant or lessee of a condominium unit of which he is tenant or lessee and any parking spaces allotted to him by the condominium corporation or reserved for his exclusive use in the declaration or description of the property;

12.1.1.3. The board of directors of the condominium corporation;

12.1.1.4. A person authorized, in writing, by the property owner as defined in subsection 12.1.2 below to act on the owner's behalf for requesting the enforcement of a by-law passed under this section; or

12.1.1.5. The spouse of a person described in this section

12.1.2. The owner when used in relation to property means:

12.1.2.1. The registered owner of the property;

12.1.2.2. The registered owner of a condominium unit, whose consent shall extend only to the control unit of which he is owner and any parking spaces allotted to him by the condominium corporation or reserved for his exclusive use in the declaration or description of the property;

12.1.2.3. Where the property is included in a description registered under the Condominium Act, the board of directors of the condominium corporation; or

12.1.2.4. The spouse of a person described in this section.

12.1.3. Private property shall mean all property except the property described in subsection 1.2.24 of this By-law.

12.2. Where an owner or occupant of property has posted signs:

- a) Stating conditions on which a vehicle may be parked or left on the property and the vehicle is found not to be in compliance with the posted conditions; or
- b) Prohibiting the parking or leaving a vehicle on the property;

The vehicle shall be deemed to be left without consent.

12.3. No persons shall park or leave a vehicle on:

12.3.1. Private property without first having obtained written permission from the owner or occupant of the property; or

12.3.2. Municipal property without first having obtained written consent from the Township or the local board.

12.4. No person shall be charged under Section 12.3.1 of this By-law except where a signed request from the property owner or occupant has been received.

12.5. No person shall park or leave a vehicle on private property without consent of the owner, occupant or any adult resident of the property.

12.6. Where a driver of a vehicle, not being the owner has been charged under Section 12.3 of this By-law, and is liable to a penalty, the owner of the vehicle is also liable to such penalty, unless at the time of the offence, the vehicle was being used without the owner's consent.

12.7. No person shall park a vehicle or permit a vehicle to remain parked on municipal property where:

12.7.1. An area that is designated by sign as reserved, unless the area is reserved for such person; or

12.7.2. An area designated by sign as an area where parking is prohibited.

12.8. The provisions of 12.3.2 shall not apply where authorized signs have been posted indicating parking is permitted.

12.9. No person shall park a vehicle or permit a vehicle to remain parked in a municipal parking lot:

12.9.1. Unless the owner or occupant(s) are directly or indirectly involved in activities at the municipal or local board facilities for which the parking lot has been provided; and/or

- 12.9.2. In the case of the municipal parking lots in the Elmvale Commercial District, unless the owner or occupant(s) are engaged in shopping or other commercial activities in the area; and/or
- 12.9.3. Unless the owner or occupant(s) are directly or indirectly participating in or attending a community festival or other event; and/or
- 12.9.4. Between the hours of 2 o'clock in the forenoon and 7 o'clock in the forenoon.

13. Disabled Parking Spaces – Prohibited Parking with Signs

- 13.1. Where Disabled Permit Signs have been erected and are on display, no person shall park or stop a vehicle or allow a vehicle to remain parked or stopped in a parking space reserved for physically disabled persons unless a valid Disabled Person Identifying Marker is openly displayed in the vehicle or such other identification system as may be required by the Ministry of Transportation or other approval authority.
- 13.2. Enforcement of Subsection 13.1 on private property will only be carried out upon written request by the owner.

14. Parking and Stopping Prohibited – Fire Route with Signs

- 14.1. Where official signs in accordance with the regulations of the Highway Traffic Act have been erected and are on display, no person shall park or stop a vehicle or permit a vehicle to be stopped or parked in a designated fire route.

15. Through Highways, Stop Signs and Yield Signs

15.1. Through Highways

- 15.1.1. The highways set out in Column 1 of Schedule E attached hereto and forming part of this By-law, between the limits set out in Column 2 & 3 of the said Schedule are, except as provided in subsection 15.1.2 of this By-law, hereby designated as through highways.
- 15.1.2. The designation in subsection 15.1.1 of this By-law of a highway or part of a highway shall not include any intersection thereon where the road intersected is a Kings Highway or where traffic control signals are installed.

15.2. Stop Signs

15.2.1. The intersections set out in Column 1 of Schedule F attached hereto and forming part of this By-law are designated as intersections where stop signs shall be erected at the locations shown in Columns 2 & 3 of the said Schedule F.

15.2.2. Each designation made by subsection 15.2.1 shall not become effective until stop signs have been erected in accordance with the regulations of the Highway Traffic Act.

15.3. Yield Signs

15.3.1. The intersections on highways set out in Column 1 of Schedule G attached hereto and forming part of this By-law are designated as intersections where yield right-of-way signs shall be erected at the location shown in Columns 2 & 3 of the said Schedule G.

15.3.2. Each designation made by subsection 15.3.1 shall not become effective until yield right-of-way signs have been erected in accordance with the regulations of the Highway Traffic Act.

16. Turning Movements

16.1. Where official signs in accordance with the regulations of the Highway Traffic Act are erected and are on display, no vehicle on any portion of highway set out in Columns 1, 2 & 3 of Schedule H attached hereto and forming part of this By-law, shall proceed in any direction other than in the direction set out in Column 4 of the said Schedule, during the times or days set out in Column 5 of the said Schedule H.

17. Designated One-Way Highways

17.1. The highways set out in Column 1 of Schedule I attached hereto and forming part of this By-law, between the limits set out in Columns 2&3 of the said Schedule, are hereby designated for one-way traffic only in the direction set out in Column 3 of the said Schedule I.

17.2. Each designation made by subsection 17.1 shall be effective upon the erection of official signs.

18. School Crosswalk, School Bus Loading Zones and Pedestrian Crossovers

18.1. School Crosswalk

18.1.1. Where official signs in accordance with the regulations of the Highway Traffic Act have been erected and are on display, School Crosswalks shall

be established on highways or portions of highways set out in Column 1 of Schedule J attached hereto, at the locations named in Column 2 of the said Schedule J.

- 18.1.2. Where official signs in accordance with the regulations of the Highway Traffic Act have been erected and are on display, no person shall stop or park a vehicle or allow a vehicle to remain stopped or parked on any highway or any portions of the highways set out in Column 1 of Schedule K attached hereto and forming part of this By-law, at the locations named in Column 2 & 3 of the said Schedule K.

18.2. School Bus Loading Zone

- 18.2.1. Where official signs in accordance with the regulations of the Highway Traffic Act have been erected and are on display, no person shall stop or park a vehicle or allow a vehicle to remain stopped or parked on any highway or portions of highways set out in Column 1 of Schedule L attached hereto and forming part of this By-law, on the side set out in Column 2 of the said Schedule between the limits set out in Columns 3 & 4 of the said Schedule and at the school set out in Column 5 of the said Schedule L.

- 18.2.2. Subsection 18.2.1 does not apply to those school buses engaged in the loading and unloading of passengers.

18.3. Pedestrian Crossover

- 18.3.1. Where official signs in accordance with the regulations of the Highway Traffic Act have been erected on display, Pedestrian Crossovers shall be established on the highways or portions of highways set out in Column 1 of Schedule M attached hereto, at the locations named in Column 2 of the said Schedule M.

- 18.3.2. Where official signs in accordance with the regulations of the Highway Traffic Act have been erected and are on display, no person shall stop or park a vehicle or allow a vehicle to remain stopped or parked on any highway or portions of highways set out in Column 1 of Schedule N attached hereto and forming part of this By-law, at the locations set out in Columns 2 & 3 of the said Schedule N.

19. Directional Signs

- 19.1. Where official signs in accordance with the regulations of the Highway Traffic Act are erected and are on display, all vehicles travelling on the highways at the locations and in the directions set out in Columns 1, 2 & 3 of Schedule O attached hereto and forming part of this By-law, shall

proceed or yield to the directional signs as set out in Column 4 of the said Schedule.

20. Defacing Signs – Traffic Signals

20.1. No person shall move, remove, deface or in any manner interfere with any sign, traffic control signal, marking, or other traffic control device placed, erected or maintained under this By-law.

21. Freshly Painted Lines on Roadway

21.1. No person shall drive any vehicle over any marking on the roadway where markers are in place to indicate that the marking material has been freshly applied.

22. Sale of Goods on a Highway

22.1. No person shall sell or offer for sale any goods if the place of offering or sale is located on any portion of the highway.

22.2. Notwithstanding Section 22.1 above, the sale of goods on a highway is not prohibited where:

22.2.1. The sale or offer of goods is in conjunction with a sidewalk sale; or

22.2.2. The sale or offer of goods is in conjunction with a community festival or event and the person selling or offering the goods for sale has the permission of the organizers of such an event; and

22.2.3. Permission has been granted by the Public Works Superintendent or other Township official authorizing the conduct of the sidewalk sale or community festival on highways, or portions thereof, under the jurisdiction of the Township.

23. Obstruction of Highways, Ditches and Culverts

23.1. No person shall obstruct, encumber, or foul any highway under the jurisdiction of the Township by any means whatsoever.

23.2. Without limited the generality of Subsection 23.1 above, the obstruction or fouling of a highway includes:

23.2.1. The building or maintaining of a fence on a highway;

23.2.2. The depositing of snow or ice on a highway;

- 23.2.3. The depositing of large refuse containers or bulk containers on a highway;
- 23.2.4. The depositing of construction or landscaping materials on a highway; or
- 23.2.5. The depositing of waste materials on a highway including but not limited to tires.
- 23.3. No person shall obstruct a ditch or culvert which is under the jurisdiction of the Township;
- 23.4. No person shall throw, place, deposit or permit to be blown or escape from premises occupied by him or dropped from any vehicle owned or operated by him any paper, hand-bills, garbage, ashes rubbish, tires, appliances, soil construction materials, the carcass of any animal, or any other refuse, or waste material on any highway under the jurisdiction of the Township.
- 23.5. Any person employing or using vehicles in making excavations for building purposes or for conveying earth, rubbish or other material from such excavations or from any other place along a highways in the Township, or in any operation involving the passage of such vehicles to and from any site, whether for building purposes or otherwise shall at once remove from the roadways and sidewalks, or from any public pace where the same may be deposited, all earth, rubbish or other material that may fall from the wheels of or from such trucks, graders or loaders and shall employ and keep employed a sufficient number of workmen as may be necessary to keep all such roadways in a clean condition and from refuse, articles and other materials.
- 23.6. The Director of Public Works or designate may give to any person found to have obstructed or fouled a highway contrary to the provisions of this By-law or to the owner of such land where the material was transported to or from, a notice in writing delivered by hand, or by registered mail, or posted on the obstruction, requiring the removal from such highway or public place any and all refuse, articles or materials.
- 23.7. In the event that such person given notice under Subsection 23.6 above does not comply with the direction in the aid notice, the Township may person that work or cause the work to be done and the cost thereof may be recovered by such person by court action or collected in the same manner as taxes where the person given notice in the owner of property in the Township.

24. Penalty

- 24.1. Every person who contravenes any of the provisions of this By-law is guilty of an offence and on conviction is liable to a fine as provided for the Provincial Offences Act.
- 24.2. The owner of the vehicle will be liable for any expense incurred if the vehicle is parked in violation of any of the provisions of this By-law and has to be removed from the highway.
- 24.3. Removal of any vehicle shall be at the owner's risk and expense pursuant to the provisions of the Repair and Storage Liens Act, R.S.O. 1990, Chapter R.25.
- 24.4. The Township will not be liable for any damage done by highway maintenance equipment to vehicles parked on Township highways or for any damages caused to vehicles due to the towing away and impounding of same.
- 24.5. Notwithstanding any other penalty imposed by this By-law, for any vehicle found to have been parked on any highway in the Township in violation of any provisions of this By-law, the officer appointed for the carrying out of the provisions of this By-law may cause the vehicle 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 upon the vehicle, and subject to the provisions set out in subsection 24.1, 24.2, 24.3 and 24.4 of this By-law.

25. Voluntary Payment

- 25.1. Notwithstanding all provisions of this By-law in respect of penalties for violations of the Parking and Stopping provisions of this By-law, any person may, upon representation of a violation tag issued alleging commission of such an offence under this By-law, pay out of Court at the Springwater Township Offices, in person or by mail, within ten (10) days from the date of said tag, a penalty of a set fine as set out below, and upon such payment no further proceedings shall be taken under this By-law in respect of the said offence alleged in the violation tag:

<u>Subsection Number</u>	<u>Offence</u>	<u>Section</u>	<u>Fine</u>
25.1.1	Prohibited parking or stopping in space reserved for police	4	\$ 100.00
25.1.2	Improperly parked or stopped	5	\$ 20.00

<u>Subsection Number</u>	<u>Offence</u>	<u>Section</u>	<u>Fine</u>
25.1.3	Prohibited parking with signs	6	\$ 20.00
25.1.4	Prohibited parking with signs-fire station	6	\$ 50.00
25.1.5	Prohibited parking without signs	7	\$ 20.00
25.1.6	Prohibited stopping without signs	8	\$ 20.00
25.1.7	Prohibited parking of a commercial vehicle	9	\$ 20.00
25.1.8	Prohibited/restricted parking and stopping with signs	10	\$ 50.00
25.1.9	Prohibited parking-snow removal, ploughing highway cleaning and clearing	11	\$ 20.00
25.1.10	Prohibited parking on municipal or private property	12	\$ 20.00
25.1.11	Prohibited parking with signs – physically disabled	13	\$ 300.00
25.1.12	Prohibited parking with signs – designated fire route	14	\$ 100.00
25.1.13	Prohibited parking school crosswalk, school bus loading zone or pedestrian crossover	18	\$ 50.00

26. Severability & Conflict

- 26.1. Should any section, subsection, clause, paragraph or provision of this By-law, including any part of schedules be declared by a court of competent jurisdiction to be ultra vires, invalid or illegal for any reason, the same shall not affect the validity of the By-law as a whole.
- 26.2. Where there is a conflict between the provisions of this By-law and the provisions of the Highway Traffic Act, as amended, or the Regulations there under, the Provisions of the Act or Regulations shall prevail.

27. Repeal

27.1. That the By-law No. 2004-085 be and is hereby repealed:

28. Citing

28.1. This By-law shall be cited as the "Parking & Traffic By-law".

29. Enactment

29.1. This By-law shall come into force and take effect on the date of final passing thereof.

By-Law read a first, second and third time and finally passed this 7th day of February, 2005

The Corporation of the Township of Springwater

(Original Signed By)
Mayor John E. Brown

(Original Signed By)
Clerk Eleanor J. Rath