

APPENDIX "A"

THE CORPORATION OF THE COUNTY OF MIDDLESEX

BY-LAW #6208

PARKING BY-LAW

A By-law to Regulate Parking on County Roads.

The Council of The Corporation of the County of Middlesex enacts as follows:

Definitions

1. In this By-law, unless a contrary intention appears,

"boulevard" means that portion of every road allowance within the limits of the County of Middlesex which is not used as a sidewalk, driveway access, traveled roadway or shoulder;

"bus" means a motor vehicle designed for carrying ten or more passengers and used for the transportation of persons;

"By-law Enforcement Officer" means a person duly appointed by the Corporation for enforcing the provisions of this By-law.

"Corporation" means The Corporation of the County of Middlesex;

"Council" means the Municipal Council of The Corporation of the County of Middlesex;

"crosswalk" means

- (i) 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
- (ii) 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 thereof;

"designated parking space" means a parking space designated under section 6 of this By-law for the sole use of vehicles of a disabled person;

"disabled person" means an individual who is unable to walk unassisted for more than 200 metres without great difficulty or danger to his or her health or safety;

"identifying marker" means an identifying marker issued by the Ministry of Transportation to a disabled person for the purpose of allowing such disabled person or a person transporting such disabled person to park in a parking area specifically designated for disabled persons;

"municipality" means the municipality of The Corporation of the County of Middlesex;

"owner" means the registered owner of a motor vehicle according to the records of the Province of Ontario's Ministry of Transportation, or other ministry having jurisdiction for the vehicle's licensing registration;

"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;

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"parking space" means a portion of the surface of the roadway designated by suitable markings;

"person" includes any person, firm, partnership, association, corporation, company or organization of any kind;

"road allowance" means all allowances for roads, except in so far as they have been stopped up according to law, made by the Crown surveyors, all highways laid out or established under the authority of any statute, all roads on which public money has been expended for opening them or on which statute labour has been usually performed, all roads dedicated by the owner of the land to public use, and all alterations and deviations of and all bridges over any such allowance for highway or street;

"roadway" means the part 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 of the roadways collectively;

"school bus" means a chrome yellow bus that is used for the transportation of: children; or mentally or physically disabled people to or from a training centre, that bears on the front and rear thereof the words "school bus" and on the rear thereof the words "Do not pass when signals flashing";

"school vehicle" means a vehicle that is used for the transportation of:

- i) persons to or from school, or
 - ii) mentally or physically disabled people to or from a training centre
- and shall only include the following:
- i) a school bus
 - ii) a bus and
 - iii) a vehicle that is designed to carry less than ten passengers and is used for the transportation of persons and which is identified by public vehicle plates and/or school safety stickers;

"shoulder" means that portion of every street which abuts the roadway and which is designed and intended for passage or stopping of motor vehicles but which extends no more than 5 metres in width from the limit of the roadway;

"sidewalk" means any municipal 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;

"street" or "highway" includes a common and public highway, street, avenue, parkway, driveway access, 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;

"time" means, where any expression of time occurs or where any hour or other period of time is stated, standard time or daylight saving time, whichever is in effect in the municipality pursuant to the *Time Act*;

"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, cars of electric or steam railways running only upon rails;

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General Stopping – Parking Regulations

2. (a) Where signs have been erected and are on display, no person shall park a vehicle on the highways or parts of highways as designated by the signs.
- (b) Where signs have been erected and are on display, no person shall park a vehicle overnight on the highways or parts of highways between the hours of 2:00 a.m. and 7:00 a.m. local time on any day from and including the 1st day of December to the 31st day of March in any winter season.
- (c) Where signs have been erected and are on display, no person shall park a vehicle overnight 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.
- (d) Where signs have been erected and are on display, no person shall park a vehicle overnight between the hours of 2:00 a.m. and 7:00 a.m. local time on the highways or parts of highways as designated by the signs.
- (e) Where signs have been erected and are on display, no person shall park a vehicle so as to obstruct a school bus loading zone.

No Parking In Unposted Locations

3. No person shall park a vehicle in any of the following places during the specified times:
 - a) in such a manner so that any part of the vehicle is situated upon or over a sidewalk at any time of the day or night;
 - b) between a sidewalk and the adjacent roadway at any time of the day or night;
 - c) on any boulevard at any time of the day or night;
 - d) on a roadway or shoulder in front of a public or private driveway access or lane at any time of the day or night;
 - e) within an intersection at any time of the day or night;
 - f) within 2 metres of a fire hydrant or where the hydrant is set back from the edge of the roadway, within 2 metres of the point at which the prolongation of the centre line of the hydrant at right angles to the edge of the roadway intersects such edge at any time of the day or night;
 - g) on a crosswalk at any time of the day or night;
 - h) within 6 metres of the nearest crosswalk at an intersection at any time of the day or night;
 - i) on any street in a manner which obstructs traffic at any time of the day or night;
 - j) in a position which will prevent the convenient removal of any other vehicle previously parked at any time of the day or night;
 - k) on any roadway or shoulder between 3:00 am and 5:00 am;
 - l) within 30 metres of any intersection controlled by traffic signals at any time of the day or night;
 - m) in a position that obstructs a sidewalk at any time of the day or night;
 - n) in a position that obstructs a private or public roadway, driveway or entrance at any time of the day or night;
 - o) in a position that interferes with the clearing of snow from any highway at any time of the day or night;

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- p) in a position that is not on the right hand side of the highway at any time of the day or night; or
- q) in a position that is not parallel to and not less than thirty (30) centimetres from the curb or edge of the roadway at any time of the day or night.

No Parking In Posted Locations

- 4. No person shall park a vehicle or any part of a vehicle in the following locations when appropriate signs have been erected and are on display, which signs are hereby authorized:
 - a) in front of the entrance to an office building;
 - b) in front of the entrance to a hospital;
 - c) within 20 metres of any intersection;
 - d) within 8 metres of the location of a fire hall and the premises used in connection therewith on that side of the street on which such fire hall is located, or on the opposite side of the street within 8 metres of a point opposite the centre exit of such fire hall;
 - e) upon that side of the street and immediately adjacent to any school property;
 - f) within 30 metres of any intersection controlled by traffic signals; or
 - g) within 30 metres of any railway level crossing.

Use of Sidewalk

- 5. No person shall use any sidewalk for any purpose other than pedestrian traffic, except as specifically permitted by this or any other By-law.

Parking Space for Disabled Persons

- 6. Notwithstanding the provisions of this or any other By-law, no person shall park, stand, stop or leave a motor vehicle in any parking space designated for a disabled person except a motor vehicle,
 - a) that is operated by or carries a disabled person, and
 - b) that is identified by a current original identifying marker; and
 - c) that is parked entirely within a designated parking space.

Display of Permit

- 7. An identifying marker shall be displayed on,
 - a) the 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) the 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.

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Prohibitions Regarding Permits

8. No person shall,
 - a) deface or alter any current original identifying marker furnished by the Ministry of Transportation;
 - b) use or permit the use of a defaced or altered current original identifying marker furnished by the Ministry of Transportation except the disabled person to whom the current original identifying marker is furnished or a person transporting such disabled person;
 - c) use or permit the use of a current original identifying marker furnished by the Ministry of Transportation except the disabled person to whom the current original identifying marker is furnished or a person transporting such disabled person; or
 - d) without the authority of the person to whom a current original identifying marker has been issued, remove a current original identifying marker furnished by the Ministry of Transportation from a motor vehicle.

Owner Liability

9. 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 or she was not the driver of the 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 this 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.

Parking Infraction Notice

10. 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 the vehicle may complete and place upon or attach to the vehicle a parking infraction notice in the form of a serially numbered notice stating:
 - a) the licence number of the 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 11 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, R.S.O. 1990, c. P. 33; and
 - g) that in the event of failure to make such payment, a conviction may be registered under the Provincial Offences Act, Part II, R.S.O. 1990, c. P. 33.

The officer shall attach one copy of the parking infraction notice to the vehicle and deliver one copy to the Clerk of the local lower-tier Municipality in which the infraction occurred.

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General Penalty

11. (1) Except where otherwise expressly provided by this By-law or the *Highway Traffic Act*, every person who
- (a) contravenes any provision of this By-law; or
 - (b) is the owner of a vehicle that is parked in contravention of any provision of this By-law,
- is guilty of an offence and on conviction is liable to any penalty as provided in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33 and the Set Fine Schedule attached as Schedule "A" to this By-Law.
- (2) Any person served with a parking infraction notice as contemplated in Section 10 herein may report to the office of the Clerk-Treasurer of the local Municipality in which the infraction occurred to make a voluntary early payment as indicated on the notice. Such payment must be received by the Clerk-Treasurer within fourteen days of the date on which the notice was issued, inclusive of Saturdays, Sundays and holidays. For clarity, if the deadline for the said fourteen day period falls on a Saturday, Sunday or holiday, the payment deadline shall be extended to the next following business day.
- (3) Despite subsection (1), any person who contravenes section 6 of this By-law is guilty of an offence and on conviction is liable to a fine of not less than \$300.00.

Removal of Vehicles Parked in Contravention of By-law

12. (a) In addition to any other penalty provided for in this By-law, a Police Officer or By-law Enforcement Officer, may cause a vehicle that is parked in contravention of this By-law to be removed and taken to be stored in a safe place.
- (b) Where a vehicle is removed and stored pursuant to Section 3(a), all costs and charges for the removal, care, and storage of the vehicle shall be paid by the vehicle owner and shall form a lien on the vehicle which may be enforced in the same manner as provided for in the Repair and Storage Liens Act.

Executive Acts Authorized

13. The Warden and the Clerk are hereby authorized to do all things necessary to execute on behalf and under the seal of the Corporation any document necessary to give effect to this By-law.

Headings Not Part of By-law

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

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Conflict With Highway Traffic Act

15. In the event of conflict between the provisions of this By-law and the *Highway Traffic Act*, R.S.O. 1990, c. H. 8, the provisions of the said *Act* shall prevail.

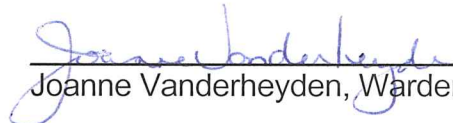
Commencement

16. This By-law comes into force and effect on February 9, 2010.

Short Title

17. The short title of this By-law is the *Parking By-law*.

PASSED in Council this 9th day of February 2010.


Joanne Vanderheyden, Warden


Kathleen Bunting, County Clerk

SET FINE SCHEDULE "A"

**THE CORPORATION OF THE COUNTY OF MIDDLESEX
PART II PROVINCIAL OFFENCES ACT**

BY-LAW # 6208 PARKING BY-LAW

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	VOLUNTARY PAYMENT PAYABLE WITHIN 14 DAYS	SET FINE
1	Parking In A Prohibited Area	2(a)	\$20.00	\$30.00
2	Overnight Parking In The Winter Season	2(b)	\$20.00	\$30.00
3	Overnight Parking At Any Time	2(c)	\$20.00	\$30.00
4	Overnight Parking From 2:00 a.m. To 7:00 a.m.	2(d)	\$20.00	\$30.00
5	Obstruction Of School Bus Loading Zone by Parking	2(e)	\$20.00	\$30.00
6	Parking Upon Or Over A Sidewalk	3(a)	\$20.00	\$30.00
7	Parking Between Sidewalk and Roadway	3(b)	\$20.00	\$30.00
8	Parking On Boulevard	3(c)	\$20.00	\$30.00
9	Parking In Front of Driveway Access or Lane	3(d)	\$20.00	\$30.00
10	Parking Within An Intersection	3(e)	\$20.00	\$30.00
11	Parking Within Two Metres of Fire Hydrant	3(f)	\$35.00	\$50.00
12	Parking on Crosswalk	3(g)	\$20.00	\$30.00

13		Parking Within Six Metres of Crosswalk At An Intersection	3(h)	\$20.00	\$30.00
14		Obstructing Traffic by Parking	3(i)	\$35.00	\$50.00
15		Parking That Prevents Removal Of Other Parked Vehicles	3(j)	\$20.00	\$30.00
16		Parking On Roadway Between 3:00 a.m. and 5:00 a.m.	3(k)	\$20.00	\$30.00
17		Parking Within Thirty Metres Of Intersection With Traffic Lights	3(l)	\$20.00	\$30.00
18		Obstructing A Sidewalk by Parking	3(m)	\$20.00	\$30.00
19		Obstructing A Private or Public Roadway Driveway Or Entrance by Parking	3(n)	\$20.00	\$30.00
20		Obstructing Snow Removal by Parking	3(o)	\$20.00	\$30.00
21		Parking In A Place Other Than The Right Hand Side Of The Roadway	3(p)	\$20.00	\$30.00
22		Parking In a Manner Not Parallel To and Not Less Thirty Centimetres From The Roadway's Curb	3(q)	\$20.00	\$30.00

23		Prohibited Parking In Front Of An Office Building	4(a)	\$20.00	\$30.00
24		Prohibited Parking In Front Of A Hospital	4(b)	\$20.00	\$30.00
25		Parking Within Twenty Metres Of An Intersection	4(c)	\$20.00	\$30.00
26		Parking Within Eight Metres Of A Fire Hall	4(d)	\$35.00	\$50.00
27		Parking On The Side of Street Adjacent To School Property	4(e)	\$20.00	\$30.00
28		Parking Within Thirty Metres Of An Intersection With Traffic Signals	4(f)	\$20.00	\$30.00
29		Parking Within Thirty Metres Of A Railway Crossing	4(g)	\$20.00	\$30.00
30		Use Of Sidewalk For Purpose Other Than Pedestrian Traffic	5	\$20.00	\$30.00
31		Parking In Space Designated For Disabled Persons	6	n/a	\$300.00
32		Defacing Or Altering Identifying Marker For Disabled Persons	8(a)	n/a	\$300.00

33		Use Or Permitting The Use Of A Defaced Or Altered Identifying Marker for Disabled Persons	8(b)	n/a	\$300.00
34		Use Or Permitting The Use Of An Identifying Marker For Person Other Than A Disabled Person	8(c)	n/a	\$300.00
35		Unauthorized Removal Of Identifying Marker For A Disabled Person	8(d)	n/a	\$300.00

THE PENALTY PROVISION FOR THE OFFENCES INDICATED ABOVE IS SECTION 11 OF BY-LAW #6208, A CERTIFIED COPY OF WHICH HAS BEEN FILED.