

**THE CORPORATION OF THE
TOWNSHIP OF GUELPH/ERAMOSIA**

BY-LAW 5000-05

Being a by-law to regulate the parking or stopping of vehicles on highways, public parking lots and in some instances, private property within the Township of Guelph/Eramosa and to repeal By-law 4500-00, 4700-01, 4800-03 and 4900-04.

Whereas the *Municipal Act, 2001*, provides that every Council may pass such by-laws;

Now therefore the Council of the Corporation of the Township of Guelph/Eramosa enacts as follows:

Definitions:

1. For the purposes of this by-law:

“angle park” or “angle parking” means the parking of a vehicle whether occupied or not at an angle indicated by pavement markings or properly worded signs for angle parking purposes, or if not indicated by such pavement markings or signs at an angle of forty-five (45) degrees from the lateral curb line;

“angle parking zone” means an area on a highway where properly worded signs are on display, indicating that angle parking is permitted, as designated in Schedule “A” to this by-law;

“boulevard” means a portion of public property whether paved or not adjoining a roadway;

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

“bus stop” means an area on a highway where properly worded signs are on display indicating that the area is reserved for the parking of buses as designated in Schedule “B” to this by-law;

“by-law enforcement officer” means a duly authorized person appointed by the Township of Guelph/Eramosa for the purpose of enforcing the parking or stopping provisions of this by-law;

“commercial motor vehicle” means a motor vehicle with a combined gross weight exceeding 4,500 kilograms having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, buses and tractors used for hauling purposes on the highways;

“crosswalk” means:

- a) 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 if the roadway, or
- b) any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings upon the surface of that highway;

“designated parking space” means a parking space upon a highway or on a municipal parking lot or on municipal property where properly worded signs or pavement markings are on display indicating that the parking

space is designated for the use of a vehicle displaying a currently valid parking permit issued by the Township of Guelph/Eramosa as designated in Schedule "C" to this by-law;

"disabled person parking space" means a parking space upon a highway or on a public parking lot or on private property where properly worded signs or pavement markings are on display indicating that the parking space is designated for the use of a vehicle transporting a disabled person or persons;

"disabled person parking permit" means a parking permit issued by the Minister of Transportation under the authority of Regulation 581 to the *Highway Traffic Act* (Revised Status of Ontario, 1990 Chapter H.8);

"driveway" means an access from a highway to private or public property used by vehicles to enter or leave that highway;

"emergency vehicle" means,

- a) a fire department vehicle while responding to a fire alarm or other emergency call; or
- b) a vehicle while used by a person in the lawful performance of his or her duties as a police officer; or
- c) an ambulance while responding to an emergency call or being used to transport a patient or injured person in an emergency situation; or
- d) a cardiac arrest emergency vehicle operated by or under the authority of a hospital.

"fire route" means an area on a highway or on a public parking lot or on private property where properly worded signs are on display indicating that parking is prohibited in order to provide fire department and other emergency vehicles unobstructed access to adjacent properties in the event of fire or other emergency;

"highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, laneway, viaduct or trestle any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

"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 that join one another at an angle whether or not one highway crosses the other;

"municipal parking lot" means an area not on a highway to which the public has access designated for the purpose of providing parking for vehicles as designated in Schedule "D" to this by-law;

"no parking zone" means an area on a highway where properly worded signs are on display indicating that parking is prohibited as designated in Schedule "E" to this by-law;

"no stopping zone" means an area on a highway where properly worded signs are on display indicating that stopping is prohibited as designated in Schedule "F" to this by-law;

"one way street" means a highway where properly erected signs are on display indicating that traffic is to proceed in one direction only;

"park" or "parking" 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;

“pedestrian crossover” means any portion of a highway designated by by-law of a municipality at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs on a highway and lines or other markings on the surface of the roadway as prescribed by the regulations to the *Highway Traffic Act*;

“police officer” means a member of the Wellington County Ontario Provincial Police providing police services to the Corporation of the Township of Guelph/Eramosa;

“roadway” means the part of the 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 bus that,

- a) is painted chrome yellow, and
- b) displays on the front and rear thereof the words “school bus” and on the rear thereof the words “do not pass when signals flashing”;

“school bus loading zone” means an area on a highway or on private property as designated by Schedule “G” to this by-law where properly worded signs are on display indicating that parking is prohibited in order to provide school bus(es) with the facility to load or discharge passengers;

“sidewalk” means a piece of public property whether paved or not, adjoining a highway intended for the use of pedestrians;

“stop” or “stopping” 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 of a traffic control device;

“taxicab” means a vehicle holding a current valid license from the Township of Guelph/Eramosa to transport passengers for hire;

“taxicab stand” means an area on a highway as designated by Schedule “H” to this by-law where properly worded signs are on display indicating that parking is prohibited in order to provide taxicabs with the facility to load or discharge passengers;

“temporary no parking zone” means an area on a highway or on a public parking lot where properly worded signs are on display in accordance with the provisions of Section 2 of this by-law;

“time limited parking zone” means an area on a highway where properly worded signs are on display indicating that parking is restricted to certain times and days as designated in Schedule “I” to this by-law;

“traffic control device” means any sign and/or any highway, curb or sidewalk marking or other device whether temporary or not erected or placed under the authority of the municipality for the purpose of guiding or directing traffic;

“vehicle” includes a motor vehicle, commercial motor vehicle, trailer, motorized snow vehicle, horse-drawn vehicle, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power.

General Provisions

2. Erection of Temporary No Parking Signs

The officer in charge of the Ontario Provincial Police providing police services to the Corporation of the Township of Guelph/Eramosa or his/her designate shall be responsible for the erection and removal of temporary no parking signs for purposes of fire, disaster, crowd control and any other occurrence which is deemed to be an emergency within the Township of Guelph/Eramosa.

3. Fire Routes

- a) A fire route may be located upon a highway, public parking lot or private property where properly worded signs are erected.
- b) A fire route may be located upon private property that is subject to a municipally approved site plan agreement that designates such private property to be a fire route.
- c) A fire route may be located upon private property where the property owner has requested the designation of a fire route and that request has received municipal approval.

4. Enforcement and Penalty Provisions

- a) The provisions of this by-law shall be enforced pursuant to the provisions set out in Part II of the *Provincial Offences Act*.
- b) Any person violating any of the provisions of this by-law is guilty of an offence and upon conviction shall be subject to a fine, exclusive of costs and all such fines shall be recoverable under the provisions of Part II of the *Provincial Offences Act*.

5. Voluntary Payment of Fines

- a) Voluntary payment of a fine for an offence committed under the provisions of this by-law may, upon presentation of the violation tag issued alleging the offence, pay out of Court within 15 days from the date of issuance of the said violation tag, the set fine described upon the face of the tag and upon such payment no further proceedings shall be taken in respect of the alleged offence.
- b) Voluntary payment of a fine may be made at the County of Wellington Administration Centre in Guelph during normal business hours or by mail.

6. Deemed Offence by Vehicle Owner

Where a vehicle has been left parking or stopped in contravention of this by-law the owner of the vehicle even though the owner was not the driver of the vehicle at the time of the contravention of the by-law is guilty of an offence and is liable to the fine prescribed for the offence 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.

7. Towing of Illegally Parked Vehicles

Where a vehicle is found parked in contravention of any of the parking provisions of this by-law, a police officer may in addition to attaching a parking infractions notice to the vehicle, cause the vehicle to be taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, shall be a lien upon the vehicle which may be enforced in the manner provided in Part III of the *Repair and Storage Liens Act*.

8. Exemptions

The provisions of this by-law shall not, if compliance therewith would be impractical, apply to:

- a) An emergency vehicle, or
- b) A vehicle registered to a municipal corporation or registered to a utility, while actually performing work on behalf of a municipal corporation within the County of Wellington; or while responding to an emergency, or
- c) When the driver or operator of a vehicle is in compliance with the direction of a police officer or of a traffic control device.

Parking Offences

9. Within the Township of Guelph/Eramosa,

- 9.1 No person shall park a vehicle upon a highway or on a municipal parking lot in a no parking zone.
- 9.2 No person shall park a vehicle upon a highway less than 1 metre from either edge of a driveway.
- 9.3 No person shall park a vehicle upon a highway in front of the entrance to a driveway so as to prevent ingress to or egress from such driveway.
- 9.4 No person shall park a vehicle upon a highway or on a municipal parking lot or on private property, in a fire route.
- 9.5 No person shall park a vehicle upon a highway within 3 metres of a point on the curb or edge of a highway nearest to a fire hydrant.
- 9.6 No person shall park a vehicle upon a highway with its left wheels or runners as the case may be adjacent to the curb of the highway or where no curb exists the edge of the highway unless otherwise permitted by a traffic control device.
- 9.7 No person shall park a vehicle upon a highway in a time limited parking zone for a period of time in excess of the time designated in Schedule "I" to this by-law.
- 9.8 No person shall park a vehicle upon a highway in a time limited parking zone during a prohibited time as designated in Schedule "I" to this by-law.
- 9.9 No person shall park a vehicle upon a highway with the vehicles right side further than 0.15 metres from the curb of the highway or where no curb exists, the edge of the highway.
- 9.10 No person shall park a vehicle upon a highway or on a municipal parking lot between the hours of 2:00 a.m. and 6:00 a.m. of any day during the months of November, December, January, February and March of any year.
- 9.11 No person shall park a vehicle upon a highway where painted guide lines exist for the purpose of facilitating parking except within such guide lines.
- 9.12 No person shall park a vehicle upon a highway where parking is permitted under the provisions of this by-law for an unreasonable length of time and in no case for a period longer than 24 consecutive hours.
- 9.13 No person shall park a vehicle on a municipal parking lot for an unreasonable length of time and in no case for a period longer than 24 consecutive hours.
- 9.14 No person shall park a vehicle upon a highway or on a municipal parking lot in a temporary no parking zone.
- 9.14.1 No offence shall be created if the vehicle described in Section 9.14 of this by-law was parked in the temporary no parking zone prior to the erection of temporary no parking signs unless the operator of the vehicle has been requested to move such vehicle by a police officer or by-law enforcement officer and has refused to do so.
- 9.15 No person shall park a vehicle on a sidewalk.
- 9.16 No person shall park a vehicle upon a highway within an intersection.

- 9.17 No person shall park a vehicle upon a highway within 9 metres of an intersection.
- 9.18 No person shall park a vehicle upon a highway in a taxicab stand.
- 9.19 No person shall park a vehicle other than a school bus upon a highway in a school bus loading zone.
- 9.20 No person shall park a vehicle upon a highway in a pedestrian crossover.
- 9.21 No person shall park a vehicle upon a highway within 9 metres of a pedestrian crossover.
- 9.22 No person shall park a vehicle upon a highway in a crosswalk.
- 9.23 No person shall park a vehicle upon a highway within 9 metres of a crosswalk.
- 9.24 Where boulevard parking is permitted no person shall park a vehicle upon the abutting highway or any part thereof.
- 9.25 No person shall park a vehicle upon a roadway in such a manner as to leave available less than 3 metres of the width of the roadway for free movement of vehicular traffic.
- 9.26 No person shall park a vehicle upon a highway on the roadway side of any vehicle stopped or parked at the edge or curb of the highway.
- 9.27 No person shall park a vehicle other than a bus upon a highway in a bus stop.
- 9.28 No person shall park a vehicle upon a highway for the purpose of repairing, washing or maintenance of the vehicle other than in an emergency.
- 9.29 No person shall park a vehicle upon a bridge unless otherwise permitted by a traffic control device.
- 9.30 No person shall park a vehicle upon a highway or on a municipal parking lot so as to obstruct an access ramp provided for the use of disabled persons.
- 9.31 No person shall park a vehicle upon a highway within an angle parking zone, except at the angle indicated by markings painted upon the highway for that purpose or as indicated by properly worded signs.
- 9.32 No person shall park a vehicle upon a highway or on a municipal parking lot or on private property in a disabled person parking space unless that vehicle is transporting a disabled person or persons and also displays a valid disabled person parking permit issued by the Ontario Ministry of Transportation.
- 9.33 No person shall park a commercial motor vehicle upon a highway between the hours of 1:00 a.m. and 6:00 a.m. of the same day for a period of time longer than one hour other than upon a section of highway which is under construction.
- 9.34 No person shall park a commercial motor vehicle on a municipal parking lot unless otherwise permitted by a traffic control device.
- 9.35 No person shall park a vehicle upon a highway within 15 metres of any railroad crossing.
- 9.36 No person shall park a vehicle in a designated parking space unless that vehicle displays a currently valid parking permit issued by the Township of Guelph/Eramosa.
- 9.37 No person shall park a vehicle upon a highway in such a manner as to interfere with the movement of traffic or the clearing of snow from the highway.
- 9.38 No person shall park a vehicle on a highway designated as a one way street other than with the vehicle facing in the direction in which it is permitted to proceed.
- 9.39 Where parking is permitted on either or both sides of a highway designated as a one way street the vehicle operator shall park the vehicle with its wheels or runners as the case may be no further than 0.15 metres from the curb of the highway or where no curb exists the edge of the highway.

Stopping Offences

10. Within the Township of Guelph/Eramosa,
 - 10.1 No person shall stop a vehicle upon a highway in a no stopping zone.
 - 10.2 No person shall stop a vehicle upon a highway on the roadway side of any vehicle stopped or parked at the edge or curb of that highway.
 - 10.3 No person shall stop a vehicle upon a highway within 9 metres of an intersection.
 - 10.4 No person shall stop a vehicle other than a bus upon a highway in a bus stop.
 - 10.5 No person shall stop a vehicle, other than a school bus upon a highway in a school bus loading zone.
 - 10.6 No person shall stop a vehicle upon a highway with its left wheels or runners as the case may be adjacent to the curb of the highway or where no curb exists the edge of the highway unless otherwise permitted by a traffic control device.

Severability

11. If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

Repeal of By-laws

12. By-Law number 4500-00, 4700-01, 4800-03 and 4900-04 are hereby repealed.

Read three times and finally passed
this **21st** day of **March, 2005**.

Clint Martin, Mayor

Janice Sheppard, Clerk