

THE CORPORATION OF THE TOWN OF SMOOTH ROCK FALLS

BY-LAW No. 2023-17

**BEING A BY-LAW TO REGULATE THE PARKING OF MOTOR
VEHICLES IN THE CORPORATION OF THE TOWN OF SMOOTH
ROCK FALLS**

WHEREAS Section 8 (1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, states that the powers of a municipality under the Act or any other act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 27 (1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway;

AND WHEREAS Section 63(1) of the *Municipal Act, R.S.O. 2001, Chap. 25* as amended, states that a by-law passed for prohibiting or regulating the placing, stopping, standing or parking of an object or vehicle on a highway, may provide for the removal and impounding or restraining and immobilizing of any object or vehicle placed, stopped, standing or parked on a highway;

AND WHEREAS Section 63(2) of the *Municipal Act, R.S.O. 2001, Chap. 25* as amended, states that any perishable object or vehicle removed from a highway is the property of the municipality upon being moved from a highway and may be destroyed or given to a charitable institution;

AND WHEREAS Section 100.1 of the *Municipal Act, 2001 S.O. 2001, c.25*, as amended, authorizes a municipality to regulate or prohibit the parking or leaving of motor vehicles on private property without the consent of the Owner of the land;

AND WHEREAS Section 101 (1) of the *Municipal Act, 2001 S.O. 2001, c.25*, as amended, states that If a municipality passes a by-law regulating or prohibiting the parking or leaving of a motor vehicle on land, it may provide for the removal and impounding or restraining and immobilizing of any vehicle, at the vehicle owner's expense, parked or left in contravention of the by-law and subsection 170 (15) of the *Highway Traffic Act* applies with necessary modifications to the by-law. 2006, c. 32, Sched. A, s. 43

AND WHEREAS Section 102 of the *Municipal Act, 2001 S.O. 2001, c.25*, as amended, states that If a municipality passes a by-law for establishing a system of accessible parking, the sole manner of identifying vehicles shall be an accessible parking permit issued and displayed in accordance with the *Highway Traffic Act* and the regulations made under it and outlines the designation of space and the removal of vehicles.

AND WHEREAS Section 170 (7) of the *Highway Traffic Act, R.S.O. 1990*, as amended, states that whenever a police officer, police cadet, municipal law enforcement officer or an officer appointed for carrying out the provisions of this Act finds a vehicle on a highway in contravention of this section or the regulations, he or she may move the vehicle or require the driver or operator or other person in charge of the vehicle to move it;

AND WHEREAS Section 446 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that where a municipality has authority by an Act or By-law to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do so, the matter or thing shall be done at the person's expense and the municipality may recover the costs of doing the

matter or thing from the person required to do it, by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

AND WHEREAS the Council of the Corporation of the Town of Smooth Rock Falls deems it necessary to regulate the parking of motor vehicles.

NOW THEREFOR the Council of the Corporation of the Town of Smooth Rock Falls hereby enacts as follows:

1. DEFINITIONS

“Accessible Parking” means a parking space marked by a sign indicating such space is to be for the sole use of motor vehicles operated by or conveying a person with a disability and for which a permit has been issued pursuant to the provisions of the Highway Traffic Act, R.S.O. 1990.

“Commercial Vehicle” means a motor vehicle having attached to it a truck or delivery body and includes an ambulance, a hearse, a casket wagon, a firefighting apparatus, a bus and a tractor used for hauling purposes on the highway.

“Crosswalk” means part of the road where distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface in which the pedestrians have right of way to cross.

“Driveway” means a short road or paved area leading from a public road to a house or garage.

“Electric Vehicle” shall mean a vehicle that can be powered by an electric motor that draws electricity from a battery and is capable of being charged from an external source.

“Firefighting Apparatus” shall mean any vehicle that has been customized for use during firefighting operations.

“Fire Route” means any private road way, lane, or other means of vehicular access to or egress from a building or structure, and it may include part of a parking lot, used for the purpose of emergency access.

“Heavy Truck” means any commercial motor vehicle or motor vehicle combination having a Manufacturer’s Gross Vehicle Weight greater than 5,000kg.

“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 municipal highways which join one another at an angle, whether or not one municipal highways crosses the other.

“Loading zone” means the part of a municipal highway set apart for the exclusive purpose of parking a vehicle to load or unload same.

“Motor Vehicle” shall include an automobile, a motorcycle, a motor assisted bicycle unless otherwise indicated in this 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 vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine.

“Municipal Highway” shall include a common and public highway, street, avenue, parkway, driveway, square, place, bridge, 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.

“Municipal Law Enforcement Officer” means a person appointed by the Council of the Corporation of the Town of Smooth Rock Falls for the purposes of enforcing municipal by-laws and for the purpose of this by-law shall include the Ontario Provincial Police or any policing agency.

“Obstruct” means to foul, encumber, injure, hamper, hinder, obstruct, block or damage.

“Occupant” means:

- a) The tenant of the private property or part thereof whose consent shall extend only to the control of the land of which they are a tenant and any parking spaces allotted to them under their lease or tenancy agreement;
- b) The spouse of a tenant.

“Registered Owner” means the owner of the motor vehicle in accordance with the Ministry of Transportation records.

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

“Person” shall include any individual, occupant, owner, a partnership, a body corporate, an agent of trustee, and the heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to law.

“Property Owner” means an owner of real property in accordance with the land title record of the province.

“Snow clearing”, for the purpose of this by-law, shall mean the maintenance (such as grading, plowing, blowing, or scraping) of snow accumulation on municipal highways and sidewalks.

“Snow removal”, for the purpose of this by-law, shall mean the removal of snow from one area to a designated snow dumping area.

2. APPLICATION

- 1) This by-law applies to the parking of motor vehicles on:
 - a) Highways under the jurisdiction of the Town;
 - b) Town facilities;
 - c) Municipal property;
 - d) Private property.
- 2) Every motor vehicle parked on a municipal highway or in a municipal parking lot shall be parked at the risk of its owner and the Town is not responsible for any loss or damage to any motor vehicle or its content.

3. EXEMPTION

- 1) The following are exempt from this By-Law:
 - a) Any ambulance, police or fire department vehicles;
 - b) Any public utility emergency vehicles;
 - c) Town owned motor vehicles or Municipal Enforcement Officers engaged in the course of their duties on behalf of the Town;

- d) Public transit vehicles where compliance would be impractical due to the location of a bus stop for public transit;
or
 - e) School busses engaged in the course of their duties.
- 2) Upon request, the Town may grant exemptions to individual residents from specific parking regulations that apply to a particular location.

4. METHOD OF PARKING

- 1) No person shall stop, stand, or park a motor vehicle:
- a) In the wrong direction by facing oncoming traffic;
 - b) Improperly in a designated parking space;
 - c) Within ten (10) meters of any intersection within the Town;
 - d) On any municipal highway unless the motor vehicle is parallel to the curb or edge of the municipal highway.
- 2) Where angle parking is permitted, no person shall park a motor vehicle except at an angle of 45 degrees with the edge of the highway.

5. PARKING PROHIBITIONS

- 1) No one shall park a motor vehicle
- a) In front of a public or private driveway so as to block that driveway;
 - b) In a manner which causes an obstruction;
 - c) On any municipal highway from November 1st to April 30th each calendar year;
 - i. From 12:00 a.m. to 7:00 a.m.
 - ii. During regular snow clearing operations
 - iii. During pre-scheduled snow removal operations
 - iv. When signage is in place
 - d) On any municipal highway during the pre-scheduled street sweeping operations;
 - e) On a municipal highway without a valid license plate or without a valid registration or insurance;
 - f) On a municipal highway if that motor vehicle is inoperable;
 - g) Within 500 feet of firefighting apparatus while engaged in fighting a fire or any distance directed by a member of the police or fire department;
 - h) Within three (3) meters of a fire hydrant;
 - i) In such manner and such location as to obstruct the entrance to any emergency services such as Hospitals, EMS, Fire Hall and Police Department;
 - j) Within ten (10) meters of any intersection within the Town;
 - k) On or over a crosswalk;
 - l) On a sidewalk;
 - m) On any bridge;
 - n) Beside another motor vehicle that is stopped or parked parallel to the municipal highway;
 - o) In such position as will prevent the convenient removal of any motor vehicle previously parked or left standing;
 - p) in a manner that causes an obstruction to any entrance or exit from any building or enclosed space;
 - q) In the reserve parking for electric vehicles without using charging station.
- 2) No person shall park or leave any motor vehicle:

- a) On private property without consent of the property owner or occupant of the property;
 - b) On property owned or occupied by the Town where parking by the public is not authorized.
- 3) Where properly worded signs have been erected, no person shall stop, stand or park a motor vehicle in a loading zone;

6. ACCESSIBLE PARKING

- 1) No person shall park, stop, or leave a motor vehicle in any location designated as an accessible parking space:
 - a) Without a valid accessible parking permit displayed;
 - b) Without the person in which the pass was issued to; or
 - c) In accordance with the requirements of the Highway Traffic Act.
- 2) A valid permit shall be displayed on the sun visor or the dashboard of a motor vehicle and available for inspection of all details required to confirm validity.

7. HEAVY TRUCK AND COMMERCIAL VEHICLES

- 1) All heavy trucks and commercial vehicles within the municipality shall be in accordance to By-Law #2021-24 being a by-law to prohibit heavy trucks on certain highways in the Corporation of the Town of Smooth Rock Falls.
- 2) The provisions of Section 7 (1) shall not apply to any person who is using a heavy truck to make a delivery to or pick up goods from any premises which abut those portions of the municipal highway as designed in Section 7 (1), provided that the person that owns or operates the heavy truck parks it in such a manner that it does not obstruct the normal flow or traffic on the municipal highway in question.

8. REMOVAL OF ANY UNLAWFULLY PARKED VEHICLES

- 1) A Municipal Law Enforcement Officer or any other officers of the municipality, police officer or their designate, have the authority to have any motor vehicle which is parked on a municipal highway and is in contravention of this by-law, towed away and impounded at the registered owner's expense.
- 2) A motor vehicle may be removed or impounded at the expense of the registered owner of the motor vehicle if parked or left standing:
 - a) On private property without consent of the property owner;
 - b) On property owned or occupied by the Town where parking by the public is not authorized;
 - c) In any space designated as an accessible parking space for which no valid permit is displayed;
 - d) Within any fire route;
 - e) At any location in which the motor vehicle is causing an obstruction to the flow of traffic;
 - f) At any location in which the motor vehicle is causing an immediate safety concern to the public;

- g) At the discretion of a Municipal Law Enforcement Officer or Police Officer if there is an offence under this by-law where a motor vehicle may be parked against the provisions of this by-law.
- 3) A motor vehicle that has been removed in accordance with this by-law shall:
 - a) Be stored in a safe and suitable location; and
 - b) Be the financial responsibility of the registered owner of the motor vehicle for all costs or removal, care, and storage, imposed as a lien upon the motor vehicle, which may be enforced in a manner provided by the Repair and Storage Liens Act, R.S.O. 1990, Chapter R.25, as amended.
- 4) A motor vehicle parked or left standing on a private property contrary to the posted signage shall be deemed to be unlawfully placed without consent.
- 5) Posted signage, referred to in Section 8 (4), shall include:
 - a) A sign stating the conditions on which a motor vehicle may be parked or left on the property; or
 - b) A sign prohibiting the parking or leaving of a motor vehicle on the property.
- 6) A motor vehicle left on private property shall not be liable to any penalty or fees for removal and impoundment unless the property owner for which the motor vehicle is unlawfully placed complains, in writing, to any person authorized to enforce this by-law.

9. GENERAL

- 1) Members of the Ontario Provincial Police, through contract policing and Municipal Enforcement Officers and other municipal officers for the Town of Smooth Rock Falls shall have authority and duty of enforcing the provisions of this by-law.
- 2) For the purposes of this by-law, where numbered plates issued pursuant to the provisions of Section 7 (1) of the Highway Traffic Act R.S.O. 1990, is exposed on a motor vehicle, the holder of the permit corresponding thereto shall be deemed to be the registered owner of that motor vehicle.

10. PENALTY

- 1) Every person who contravenes a provision of this by-law is guilty of an offence and upon conviction, is liable to the penalties provided for in the Provincial Offences Act R.S.O. 1990, as well as subject to the set fines set out herein Schedule "A" of this by-law.
- 2) Where a person is in default of any of the provisions of the by-law, the Corporation of the Town of Smooth Rock Falls or its servants or agents shall carry out, or cause to be carried out, on behalf of the Town the work required to be done by this by-law at the expense of the property owner and the municipality may recover the expense incurred in doing it in like manner as municipal taxes.

11. REPEAL

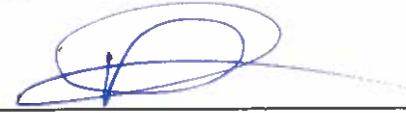
- 1) That By-Law 83-28 and any amendments thereto are hereby repealed in their entirety.

12. EFFECTIVE DATE

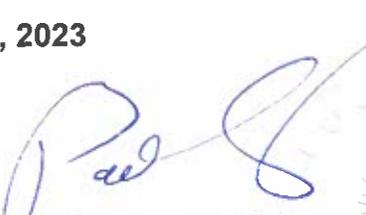
- 1) That the effective date of this By-Law shall be the date of final passage therefor.

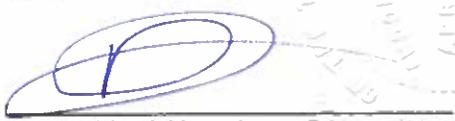
READ a first time this 17 day of April, 2023

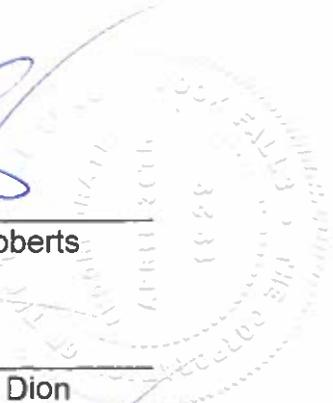

MAYOR – Patrick Roberts


CLERK – Véronique Dion

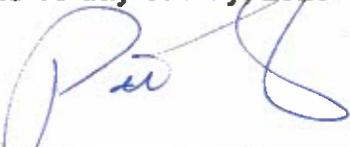
READ a second time this 1 day of May, 2023


MAYOR – Patrick Roberts


CLERK – Véronique Dion



READ a third time and finally passed this 15 day of May, 2023


MAYOR – Patrick Roberts


CLERK – Véronique Dion

SCHEDULE "A"
TO BY-LAW 2023-17
SET FINES

Item	Short Word Forming	Section	Set Fine
1	Park Facing Wrong Way	4 (1) (a)	\$40.00
2	Park Outside Designated Parking Space	4 (1) (b)	\$40.00
3	Park within 10 meters of intersection	4 (1) (c)	\$40.00
4	Fail to park Parallel to Curb	4 (1) (d)	\$40.00
5	Park in angle parking outside of 45 degrees designated area	4 (2)	\$40.00
6	Park blocking driveway	5 (1) (a)	\$60.00
7	Park Causing Obstruction	5 (1) (b)	\$40.00
8	Park obstructing snow removal operations	5 (1) (c)	\$60.00
9	Park obstruction street sweeping operations	5 (1) (d)	\$60.00
10	Park without Valid License Plate, Registration or insurance.	5 (1) (e)	\$40.00
11	Park inoperable vehicle on highway	5 (1) (f)	\$40.00
12	Park within 500 feet of firefighting apparatus	5 (1) (g)	\$40.00
13	Park within three (3) meters of a Fire Hydrant	5 (1) (h)	\$75.00
14	Park in a way to obstruct any emergency services	5 (1) (i)	\$75.00
15	Park within ten (10) meters of any intersection	5 (1) (j)	\$40.00
16	Park on or over a Crosswalk	5 (1) (k)	\$40.00
17	Park on a sidewalk	5 (1) (l)	\$40.00
18	Park on a Bridge	5 (1) (m)	\$40.00
19	Parked beside motor vehicle that is already stopped or parked parallel to the highway	5 (1) (n)	\$40.00
20	Parked in such way that prevents removal of any vehicle previously parked or left standing.	5 (1) (o)	\$40.00
21	Park causing obstruction to building	5 (1) (p)	\$40.00
22	Park in signed loading zone	5 (1) (q)	\$40.00
23	Park contrary to No parking signs	5 (1) (r)	\$40.00
24	Park in reserved parking for Electric Vehicles without using Charging Station	5 (1) (s)	\$40.00
25	Park Commercial Vehicle or trailer in residential area	5 (2)	\$40.00
26	Unauthorized Parking on Private Parking	5 (3) (a)	\$40.00
27	Unauthorized Parking on Town Property	5 (3) (b)	\$40.00
28	Unauthorized use of accessible permit	6 (1)	\$300.00
29	Failure to display accessible permit	6 (2)	\$300.00

SCHEDULE "A"
TO BY-LAW 2023-17
SET FINES

30	Park Heavy truck or recreational vehicle in residential area.	7 (1)	\$40.00
31	Park Recreational Vehicle on any part of highway or roadway	7 (3)	\$40.00