

**THE CORPORATION OF THE TOWNSHIP OF
EDWARDSBURGH/CARDINAL**

BY-LAW NO. 2018-29

**“A BY-LAW TO PROVIDE FOR THE REGULATION OF PARKING WITHIN THE
TOWNSHIP OF EDWARDSBURGH CARDINAL”**

WHEREAS pursuant to the provisions of Part II Section 11 (3) and Section 11 (8) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may enact by-laws to regulate and govern parking of vehicles on highways or portions thereof;

AND WHEREAS Section 27 and Section 28 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes a municipality to pass by-laws in respect of a highway it has jurisdiction over;

AND WHEREAS Section 100 through 102 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes a municipality to pass by-laws prohibiting unauthorized parking on private or municipal property;

AND WHEREAS Municipal Act, 2001, S.O. 2001 provides that fines may be charged for breaches of by-laws passed pursuant to the powers set out therein and further provides for the removal, impounding or restraining or immobilizing of any vehicle parked on a highway or on municipal property in contravention of a by-law or of the Highway Traffic Act, RSO 1990, c.H8;

AND WHEREAS the Council of the Corporation of the Township of Edwardsburgh Cardinal deems it desirable to enact a by-law to regulate and control the parking of vehicles in the Township of Edwardsburgh Cardinal;

NOW THEREFORE BE IT RESOLVED that the Council of the Township of Edwardsburgh/Cardinal enacts as follows:

SECTION 1 – DEFINITIONS

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

1. *Accessible Parking Permit*: means a permit issued under the Highway Traffic Act or a numbered license plate or other marker or device issued by another Provincial jurisdiction and recognized under the Highway Traffic Act.
2. *Authorized Emergency Vehicle*: means
 - a) A fire fighting vehicle while proceeding to or returning from a fire or emergency call;
 - b) A vehicle while used by a person in the lawful performance of his or her duties as a police officer or firefighter;
 - c) An ambulance or cardiac arrest emergency vehicle while responding to an emergency call or being used to transport a patient or injured person in an emergency; or
 - d) An emergency vehicle of a public or private utility, or Federal, Provincial or Municipal Department when such a vehicle is being used in the performance of emergency duties.
3. *Authorized Sign*: means any parking or traffic control device or traffic signal placed or erected on a highway under the authority of this by-law for the purpose of regulating, warning or guiding traffic and includes such signs as

described in the regulations made pursuant to the Highway Traffic Act, RSO 1990, c. H8, as amended.

4. ***Bicycle Path***: means a surfaced or non-surfaced area or trail designated and intended for the sole use of persons riding/operating non-motorized bicycles for pleasure purposes.
5. ***By-law Enforcement Officer***: means a By-law Enforcement Officer of the Township of Edwardsburgh Cardinal and any other officer authorized by the Township of Edwardsburgh Cardinal for the enforcement of by-laws in the Township of Edwardsburgh Cardinal. "Municipal Law Enforcement Officer" shall have a like meaning and interpretation.
6. ***Commercial Motor Vehicle***: includes a truck or highway tractor with a gross weight or registered gross weight of more than 4500 kg or a bus with the seating capacity for ten or more passengers. Exceptions are noted in subsection 16(1) of the HTA.
7. ***Council***: means the Council of the Corporation of the Township of Edwardsburgh Cardinal.
8. ***Designated Parking Space***: means a parking space designated by the Township for the sole use persons with disabilities.
9. ***Fire Department***: means the fire department established by the Township.
10. ***Fire Access Route***: means an access route required for use by the Fire Department provided by means of a roadway, street, parking lot, or yard.
11. ***Highway***: shall have the same meaning as roadway.
12. ***Intersection***: means the junction or point at which two or more roadways meet or cross each other, either in a perpendicular fashion or at an angle.
13. ***Motor Vehicle***: means any private or commercial car or truck, motorcycle, motorized farm vehicle, motor assisted bicycle, and any other road vehicle that requires a motor or engine to be moveable. This meaning does not include a road building machine within the meaning of the Highway Traffic Act, as amended. "Vehicle" shall have a like meaning and interpretation.
14. ***Officer***: means a member of the Ontario Provincial Police, or a person empowered by way of the Provincial Offences Act and authorized by the Council of the Township of Edwardsburgh Cardinal as By-law Enforcement Officer.
15. ***Park or Parking***: when prohibited, means the standing of a motor vehicle including a pleasure vehicle, whether occupied or not, except when standing temporarily for the purpose of and while engaged in loading or unloading merchandise or passengers.
16. ***Parking lot***: means an area of land that has been arranged, laid out or improved to provide for the parking of motor vehicles.
17. ***Person***: means a person, firm, organization, or corporation used in the normal context of the word.
18. ***Private Passenger Vehicle***: includes a personal use only car, truck, motorcycle or other like vehicle that requires a road licence and is used exclusively for the transportation of one or more persons.
19. ***Pleasure Vehicle***: includes a licenced off-road vehicle such as a snowmobile or all-terrain vehicle (ATV) that is dependent on an engine or motor to be moveable.

20. *Police Officer*: means a member of the Ontario Provincial Police.
21. *Provincial Offences Officer*: means a Police Officer, Peace Officer or other person lawfully appointed, pursuant to the Provincial Offences Act, to enforce the by-laws of the Corporation.
22. *Roadway*: includes a common or public highway, street, avenue, lane, bridge, overpass or thoroughfare, designed and intended for use by the general public for the passage of vehicles, but does not include the shoulder of same. Where a highway includes two or more separate roadways, the term roadway refers to any one roadway separately and not to all of the roadway collectively. Also includes descriptions found under Section 26 of the Municipal Act, S.O. 2001.
23. *Sidewalk*: means a surface area, adjacent to or separate from a street or roadway, that was constructed and designed for the sole purpose of foot travel. This meaning also includes a walking path surfaced or non-surfaced.
24. *Stop or Stopping*: when prohibited, means the halting of a motor vehicle, including pleasure vehicles, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of Law Enforcement Officer or other police officer or a traffic control sign or signal.
25. *Township*: means the Corporation of the Township of Edwardsburgh Cardinal.
26. *Trailer*: means any accessory non-motorized road licenced or unlicensed device, equipped with wheels, and which is dependent on a motorized vehicle to be moveable. This can also include a sleigh that is horse or tractor drawn.
27. *Vehicle*: shall have a like meaning as "motor vehicle" and "commercial motor vehicle" as previously described.
28. *Winter Maintenance Event*: means weather that is likely to require snow plowing, sanding, salting, snow removal, or other winter maintenance operations.

SECTION 2 – GENERAL REGULATIONS

1. Where any expression of time occurs or where any hour or other period of time is stated, the time referred to shall be the current local time.
2. The By-law Enforcement Officer and Roads Superintendent may prohibit or restrict parking of vehicles on one or both sides of any street(s) or road(s) for such a length of time as he/she may deem proper for snow removal, street repairs, funerals, parades, and other special occasions.
3. Subject to the other provisions of this by-law prohibiting parking or stopping, no commercial motor vehicle, attended or not, shall be parked or left standing on any street, other than for the purpose of loading or unloading cargo or performing work related to that zone, and then only for such a period as is reasonable necessary to load or unload same.
4. Any vehicle owned by the Township, utilities or subcontractors of either and any authorized emergency vehicle shall be permitted to park in any parking space, street, or roadway, provided that said vehicle displays on the exterior of the vehicle, a recognized symbol of the Township or wording displaying the ownership of the vehicle and is being used in the performance of municipal or emergency duties. This exemption also includes the personal vehicles of volunteer firefighters when on duty.

SECTION 3 – STOPPING AND PARKING REGULATIONS

1. Stopping or Parking – General

- a) No person shall park or stop any vehicle on any roadway or portion thereof where the stopping or parking of vehicles is prohibited by appropriate signage.
- b) No person shall park or stop any vehicle on any roadway so as to impede the travel of other vehicles proceeding in the same or opposite direction.
- c) Where there is a raised or rolled curb, all persons stopping or parking a vehicle on a roadway will do so in a manner that situates the vehicle as close and as parallel to the right-hand curb as possible. This provision, as it relates to “parallel”, does not apply to a street or roadway having a downgrade or upgrade and a raised or rolled curb.

In the case of a roadway with a downgrade, the front wheels of the vehicle may be directed toward or abut the curb, thus, the vehicle may not be completely parallel to the curb when stopped or parked.

In the case of a roadway with an upgrade, the rear wheels may be directed towards or abut the curb, thus, the vehicle may not be completely parallel to the curb when stopped or parked.

- d) Where there is no curb, the vehicle will be stopped or parked as near to the right-hand limit of the roadway as is practicable without stopping or parking on a sidewalk or footpath, or, on any part of the highway where grass is grown, or, any area that is not visibly intended or otherwise identified for the stopping or parking of vehicles.

2. Parking – General and Unsigned

No person shall, on a roadway, park a vehicle in any of the following places:

- a) The entrance of a driveway or lane way or so as to obstruct vehicles in the use of a driveway or lane way;
- b) Within three (3) meters from the point on the edge of the roadway and nearest a fire hydrant;
- c) Within nine (9) meters of an intersecting roadway;
- d) Within three (3) meters of any level crossing or railway;
- e) On any roadway having overall width of less than six (6) meters;
- f) In front of an entrance to or exit from any building or enclosed space in which persons may be expected to congregate in large numbers, such as hotels, theatres, church halls, community centres;
- g) Alongside the tracks of any railway;
- h) In such a position as will prevent the removal of any other vehicle previously parked;
- i) On any street when the vehicle is inoperable or derelict for periods in excess of twelve (12) hours;
- j) On any street outside of a garage while waiting for the vehicle to be taken in for repairs for periods in excess of twelve (12) hours;
- k) On any street for the purpose of making repairs or servicing the vehicle. The replacing of a defective tire or starting of a stalled vehicle is permitted;

- l) On any boulevard, median, sidewalk or property owned by the Township and in any public park or private roadway/property, except in areas designated for the parking of vehicles.
- m) In front of the entrance to an emergency services building.

3. Parking – Specific and Signed

Where appropriate signs are erected and are on display, no person shall park or cause to be parked, a vehicle on any roadway within the limits specified by those signs. **Parking shall also be prohibited as follows:**

- a) No person shall park or cause to be parked a vehicle on any roadway designated as a Fire Access Route or Fire Zone.
- b) **No person shall park or cause to be parked a vehicle on any municipal parking lot from 1:00 a.m. to 7:00 a.m.**
- c) No person shall park or cause to be parked a vehicle within any designated firefighter parking.

SECTION 4 – PERSONS WITH A DISABILITY PARKING PROVISIONS

1. The Township may establish parking areas on roadways, township parking lots, on Township owned or controlled lands or on private property which are to be used solely for the parking of vehicles which display an accessible parking permit.
2. Where appropriate signs are erected, parking spaces designated for the use of the handicapped/disabled shall be reserved for the exclusive use of those so qualifying.
3. No person, organization or corporation shall park, or permit to be parked, a vehicle in a designated accessible parking area unless said vehicle is equipped with an accessible parking permit.
4. No person, corporation or organization shall display an accessible parking permit in any vehicle unless that person, corporation or organization is operating a vehicle which is being used at that time for the pick up or transport of the holder of an accessible person parking permit.
5. No person shall:
 - a) Have in his/her possession an accessible parking permit that is fictitious, altered or fraudulently obtained;
 - b) Display an accessible parking permit other than in accordance with this by-law;
 - c) Fail or refuse to surrender an accessible parking permit in accordance with this by-law;
6. Every person having possession of an accessible parking permit shall, upon demand of a Police Officer or By-law Enforcement Officer surrender the permit for reasonable inspection to ensure that the provisions of this by-law are being complied with;
7. An officer to whom an accessible parking permit has been surrendered may retain it until disposition of the case if the officer has reasonable grounds to believe that the permit:
 - i. Was not issued under the Highway Traffic Act;
 - ii. Was obtained under false pretence;

- iii. Has been defaced or altered;
 - iv. Has expired or been cancelled;
 - v. Is being or has been used in contravention of this by-law.
8. A Police Officer or By-law Enforcement Officer upon discovery of any vehicle parking or left in contravention of this section, may cause it to be moved 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 by Part III of the Repair and Storage Liens Act, 1990.
9. Spaces shall be reserved as follows:
- a) Two signed spaces at the Spencerville Community Centre (Spencerville Arena) parking lot on the south side.
 - b) Two signed spaces at the South Edwardsburgh Community Centre parking lot on the west side.
 - c) Two signed spaces at the Spencerville Municipal Office parking lot on the west side and one signed space on the north side.
 - d) Four signed spaces at the Ingredion Centre (Cardinal Arena) parking lot on the south side.
 - e) One signed space at the Cardinal Public Library on the west side.
 - f) One signed space at the Spencerville Public Library on the north side.

SECTION 5 – FIRE ACCESS ROUTE

Fire access route signs shall be legible signs approved by the Fire Chief and shall be placed at intervals of not more than twenty (20) meters along a fire access route and shall display the following:

- a) Fire access route;
- b) Parking prohibited;
- c) Motor vehicles will be tagged and towed.

SECTION 6 – WINTER PARKING AND CLEANING

1. No person shall park or cause to be parked a vehicle to remain parked on any highway or roadway so as to interfere in any manner with the work of:
 - a) Removing snow or ice;
 - b) Clearing of snow; or
 - c) Cleaning operations, including sweeping
2. No person shall park, or permit to be parked any motor vehicle, trailer or other like device on any highway or roadway during the consecutive months of November, December, January, February, March and to the 15th of April between the hours of 1:00 a.m. and 7:00 a.m.
3. Notwithstanding the provisions of 6.1 and 6.2, a winter maintenance event may be declared at any time by the Roads Superintendent or his/her designate.
4. Where a winter maintenance event has been declared, no person shall park a motor vehicle or permit a motor vehicle to remain parked on any roadway or street between the hours of 1:00 a.m. and 7:00 a.m.

SECTION 7 – DEPOSIT OF SNOW/DIRT/DEBRIS

1. No person shall push, blow or otherwise deposit any snow, dirt or any other debris on or across any Township roadway, sidewalk or road allowance.

SECTION 8 – 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 and this by-law, 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, R.S.O. 1990, as amended.
2. The provisions of this section also apply to the Director of Operations and the Roads Superintendent for purposes of enforcing Section 6 – Winter Parking and Cleaning.
3. The Township will not be liable for damages that may occur to vehicles being moved under the provisions of Section 8.

SECTION 9 – ENFORCEMENT

The By-law Enforcement Officer of the Township of Edwardsburgh Cardinal shall enforce the provisions of this by-law as applicable, and/or, the Ontario Provincial Police.

SECTION 10 – PENALTIES

1. Every 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, R.S.O. 1990, c. P. 33, as amended.
2. A By-law Enforcement Officer of the Township of Edwardsburgh/ Cardinal and the Ontario Provincial Police are authorized to enforce the provisions of this By-law.
3. A person who is convicted of an offence under this by-law is liable for each day or part of a day that the offence continues, where the minimum fine shall not exceed \$500.00 and a maximum fine of \$10,000.00 and the total of all daily fines for the offences is not limited to \$100,000.00 as provided for in Section 429(3) of the Municipal Act, SO 2001, c. 25, as amended.
4. Upon registering a conviction for a contravention of any provision of this By-law, the court in which the conviction has been entered, may in addition to any other remedy and to any penalty imposed by this By-Law, make an order prohibiting the continuation or repetition of the offence by the person convicted, pursuant to Section 431 of the Municipal Act 2001, SO 2001 as amended.
5. The driver of a vehicle, not being the owner, is liable to any penalty provided under this by-law.
6. 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.

SECTION 11 – OTHER

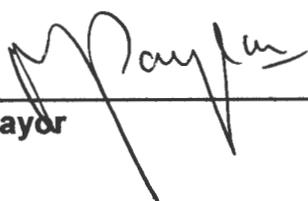
1. Where a provision of this By-law conflicts with a provision of another by-law enforced in the Township of Edwardsburgh Cardinal, the provisions that

established the higher standards shall prevail in order to protect the health, safety and welfare of the general public.

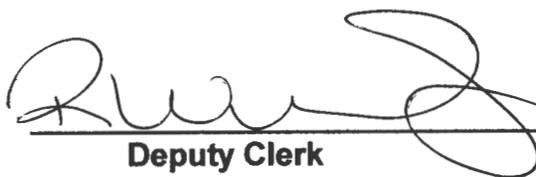
2. It is the declared intention of the Council of the Corporation of the Township of Edwardsburgh Cardinal that any section or part of this By-law which may subsequently be held to be illegal shall be severable from the remainder of the By-law and shall not be deemed to have persuaded or influenced the Council to pass the remainder of the By-law.
3. That Schedule "A" shall constitute part of this by-law.
4. That by-law 2018-29 will take effect on the 1st day of September, 2018 and will repeal and replace in its entirety by-law 2004-58 and by-law 2005-09, and all other by-laws previously passed that are inconsistent with the provisions of this by-law.

Read a first and second time in open Council this 28th day of May, 2018.

Read a third and final time, passed, signed and sealed in open Council this 28th day of May, 2018.



Mayor



Deputy Clerk

PROVINCIAL OFFENCES ACT

Part I

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. 2018-29 as amended of the Corporation of the Township of Edwardsburgh/Cardinal, attached hereto is the set fine for that offence. This Order is to take effect on September 18th, 2018.

Dated at Ottawa this 18th day of September 2018.



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Jean G. Legault, Regional Senior Justice
Ontario Court of Justice
East Region

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. 2018-29 as amended of the Corporation of the Township of Edwardsburgh/Cardinal, attached hereto is the set fine for that offence. This Order is to take effect on September 18th, 2018.

Dated at Ottawa this 18th day of September 2018.



.....
Jean G. Legault, Regional Senior Justice
Ontario Court of Justice
East Region

Schedule "A"
Township of Edwardsburgh Cardinal
Part II – Provincial Offences Act
By-law 2018-29, as amended by By-law 2018-42
Parking Regulations – Set Fines

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	VOLUNTARY PAYMENT WITHIN 7 DAYS	SET FINE PAYMENT AFTER 7 DAYS
1	Park or Stop where prohibited by signage	S.3.1. a)	\$30	\$35
2	Park impeding traffic – either direction	S.3.1. b)	\$30	\$35
3	Stop impeding traffic -either direction	S.3.1. b)	\$30	\$35
4	Park facing wrong direction – curb (left hand side of roadway)	S.3.1. c)	\$30	\$35
5	Stop facing wrong direction – curb (left hand side of roadway)	S.3.1. c)	\$30	\$35
6	Park facing wrong direction – no curb (left hand side of roadway)	S.3.1. d)	\$30	\$35
7	Stop facing wrong direction – no curb (left hand side of roadway)	S.3.1. d)	\$30	\$35
8	Park obstructing driveway or lane way	S.3.2. a)	\$30	\$35
9	Park within 3 meters of a fire hydrant	S.3.2. b)	\$30	\$35
10	Park within 9 meters of an intersecting highway	S.3.2. c)	\$30	\$35
11	Park within 3 meters of a level crossing or railway	S.3.2. d)	\$30	\$35
12	Park on any roadway of less than 6 meters in width	S.3.2. e)	\$30	\$35
13	Park in front of an entrance/exit to assembly building	S.3.2. f)	\$30	\$35
14	Park alongside track of any railway	S.3.2. g)	\$30	\$35
15	Park blocking a parked vehicle	S.3.2. h)	\$30	\$35
16	Park inoperable, derelict vehicle on a street for more than 12 hours	S.3.2. i)	\$30	\$35
17	Park on street outside of garage for more than 12 hours	S.3.2. j)	\$30	\$35
18	Park to make repairs or servicing of vehicle	S.3.2. k)	\$30	\$35
19	Park on any boulevard, median, sidewalk, public park, property or private roadway/property not designated for parking	S.3.2. l)	\$30	\$35
20	Park in front of entrance to fire station	S.3.2. m)	\$45	\$50
21	Park within designated no parking zone	S.3.3	\$30	\$35
22	Park in designated Fire Access Route/Fire Zone	S.3.3 a)	\$30	\$35
23	Park on municipal parking lot from 1:00 a.m. to 7:00 a.m.	S.3.3 b)	\$30	\$35
24	Park within designated firefighter parking	S.3.3 c)	\$30	\$35
25	Park in designated accessible parking area – no permit	S.4.3	N/A	\$300

*Approved
Aryelle D
[Signature]*

26	Park - Interfere with removing snow or ice	S.6.1 a)	\$30	\$35
27	Park - Interfere with clearing of snow	S.6.1 b)	\$30	\$35
28	Park - Interfere with cleaning operations	S.6.1 c)	\$30	\$35
29	Park vehicle between hours 1:00a.m. to 7:00a.m from November 1 to April 15	S.6.2	\$50	\$55
30	Park vehicle between hours 1:00a.m. to 7:00a.m -winter maintenance event declared	S.6.4	\$30	\$35

Note: The general penalty sections for the offences indicated above is Section 10 of By-law 2018-29, as amended. A certified copy of which has been filed.

Schedule "B"
Township of Edwardsburgh Cardinal
Part I – Provincial Offences Act
By-law 2018-29, as amended by By-law 2018-42
Parking Regulations – Set Fines

ITEM	Column 1 SHORT FORM WORDING	Column 2 PROVISION CREATING OR DEFINING OFFENCE	Column 3 SET FINE
1	Possession of fictitious, altered or fraudulent permit	S.4.5 a)	\$300
2	Deposit snow/dirt/debris on Township roadway, sidewalk or road allowance	S 7.1	\$75

Note: The general penalty sections for the offences indicated above is Section 10 of By-law 2018-29, as amended, a certified copy of which has been filed.

*Approved
D. B. ...
RST
Aug 16/18*