

The Corporation of the Township Of Melancthon

By-law No. 56-2017

Being a By-law to provide direction for the Parking in the Township of Melancthon

WHEREAS Section 11(1), Paragraph 3 of the Municipal Act, 2001 S.O. 2001, c. 25, provides municipalities the authority to pass By-laws respecting Parking;

AND WHEREAS the Corporation of the Township of Melancthon deems it expedient to provide that all Parking throughout the Township of Melancthon shall be monitored;

The provisions of this By-law shall be subject to the provisions of the Highway Traffic Act, Chapter H.8, R.S.O. 1990, as amended from time to time.

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MELANCTHON ENACTS AS FOLLOWS:

1. Definitions

Authorized Sign shall mean a sign approved by the Ministry of Transportation of the Province of Ontario or a sign approved by the Township which includes words or symbols which describe a permitted or prohibited act and which have been erected by authorized agents of the Township pursuant to this By-law and without limiting the generality of the foregoing, includes a Traffic control device and a Traffic control signal.

Accessible Parking Permit means an unexpired Accessible Parking Permit issued under O. Reg. 581 of the Highway Traffic Act.

By-law Enforcement Officer means an enforcing officer appointed by the Township to enforce the provisions of this By-law or a Person specially appointed to enforce only specific provisions of this By-law.

Council means the Municipal Council of The Corporation of the Township of Melancthon.

Crosswalk means that part of a Highway at an intersection 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 travelled portion of the Highway or any portion of a Roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs including a Traffic Control Device or Traffic Control Signal or by lines or other markings on the road surface.

Commercial Motor Vehicle unless otherwise defined by regulation, means a motor vehicle having attached to it a truck or delivery body and includes an ambulance, a hearse, a casket wagon, a fire apparatus, a bus and a tractor used for hauling purposes on a highway.

Driveway means a public or private Roadway providing vehicular access to a Street or Highway.

Highway includes a common and public Highway, Street, avenue, Parkway, Driveway, square, place, bridge, viaduct or 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 lines thereof.

Highway Traffic Act (HTA) means the Highway Traffic Act, RSO 1990, c H.8 as amended from time to time.

Motor Vehicle includes an automobile, a motorcycle, a motor-assisted bicycle unless otherwise indicated in this Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a Street car or other Motor Vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine within the meaning of the Highway Traffic Act.

Park or Parking, when prohibited, means the Standing of a Motor Vehicle, whether occupied or not, except when Standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

Pedestrian means a Person on foot, in a wheeled carriage or using a wheelchair or Personal mobility device.

Person includes any Person, firm, partnership, association, corporation, company, or organization of any kind.

Police Officer means a member of The Ontario Provincial Police Services or a Person authorized by the Chief of Police to regulate or direct Traffic.

Roadway means the portion of a Street or Highway 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 the area between the moving Traffic lanes of a Street or Highway, and the curb or edge of the Roadway.

Sidewalk means the portion of a Street or Highway that lies between the Roadway and the lateral property lines of the Street or Highway, and which may be paved, surfaced, or levelled, and is intended to be used as a pedestrian walkway.

Stand or Standing, when prohibited, means the halting of a Motor Vehicle whether occupied or not, except for the purpose of and while actually engaged in receiving and discharging passengers.

Stop or Stopping, when prohibited, means any Stopping of a Motor Vehicle, except when necessary to avoid conflict with other Traffic or in compliance with the direction of a Police Officer, or Traffic control sign or signal.

Street or Highway includes a common and public Highway, Street, avenue, Parkway, crescent, court, public Driveway, square, place, bridge, viaduct or 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 lines thereof.

Through Highway means a Highway or part of a Highway designated as such by the Minister 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.

Township means the Corporation of the Township of Melancthon.

Traffic includes the movement or Stopping of pedestrians, ridden or herded animals, Motor Vehicles, motor buses, and other conveyances, either singly or together, while using any Street or Roadway.

Traffic Control Device means any sign, or Roadway, curb or Sidewalk markings, or other device erected or placed under the authority of the Township for the purpose of guiding or directing Traffic.

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 designed 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.

For the purpose of this By-law, the definitions and interpretations given in this By-law shall govern. In this By-law, "shall" is mandatory; words in the singular include the plural words and words in the plural include the singular; words used in the masculine gender include the feminine and words in the feminine gender include the masculine.

2. Enforcement of By-law

This By-law may be enforced by a Police Officer, Municipal By-law Enforcement Officer appointed by Council or the Township's Director of Public Works or his/her Designated Alternate.

Obedience to Parking Regulations

Notwithstanding any other provisions of the By-law, if a Motor Vehicle is Parked contrary to the By-law, in addition to any other remedy, a Police Officer or By-law Enforcement Officer may remove such Motor Vehicle, or cause same to be removed to and be stored in a suitable place, and all costs and charges for removal or storage thereof shall be a lien upon such Motor Vehicle (Appendix A).

3. Parking and Operation of Vehicles

3.1 Method of Parking

Each vehicle must be Parked on any Street on the right-hand side of the Street, having regard for the direction in which the vehicle had been proceeding, and unless the right-front and right-rear wheels or runners of the Motor Vehicle are parallel to and distant, respectively, not more than 150 mm from the edge of the Roadway.

3.2 Stopping Prohibited

No Person shall allow any Motor Vehicle or part thereof to Stop anytime upon any Highway or parts of Highways.

No Person shall Stop or Stand a Motor Vehicle in, or within six metres from, a Crosswalk.

3.3 Parking Prohibited – General

No Person shall, at any time, Park a vehicle, or any part thereof, in any of the following places, except as herein expressly permitted:

1. on a Sidewalk;
2. in front of a public or private Driveway or lane;
3. within 1 meter of residential Driveways on both sides;
4. commercial motor vehicle Parking limited to a 2 hour duration;
5. within an intersection;
6. within 3 meters from the point where a straight line drawn from a fire hydrant at right angles to the Roadway intersects the Roadway;
7. on a Crosswalk;
8. on the front lawn of a home within a village;
9. on any bridge or the approaches thereto;

10. on any Street in such a manner as to obstruct Traffic;
11. in such a position as to prevent the convenient removal of any other vehicle previously Parked or Standing
12. in front of the main entrance to, or any emergency exit from a theatre, auditorium, or other building while large assemblages are being held in such theatre, auditorium, or other building, or for a reasonable time immediately preceding and following such assemblages;
13. in any public lane;
14. on any paved Shoulder in the Township
15. on any Roadway for an unreasonable time, having regard for the Traffic requirements of such Roadway;
16. on any Highway between the hours of 2:00 a.m. and 7:00 a.m. during the period of November 15 to April 15.

3.4 Specified Places Where an Authorized Sign is on Display – Anytime

Where an Authorized Sign has been installed and is on display, no Person shall Park or leave Standing any Motor Vehicle anytime:

- within 9.1 metres of the corner of any Street intersection except where otherwise provided in this By-law;

3.5 Specified Places Where an Authorized Sign is on Display – Specified Time

Where an Authorized Sign has been installed and is on display, no Person shall Park or leave Standing, except in accordance with the time limits shown on the Authorized Sign, any Motor Vehicle on the Highway or parts of Highways.

Where an Authorized Sign has been installed and is on display, no Person shall Park or leave Standing, any Motor Vehicle on the Highway or parts of Highways.

3.6 Heavy Vehicle / Oversized Load

When Authorized Signs have been installed and are on display, no Person shall move, drive or operate a Heavy Vehicle at any time on any Highway or parts of Highways without a Township of Melancthon Moving Permit which is available through the municipal office.

3.7 Disabled or Unlicensed Vehicles and Trailers

The Parking of a disabled vehicle, boat or Trailer, or travel Trailer on public roadways or municipal property shall be prohibited.

3.8 Winter Parking

To ensure the safe passage of Traffic and to prevent interference with snow clearing operations, any vehicles found Parked on public Streets in Melancthon from Nov 15 – April 15 of each year between the hours of 2:00 am and 7:00 am in such a manner as to interfere with the movement of Traffic or the clearing of snow from the roads, in contravention of the Highway Traffic Act, s. 170 may be referred to the OPP, ticketed and/or removed at the owner's expense.

Highway Traffic Act Section 181– No Person shall deposit snow or ice on a Roadway without permission in writing to do so from the Ministry or the road authority responsible for the maintenance of the road.

No Person shall Park or Stand a vehicle on a Highway in such a manner as to interfere with the movement of Traffic or the clearing of snow from the Highway.

3.9 Accessible Parking

Where an Authorized Sign is erected and on display, no Person at any time shall Stop, Stand or Park a Motor Vehicle in any Parking space or area designated for the use of vehicles displaying an Accessible Parking Permit.

4. Designating Through Highways, Yield, and Stop Signs

4.1 Through Highways

The Highways or parts of Highways named or described in this By-law are hereby declared to be Through Highways.

4.2 Stop Signs

In addition to Stop signs required at intersections on Through Highways, Council of the Township of Melancthon may by By-law provide for the erection of Stop signs at intersections on Highways under its jurisdiction and every sign so erected shall comply with the regulations of the Ministry.

4.3 Delegation of Authority

The Director of Public Works or their designate is hereby appointed by the Township as the office holder with the authority to temporarily designate a Highway or portion of a Highway under the Township's jurisdiction as a construction zone for the purpose of, and during the period required for, construction, repair or improvement of the Highway or other services.

Where a Highway or portion of a Highway under the Township's jurisdiction has been designated as a construction zone, the Director of Public Works or their designate may:

- temporarily set a lower rate of speed for Motor Vehicles driven in the designated construction zone than is otherwise provided in the Highway Traffic Act; or
- temporarily close any Highway or portion thereof which is designated as a construction zone.

4.4 Removal of Motor Vehicle to be Stored

Where an authorizing sign has been installed and is on display any Police Officer or By-law Enforcement Officer, upon discovery of any Motor Vehicle or other object Parked or left in contravention of this By-law, may cause it to be moved, removed, impounded, restrained, immobilized, or taken to and placed 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 in the Repair and Storage Liens Act of Ontario.

4.5 Ontario Highway Traffic Act to Govern

The provisions of this By-law shall be subject to the provisions of the Highway Traffic Act, Chapter H.8, R.S.O. 1990, as amended from time to time.

4.6 Penalty

Every 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, R.S.O. 1990, c.P.33.

5. Short Title

This By-law may be cited as the "Melancthon Parking By-law".

6. Effective Date of By-law

This By-law shall come into effect on the final passing thereof.

By-law read a first and second time this 16th day of November, 2017.

By-law read a third time and passed this 16th day of November, 2017.

Original Signed

Original Signed

MAYOR

CLERK

Appendix A

1. No Parking is permitted on any Roadways within the Township of Melancthon between the dates of November 15 to April 15 from 2:00am to 7:00am for the purpose of cleaning road ways of snow.

Schedule A
Corporation of the Township of Melancthon
Part II Provincial Offences Act
Short Form Wording
By-law No. 56-2017, as amended: Parking

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1.	Park incorrect direction	3.1	\$75.00
2.	Stop within 6 meters of Crosswalk	3.2	\$75.00
3.	Park on Sidewalk	3.3	\$75.00
4.	Park in front of Driveway	3.3	\$75.00
5.	Park within 1 meters of residential Driveways	3.3	\$75.00
6.	Park commercial motor vehicle longer than 2 hours	3.3	\$75.00
7.	Park within an intersection	3.3	\$75.00
8.	Park on front lawn of a house	3.3	\$75.00
9.	Park on a bridge or approaches thereto	3.3	\$75.00
10.	Park to obstruct Traffic	3.3	\$75.00
11.	Park to prevent removal of other vehicle Parked or Standing	3.3	\$75.00
12.	Park at front or emergency entrance at theatre, auditorium and/or large assembly	3.3	\$75.00
13.	Park in any public lane	3.3	\$75.00
15.	Park 2am to 7am November 15 to April 15	3.3	\$75.00
16.	Park on Paved Shoulder	3.3	\$75.00
17.	Park within 9.1 meters of intersection	3.4	\$75.00
18.	Park contrary to authorized sign	3.5	\$75.00
20.	Park – disabled vehicle, boat, travel Trailer on public roadways/municipal property	3.7	\$75.00
21.	Park – interfere with snow removal	3.8	\$75.00
22.	Park in a disabled Person Parking space – no permit	3.9	\$300.00

Note: the general penalty provision for the offences listed above is Section 4.6 of By-law 56-2017, as amended a certified copy of which has been filed