

CORPORATION OF THE TOWNSHIP OF VAL RITA-HARTY



By-Law 1121-22

BEING A BY-LAW TO REGULATE THE PARKING OF VEHICLES WITHIN THE TOWNSHIP OF VAL RITA-HARTY

WHEREAS section 5 (3) of the Municipal Act, 2001, S.O. 2001, c.25, states that a municipality's power shall be exercised by By-Law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS section 8(1) of the Municipal Act, 2001, S.O. 2001, c.25, states that the powers of a municipality under this 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 10(2) of the Municipal Act, 2001, S.O., c.25, states that a single-tier municipality may pass By-Laws in respect to matters relating to the health and safety of persons and the protection of persons and property;

AND WHEREAS section 27(1) of the Municipal Act, 2001, S.O., c.25, states that a municipality may pass By-Laws in respect of a highway only if it has jurisdiction over the highway;

AND WHEREAS section 391 of the Municipal Act 2001, S.O. 2001, c.25, provides that a municipality may pass By-Laws imposing fees or charges for the use of its property including property under its control;

AND WHEREAS section 425 of the Municipal Act 2001, S.O. 2001, c.25, provides that any person who contravenes any By-Law of the municipality passed under this Act is guilty of an offence;

AND WHEREAS section 428 of the Municipal Act 2001, S.O. 2001, c.25, provides that the owner of a vehicle is guilty of an offence even if the owner is not the driver of the vehicle, where a vehicle has been left parked, stopped, or standing in contravention of a By-Law;

AND WHEREAS section 432(1) of the Municipal Act 2001, S.O. 2001, c.25, provides that a municipality may pass a By-Law for the purpose of providing a procedure for the voluntary payment of penalties out of court in cases where it is alleged that a By-Law related to the parking, standing, or stopping of vehicles has been contravened;

AND WHEREAS section 436 of the Municipal Act 2001, S.O. 2001, c.25, provides that a municipality has the power to pass By-Laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out inspection to determine whether or not the following are being complied with;

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AND WHEREAS the Highway Traffic Act R.S.O. 1990, c.H8, section 7(1) provides that where a permit holder is in default of payment of a fine imposed for a parking infraction, an order or direction may be made under section 69 of the Provincial Offences Act directing that validation of that person's permit and issuance of new permit to that person shall be refused until fine is paid;

AND WHEREAS the Highway Traffic Act R.S.O. 1990, c.H8, section 170(12) states that, no person shall park or stand a vehicle on a highway in such a manner as to interfere with the movement of traffic or clearing of snow from highway;

AND WHEREAS the Highway Traffic Act R.S.O. 1990, c.H8, section 170(15) states that, a Municipal Law Enforcement Officer is authorized to have towed away any vehicle which interferes with the movement of traffic or clearing of snow from the highway, or that is in contravention of a Municipal By-Law;

AND WHEREAS the Council of the Corporation of the Township of Val Rita-Harty deems it necessary to adopt a By-Law regulating the parking of vehicles on concessions and rural roads within the Township of Val Rita-Harty to ensure the operations and maintenance of the concessions and rural roads by the Township of Val Rita-Harty are carried out in a safe and efficient manner to mitigate the risk of damage to property and risk of personal injury;

NOW THEREFORE be it resolved that the Council of the Corporation of the Township of Val Rita-Harty enacts as follows :

1. Definitions

- a. **"Authorized Sign"** means any sign or roadway, curb or sidewalk marking, or other device placed or erected on a highway under the authority of this By-Law for the purpose of regulating parking;
- b. **"Emergency Stop"** means when you are required to bring your vehicle to an immediate stop on the side or sides of any highway(s) for any mechanical issue(s) or any other emergency;
- c. **"Motor Vehicle"** includes an automobile, motorcycle, motor assisted bicycle unless other wise indicated in this By-Law and any other vehicle propelled or driven otherwise than by muscular power; but does not include a streetcar or other motor vehicles running on rails, or motorized snow vehicle, traction

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engine, farm tractor, self propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act, R.S.O. 1990, and amendments thereto;

- d. **“Motorized snow vehicle”** means a self-propelled vehicle designed to be driven primarily on snow;
- e. **“Municipal Law Enforcement Officer”** means a person appointed by the Council of the Township of Val Rita-Harty for the purpose of enforcing By-Laws of the Township.
- f. **“Municipality”** means the Corporation of the Township of Val Rita-Harty.
- g. **“Owner”** means a person who legally owns a commercial or personal vehicle or is authorized by the owner of the commercial or personal vehicle to operate such vehicle.
- h. **“Park”, “parking” or “parked”**, 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 merchandise or passenger;
- i. **“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;
- j. **“Street” or “Highway”** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for used by the genera public for the passage of vehicles and includes the area between the lateral property lines thereof;
- k. **“Vehicle”** includes a motor vehicle, trailer, traction engine, farm tractor, road building machinery, and any vehicle drawn, propelled, or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or streetcar;

2. Administration

- a. The CAO or Working Foreman, or any other official of the Municipality appointed by the Municipal Council shall have the authority to administer this By-Law and report any contravention of this By-Law to the Municipal Law Enforcement Officer.

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- b. Upon request from a vehicle owner or a property owner, the CAO may provide a Permit Parking to allow for the parking of vehicles on certain concessions and rural roads for a period of time exceeding two (2) hours.

3. General regulations

- a. No owner shall at any time park their vehicle(s), whether attended or unattended, for more than two (2) consecutive hours on any highways or parts of highways named or described in **Schedule "A"** to this By-Law, on the side or sides of highways set out in the said schedule.
- b. Every owner who parks their vehicle(s) on any highways shall ensure that the vehicle(s) is parked as close as possible to the outer edge of the highways or side of highways to ensure their vehicle(s) do not impede or interfere with the travelled portion of the highways.
- c. Every owner who parks their vehicle(s) on the highways, whether on the right side or the left side, shall ensure that they are parked with regards to the direction which the vehicle had been proceeding.
- d. The Municipality shall not be responsible for any damages caused to vehicles parked on the highways and no action or other proceedings for damages shall be instituted against the Municipality or its municipal employees, or municipal contracted employees, for any work or maintenance done on any highways.

4. Street parking permit

- a. An owner can request a Permit Parking from the Municipality to permit the parking of vehicles on the highways for a period of time exceeding two (2) hours.
- b. Every owner shall make a request at least two (2) days prior to the event where a Permit Parking is needed.
- c. Every owner shall state the general nature of the event which a Permit Parking is needed, on which highways the vehicles will be parked and shall inform the Municipality when the vehicles shall be removed from the highways.

5. Emergency stops

- a. The provisions of this By-Law do not apply to vehicles currently engaged in an emergency stop due to mechanical issue with the vehicle or any other emergency which requires the vehicle to be parked on any highways.
- b. Every owner shall remove their vehicle within 24 hours after an emergency stop begins.

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- c. If the owner is unable to remove the vehicle the next day following the emergency stop in accordance with section 5(b), he/she shall inform the Municipality as to when they will be able to reasonably remove their vehicle.

6. Exemptions

- a. The provisions of this By-Law shall not apply to an ambulance, police vehicle, fire department vehicle, public utility emergency vehicle and a vehicle actually engaged in work undertaken for or on behalf of the Municipality, a local Municipality within the region, the federal or provincial government or any utility.

7. Enforcement

- a. Where a vehicle is found parked in violation of any provisions of this By-Law, the Municipal Law Enforcement Officer so finding the vehicle may attach to the vehicle a Certificate of Parking Infraction, which states:
 - i. The license number of the vehicle and any other identification tag marking, if any, of such vehicle;
 - ii. The date, time, and location when such vehicle is parked in violation of any of the provisions of this By-Law;
 - iii. That the vehicle has violated the provisions of the By-Law and nature of the alleged offence; and
 - iv. That the owner or operator thereof may report to the Corporation within fifteen (15) days after the date the Certificate of Parking Infraction was issued to make voluntary payment of the penalty indicated on said certificate.
- b. The Municipal Law Enforcement Officer appointed by the Municipality, or any other officer appointed by the Council, shall be authorized to enforce the provisions of this By-Law. No person or owner shall interfere, hinder, or obstruct in any way a Municipal Law Enforcement Officer exercising his/her duties.

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- c. Every owner who contravenes this By-Law shall be guilty of an offence and upon conviction shall be liable to a fine as set out in Schedule "B" an "C", attached herein and forming part of this By-Law, and such fine is recoverable under the Provincial Offences Act, R.S.O. 1990, c. P33, as amended.
- d. Where an offence against any provision of this By-Law is of continuing nature, a separate offence shall be deemed to have occurred on each day the offence occurs or continues.

8. Penalties

- a. Any person who contravenes any provision of this By-Law is guilty of an offence and upon conviction, shall be liable to a fine of not more than five thousand (\$5,000.00) dollars, as provided for in the Provincial Offences Act, R.S.O. 1990, Chapter P.33

9. Severability

- a. If any provision of this By-Law is declared invalid for any reason by a court of competent jurisdiction, only that invalid portion of the By-Law shall be severed, and the remainder of the By-Law shall continue in force.

10. Schedules

- a. The following schedule attached hereto are hereby made part of this By-Law :
 - i. Schedule "A" : Fines

11. Short title

- a. This By-Law may be referred to or cited as the "Parking By-Law".

12. Effective date

- a. This By-Law shall come into force on the day on which it is adopted.

READ A FIRST TIME ON THIS 19TH DAY OF APRIL 2022


Alain Tremblay – Deputy Mayor


Eric Bizier – Clerk

READ A SECOND TIME ON THIS 19TH DAY OF APRIL 2022





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Alain Tremblay– Deputy Mayor

Eric Bizier – Clerk

READ A SECOND TIME ON THIS 19TH DAY OF APRIL 2022

Alain Tremblay– Deputy Mayor

Eric Bizier – Clerk

READ A THIRD TIME AND ADOPTED ON THIS 19TH DAY OF APRIL 2022

Alain Tremblay– Deputy Mayor

Eric Bizier – Clerk

I hereby CERTIFY that the above is a true copy of By-Law #1121-22 as enacted and adopted by the Council of the Corporation of the Township of Val Rita-Harty on the 19th day of April 2022.

Dated in Val Rita this 21st day of June 2022.

Eric Bizier - Clerk

Schedule “A” To By-Law 1121-22: Parking By-Law

2 Hour Parking - Limit

STREET	FROM	TO	SIDE
Avery Road	Concession 1 & 18	Concession 14 & 15	West, East
Beattie Road	Highway 11	North end of road	West, East

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Belanger Road North	Highway 11	North end of Road	West, East
Belanger Road South	Highway 11	South end of Road	West, East
Cargill Road	Highway 11	South Township Limits	West, East
Concession 1 & 18	Highway 11	West end of road	South, North
Concession 1 & 18	Highway 11	Owens road north	South, North
Concession 12 & 13	East Township limits	West end of road	South, North
Concession 14 & 15	East Township limits	West end of road	South, North
Concession 4 & 5	East end of road	West end of road	South, North
Des Grondeurs Road	Highway 11	North end of road	West, East
Dagenais Road	Highway 11	Concession 12 & 13	West, East
Harty Pit Road	Highway 11	27 Harty Pit Road	West, East
Owens Road North	Highway 11	Concession 1 & 18	West, East
Parent Road North	Highway 11	East end of road	South, North
Perras Road	Highway 11	South end of road	West, East
Tremblay Road	Highway 11	27 Tremblay Road	West, East

Schedule "B"

To By-Law 1121-22: Parking By-Law

Part II Provincial Offences Act

Short Form Wording

CORPORATION OF THE TOWNSHIP OF VAL RITA-HARTY



By-Law 1121-22

ITEM	SHORT-FORM WORDING	PROVISIONS CREATING OR DEFINING OFFENCE	SET FINE
1	Park on Highway – Exceeding 2 Hours	3(a)	\$ 75.00
2	Park vehicle – Obstructing or interfering with highway	3(b)	\$ 75.00
3	Park vehicle – Facing wrong direction	3(c)	\$ 75.00

Note: the general penalty provision for the offences listed above is section 8(a) of By-Law 1121-22, a certified copy of which has been filed.

Schedule “C”
To By-Law 1121-22 : Parking By-Law
Part I Provincial Offences Act
Short Word Forming

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ITEM	SHORT-FORM WORDING	PROVISIONS CREATING OR DEFINING OFFENCE	SET FINE
1	Fail to remove vehicle 24 hours after emergency stop begin	5(b)	\$ 75.00
2	Obstruct, interfere, or hinder an officer	7(b)	\$ 250.00

Note: the general penalty provision for the offences listed above is section 8(a) of By-Law 1121-22, a certified copy of which has been filed.