

# Township of Lucan Biddulph

## BY-LAW NO. 26-2017

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### BEING A BY-LAW TO REGULATE AND CONTROL PARKING WITHIN THE TOWNSHIP OF LUCAN BIDDULPH

WHEREAS the Municipal Act authorizes local municipalities to pass by-laws regulating traffic on highways subject to the provisions of the Highway Traffic Act;

WHEREAS the Highway Traffic Act authorizes municipalities to pass by-laws to provide for placing, regulating and maintaining upon public highways, traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS it is deemed expedient and in the best interests of public safety to regulate and control the parking of vehicles within the Township of Lucan Biddulph;

NOW THEREFORE the Council of The Township of Lucan Biddulph enacts as follows:

#### 1. Title

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

#### 2. Definitions

For the purposes of this By-law, the definitions and interpretation given in this section shall govern:

"Boulevard" means the area between the traveled portion of the highway and limit of the highway right-of-way, but does not include a gravel shoulder.

"Crosswalk" means that portion of a roadway at an intersection or elsewhere clearly marked for pedestrian crossing by signs or by lines or other markings on the surface thereof;

"Curb Line" means where the curb is constructed, the edge of the curb, where no curb is constructed "curb line" shall be construed as meaning the grassed edge of the shoulder portion of the highway;

"Disabled Person Parking Permit" means a Disabled Person Parking Permit issued by the Ministry of Transportation in accordance to the requirements of the Highway Traffic Act, and the regulations made thereunder;

"Disabled Person Parking Zone" means a parking space, identified by a disabled parking control sign, reserved for individuals with disabilities who have obtained a Disabled Person Parking Permit;

"Driveway" or "Lane" means a private passageway for a motor vehicle, having at least one end thereof connected to a road, and providing the principal means of vehicular access to a lot;

"Fire Route" means any private roadway, driveway or lane along which signs are erected identifying the area as a fire route;

"Highway" or "Street" includes a common or public highway, street, avenue, crescent, court, drive, road, parkway, square, place, bridge, viaduct or trestle

designed and intended for, or used by, the general public for the passage of vehicles;

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

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

“Municipality” means The Township of Lucan Biddulph;

“Officer” means:

- (i) any police officer; or
- (ii) any person or the employee or agent of any entity authorized by the Municipality for the purposes of enforcing and carrying out the provisions of this By-law;

“Park” or “Parking” means the halting of a motor vehicle, whether occupied or not, except when halting temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers;

“Roadway” means that portion of a 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 the roadways collectively;

“Shoulder” means that portion of every highway or street which abuts the roadway and which is designed and intended for passage or stopping of motor vehicles;

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

“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 constable or other police officer or of a traffic control sign or signal

“Vehicle” includes any motor vehicle, motor assisted bicycle, trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power;

### **3. Scope**

This By-law shall apply to all lands and highways within the jurisdiction of the Municipality.

### **Parking Standards**

#### **4. Overnight Parking Restrictions**

- (a) No person shall park a vehicle on any highway, or parts thereof under the jurisdiction of the Municipality, from 3:00 am and 6:00 am between dates of November 1<sup>st</sup> to April 30<sup>th</sup>.

- (b) No person shall park a vehicle on any highway, or parts thereof under the jurisdiction of the municipality for more than 72 consecutive hours.
- (c) Any owner or operator of a vehicle found to be contravening any provision of Section 4 (a) or 4 (b) of this By-law is guilty of an offence and such contravention may result in the issuance of a parking infraction notice by an officer in accordance with the amounts as set out in Schedule "A" of this By-law.

#### **5. Method of Parking**

- (a) No person shall park a vehicle except on the right hand side of the street, in the direction the vehicle is required to proceed. The right front and the right rear wheels shall be parallel and not more than 0.3 metres (one foot) from the right hand curb line adjacent to which such vehicle is parked.
- (b) No person shall park a vehicle on private property except on a driveway or lane.
- (c) Any owner or operator of a vehicle found to be contravening any provision of Section 5 (a) or 5 (b) of this By-law is guilty of an offence and such contravention may result in the issuance of a parking infraction notice by an officer in accordance with the amounts as set out in Schedule "A" of this By-law.

#### **6. Parking Prohibited**

- (a) No person shall park a vehicle;
  - (i) at locations where No Parking signs have been erected and are on display;
  - (ii) as to obstruct a sidewalk;
  - (iii) on the boulevard;
  - (iv) in front of a driveway or lane;
  - (v) within an intersection;
  - (vi) within twenty (20) metres of an intersection in areas where signs have been erected and are on display;
  - (vii) in or within twelve (12) metres of a crosswalk;
  - (viii) on any street in a manner which interferes with traffic;
  - (ix) on land owned or occupied by the Municipality, without written consent of the Municipality, for a period longer than 24 hours; or
  - (x) on property owned by the Municipality or Local Board thereof where parking by the public is not authorized.
- (b) Any owner or operator of a vehicle found to be contravening any provision of Section 6 (a) (i) to (x) of this By-law is guilty of an offence and such contravention may result in the issuing of a parking infraction notice by an officer in accordance with the amounts as set out in Schedule "A" of this By-law.

#### **7. Fire Protection**

In order to give access to or egress from buildings, a sign or signs may be erected on public or private property in areas approved by the Municipality, to identify a Fire Route. The Fire Chief of the Municipality may enter onto private lands in order to identify a Fire Route or to evaluate a Fire Route's signage, and may require such route to be marked with an appropriate sign.

- (a) No person shall park a vehicle in any of the following:
  - (i) an area posted as a fire route where an appropriate sign has been erected and is on display;
  - (ii) within three (3) metres of a fire hydrant or, where the hydrant is set back from the edge of the highway or street, within three (3)

metres of the point at which the prolongation of the centre line of the hydrant at right angles to the edge of the highway or street would intersect such edge; or

- (iii) within eight (8) metres of the location of a fire station lane on that side of the street on which such fire station is located, nor on the opposite side of the said street within eight (8) metres of a point opposite the centre of the lane of such fire station where signs have been erected.
- (b) No person shall fail to display signs identifying a Fire Route if directed to do so by the Fire Chief of the Municipality.
- (c) Any owner or operator of a vehicle found to be contravening any provision of Section 7 (a) (i) to (iii) of this By-law is guilty of an offence and such contravention may result in the issuance of a parking infraction notice by an officer in accordance with the amounts as set out in Schedule "A" of this By-law.

#### **8. Disabled Person Parking**

- (a) No person shall park a vehicle in a parking space where an appropriate sign has been erected and is on display identifying such space as a Disabled Person Parking Zone unless the vehicle properly displays a valid Disabled Person Parking Permit.
- (b) Where, in a public parking lot or facility, one or more parking spaces are intended for the sole use of the vehicle of a disabled person, the owner or operator of the public parking lot or facility shall identify each such parking space by erecting one or more disabled parking permit signs in such a manner that the sign or signs shall be clearly visible to the operator of any vehicle approaching or entering such parking space
- (c) Where the requirements of Section 8(b) are complied with, each such parking space is, for the purposes of this By-law, a Disabled Person Parking Zone.
- (d) No person shall misuse a Disabled Person Parking Permit.
- (e) Any owner or operator of a vehicle found to be contravening any provision of Section 8 (a) or (d) of this By-law is guilty of an offence and such contravention may result in the issuance of a parking infraction notice by an officer in accordance with the amounts as set out in Schedule "A" of this By-law.

#### **9. Exemption for Emergency Vehicles**

This By-law shall not apply to ambulances, police and fire department motor vehicles, public utility motor vehicles and motor vehicles actually engaged in emergency works undertaken for the Municipality if compliance herewith would seriously interfere with the function which the motor vehicle is performing.

#### **10. Stopping Prohibited**

- (a) No person shall stop a vehicle at locations where No Stopping signs have been erected and are on display.
- (b) Subsection 10 (a) does not apply to a school vehicle engaged in the transportation of persons when such vehicle is stopped to discharge or pick up passengers.
- (c) Any owner or operator of a vehicle found to be contravening any provision of Section 10 (a) of this By-law is guilty of an offence and such



contravention may result in the issuance of a parking infraction notice by an officer in accordance with the amounts as set out in Schedule "A" of this By-law.

## **Administration**

### **11. Parking Infraction Notice**

- (a) Where a vehicle is found parked in contravention of the provisions of this By-law, an Officer so finding the vehicle may complete and place upon or attach to the vehicle a Parking Infraction Notice, in the form set out in Schedule B, stating:
- i) the licence number of the vehicle and the month of the validation sticker;
  - ii) a description of the offence;
  - iii) the date, time and location of the alleged offence;
  - iv) the signature of the issuing officer;
  - v) the set fine for the alleged offence;
  - vi) that the owner or driver thereof may make a voluntary early payment in the amount and manner set forth in Section 14 (b) or pay the set fine as indicated on the Parking Infraction Notice prior to the 15<sup>th</sup> day as set out in the Provincial Offences Act, Part II; and
  - vii) that in the event of failure to make such payment, a conviction may be registered under the Provincial Offences Act, Part II.
- (d) The Officer shall attach one copy of the Parking Infraction Notice to the vehicle and deliver one copy to the Treasurer of the Municipality.

#### **11.1 Revoking of Parking Infraction Notice**

At the discretion of the By-law Enforcement Officer and his or her supervisor, a Parking Infraction Notice may be revoked due to an emergency or any unusual or unforeseen circumstance.

### **12. Removal and Impounding of Vehicles**

Where a vehicle is found parked or left in contravention of any provision of this By-law, the Municipality may make arrangements for the removal of such vehicle at the expense of the vehicles owner.

### **13. Enforcement**

The provisions of this By-law are to be enforced by an Officer

### **14. Penalties**

- (a) Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, and in Schedule "A", Set Fine.
- (b) A person served with a Parking Infraction Notice may report to the office of the Treasurer of the Municipality to make a voluntary early payment as indicated on the notice. Such payment must be received by the Treasurer within fourteen (14) days of the date on which the notice was issued, inclusive of Saturdays, Sundays and holidays.

### **14. Headings not part of this By-law**

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

**15. Provincial Offences Act, Parts I and II to Govern**

The provisions of this By-law shall be subject to the provisions of Parts I and II of the Provincial Offences Act.

**16. Conflict with Highway Traffic Act**

In the event of conflict between the provisions of this By-law and the Highway Traffic Act, the provisions of such Act shall prevail.

**17. Severability**

Every provision of this By-law is declared to be severable from the remainder of the By-law and if a court of competent jurisdiction shall declare any provision of this By-law invalid, such declaration shall not affect the validity of the remainder thereof.

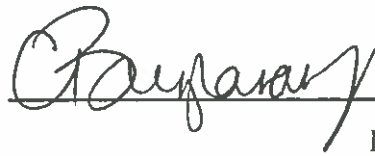
**18. Legislation**

Any Act or Regulation referred to in this By-law shall include any amendments or revisions made thereto or any subsequent Act or Regulation enacted in place thereof.

**19. Force and Effect of By-law**

This By-law shall come into force and take effect on the third and final reading thereof.

READ a FIRST, SECOND AND THIRD TIME and FINALLY PASSED on this 1st day of May, 2017.

  
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Mayor

  
\_\_\_\_\_  
Clerk

**TOWNSHIP OF LUCAN BIDDULPH  
SCHEDULE "A" TO BY-LAW 26-2017: PARKING  
PART II PROVINCIAL OFFENCES ACT**

Item	Column 1 Short form wording	Column 2 Provision creating or defining offence	Column 3 Voluntary Payment Payable within 14 days	Column 4 Set Fine
1	Parked on highway overnight	4. (a)	\$20.00	\$30.00
2	Parked more than 72 hours	4. (b)	\$20.00	\$30.00
3	Parked against traffic	5. (a)	\$20.00	\$30.00
4	Parked too far from curb	5. (a)	\$20.00	\$30.00
5	Fail to park on driveway or lane	5. (b)	\$20.00	\$30.00
6	Parked in prohibited area	6. (a) (i)	\$20.00	\$30.00
7	Parked obstructing sidewalk	6. (a) (ii)	\$20.00	\$30.00
8	Parked on boulevard	6. (a) (iii)	\$20.00	\$30.00
9	Parked obstructing driveway	6. (a) (iv)	\$20.00	\$30.00
10	Parked within intersection	6. (a) (v)	\$20.00	\$30.00
11	Parked in prohibited area	6. (a) (vi)	\$20.00	\$30.00
12	Parked too close to crosswalk	6. (a) (vii)	\$20.00	\$30.00
13	Park so as to interfere with traffic	6. (a) (viii)	\$35.00	\$50.00
14	Parked on municipal property without permission	6. (a) (ix)	\$20.00	\$30.00
15	Parked in unauthorized area	6. (a) (x)	\$20.00	\$30.00
16	Parked in fire route	7. (a) (i)	\$35.00	\$50.00
17	Parked too close to hydrant	7. (a) (ii)	\$35.00	\$50.00
18	Parked too close to fire hall	7. (a) (iii)	\$35.00	\$50.00
19	Parked in disabled person parking zone without valid permit	8. (a)	n/a	\$300.00
20	Misuse of disabled person parking permit	8. (d)	n/a	\$300.00
21	Stopped in prohibited area	10. (a)	\$20.00	\$30.00

THE PENALTY PROVISION FOR THE OFFENCES CITED ABOVE IS SECTION 14 OF BY-LAW NUMBER 26-2017, A CERTIFIED COPY OF WHICH HAS BEEN FILED.

**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. 26-2017, of the Township of Lucan Biddulph, attached hereto are the set fines for those offences. This Order is to take effect July 26, 2017.

Dated at London this 26<sup>th</sup> day of July, 2017.



Stephen J. Fuerth  
Regional Senior Justice  
West Region



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19	Parked in disabled person parking zone without valid permit	8. (a)	n/a	\$300.00
20	Park - misuse of disabled person parking permit	8. (d)	n/a	\$300.00
21	Stopped in prohibited area	10. (a)	\$20.00	\$30.00

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