

THE CORPORATION OF THE VILLAGE OF NEWBURY

BY-LAW NO. 130-15

**BEING A BY-LAW TO REGULATE PARKING ON ROADS
WITHIN THE VILLAGE OF NEWBURY**



WHEREAS Sections 11, 100, 101, 102, and 428 of the Municipal Act, 2001, S.O.2001 as amended to authorize a municipality to regulate parking;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE VILLAGE OF NEWBURY ENACTS AS FOLLOWS:

1. The title of this By-law shall be as follows:

Short Title: Parking By-law

2. DEFINITIONS

For the purpose of this By-law: -

Authorized Sign – Means any sign, curb or sidewalk marking, or other device placed or erected on a highway under the authority of this bylaw for the purposes of regulating, warning or guiding traffic.

Boulevard – shall mean a strip of grass or other vegetation or pavement between a property line and a roadway.

By-law Enforcement Officer – means a person appointed by the Village Corporation for enforcing the provisions of this By-Law including a Police Officer.

Commercial Motor Vehicle – means a motor vehicle having permanently attached thereto a truck or delivery body and includes an ambulance, hearse, casket wagon, fire apparatus, bus, tractor used for hauling purposes on the highways, also means a taxi cab.

Designated Parking Space – means a designated parking space of parking area for physically disabled persons, with appropriate signs erected and on display.

Fire Route – shall mean any part of a roadway or a private roadway designated by signage as a route that will be used for emergency vehicles or emergency personnel, including without limitation, fire trucks, emergency response vehicles, ambulances and any other similar motor vehicles.

Heavy Truck - means any commercial motor vehicle which has a rated gross vehicle weight exceeding 4,535.92 kilograms (10,000 pounds) according to the current permit or vehicle registration which has been issued under the Highway Traffic Act, or its foreign equivalent for such vehicle, regardless of the actual weight of such vehicles, but does not include a vehicle operated by or on behalf of the Corporation or a school bus which is in the course of transferring children or handicapped adults to and from schools.

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 motor vehicles and includes the area between the lateral property lines thereof and the entire road allowance. For clarity, “Street” or “Highway” shall include Rural Highways and Urban Highways.

Motor Vehicle – includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, a commercial motor vehicle and any vehicle drawn, propelled or driven by any kind of power, including muscular power but does not include a motorized snow vehicle or the cars of electric or stream railways running only upon rails.

Park, Parked or Parking – means the standing of a motor 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 Infraction - means any unlawful parking, standing, or stopping of a vehicle that constitutes an offence.

Parking Infraction Notice – Means a notice authorized by the Provincial Offences Act and placed on any vehicle parked in contravention of this bylaw, providing for the payment of the penalty out of court.

Physically Disabled Person – shall mean a person who is permanently or temporarily physically disabled in such a way that mobility is seriously restricted and includes a person who uses a wheelchair, crutches, braces or other mobility assisted devices.

Police Officer – means an officer employed by the Ontario Provincial Police.

Private Parking Lot – shall mean a privately owned lot that is used, in whole or in part, for the purpose of parking motor vehicles.

Recreational Vehicle – means any vehicle used for recreational purposes, including all-terrain vehicles (ATV), off road motorcycles, snowmobiles, boats, jet skis (PWS), camper trailers, motor homes, and any trailer utilized for the aforementioned.

Roadway – includes the travelled portion of a street or highways designed and intended for the travel of motor vehicles and include any designated parking areas.

Rural Highways – shall mean the highways within the Village of Newbury.

School Drop Off/ Pick Up Zone - means a designated area for the dropping off and picking up of children by vehicles other than a school bus.

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, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control sign or signal.

Street or 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 and includes the area between the lateral property lines thereof.

Roadway - includes the surface portion of the highway designed and intended for the travel of vehicles.

3. PARKING REGULATIONS

- i. **NO PARKING –AT ANY TIME** – No person shall park a motor vehicle on the highways or parts of highways designated by signage as a “No Parking” area.
- ii. **NO PARKING – RESTRICTED** – No person shall park a motor vehicle on the highways or parts of highways contrary to the posted times as designated by the signage.
- iii. **NO PARKING – LIMITED** – No person shall park a motor vehicle on the highways or parts of highways in excess of the time limit as designated by the signage.
- iv. **NO STOPPING AREAS** – No person shall stop a motor vehicle on the highways or parts of highways during the times as designated by the signage as “No Stopping”.
- v. **NO OVERNIGHT PARKING – WINTER MONTHS** – No person shall park motor vehicle overnight on the roadway or parts of the roadway or boulevards between the hours of 11:00 pm and 9:00 am from December 1st to March 31st each year.
- vi. **NO PARKING OR STANDING – COMMERCIAL VEHICLES – 2 HOUR LIMIT** – No commercial motor vehicle shall be parked or left standing for a longer period than two (2) hours, upon any part of any highway.
- vii. **NO PARKING - WRONG SIDE OF HIGHWAY** – No person shall park a motor vehicle on any highway unless on the right hand side of the highway having regard to the direction of the flow of traffic.

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- viii. **NO PARKING – DISTANCE FROM CURB** – No person shall park a motor vehicle on any highway equipped with curbs unless the motor vehicle is parallel to a not more than 30 centimeters from the curb.
- ix. **NO PARKING OR STANDING – RECREATION VEHICLES – 48 HOURS** – No recreational vehicle shall be parked or left standing for a longer period than forty eight (48) hours, upon any part of any highway.

4. PARKING REGULATION – GENERAL PROHIBITION

No person shall park a motor vehicle:

- i. On a highway within three meters of a fire hydrant;
- ii. So as to obstruct a public or private roadway, driveway or entrance;
- iii. So as to obstruct a sidewalk;
- iv. So as to obstruct a pedestrian crosswalk;
- v. So as to interfere with the movement of traffic;
- vi. So as to interfere with the clearing of snow from the highway;
- vii. On a boulevard
- viii. In an area designated as parking for physically disabled persons
- ix. In an area designed by signage as a Fire Route;
- x. In a private parking lot except as permitted in paragraph five (5) herein.

5. PRIVATE PARKING LOT

- i. The owner of any private parking lot shall designate parking spaces for motor vehicles that are used to transport physically disabled persons and for other motor vehicles.
- ii. No motor vehicle shall park or be left standing in a private parking lot unless:
 - a. The motor vehicle is parked within the boundaries of a space designated in the private parking lot as a parking space; and
 - b. In the case of a motor vehicle occupying a parking space for a physically disabled person, the operator of the motor vehicle has obtained and posted a permit in the motor vehicle confirming that the motor vehicle has been parked in such an area for the benefit of a physically disabled person.

6. PARKING OF HEAVY TRUCKS AND BUSES

- i. No person shall park a heavy truck, or a bus, or a school bus, or allow a heavy truck, or a bus, or a school bus to stand on any highway in any residential zone within the territorial limits of the Municipality.
- ii. The provisions of subsection (i) of this section do not apply to prohibit the parking or standing of any heavy truck upon a highway in any residential zone while the operator thereof is actually engaged in the delivery of goods or services to any premises within such zone or to prohibit the parking or standing of any bus or school bus upon a highway in such zone while the operator thereof is actually engaged in the embarking or disembarking of passengers within that zone.

7. REMOVAL OF MOTOR VEHICLES IN CONTRAVENTION OF THE BY-LAW

- i. In addition to any other penalty provided for in this by-law, a Police Officer or By-Law Enforcement officer, may cause a motor vehicle that is parked in contravention of this by-law to be removed and taken to be stored at a location determined by a Police Officer or By-law Enforcement Officer.
- ii. Where a motor vehicle is removed and stored pursuant to section 7(i), all costs and charges for the removal, care and storage of the motor vehicle shall be paid by the motor vehicle owner and shall form a lien on the motor vehicle which may be enforced in the same manner as provided for in the *Repair and Storage Liens Act*.

8. OWNER LIABILITY

Where a motor vehicle has been left parked, stopped or left standing in contravention of this by-law, the owner of the motor vehicle, notwithstanding that he/she was not the driver of the motor vehicle at the time of the contravention 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 motor vehicle was in possession of some person other than the owner without the owner's consent.

9. PARKING INFRACTION NOTICE

- i. Where a motor vehicle is found parked in contravention of the provisions of this by-law, a Police Officer or By-law Enforcement Officer so fining the motor vehicle may complete and place upon or attach to the motor vehicle a Parking Infraction Notice in the form of a serially numbered notice stating:
 - a) The license number of the motor vehicle and the expiry date of the sticker;
 - b) A description of the offence;
 - c) The date, time and location of the alleged offence;

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- d) The signature of the issuing officer;
 - e) The early payment fine and 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 or pay the set fine as indicated on the Parking Infraction Notice prior to the 15th day as a set out under Part II of the Provincial Offences Act, R.S.O. 1990, c.P.33;
 - g) The owner's or driver's right to dispute the parking infraction notice in the Courts of Ontario;
 - h) That in the event of failure to make such payment, a conviction may be registered under Part II of the Provincial Offences Act, R.S.O. 1990 c.P.33.
 - i) The address of the parking authority payment office.
- ii. The By-law Enforcement Officer or the Police Officer shall attach one copy of the parking infraction notice to the motor vehicle and deliver one copy to the Ontario Court of Justice P.O.A. Office at 824 Dundas St. London, Ontario.

10. ENFORCMENT

Any Police Officer or By-law Enforcement Officer is hereby authorized to enforce the provisions of this By-law.

11. PENALTIES

- i. Any person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in Section 61 of the Provincial Offences Act, R.S.O. 1990 c.P.33, Chapter P.33, Schedule "A" hereto and under the Highway Traffic Act, R.S.O. 1990, c.H.8.
- ii. A person served with a parking infraction notice shall report and make payment to the Ontario Court of Justice P.O.A. Office at 824 Dundas St. London, Ontario. Such payments must be received within fifteen days from the date on which the notice was issued, inclusive of Saturdays, Sundays, and holidays, failing which the fines shall be increased in accordance with Schedule "A" to this By-law.
- iii. All penalties set out in this by-law shall be in addition to and not in substitution for, any penalties imposed in any other by-law, statute, or under any of the laws of the Province of Ontario and the laws of Canada applicable therein.

12. SEVERABILITY

If any section, clause or provision of this by-law be held by a Court of competent jurisdiction to be invalid, in whole or in part, in validity of the remainder of that section, clause or provision and the validity of the remainder of the by-law shall not be affected thereby. Each section, clause or provision of this by-law are hereby deemed to be separate and distinct sections, clauses or provisions.

13. CHANGE IN STATUTES

Where a Act or any portion of any Act is referred to in this by-law, such reference shall be interpreted as referring to any subsequently renumbered sections of the Act and/or changes to the date of the Act and/or amendments or revisions to the Act or reenactments of the Act or any legislation that replaces the Act.

14. EFFECTIVE DATE

This by-law shall come into full force and effect on the date of passage of this by-law or, in the event that the approval of the Ministry of the Attorney General or any other third party is required, such date that the requisite approvals have been obtained.

READ a first and second time this 15th day of December, 2015

READ a third time and finally passed this 15th day of December, 2015.

REEVE DIANE BREWER

CLERK TREASURER BETTY D. GORDON

SET FINE SCHEDULE "A"
 THE CORPORATION OF THE VILLAGE OF NEWBURY
 PART II Provincial Offences Act
 BY-LAW NO. 130-15, Parking Bylaw

ITEM	Short Form Wording	Provision Creating or Defining Offence	Set Fines
1.	Park on highways where prohibited	3.i	\$22.50
2.	Park on highway during restricted time	3.ii	\$22.50
3.	Park on highway longer than permitted	3.iii	\$22.50
4.	Stop on highways where prohibited	3.iv	\$22.50
5.	Park on roadway between 11:00 PM & 09:00 AM	3.v	\$22.50
6.	Park Commercial Vehicle more than 2 hours	3.vi	\$22.50
7.	Park on the left side of curb	3.vii	\$37.50
8.	Park more than 30 cm from curb	3.viii	\$22.50
9.	Park recreational vehicle on highway longer than 48 hours	3.ix	\$22.50
10.	Park – within 3 meters of a fire hydrant	4.i	\$37.50
11.	Park – obstruct private roadway/driveway	4.ii	\$22.50
12.	Park – obstruct sidewalk	4.iii	\$22.50
13.	Park – obstruct pedestrian crosswalk	4.iv	\$37.50
14.	Park – interfere with traffic	4.v	\$37.50
15.	Park – interfere with snow clearing	4.vi	\$22.50
16.	Park - on boulevard	4.vii	\$22.50
17.	Park in area designated for physically disabled person	4.viii	\$300.00
18.	Park in a Fire Route	4.ix	\$22.50
19.	Park Heavy Truck/Bus/School Bus on Highway in Residential Zone	6.i	\$25.00

“NOTE: the general penalty provision for the offences listed about is Section 11 of bylaw 130-15, a certified copy of which has been filed”