

THE CORPORATION OF THE TOWNSHIP OF GREATER MADAWASKA

BY-LAW 44-2020

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Being a By-Law to regulate and control traffic and the parking of vehicles  
in The Township of Greater Madawaska

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BEING a Consolidated By-law to regulate and control traffic and the parking of vehicles in the Township of Greater Madawaska.

And whereas the County of Renfrew by By-law 63-20 authorizes a lower tier municipality to enforce the provisions of By-law 9-20.

NOW THEREFORE the Council of the Corporation of the Township of Greater Madawaska enacts as follows:

### Interpretation

Unless specifically modified or changed herein, words or expressions used in this by-law have the same meaning as given or used in the *Highway Traffic Act*, Chapter H.8, R.S.O. 1990, as amended.

#### 1. Title

This By-Law shall be known and may be cited as “The Parking By-Law”

#### 2. Definitions

For the purpose of this by-law, the following definitions shall apply:

**By-law Enforcement Officer** means a person so appointed by the Municipality under the *Police Services Act*.

**Corner** means the point of intersection of curbs or edges of the portion of the highway for vehicular traffic.

**Curb** shall include the edge of the travelled portion of the highway.

**Designated Parking Space** means a parking space designated under this by-law for the exclusive use of a vehicle displaying a permit in accordance with the requirements of the *Highway Traffic Act* and the regulations made there under and this By-law as amended.

**Public Works Manager** means a person so appointed by the Municipality.

**Driveway** means improved land on a highway which provides vehicular access between a highway to a laneway or a parking area on adjacent land.

**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.

**Highway Direction** means the direction that a highway is deemed to run for the purposes of this by-law and is not necessarily the direction the highway runs in its entire length.

**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 which join one another at an angle, whether or not one highway crosses the other.

**Laneway** means improved land adjacent to the highway that provides access between a highway and a parking area or other destination.

**Municipality** means The Corporation of the Township of Greater Madawaska.

**Obstruct Traffic** means to park a vehicle in a manner that obstructs the orderly flow and safe passage of traffic moving on a highway in any direction.

**Park or Parking** means the halting 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.

**Parking Lot (Public or Private)** means any open area or portion of a structure, other than a street or highway intended for the temporary parking of vehicles whether its use involves the payment of a fee or otherwise.

**Parking Space** means a part of the highway, the use of which is designated by signs or posts or lines or other markings on the highway or any other area used for the purpose of parking a vehicle.

**Permit** means an Accessible Parking Permit issued under the *Highway Traffic Act*; a permit, number plate or other marker or device issued by another jurisdiction and recognized under that Act; or a short-term parking permit issued by the Township of Greater Madawaska during extenuating circumstances.

**Persons with Disabilities** means a person who has applied for and has met the requirements and has been issued an accessible parking permit in accordance with the *Highway Traffic Act*, Chap H.8 R.S.O. 1990 as amended.

**Police Officer, Constable, Special Constable** means a person so appointed by the Ontario Provincial Police.

**Sidewalk** means that portion of a highway between the curb lines and the property line of the lot abutting the highway and which is intended for the use of pedestrians.

**Sign** means any sign or marking on a highway, curb or sidewalk or other device placed or erected under the authority of the By-law for the purpose of regulating, warning or guiding traffic and parking; or for the purpose of the removal of snow.

**Stand or Standing** 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** means the halting of a vehicle, even momentarily, 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.

**Township of Greater Madawaska** means The Corporation of the Township of Greater Madawaska.

**Unsigned Highway** means a highway or portion of highway with no posted signs restricting or not permitting the parking of vehicles.

**Vehicle** includes an automobile, truck, motorcycle, motorized snow vehicle, bus, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind or power, including muscular power, but does not include vehicles running only upon rails.

### 3. Time

Notwithstanding the *Time Act*, Chapter T. 9, R.S.O. 1990 as amended, so long as the time commonly observed in the municipality is one hour in advance of Standard Time, the times mentioned in this by-law shall be reckoned in accordance with the time so commonly observed and not Standard Time.

### 4. Schedules and Severability

- (1) The Schedules A and B attached to this by-law shall be read with and form part of this by-law. All measurements contained in the attached schedules are referenced from the nearest intersecting highway limit unless otherwise specified therein.
- (2) Should any part, section, subsection or portion of this by-law be repealed or declared by a court of competent jurisdiction to be illegal, the same shall not affect the validity of the by-law as a whole or in part thereof, except for that which was declared to be invalid.

## Parking

### 5. Method of Parking

#### (1) Direction

No person shall park a vehicle on any highway, other than a one-way street, unless on the right-hand side of the street, having regard for the direction in which the vehicle had been proceeding. The nearest front and rear wheels of the parked vehicle shall be parallel to and not less than 30 cm (1 foot) from the edge of the highway. Notwithstanding, the distance between the wheels and the highway edge shall not apply where angle parking is specifically authorized by this by-law.

#### (2) Within Parking Space

Individual parking spaces may be defined by the Township of Greater Madawaska by painted lines or other suitable marks on the surface of the parking lot or highway. Where such parking spaces are so defined, it shall be unlawful to park a vehicle other than within the confines of the parking spaces so defined.

### 6. Parking and Stopping Prohibited at Any Time

No person shall park or stop, or cause to be parked or stopped any vehicle in any of the following places at any time of the day unless such stopping is explicitly permitted by painted lines on the pavement, signs or other municipal markings or at the direction of a Police Officer:

- a) On any sidewalk;
- b) In any intersection;
- c) In a turning basin;
- d) In front of a public driveway;
- e) Within 9 metres of any intersection;
- f) On any bridge;
- g) On any highway in such a manner as to obstruct traffic;
- h) In such a position as to prevent the convenient departure of any other vehicle previously parked or standing;
- i) In front of the entrance to a fire station;
- j) On any Yield Lane or within 5 metres of any Yield Lane;
- k) On any curb;
- l) Adjacent to any median strip constructed on the highway;
- m) In front of a private driveway;
- n) Within 0.5 metres of a public driveway;
- o) Within 0.5 metres of a private driveway;
- p) Within 15 metres of a controlled intersection;
- q) On the approaches to any bridge;
- r) In front of an entrance to a building where large assemblies are being held for a reasonable time immediately before and following such assemblages.

### 7. Designated "No Parking" Areas

- (1) Those highways and portions of highways named and described in **Schedule A** hereto attached shall be designated "No Parking" areas.
- (2) Where signs to that effect are on display, no person shall park a vehicle at any time within the highway or portion of highway named or described in **Schedule A** as "No Parking" areas.
- (3) In the event of a conflict between a provision in the By-law made under this section and a provision of any other section, the provision that is the most restrictive of parking prevails.

## **8. Restricted Parking**

- (1) Those highways or portions of highways named and described in **Schedule B** hereto attached shall be designated as "**Restricted Parking**" areas.
- (2) Where authorized signs to that effect are on display, no person shall park a vehicle within the highway or portion of highway named or described in Schedule B for a period longer than specified, during the time period for which such parking restrictions are in effect as indicated on the said Schedule.
- (3) No person shall park on any highway, a heavy vehicle, in excess of 5,000 kg vehicle weight, for a period longer than two hours.
- (4) No person shall park on any unsigned highway for a period longer than 24 hours.
- (5) In the event of a conflict between a provision in the by-law made under this section and a provision of any other section, the provision that is the most restrictive of parking prevails.

## **9. Parking on Municipal or Privately Owned Lands**

- (1) No person shall park or leave any vehicle on municipally or privately owned or controlled property without the written consent of the Township of Greater Madawaska or the property owner.
- (2) Vehicles parked on municipally or privately owned lands, in accordance with the provisions of this section shall be deemed to be parked with the consent of the Township of Greater Madawaska or property owner.
- (3) Where signs have been erected and are on display, no person shall park or leave any vehicle in the off-street parking lots or vacant lands adjacent to and associated with municipal facilities unless such person is an employee or elected official of the Township of Greater Madawaska engaged in municipal business or such person is, at the time the vehicle is parked or left, actively participating in the activities currently being provided in or on the municipal property or engaged by such patron to provide transportation.
- (4) Notwithstanding Section 12(3), signs may be posted by the Township of Greater Madawaska defining certain parking spaces within the lands associated with the facilities as being reserved for use by certain classes of vehicles and such use shall be clearly marked on the sign. No person shall park any vehicle other than the class of vehicles marked on the sign, in any parking space so reserved.
- (5) Vehicles parked on municipally or privately owned or controlled lands, contrary to the provisions of this section shall be deemed to be parked without the consent of the Township of Greater Madawaska or the property owner or occupier unless and until written consent is otherwise provided by the CAO or Clerk of the municipality, property owner or occupier.
- (6) No person shall operate or permit the operation of motor vehicles, motorized snow vehicles and other conveyances of every description and whatever the motive power, in a public park. This section shall not apply to any area within a public park that is designed and designated as a highway or parking area for vehicular traffic.

## **10. Municipal Parking Lots**

- (1) No person shall park a vehicle or permit a vehicle to remain parked in such a manner that it is not wholly within the area designated as a parking space unless the vehicle is of such length as to render it impossible to park it in one parking space. In this case, the adjoining parking space may, be used but in no case shall any person park a vehicle or permit a vehicle to remain parked in

such a manner as to obstruct the parking lot entrance, exit or highway that is laid out for the movement of vehicles through the parking lot.

- (2) The CAO or designate shall be authorized to impose temporary parking regulations on a municipal parking lot owned or occupied by the Township of Greater Madawaska during an emergency, a construction, repair or maintenance project, a special event or in other special circumstances. Signs will be erected stating the length of time of the closure.

#### **11. Winter Parking Restrictions**

- (1) No person shall park, or stand a vehicle or permit a vehicle to remain parked at any time on any municipal road, street, parking lot or snowplow turnaround from December 1 in any year to March 31 of the following year, both dates inclusive.
- (2) No person shall park or stand a vehicle or permit a vehicle to remain parked on any highway at any time when the highway is specially marked with signs indicating snow removal or when such person has received verbal or written notice from a representative of the Township of Greater Madawaska indicating the prohibition of parking.
- (3) This section shall be enforced by the By-law Enforcement Officer and/or the Public Works Manager or his/her designate by issuing Parking Tickets as defined in Short Form Wording and Set Fines.

#### **12. Municipal Vehicles Exemption**

Any vehicle owned by the Township of Greater Madawaska and any authorized emergency vehicle shall be permitted to park in any parking space, provided always that said vehicle displays on the exterior of the vehicle, a recognized symbol of the Township of Greater Madawaska or wording displaying the ownership of the vehicle and is being used in the performance of municipal duties. This exemption also includes the personal vehicles of volunteer firefighters when on duty.

#### **13. Emergency Prohibition**

- (1) Notwithstanding anything to the contrary contained, herein, a Police Officer, CAO or designate, during any emergency or special circumstance may:
  - a) prohibit any or all parking on a highway within the area affected by the emergency or special circumstances;
  - b) authorize the erection of temporary "No Parking" signs or barricades on any highway or portion of highway; or
  - c) declare that any vehicle already parked is parked illegally regardless of the time permitted for parking such vehicle under the provisions of this by-law.
- (2) Where possible, the owner or driver of a vehicle declared to be illegally parked shall be notified by a Police Officer or By-law Enforcement Officer that such parking has been prohibited and shall be ordered to remove the vehicle within a time specified.
- (3) Where the owner or driver notified under section 13(2) to remove the vehicle does not do so, or where the owner or driver cannot immediately be located, the said vehicle declared to be parked illegally may be revoked and impounded forthwith by an order of a Police Officer or By-law Enforcement Officer in accordance with Section 20 of this by-law "Removal of Illegally Parked Vehicles". Where in the opinion of the Officer, the vehicle owner has not voluntarily contravened the order, the costs associated with the towing and impounding will be borne by the Township.

#### **14. Designated Parking Spaces for Persons with Disabilities**

- (1) No person shall park a vehicle in a designated "Parking Space for Persons with Disabilities" when a properly marked sign is displayed unless a valid accessible parking permit is displayed on the front dash of the vehicle or the front of an extended sun visor so as to be clearly visible from the exterior of the vehicle.

- (2) The vehicle is operated by the holder of an accessible parking permit or by a person engaged to pick up or transport the holder of an accessible parking permit.
- (3) No person shall use or display an accessible parking permit in any fashion other than for which the permit was issued.

## **15. Authorized Signs and Parking Control Devices**

- (1) The Township of Greater Madawaska shall erect all authorized signs and other parking control devices necessary for the lawful implementation and enforcement of this by-law.
- (2) No person shall place, maintain or display upon or in the view of any highway, any sign, signal, marking or device which purports to be or is an imitation or resembles any authorized sign or parking control device.
- (3) No person shall damage, deface or tamper with any authorized sign or other parking control device and no unauthorized person shall move, or remove the same.

## **Traffic**

### **16. Obey Signals**

Every person shall promptly obey all signals given either by a Police Officer or a Bylaw Enforcement Officer or a traffic control device or a traffic signal.

### **17. Temporary Changes**

Absolute control of street traffic is vested in the Ontario Provincial Police (OPP). The OPP of the Township of Greater Madawaska shall have the power to make temporary changes in the traffic regulations as may be necessary from time to time, in order to provide for emergency and other special occasions. Such temporary changes shall be effective for a period not exceeding ten (10) days unless validated by a by-law of the Council of the Township of Greater Madawaska.

## **Offences & Penalties**

### **18. Parking Infraction Notice**

- (1) Where a vehicle is found to be in contravention of the parking or stopping provisions of this by-law, the Issuing Officer may issue and place on the vehicle, a serially numbered Parking Infraction Notice, in the form prescribed by the Provincial Offences Act.
- (2) The serially numbered Parking Infraction Notice shall state:
  - a) The licence number of the vehicle;
  - b) The nature of the alleged infraction;
  - c) The date, time and place of the alleged infraction;
  - d) The set fine provided therein for the violation and
  - e) A statement that the owner shall within fifteen (15) days' pay the set fine provided for the infraction by taking it or mailing it to the Township of Greater Madawaska Municipal Office.
- (3) The Parking Infraction Notice mentioned in Section 18(2) above, shall be prepared as required and the Issuing Officer shall attach one copy to the vehicle and retain the other copy for further processing in accordance with the *Provincial Offences Act*, Chapter P.33, R.S.O. 1990, as amended.
- (4) If payment is not made in accordance with the procedure set out on the Parking Infraction Notice provided for in Section 18(2) e. above, the Provincial Offences Act shall apply.

### **19. Penalties**

- (1) Any person violating any of the provisions of this by-law is guilty of an offence and on conviction shall be liable to a penalty pursuant to the Provincial Offences Act, Chapter P.33, R.S.O. 1990 as amended.

- (2) The driver of a vehicle, not being the owner, is liable to any penalty provided under this by-law.
- (3) The owner of the vehicle may be charged with and convicted of an offence under this by-law for which the driver of the vehicle is subject to be charged unless, at the time of the offence, the vehicle was in the possession of some person other than the owner without the owner's consent and on conviction the owner is liable to the penalty prescribed or provided for the offence.
- (4) Set fines may be established for certain offences contained in this by-law. Such set fines shall be established pursuant to the Provincial Offences Act and shall become effective upon the approval of same by the Chief Judge of the Provincial Offences Court.

## **20. Removal of Illegally Parked Vehicle**

- (1) A police officer, by-law enforcement officer or an officer appointed for carrying out the provisions of the Highway Traffic Act, upon discovery of any vehicle parked or left in contravention of this by-law, may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, caring and storage thereof, if any, are a lien upon the vehicle which may be enforced in the manner provided by Part III of the Repair and Storage Liens Act, Chapter R.25, R.S.O. 1990 as amended.
- (2) The provisions of this section also apply to The Public Works Manager or his/her designate for purposes of enforcing Section 11 Winter Parking Restrictions.
- (3) The Township of Greater Madawaska will not be liable for damages that may occur to vehicles being moved under the provisions of Section 20(1).

## **21. Enforcement And Authority**

- (1) The provisions of this by-law shall be enforced by By-law Enforcement Officers and Police Officers appointed by the Township.
- (2) The provisions of Section 11 of this by-law shall be enforced by the Public Works Manager or his/her designate.

## **Application & Administration**

### **22. Repeal Section**

BE IT FURTHER ENACTED, that all By-laws, or parts thereof, and all or any Resolutions Council contrary thereto, or inconsistent herewith, be and the same are hereby repealed.

### **23. Effective Date**

The provisions of this by-law shall come into force and take effect on the day of its passing.

**READ** a first and second time this 25th of June, 2020

**READ** a third time and passed this 25th of June, 2020

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Brian Hunt  
Mayor

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Allison Holtzhauer  
CAO Clerk/Treasurer



**SCHEDULE 'A'**  
**BY-LAW 44-2020**

<b>No Parking</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>		<b>Column 4</b>
<b>Highway</b>	<b>Side(s)</b>	<b>From</b>	<b>To</b>	<b>Period</b>
County Road 508 Calabogie Road	South side	1000 metres east of Eagle's Nest Lookout Trail	1000 metres west of Eagle's Nest Lookout Trail	At all times
County Road 511 Lanark Road	East and West Side	Intersection of Mill Street	Intersection of Madawaska Street	At all times

**Schedule B**  
**Restricted Parking**

<b>Column 1 Highway</b>	<b>Column Side(s)</b>	<b>Column 3</b>		<b>Column 4 Period</b>	<b>Column 5 Period of Time</b>
		<b>From</b>	<b>To</b>		

TOWNSHIP OF GREATER MADAWASKA  
PART II PROVINCIAL OFFENCES ACT

**Parking By-law 44-2020**

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Voluntary Payment Payable within 7 days	COLUMN 4 Set Fine
1.	Park facing wrong direction	Section 5 (1)	\$30.00	\$50.00
2.	Park outside defined space	Section 5 (2)	\$30.00	\$50.00
3.	Park on a sidewalk	Section 6 (a)	\$30.00	\$50.00
4.	Park in an intersection	Section 6 (b)	\$30.00	\$50.00
5.	Park in a turning basin	Section 6 (c)	\$30.00	\$50.00
6.	Park in front of a public driveway	Section 6 (d)	\$30.00	\$50.00
7.	Park within 9 metres of an intersection	Section 6 (e)	\$30.00	\$50.00
8.	Park on a bridge	Section 6 (f)	\$30.00	\$50.00
9.	Park in a manner that obstructs traffic	Section 6 (g)	\$30.00	\$50.00
10.	Park in a manner to prevent the convenient departure of other vehicle	Section 6 (h)	\$30.00	\$50.00
11.	Park in front of the entrance to a fire station	Section 6 (i)	\$30.00	\$50.00
12.	Park in a yield lane or within 5 metres of a yield lane	Section 6 (j)	\$30.00	\$50.00
13.	Park on a curb	Section 6 (k)	\$30.00	\$50.00
16.	Park adjacent to any median strip on the highway	Section 6 (l)	\$30.00	\$50.00
17.	Park in front of a private driveway	Section 6 (m)	\$30.00	\$50.00
18.	Park within .5 metres of a public driveway	Section 6 (n)	\$30.00	\$50.00
19.	Park within .5 metres of a private driveway	Section 6 (o)	\$30.00	\$50.00
20.	Park within 15 metres of a controlled intersection	Section 6 (p)	\$30.00	\$50.00
21.	Park on the approach to a bridge	Section 6 (q)	\$30.00	\$50.00
22.	Park in front of an entrance to a building where large assemblies are being held	Section 6 (r)	\$30.00	\$50.00
23.	Park in a designated No Parking area	Section 7 (2)	\$30.00	\$50.00
24.	Park a heavy vehicle in excess of 5,000 kg for more than 2 hours	Section 8 (3)	\$30.00	\$50.00
25.	Park on any unsigned highway for longer than 24 hours.	Section 8 (4)	\$30.00	\$50.00
26.	Park on municipally-owned property without consent	Section 9 (1)	\$30.00	\$50.00
27.	Park on private property without consent	Section 9 (1)	\$30.00	\$50.00
28.	Park in Reserved space	Section 9 (4)	\$30.00	\$50.00
29.	Fail to park within defined space-Municipal Lot	Section 10 (1)	\$50.00	\$75.00
30.	Park a vehicle at any time from December 1 to March 31	Section 11 (1)	\$30.00	\$50.00
31.	Park on a highway specially marked with snow removal signs	Section 11 (2)	\$30.00	\$50.00
32.	Park a vehicle in a designated Parking Space for Disabled Persons – No Permit	Section 14 (1)	N/A	\$300.00
33.	Park a vehicle in a designated Parking Space for Disabled Persons – No Permit Visible	Section 14 (1)	\$50.00	\$75.00

**NOTE**

The penalty provision for the offences indicated above is Section 19 (1) of By-law **44-2020**, a certified copy of which has been filed.