

## **TOWNSHIP OF MATACHEWAN**

### **BY-LAW 2012-05**

A By-Law to provide for the regulating of traffic and vehicle parking, standing and stopping on highways or parts of highways under the jurisdiction of the Corporation of the Township of Matachewan

**Authority:**

WHEREAS Section 137 of the Highway Traffic Act, R.S.O. 1990, Chapter H.8, as amended, permits the Council of a Municipality to provide by-laws for the erection of stop signs at the intersections on highway under its jurisdiction;

AND WHEREAS according to Section 27, of the Municipal Act, R.S.O. 2001, as amended, the Council of a Municipality may pass by-laws in respect to highways;

NOW THEREFORE the Council of the Corporation of the Township of Matachewan enacts the following by-law and Schedules A, B, C, D, E, F, G, H, I, J, K and L, which form part of this by-law:

#### **DEFINITIONS**

The meaning ascribed to any term defined in subsection 1 of section 1 of the Highway Traffic Act, R.S.O. 1990, as amended from time to time, are the meanings of that term as used in this by-law, unless that term is otherwise defined in subsection 2 of this section.

1.2 For the purpose of this by-law:

1.2.1 "Adjacent" means near, nearby or bordering;

1.2.2 "authorized sign" means a sign or other device placed or erected on a highway or elsewhere pursuant to the provisions of this by-law and approved by the Ministry;

1.2.3 "boulevard" means all parts of the highway save and except any roadway, shoulder or sidewalk;

1.2.4 "outer boulevard" means that part of the highway save and except any roadway, shoulder or sidewalk;

1.2.5 "inner boulevard" means that part of the highway lying between the property line and the edge of the sidewalk nearest to the property line and where there is no sidewalk, it means that part of the highway lying between the property line and the edge of the shoulder furthest from the roadway or where a shoulder does not exist from the edge of the roadway shoulder, where such exists, furthest from the traveled portion of the road;

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

1.2.7 "bus stop" means that part of a highway designated by a sign where buses will stop to take on or let off passengers;

1.2.8 "bus terminal" means the curb space assigned for the sole use of buses in front of or adjacent to any lands or buildings occupied or operated by a bus line;

1.2.9 "Chief of Police" means the Staff Sergeant of the Ontario Provincial Police Kirkland Lake Detachment;

1.2.10 "By-law Enforcement Officer" means a person appointed by the Township of Matachewan pursuant to the Police Services Act, and authorized to carry out the enforcement of this by-law or a duly appointed By-law Enforcement Officer;

1.2.11 "commercial motor vehicle" means any motor vehicle having permanently attached thereto a truck or delivery body licensed as such by the Ministry of Transportation and without limiting the generality of the foregoing, includes ambulance, hearses, casket wagons, fire apparatus, police patrols, motor buses and tractors used for hauling purposes on the highways;

1.2.12 "community safety zone" means a highway or part of a highway where public safety is a special concern, fines have been increased for certain traffic violations and that is identified by "community safety zone" signs as prescribed in regulations under the Highway Traffic Act; and sections of highways named and described in Column 1, 2 and 3 of Schedule "A" to this bylaw are designated as community safety zones.

1.2.13 "corner" means the point of intersection of curbs or edges of the portion of the highway used for vehicular traffic;

1.2.14 "crosswalk" means 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, in the absence of curbs, from the edges of the traveled portion of the roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other marking on the surface;

1.2.15 "cul-de-sac" means a street or passage closed at one end;

1.2.16 "curb" shall include the edge of the roadway and gutters;

1.2.17 "driver" means every person who drives or is in actual physical control of a vehicle;

1.2.18 "driveway" means improved land on a highway, which provides vehicular access from the roadway to a laneway or a parking area on adjacent land;

1.2.19 "emergency vehicle" includes vehicles of the Ontario Provincial Police, Fire Services Division, ambulance and any other emergency vehicle of Federal, Provincial or Municipal Departments or of public or private utilities;

1.2.20 "firefighter" means member of the Fire Services Division of the Township;

1.2.21 "fire route" means a private roadway designated as a fire route by one or more signs erected by or on behalf of the owner or occupant of the private roadway;

1.2.22 "gross weight" means the combined weight of vehicle and load;

1.2.23 "highway" includes a common and public highway, street, avenue, parkway, square, place, bridge, viaduct or trestle, designed and intended for, or used by the general public for the passage of vehicles, including unopened and unassumed highways;

1.2.24 "highway maintenance" includes snow plowing, snow removal, highway sweeping, grading, sanding and any other such maintenance as required to maintain proper highway conditions;

1.2.25 "improved land" means land which has been constructed in such a manner using asphalt, concrete, gravel, or any suitable material, so as to permit its use by normal vehicular traffic;

1.2.26 "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;

1.2.27 "laneway" means improved land adjacent to the highway, which provides access from the highway to a parking area on adjacent land;

1.2.28 "leave or left when prohibited" means the parking of a motor vehicle:

1.2.28.1 in excess of any time limit so posted, or;

1.2.28.2 where a time limit is not posted in excess of two hours, or

1.2.28.3 for any use other than the normal use intended for the property;

1.2.29 "loading zone" means the space designated by the Corporation for the regular delivery or removal by commercial motor vehicles of goods or merchandise at the location set out in Schedule "B" hereto;

1.2.30 "motor vehicle" includes an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine;

1.2.31 "municipality" means the Corporation of the Township of Matachewan;

1.2.32 "official sign" means a sign or other device placed or erected on a highway or elsewhere pursuant to the provisions of this by-law and approved by the Ministry of Transportation;

1.2.33 "one way highway" means a highway upon which the movement of vehicular traffic is limited to one direction;

1.2.34 "owner" when used in relation to property means the registered owner of the property;

1.2.35 "owner" when used with relation to a vehicle means the last registered name on file with the Ministry of Transportation;

1.2.36 "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;

1.2.37 "parking space" means that part of the surface of a roadway designated for the purpose of parking a vehicle;

1.2.38 "pedestrian" means a person on foot or an invalid, child or other person in a wheeled chair or baby carriage;

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

1.2.40 "person" means any human being, firm, association, partnership, private club, incorporated company, corporation, tenants in common, joint tenants, agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law and for the purpose of this by-law includes the owner or driver of a vehicle;

1.2.41 "Police Officer" means a sworn member of the Ontario Provincial Police;

1.2.42 "private roadway" means a roadway or laneway on private property;

1.2.43 "roadway" means that 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;

1.2.44 "school bus" means a bus that:

1.2.44.1 is painted chrome yellow; and

1.2.44.2 displays on the front and rear thereof the words "school bus" and on the rear thereof the words "do not pass when signals are flashing";

1.2.45 "school bus loading zone" means an area designated for the loading and unloading of passengers from an authorized school bus;

1.2.46 "shoulder" means that part of the highway immediately adjacent to the roadway and having a surface which has been improved with asphalt, concrete or gravel for the use of vehicles;

1.2.47 "sidewalk/footpaths" means that portion of a highway as is set aside by the Township for the use of pedestrians;

1.2.48 "sign" means any sign, or any marking placed or made on any roadway, curb, sidewalk or public place, which is authorized by Council and, when required approved by the Ministry;

1.2.49 "signal light traffic control system" means a signal light traffic control system as described in the Highway Traffic Act;

1.2.50 "stand or standing" when prohibited, means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in the receiving or discharging of passengers or, when in obedience to a Police Officer, signal or sign;

1.2.51 "stop" or "stopping", when prohibited, 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 constable or other police officer or By-law Enforcement Officer or of a traffic control sign or signal;

1.2.52 "taxicab stand" means the space for exclusive use by a taxicab owner;

1.2.53 "through highway" means a highway or part of a highway designated as such by the Minister or by by-law of a municipality, and every such highway shall be marked by a stop sign or yield right-of-way sign in compliance with the regulations of the Ministry;

1.2.54 "traffic" includes pedestrians, ridden or herded animals, vehicles, buses and other conveyances, either singly or together while using any street for the purpose of travel;

1.2.55 "traffic control device" means any sign or, roadway, curb or sidewalk marking or, other device erected or placed under the authority of Council for the purpose of guiding or directing traffic;

1.2.56 "traffic signal" means any device manually, electrically or mechanically operated for the regulation of traffic;

1.2.57 "trailer" means a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry mobile home, another motor vehicle or any device or apparatus not designated to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn;

1.2.58 "U-turn" means the turning of a vehicle within a highway so as to proceed in the opposite direction;

1.2.59 "vehicle" includes a motor vehicle, a motorized snow vehicle, an all terrain vehicle, traction engine, farm tractor, road building machine, bicycle, and any vehicle drawn, propelled or driven by any kind of power including muscular power.

1.2.60 "wheelchair" means a chair mounted on wheels driven by muscular or any other kind of power and used for the carriage of a person who has a physical defect or disability;

1.2.61 "zone" means an area of land designated for a specific use.

## 2. GENERAL REGULATIONS

2.1 Where any expression of time occurs or where any hour or other periods of time is stated, the time referred to shall be standard time, provided however, if what is known as "daylight saving time" has been generally adopted in the Regional Area for any period of the year, under any statute, order-in-council, by-law, resolution or proclamation, whether the same is effective in law or not, such time shall be the time referred to during such period in any reference to time in this by-law.

2.2 The CAO for the Township of Matachewan, or his designate shall have authority to:

2.2.1 place or erect and to maintain such authorized signs as are required to give effect to the provisions of this by-law;

2.2.2 no person shall place, maintain or display on any highway, any sign, marking or device which purports to be, or is an imitation of, or resembles an authorized sign or which conceals from view or interferes with the effectiveness of an authorized sign.

2.3 The Chief of Police and the CAO of the Township of Matachewan are authorized to place or erect and to maintain temporary "No Parking" signs and "No Stopping" signs on any highway.

2.4 The Schedules to this by-law shall form part of this by-law and each entry in a column of such a Schedule shall be read in conjunction with the entry or entries across there from and not otherwise.

2.5 "Severability" should any section, subsection, clause, paragraph or provision of this by-law, including any part of schedules be declared by a court of competent jurisdiction to be ultra vires, invalid or illegal for any reason, the same shall not affect the validity of the by-law as a whole.

2.6 A word interpreted in the singular number has a corresponding meaning when used in the plural.

2.7 "May" shall be construed as permissive.

2.8 "Shall" shall be construed as imperative.

2.9 Any reference in this by-law to "he" and "she" or "his" or "her" shall be interpreted to be gender neutral and the provisions of this by-law shall be interpreted to apply equally to both male and female persons.

2.10 No person shall drive a motor vehicle upon a sidewalk or footpath of a highway except for the purpose of directly crossing the sidewalk or footpath.

2.11 No person shall drive a motor vehicle over a raised curb except at a place where there is a ramp.

2.12 "Distances" where a distance is used in this by-law as part of a prohibition of parking or stopping within a specified distance of an object, structure, land or part of a highway, such distance shall be measured:

2.12.1 along the curb or edge of the roadway from a point in such curb or edge of roadway opposite such object, structure, land or part of a highway, unless the context otherwise requires, and

2.12.2 from such object, structure, land, or part of a highway in all directions.

2.13 No person shall make a U-turn on any highway in the Township of Matachewan:

2.13.1 when upon a curve where traffic approaching the vehicle from either direction cannot be seen by the driver of the vehicle within a distance of 150 metres (150m)/492.0 feet;

2.13.2 when upon an approach to or near the crest of a grade where the vehicle cannot be seen by the driver of another vehicle approaching from either direction within 150 metres (150m)/492.0 feet;

2.13.3 when within 150 metres (150m)/492.0 feet of a bridge, viaduct or tunnel where the driver's view is obstructed within such distance; and

2.13.4 having regard for subsection 2.13, unless it can be made safely and without interfering with other traffic and provided there are no official signs so erected and displayed which indicates that the making of a U-turn on such highway is prohibited.

2.14 This by-law applies only to highways forming part of the road system under the jurisdiction of the municipality.

2.15 If compliance therewith be impractical, the provisions of this by-law shall not apply to:

2.15.1 ambulances, police, fire department, or public utility emergency vehicles, or

2.15.2 vehicles actually engaged in works undertaken for, or on behalf of the municipality.

### 3. POWERS TO ENFORCE BY-LAW

3.1 A Police Officer and/or By-law Enforcement officer shall enforce the provisions of this By-law.

3.2 Where it is necessary for the preservation of public safety, a Police Officer and/or By-law Enforcement officer may direct and control traffic upon any street within the Town and for such purposes may divert, halt or restrain the movement of such traffic.

3.3 When on duty in answer to a fire alarm, a Firefighter shall have the powers to direct and control traffic upon any street with in the Town.

3.4 Notwithstanding anything to the contrary contained herein, the Chief of Police or the CAO of the municipality during any emergency or special circumstances deemed sufficient therefore, may suspend any or all parking on any highway within the area affected by these special circumstances, by authorizing the erection of "No Parking" signs, and the Chief of Police or the CAO, as the case may be during such emergency, may declare that any vehicle already parked is being parked illegally regardless of the time permitted for parking such vehicle under the provisions of this By-law provided, that in the event the owner or driver of such vehicle is personally notified by a Police Officer that parking at such place has been suspended, and further, that the owner or driver of such vehicles is allowed a reasonable period of time to remove the said vehicle.

3.5 Every person shall promptly obey all signals given either by a Police Officer, a By-law Enforcement officer or a Firefighter, by a traffic control device or a traffic signal.

#### 4. GENERAL STOPPING OR PARKING REGULATIONS

4.1 No person shall park or stop any vehicle on any highway or portion thereof except as follows:

4.1.1 where there is a raised curb on the right side of the roadway having regard to the direction such vehicle was proceeding, with its right front and rear wheels parallel to and not more than fifteen centimetres (15 cms) (5.9 inches) from such curb; or

4.1.2 where there is no curb or a rolled curb, with the right front and rear wheels parallel to and as near the right-hand limit of the highway as is practical without parking or stopping over a sidewalk or footpath or over any part of a highway where grass is grown or which is not intended for use of vehicles.

4.1.3 the driver of a taxicab shall not stop, stand or park upon any street at any place other than at an appropriately signed taxicab stand except that this provision shall not prevent the driver of a taxicab from temporarily stopping in accordance with the stopping or parking regulations at any place for the purpose of and while actually engaged in receiving or discharging passengers.

Notwithstanding the provisions of subsection 4.1 on designated one-way highways where parking or stopping is permitted on the left side of a highway, no person shall park or stop any vehicle on any highway or portion thereof except as follows:

4.2.1 where there is a raised curb on the left side of the roadway having regard to the direction in which the vehicle was traveling, with its left front and rear wheels parallel to, and not more than fifteen centimetres (15 cms) (5.9 inches) away from such curb.

4.2.2 where there is no curb or rolled curb, on the left side of the roadway having regard to the direction in which the vehicle was traveling with the left front and rear wheels parallel to and as near to the left hand limit of the highway as is practical without parking or stopping over a sidewalk or footpath or over any part of a highway where grass is grown or which is not intended for use of vehicles.

4.3 Where parallel parking spaces are designated by lines painted on the roadway, no person shall park or stop any vehicle except within the designated space.

#### ANGLE PARKING

4.4 When angle parking is permitted with signs, no person shall:

4.4.1 when parking spaces are designed by painted lines on the roadway, park any vehicle other than within the designated spaces, or

4.4.2 where parking spaces are not designated by lines painted on the roadway, park or stop any vehicle except at an angle of 45 degrees to the curb or boundary of the roadway.

4.5 The provisions of subsection 4.1 and 4.2 do not apply on highways where angle parking is permitted.

4.6 A Police Officer and/or By-law Enforcement officer, upon the discovery of a motor vehicle apparently abandoned on or near a highway or on lands owned by the Corporation of the Township of Matachewan may take or cause such vehicle to be taken to and stored in a suitable place and all costs and charges for removal, care and storage thereof shall be a lien upon such vehicle and be payable before the surrender of such vehicle, as provided in the Repair and Storage Liens Act.

## 5. PARKING PROHIBITED WITH SIGNS

When authorized signs have been erected, no person shall park a vehicle or permit a vehicle to remain parked on any highway:

Designated no parking signs shall be located as set out in Schedule "C" attached hereto and forming part of this by-law.

5.1 in front of, or within nine metres (9m) (29.5 feet) of a lot on which there is a firehall on the side of the highway on which the firehall is located;

5.2 on the opposite side of a highway from that on which a firehall is located and within thirty metres (30m) (98.4) feet of the projected lot lines of the lot on which such firehall is located;

5.3 within twenty metres (20m) (65.6 feet) of an intersection;

5.4 within thirty metres (30m) (98.4 feet) of an intersection controlled by traffic signals;

5.5 in front of the main entrance to, or any emergency exit from any church, hotel, hospital, nursing home, theatre, auditorium or other building or enclosed space in which persons may be expected to congregate in large numbers;

5.6 within thirty metres (30m) (98.4 feet) of the approach side of a cross walk that is not located at an intersection;

5.7 within fifteen metres (15m) (49.2 feet) of the departure side of a cross walk that is not located at an intersection;

5.8 so as to interfere with the formation of a funeral procession;

5.9 park a vehicle, other than a commercial motor vehicle on pick-up or delivery, in a loading zone.

## 6. PARKING PROHIBITED WITHOUT SIGNS

No person shall park a vehicle or permit a vehicle to remain parked on any highway:

6.1 within nine metres (9m) (29.5 feet) of an intersection;

6.2 within three metres (3m) (9.8 feet) of a fire hydrant;

6.3 in front of or within one and one half metres (1.5m) (4.9 feet) of a laneway or driveway;

6.4 so as to obstruct a vehicle in the use of any laneway or driveway;

6.5 in such a position that will prevent the convenient removal of any other vehicle previously parked;

6.6 for the purpose of displaying the vehicle for sale;

6.7 for the purpose of greasing, or repairing the vehicle except for such repairs as have been necessitated by an emergency;

6.8 on the roadway where the width of the roadway is six metres (6m) (19.6 feet) or less;



6.9 on a driveway within one metre (1m) (3.2 feet) of a sidewalk or footpath, or if there is no sidewalk or footpath within three metres (3m) (9.8 feet) of the roadway;

6.10 so as to impede or obstruct the flow of other traffic during their lawful use of the highway.

6.11 on a boulevard.

## 7. STOPPING PROHIBITED - SPECIFIED PLACES NO SIGNS

No person shall stop a vehicle or permit a vehicle to remain stopped on any highway:

7.1 on, or partly on, or over a sidewalk or footpath;

7.2 within an intersection or crosswalk;

7.3 within thirty metres (30m) (98.4 feet) of the approach side of a crosswalk that is not located at an intersection;

7.4 within fifteen metres (15m) (49.2 feet) of a departure side of a crosswalk that is not located at an intersection;

7.5 adjacent to, or across from an excavation or obstruction in the roadway, when the free flow of traffic would thereby be obstructed;

7.6 on the roadway side of any stopped or parked vehicle;

7.7 upon any bridge or elevated structure except where parking is otherwise permitted in this by-law;

7.8 within thirty metres (30m) (98.4 feet) of either end of a bridge or elevated structure;

7.9 within thirty metres (30m) (98.4 feet) of the approach side of the nearest rail of any level crossing of a railway;

7.10 within fifteen metres (15m) (49.2 feet) of the departure side of the nearest rail of any level crossing of a railway.

## 8. PARKING OR STOPPING PROHIBITED WITH SIGNS

When authorized signs have been erected, no person shall stop or park a vehicle or permit a vehicle to remain stopped or parked:

8.1 on either side of a highway adjacent to a school, park or playground between the hours of 7:30 a.m. and 7:00 p.m.;

8.2 within the turning basin of a cul-de-sac.

## 9. PARKING REGULATIONS - HIGHWAY CLEARING, CLEANING, SNOW REMOVAL AND SNOW PLOWING.

When authorized signs have been erected, no person shall park a vehicle or permit a vehicle to remain parked on a highway:

9.1 so as to interfere, in any manner, with the work of clearing and/or removing snow or ice therefrom, or

9.2 in such a manner so as to interfere with highway cleaning operations, or

9.3 between the hours of 12:00 midnight and 7:30 a.m. from the first day of November to the fifteenth day of April in any calendar year (for the purposes of snow removal).

9.4 In the event that a vehicle is found in contravention of this section, a Police Officer and/or By-law Enforcement officer may take or cause such vehicle to be taken to and stored in a suitable place and all costs and charges for removal, care and storage thereof shall be a lien upon such vehicle and be payable before the surrender of such vehicle, as provided in the Repair and Storage Liens Act.

#### 10. PARKING PROHIBITED - SPECIFIED TIMES AND PLACES-SIGNS SCHEDULE "D"

When authorized signs have been erected, no person shall park a vehicle, or permit a vehicle to remain parked on any highway at the side and between the limits set out respectively in Columns 1, and 2 of Schedule "D" of this by-law during the times or days set out in column 3 of Schedule "D".

10.1 In the event that a vehicle is found in contravention of this section, a Police Officer and/or By-law Enforcement officer may take or cause such vehicle to be taken to and stored in a suitable place and all costs and charges for removal, care and storage thereof shall be a lien upon such vehicle and be payable before the surrender of such vehicle, as provided in the Mechanics Liens Act.

#### 11. PARKING OR STOPPING PROHIBITED - VENDING VEHICLES

No person shall:

11.1 who is selling or offering for sale goods or produce from a stationary vehicle on a highway, park the vehicle or permit the vehicle to remain parked in such a manner as to obstruct traffic;

11.2 offer for sale or sell goods or produce from a vehicle on a highway, except from the side of such vehicle facing an inner or outer boulevard;

11.3 who is selling or offering for sale goods or produce from a vehicle, for the purpose of carrying on his business, stop the vehicle on any part of the highway for a period of time in excess of ten (10) minutes at any one location.

#### 12. PARKING PROHIBITED - PRIVATE PROPERTY AND PROPERTY OF THE MUNICIPALITY

##### DEFINITIONS

12.1 For the purpose of this section the following definitions shall apply:

12.1.1 "occupant" when used in relation to property means:

12.1.1.1 the lawful tenant or lessee of the property;

12.1.1.2 the registered tenant or lessee of a condominium unit, whose consent shall extend only to the control of the unit of which he is tenant or lessee and any parking spaces allotted to him by the condominium corporation or reserved for his exclusive use in the declaration or description of the property;

12.1.1.3 the spouse of a person described in the sub-sub-clause 12.1.1.1 or 12.1.1.2;

12.1.1.4 the board of directors of the condominium corporation;

12.1.1.5 a person authorized, in writing, by the property owner as defined in sub-sub-clause 12.1.1.1, 12.1.1.2, 12.1.1.3, or 12.1.1.4 to act on the owner's behalf for requesting the enforcement of a by-law passed under this paragraph.

12.1.2 "owner" when used in relation to property means:

12.1.2.1 the registered owner of the property;

12.1.2.2. the registered owner of a condominium unit, whose consent shall extend only to the control of the unit of which he is owner and any parking spaces allotted to him by the condominium corporation or reserved for his exclusive use in the declaration or description of the property;

12.1.2.3 the spouse of a person described in sub-sub-clause 12.1.2.1 or 12.1.2.2;

12.1.2.4 where the property is included in a description registered under the Condominium Act, the board of directors of the condominium corporation.

12.1.3 "private property" means all property except the property described in Section 1.2.37 of this by-law;

12.1.4 "municipal property" means all property owned or occupied by the Township of Matachewan except municipal roads controlled under the Highway Traffic Act or a municipal traffic control by-law;

12.2 Where an owner or occupant of property has posted signs:

12.2.1 stating conditions on which a vehicle may be parked or left on the property, or

12.2.2 prohibiting the parking or leaving of a vehicle on the property;

the vehicle shall be deemed to be left without consent.

12.3 No person shall park or leave a vehicle on:

12.3.1 private property without first having obtained written permission from the owner or occupant of the property;

12.3.2 property owned or occupied by the Town without first having obtained written consent from the Town.

12.4 No person shall be charged under Section 12.3.1 of this by-law except where a signed request from the property owner or occupant has been received by the designated person enforcing this By-Law.

12.5 Where a driver of a vehicle, not being the owner, has been charged under Section 12.3 of this by-law and is liable to a penalty, the owner of the vehicle is also liable to such penalty unless, at the time of the offence, the vehicle was being used without the owner's consent.

12.6 No person shall park a vehicle or permit a vehicle to remain parked on property owned by the Town or where:

12.6.1 an area that is designated by sign as reserved, unless the area is reserved for such person, and

12.6.2 an area designated by sign as an area where parked is prohibited.

12.7 The provisions of 12.3.2 shall not apply where authorized signs have been posed indicating parking is permitted.

### 13. DISABLED PARKING SPACES - PROHIBITED PARKING WITH SIGNS

#### DEFINITIONS

13.1 For the purpose of this Section:

13.1.1 "authorized sign" means a sign thirty centimetres (30 cm) (11.8 inches) in width and forty-five centimetres (45 cm) (17.7 inches) in height displaying the symbols and colours as shown in Schedule "E" to this by-law, but one (1) or both of the arrows may be deleted.

13.2 When authorized signs have been erected, no person shall:

13.2.1 park or stop a vehicle or allow a vehicle to remain parked or stopped in a public parking area in a parking space reserved for the disabled unless a valid disabled permit is openly displayed on the dashboard of the vehicle or license plates issued for the disabled are properly attached to the front and rear of the vehicle.

13.3 Enforcement of this Section on property other than property owned by the municipality will only be carried out upon written request by the owner.

13.4 Designated parking spaces shall be located as set out in Schedule "F" attached hereto and forming part of this by-law.

### 14. HEAVY MOTOR VEHICLE - PARKING PROHIBITED WITH SIGNS

#### DEFINITIONS

14.1 For the purposes of this Section, the following definition shall apply;

14.1.1 "heavy motor vehicle" means a commercial vehicle having a weight when unloaded of three tons (2.7 tonnes) or more, or when loaded 5 tons (4.5 tonnes), but does not include an ambulance, police, fire, or emergency utility vehicle.

14.2 Except as provided in Section 14.3 of this Section, when authorized signs to that effect are displayed, no person shall park or stop a heavy motor vehicle or permit a heavy motor vehicle to remain parked or stopped on any highway or parts of highways within the limits of the Township of Matachewan.

14.3 Section 14.2 shall not apply to any vehicle actually engaged in making a delivery to, or collection from, premises which cannot be reached except by way of a highway or a portion of a highway referred to in the said section, or to prohibit the use of such vehicles for such purpose, provided that in making such delivery or collection, the said highway or portion of a highway is traveled only insofar as is unavoidable in getting to and from such premises.

### 15. DEFACING SIGNS - TRAFFIC SIGNALS

No person shall move, remove, deface or in any manner interfere with any sign, traffic control signal, marking, or other traffic control device placed, erected or maintained under this by-law.

16. FRESHLY PAINTED LINES ON ROADWAY

No person shall:

16.1 drive any vehicle over any marking of the roadway where markers are in place to indicate that the marking material has been freshly applied.

17. PARKING AND STOPPING PROHIBITED - FIRE ROUTE WITH SIGNS

17.1 When authorized signs have been erected, no person shall park or stop a vehicle or permit a vehicle to be stopped or parked in a designated fire route.

17.2 Fire route locations shall be as set out in Schedule "G" attached hereto and forming part of this by-law.

17.3 Where a fire route has been designated as such by this by-law, the owner of the land shall erect along such fire routes one or more authorized signs in such manner and such a number as required by the Township of Matachewan as to reasonably inform the users of such fire route that the lands concerned have been designated a fire route and parking is prohibited thereon.

18. THROUGH HIGHWAYS, STOP SIGNS AND YIELD SIGNS

18.1 THROUGH HIGHWAYS

The highway set out in Schedule "H" attached hereto and forming part of this by-law, between the limits set out of the said Schedule are, except as provided in subsection 18.1.2 of this by-law, hereby designated as through highways.

18.1.2 The designation in subsection 18.1.1 of this by-law of a highway or part of a highway shall not include any intersection thereon where the road intersected is a King's Highway or where traffic control signals are installed.

18.2 STOP SIGNS

18.2.1 The intersections set in Schedule "I" attached hereto and forming part of this by-law are designated as intersections where stop signs shall be erected at the locations shown in the said Schedule "I".

18.2.2 Each designation made by subsection 18.2.1 shall not become effective until stop signs have been erected in accordance with the regulations of the Highway Traffic Act.

18.3 YIELD SIGNS

18.3.1 The intersections on highways set out in Schedule "J" attached hereto and forming intersections where yield right-of-way signs shall be erected at the location shown in the said Schedule "J".

18.3.2 Each designation made by subsection 18.3.1 shall not become effective until yield right-of-way signs have been erected in accordance with the regulations of the Highway Traffic Act.

19. DESIGNATED ONE-WAY HIGHWAYS

19.1 The highways set out in Schedule "K" attached hereto and forming part of this by-law, between the limits set out in the said Schedule, are hereby designated for one-way traffic only in the direction set out in the said Schedule "K".

19.2 Each designation made by subsection 19.1 shall be effective upon the erection of official signs.

20. ENFORCEMENT AND ADMINISTRATION

This By-Law shall be enforced and administered by:

20.1 The Township of Matachewan By-law enforcement officer, and

20.2 Ontario Provincial Police

21. PENALTIES

Any person found to be in contravention of any of the provisions of this by-law is guilty of an offence and upon conviction thereof, is liable to a fine of not more than two thousand dollars (\$2,000.00), exclusive of costs for each offence and every such penalty shall be recoverable under the Provincial Offences Act, as amended.

22. VOLUNTARY PAYMENT

Notwithstanding the provisions of Section 21 of this by-law, any person may, upon presentation of Parking Infraction Notice:

22.1 issued by a Police Officer or By-law enforcement officer;

22.2 indicating the commission of an offence as set out in Sections 4,5,6,7,8,9,10,11,12,13,14 and 17 of this by-law;

22.3 Showing a set fine as set in Schedule "L", attached hereto and forming part of this by-law;

22.4 pay early payment in the manner shown in option 1 or 2 on the reverse side of the certificate of parking infraction.

23. Notwithstanding any other penalty imposed by this by-law, the Police Officer or By-law enforcement officer so appointed by the Township of Matachewan may have the vehicle towed away and impounded at the owner's expense.

24. All towing and impounding charges incurred under Section 25 shall become a lien against the vehicle and are collectable under the Mechanics Lien Act, R.S.O. 1980, Chapter 261 as amended.

25. The Corporation of the Township of Matachewan will not be liable for any damage done by highway maintenance equipment to vehicles parked on Town highways or for any damage caused to vehicles due to Towing away and impounding of same.

26. This by-law shall take effect on the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME, ENACTED AND PASSED this 17th day of April 2012, and numbered 2012-05.



Beverley Hine  
Reeve



Andrew Van Oosten  
CAO-Clerk-Treasurer