

THE MUNICIPALITY OF SOUTHWEST MIDDLESEX

BY-LAW NO. 6/2004

Being a by-law regulating parking
on municipal roads within
the Municipality of Southwest Middlesex

WHEREAS the Municipal Act, S.O.2001, c.25 Sec.11(2) 3 states where a sphere or part of a sphere of jurisdiction is assigned to an upper tier municipality non-exclusively by the Table, its lower tier municipalities have the power to pass by-laws under that sphere or part;

AND WHEREAS the whole sphere is assigned to all upper tier municipalities non - exclusively, highways, including parking and traffic on highways;

NOW THEREFORE the Council of the Municipality of Southwest Middlesex ENACTS AS FOLLOWS:

PART "A"

1. DEFINITIONS:

For the purposes of this by-law:

"Appropriate Sign" means any sign or device placed or erected on a highway under the authority of this By-law and the Public Works Manager, for the purpose of regulating, warning or guiding traffic.

"Boulevard" shall be construed to mean that portion of every highway within the limits of the Municipality, which is not used as a sidewalk, road shoulder or a traveled roadway.

"Bylaw Enforcement Officer" means a person duly appointed by the Municipality of Southwest Middlesex for enforcing the provisions of this by-law and who shall have the powers as set out in the Provincial Offences Act, R.S.O., 1990, Chapter P.33 as amended.

"Council" means the Council of the Municipality of Southwest Middlesex.

"Curblin" means, where the curb is constructed, the line thereof; where no curb is constructed "curblin" shall be construed as meaning the edge of the travelled portion of the highway.

"Designated Parking Space" means a designated parking space or parking area for physically disabled persons, with appropriate signs erected and on display.

"Disabled Person Parking Permit" means a disabled person parking permit issued under the Highway Traffic Act or a permit, number plate or other marker or device issued by another jurisdiction and recognized under the Highway Traffic Act.

"Intersection" means the areas 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.

"Loading Zone" means the part of a highway set apart for the exclusive purpose of parking a vehicle to load or unload the same.

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“Municipality” means the Municipality of Southwest Middlesex.

“Officer” means either a member of the Ontario Provincial Police or any other person authorized by Council and charged with the enforcement of this By-law.

“Overnight Parking Permit” means a permit issued by the Municipality of Southwest Middlesex for the purpose of allowing a vehicle to park for a limited time on a street within the jurisdiction of the municipality.

“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.

“Physically Disabled Person” means a person who is physically disabled in such a way that his/her mobility is seriously restricted and includes a person who uses a wheelchair, crutches, braces or other mobility assisting devices.

“Police Officer” means a member of the Ontario Provincial Police.

“Public Works Manager” means a person duly appointed by the Municipality of Southwest Middlesex who is responsible for the design, construction and maintenance of the municipal road system, sewers, waterlines, and land fill operations.

“School Bus Loading Zones” means a designated area for the dropping off and picking up of children by a school bus.

“School Drop Off/ Pick Up Zone” means a designated area for the dropping off and picking up of children by vehicles other than a school bus.

“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.

“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 a traffic control sign or signal.

“Traffic Control Signal” means any device, manually, electrically or mechanically operated for the regulation or control of traffic.

“Street or 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 area between the lateral property lines thereof.

“Roadway” includes the surface portion of the highway designed and intended for the travel of vehicles.

“Vehicle” includes a 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 upon rails.

“Time” means where any expression of time occurs or where an hour or other period of time is stated, the time referred to shall be Eastern Standard Time except in periods when daylight saving time is in effect, in which periods, it shall refer to daylight saving time.

2. DISTANCES:

1. Where a distance is used in this By-law as part of a prohibition of parking or stopping within a specified distance of an object, structure, land or a part of a highway, such distance shall be measured;
 - i) from the projection of the nearest curb line or edge of roadway in the direction stated unless it is specifically stated otherwise, and
 - ii) along the curb or edge of the roadway to 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
 - iii) from such object, structure, land, or part of highway in all directions, and
2. All distances/dimensions are measured in the metric measurement of metres or as otherwise indicated.

PART "B"

REGULATED PARKING

3. GENERAL PARKING REGULATIONS:

- 1) No person shall stop or park a vehicle:
 - i) on or over a sidewalk, crosswalk or boulevard;
 - ii) in front of or within 2 metres of any lane, driveway or alley entrance;
 - iii) except at points where parking is otherwise designated, with the right hand wheels of the vehicle at a greater distance from the curb line than 0.3 of a metre, or in winter as nearly within such distance as the conditions of the highway permit;
 - iv) on the roadway side of a vehicle stopped or parked at the edge or curb of a highway;
 - v) at the edge or curb on the left side of the roadway having regard to the direction such vehicle was proceeding except when parking is permitted on the left hand side of the roadway of a highway designated for one way traffic;
 - vi) in such position as to obstruct traffic;
 - vii) on any bridge, or any approach thereto;
 - viii) within 3 metres of the point of the curblines which is nearest any fire hydrant;

- ix) within 2 metres of the space on the same side of the highway directly in front of the entrance to church, hospital, hotel, theatre, hall or other public building where large numbers of people assemble, except while actually taking on or discharging passengers when any such stop or stand has been officially designated and appropriately signed.
 - x) within 9 metres of an intersection;
 - xi) within 9 metres of any level crossing of a railway;
 - xii) in a position or place that prevents or is likely to prevent the removal of any vehicle previously parked;
 - xiii) on any roadway where parking is prohibited as indicated by the appropriate sign.
2. On municipally owned lands where there are signs prohibiting or regulating the parking of vehicles, no person shall park a vehicle in a manner contrary to the signs.
 3. No person shall park any vehicle on any highway for the purpose of displaying the same for sale.
 4. On highways where curbs have been constructed, no person shall park on the boulevard.

4. PARKING SPACES FOR PHYSICALLY DISABLED PERSONS:

1. Council may by resolution designate certain areas on streets in the Municipality of Southwest Middlesex as parking areas for physically disabled persons.
2. Each private disabled person parking space in respect of which an agreement with the Municipality of Southwest Middlesex is entered into by the owner of the disabled person parking space, and where authorized signs are erected, is hereby designated as a Disabled Person parking space as required under Section 4.
3. When appropriate signs have been erected and are on display no person shall stand or park a vehicle in such areas designated as parking for physically disabled persons except:
 - a) where the operator of the vehicle is a physically disabled person and a permit or sticker as described in Section 4 is displayed on the vehicle, such person may stand or park the vehicle in such area; and
 - b) where the operator of the vehicle is in the process of discharging or picking up a physically disabled person, such person may stand or park the vehicle in such area;
 - i) a motor vehicle that is identified by an identifying permit.

4. A permit or sticker issued by the Ministry of Transportation shall be displayed on:
 - a) inner surface of the windshield, as close as practicable to the lower left hand corner and as close as practicable to the left hand side of the motor vehicle ;
or
 - b) outer surface of the sun visor on the left hand side of the motor vehicle so as to be visible through the windshield from the exterior of the car, when the sun visor is in a lowered position.

5. **OVERNIGHT PARKING ON MUNICIPAL STREETS:**

1. Where appropriate signs are erected and are on display no person shall park or allow a vehicle to stand upon any part of any street between the hours of 3:00 a.m. and 6:00 a.m. local time on the highways or parts of highways as designated by the signs.
2. The owner of a vehicle which is parked or standing in contravention of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in Section 61 of the Provincial Offences Act, R.S.O., 1990, Chapter P33 and Set Fine as attached.
3. Section 5(2) shall not apply to vehicles if the owner of such vehicle has obtained an Overnight Parking Permit from the Municipality of Southwest Middlesex, and has the same affixed to the inside of the left rear window of said vehicle.

6. **EXEMPTION OF MUNICIPAL VEHICLES:**

Sections 3 to 5 of this By-law do not apply to vehicles of the Municipality or vehicles contracted by the municipality where such vehicles are actually engaged in the performance of cleaning, maintenance repair, construction, snow removal or other work on any highway within the municipality.

7. **REMOVAL OF VEHICLES IN CONTRAVENTION OF BY-LAW:**

1. In addition to any other penalty provided for in this By-law, a Police Officer or By-law Enforcement Officer appointed for the carrying out of the provisions of The Highway Traffic Act, may cause a motor vehicle that is parked in contravention of this By-law to be removed and taken to be stored in a safe place.
2. Where a motor vehicle is removed and stored pursuant to Section 7(1) all costs and charges for the removal, care, and storage of the motor vehicle which may be enforced in the same manner as provided for in the Repair and Storage Liens Act.

8. **OWNER LIABILITY:**

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

9. **PARKING INFRACTION NOTICE:**

1. Where a vehicle is found parked in contravention of the provisions of this By-law, a Police Officer or Municipal By-law Enforcement Officer so finding a vehicle may complete and place upon or attach to the vehicle or give to the person driving the vehicle a parking infraction notice in the form of a serially numbered notice stating:
 - a) the license number of the vehicle, concise description of vehicle and the expiry date of the sticker;
 - b) a description of the offence;
 - c) the date, time and location of the alleged offence;
 - d) the signature of the issuing officer;
 - e) the set fine for the alleged offence;
 - f) that the owner or driver thereof may make a voluntary early payment in the amount and manner set forth in Section 12 or pay the set fine as indicated on the parking infraction notice prior to the 15th day as set out in the Provincial Offences Act, Part II.
2. The Officer shall prepare the Parking Ticket in triplicate and shall attach one copy of the parking infraction notice to the vehicle or give the copy to the driver of the vehicle and deliver two copies to the office of the Treasurer of the Municipality of Southwest Middlesex.

TRAFFIC REGULATIONS

10. **PARKING ON MUNICIPAL PARKING LOTS:**

No person shall park a vehicle in any parking area owned or leased by the Municipality for public parking purposes for any period in excess of seven days.

PART "C"

GENERAL PROVISIONS:

11. PENALTIES:

- a) Any person who contravenes any provisions of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in Section 61 of the Provincial Offences Act, R.S.O., 1990, Chap.P.33, and Set Fine Schedule "A" attached.

- b) A person served with a parking infraction notice may report to the office of the Treasurer of the Municipality of Southwest Middlesex to make a voluntary early payment as indicated on the notice. Such payment must be received by the Treasurer or his/her designate, within fourteen days of the date on which the notice was issued, inclusive of Saturdays, Sundays, and holidays.

12. AUTHORITY TO ENFORCE THIS BYLAW:

A Police Officer or By-law Enforcement Officer of the Municipal Corporation designated pursuant to the Provincial Offences Act, as a Provincial Offences Officer shall enforce the provisions of the Parking By-law.

13. SCHEDULES ADOPTED:

The Schedules referred to in this 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 entry or entries across therefrom, and not otherwise.

- 14. All previous By-laws inconsistent with this By-law are hereby repealed.

- 15. This By-law shall become effective when approved by the Ministry of Transportation and the Ministry of the Attorney General.


- 16. Any particular provisions hereof shall become effective when appropriate signs applicable to such particular provision has/have been erected and is/are on display.

- 17. In the event of conflict between the provisions of this by-law and The Highway Traffic Act, the provisions of the Act will prevail.

Read a first and second time this 7th day of July 2004.

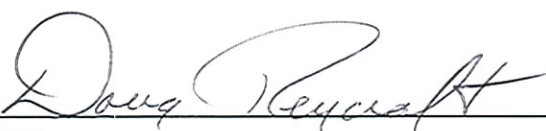


Mayor




Clerk

Read a third time and finally passed this 7th day of July 2004.



Mayor



Clerk

SET FINE

SCHEDULE "A"

BY-LAW 6/2004

PARKING ON MUNICIPAL ROADS

*Recoverable under the
Provincial Offences Act
R.S.O., 1990, Chap.P.33*

**THE MUNICIPALITY OF SOUTHWEST MIDDLESEX
SCHEDULE "A" OF BY-LAW 6/2004
PART II PROVINCIAL OFFENCES ACT**

ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
	Short Form Wording	Provision Creating or Defining Offence	Early Voluntary Payment Within 7 days	Set Fines
1	Stop or park vehicle on/over sidewalk/cross walk/boulevard	3.1.i.)	\$15.00	\$20.00
2	Stop or park vehicle in front of or within 2 metre of a laneway	3.1.ii.)	\$15.00	\$20.00
3	Stop or park more than 0.3 metres from curb	3.1.iii.)	\$15.00	\$20.00
4	Stop or park adjacent to parked car on highway	3.1.iv.)	\$15.00	\$20.00
5	Stop or park vehicle on left side of highway when prohibited	3.1.v.)	\$15.00	\$20.00
6	Stop or park obstructing traffic	3.1.vi.)	\$15.00	\$20.00
7	Stop or park on bridge or approach of a bridge	3.1.vii.)	\$15.00	\$20.00

PARKING BYLAW
Revision February 3, 2004
Revision June 1, 2004
Revision June 30, 2004

ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
	Short Form Wording	Provision Creating or Defining Offence	Early Voluntary Payment Within 7 days	Set Fines
8	Stop or park within 3 metres of fire hydrant	3.1.viii.)	\$15.00	\$20.00
9	Stop or park within 2 metres of entrance to public building	3.1.ix.)	\$15.00	\$20.00
10	Stop or park within 9 metres of an intersection	3.1.x.)	\$15.00	\$20.00
11	Stop or park within 9 metres of railway crossing	3.1.xi.)	\$15.00	\$20.00
12	Stop or park preventing removal of another vehicle	3.1.xii)	\$15.00	\$20.00
13	Park in signed area where prohibited	3.1.xiii.)	\$15.00	\$20.00
14	Park on municipal land	3.2	\$15.00	\$20.00
15	Park for the purposes of displaying a vehicle for sale	3.3	\$15.00	\$20.00
16	Park on boulevard	3.4	\$15.00	\$20.00
17	Park in area designated for physically disabled persons	4.3	\$300.00	\$300.00
18	Park on street between the hours of 3 a.m. to 6 a.m.	5.1	\$15.00	\$20.00
19	Park on municipal parking lot more than 7 days	10	\$15.00	\$20.00

NOTE: the general penalty provision for the offences listed above is section 11 of By-law 6/2004, a certified copy of which has been filed.



RECEIVED

OCT 20 2004

October 14, 2004

Southwest Middlesex

Ms. Betty Ann MacKinnon, Administrator
Municipality of Southwest Middlesex
153 McKellar St, PO Box 218
Glencoe ON N0L 1M0

Dear Ms. MacKinnon:

**Re: Set Fines - Provincial Offences Act - Part II
By-law Number 6/2004, of the Municipality of Southwest Middlesex**

Enclosed herewith is a copy of an Order, and a copy of a schedule of set fines for the above referenced By-Law, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the original of the Order and the schedule of the set fines to the Ontario Court of Justice in London, together with a certified copy of the By-law.

Yours truly,

A handwritten signature in blue ink, appearing to read "Alex Graham".

Alexander M. Graham
Regional Senior Justice
West Region

Enclosures
/ec

Attached to original
By-law 2004 Book

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART II

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 6/2004, of the Municipality of Southwest **Middlesex**, attached hereto is the set fine including costs, for those offences. This Order is to take effect October 14, 2004.

Dated at London this 14th day of October, 2004.

A handwritten signature in black ink, appearing to read 'A. M. Graham', with a long horizontal flourish extending to the right.

Alexander M. Graham
Regional Senior Justice
West Region

SET FINE

SCHEDULE "A"

BY-LAW 6/2004

PARKING ON MUNICIPAL ROADS

*Recoverable under the
Provincial Offences Act
R.S.O., 1990, Chap.P.33*

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NOTE: the general penalty provision for the offences listed above is section 11 of By-law 6/2004, a certified copy of which has been filed.

Certified a true copy

PARKING BYLAW
Revision February 3, 2004
Revision June 1, 2004
Revision June 30, 2004

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Shela S. McQueen
Deputy **Clerk, Municipality of Southwest Middlesex**

Dated *September 23, 2004*