

CORPORATION OF THE VILLAGE OF POINT EDWARD

BY-LAW NUMBER 45 OF 2020

BEING A BY-LAW TO REGULATE TRAFFIC AND PARKING IN THE VILLAGE OF
POINT EDWARD

WHEREAS it is desirable to rescind By-Law 18 of 1988 and any subsequent By-Law for the purpose of regulating and controlling traffic and parking within the Village of Point Edward; and

WHEREAS it is deemed necessary to control and regulate both vehicular and pedestrian traffic and parking in the Village of Point Edward; and

WHEREAS the Municipal Act, S.O. 2001 Chapter 25, as refers to all and any Parking matters on public or private property, By-Laws may be passed prohibiting the parking or leaving of motor vehicles on private or municipal property without consent; and

WHEREAS by Section 15 of the Police Services ACT, R.S.O. 1990, C.P. 15, as amended, Municipal By-Law Enforcement Officers may be appointed who shall be peace officers for the purpose of enforcing the By-Laws of the Municipality.

NOW THEREFORE the Municipal Council of the Corporation of the Village of Point Edward enacts as follows:

DEFINITIONS

1. In this By-Law the following meanings shall apply:

- a. **Highway** shall mean a common and public highway, street, alley, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, designed and intended for or used by the general public for the passage of vehicles,
- b. **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.
- c. **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 the cars of electric or steam railways, 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.
- d. **Commercial motor vehicle** means a motor vehicle having attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, buses, and tractors used for hauling purposes on the highway.
- e. **Official sign** means a sign approved by the Ministry of Transportation:
- f. **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 merchandise or passengers.
- g. **Pedestrian Crossover** means any portion of a roadway, designated by by-law of a 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.
- h. **Police Officer** means a member of the police force responsible for serving the Village of Point Edward.
- i. **Regulations** means the regulations made under the Highway Traffic Act, R.S.O. 1980, Chapter 198, as amended.
- j. **Roadway** means the portion 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.
- k. **Stop or stopping** when prohibited, means a complete cessation of movement, 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 sign or signal.

- l. **Through Highway** means a highway or part of a highway designated as such by the Minister of Transportation or by by-law of the Council; every such highway shall be marked by a stop sign or a yield right-of-way sign in compliance with the regulations of the Ministry of Transportation:
- m. **Vehicle** includes a motor vehicle, motor assisted bicycle, trailer, traction engine, farm tractor, road building machine 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 an electric or steam railway running only on rails.
- n. **Boulevard** means that area between the raised curb and the sidewalk or property line where no sidewalk exists.
- o. **By-Law Enforcement Officer** means a duly appointed By-Law Enforcement Officer for the Village of Point Edward and includes a police officer.
- p. **Corner** means the point of intersection of curbs or edges of the portion of the highway used for vehicular traffic.
- q. **Council** means the Council of the Corporation of the Village of Point Edward
- r. **Trailer** means a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, a mobile home, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled, or moved upon such highway, and except a sidecar attached to a motorcycle and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn.
- s. **Traffic control device** means any sign or roadway, curb or sidewalk marking, or other device erected or placed under authority of the Municipal Council for the purpose of guiding or directing traffic.
- t. **Traffic signal** means any device manually, electrically, or mechanically operated for the regulation of traffic.
- u. **Pedestrian** includes a person or child in a wheelchair or carriage.
- v. **Sidewalk** means the portion of a highway between the curb lines, or the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians.
- w. **Traffic** includes pedestrians, ridden or herded animals, vehicle and other conveyances, either singly or together while using any street for the purpose of travel.
- x. **Street** means a highway.
- y. **U-turn** means to turn a vehicle within a roadway so as to proceed in the opposite direction.
- z. **Village** means the Village of Point Edward.
- aa. **Derelict vehicle** means any inoperable vehicle or one that has an improper or expired vehicle license.

- 2. Where any expression of time occurs or where any hour or other period of time is stated, the time referred to is standard time except in periods when daylight savings time is in effect, in which periods, it is daylight saving time.

OBEDIENCE TO TRAFFIC REGULATIONS

- 3. By-Law Enforcement
 - a) The Ontario Provincial Police and the By-Law Enforcement Officer shall enforce this By-Law.
 - b) Enforcement officers are hereby authorized to enforce the provisions of this By-Law on the highways within the Village that are under the jurisdiction and control of the Village of Point Edward.
 - c) Except as otherwise expressly provided by this By-Law or the Highway Traffic Act, every person is guilty of an offence and is subject to the provisions of the Provincial Offences Act, R.S.O. 1990, Chapt. P. 33 as amended if they:
 - a. Contravene any provision of this By-Law; or
 - b. Are the owner of a vehicle that is parked or stopped in contravention of this By-Law.

ILLEGALLY PARKED VEHICLES

4. Where a vehicle has been parked or stopped in contravention of this By-Law, the owner of the vehicle, notwithstanding that he/she was not the driver of the vehicle at the time of the contravention of this By-Law, is guilty of an offence and is liable to the fine prescribed unless, at the time of the offence, the vehicle was in possession of some other person without the owner's consent, the proof of which rests on the owner of the vehicle.

PARKING INFRACTION NOTICE

5. Where a vehicle is found parked in contravention of the provisions of this By-Law, the By-Law Enforcement Officer or police officer finding the vehicle shall serve a parking infraction notice as provided for in the Provincial Offences Act, R.S.O. 1990. Chapt. P. 33, as amended.

TOW AWAY PROVISIONS

6. In addition to any other penalties provided for in this By-Law, any By-Law Enforcement Officer or Police Officer, upon discovering a vehicle parked or stopped in contravention of this By-Law, may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, are a lien upon the vehicle, which may be enforced in the manner provided by the Repair and Storage Liens Act, R.S.O. 1990, Chapter R. 25, as amended, and no person, except under the authority of a By-Law Enforcement Officer or Police Officer, shall move or take a motor vehicle from its place of storage or impoundment until all costs and charges constituting a lien upon the motor vehicle under this By-Law have been paid.
7. A trailer of any sort parked or stopped on a highway and not attached properly to a licensed vehicle may be towed immediately. A derelict vehicle parked or stopped on a highway may be towed immediately.

OBEDIENCE OF TRAFFIC SIGNS AND SIGNALS

8. Every person shall promptly obey all signals given either by a police officer, By-Law Enforcement Officer, or by a traffic control device or signal.

MISCELLANEOUS DRIVING RULES

9. Where U-turns are not prohibited under the provisions of section 33, no person shall make a U-turn unless it can be made in safety without interfering with other traffic.
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.
11. No person shall drive a motor vehicle over a raised curb except at a place where there is a ramp.

GENERAL STOPPING AND PARKING REGULATIONS

12. No person shall park or stop any vehicle on any highway or portion thereof except as follows:
 - a. Where there is a raised curb, on the right side of the roadway, having regard for the direction such vehicle was proceeding, with its right front and rear wheels parallel to and not more than 0.15 metres out from such curb.
 - b. Where there is no curb or a rolled curb, with the right front and rear wheels parallel to and as near to the right-hand limit of the highway as is practicable without stopping or parking on a sidewalk or footpath or on any part of the highway where grass is grown, or which is not intended for the use of vehicles.
13. The provisions of subsection 1 do not apply where angle parking is permitted under section 23 thereof or to parking or stopping a vehicle on the left-hand side of the roadway of a highway designated for one-way traffic.
14. Where angle parking is permitted on a highway, no person shall stop or park any vehicle except at an angle of 60 degrees from the curb or boundary of the roadway with the front end of the vehicle at such curb or boundary.
15. Where angle parking spaces are designated by lines painted on the roadway, no person shall stop or park any vehicle except within an area designated as a parking space.

16. Where parking is permitted on the left-hand side of the roadway of a highway designates for one-way traffic, no person shall park or stop any vehicle on the left-hand side of the highway or portion thereof except as follows:
- Where there is raised curb, on the left-hand side of the roadway, having regard to the direction such vehicle was proceeding, with its left front and rear wheels parallel to and not more than 0.30 metres out from such curb.
 - Where there is no curb, or a rolled curb, with the left front and rear wheels parallel to and as near as practicable without stopping or parking on a sidewalk or footpath or any part of the highway where grass is grown, or which is not intended for the use of vehicles.
17. No person shall stop a vehicle on a highway in any of the following places:
- On or over a sidewalk.
 - Within an intersection.
 - Alongside or across the highway from any excavation or obstruction in the roadway when the free flow of traffic would thereby be impeded.
 - On the roadway alongside of any stopped or parked vehicle.
 - Upon any bridge or within any tunnel or underpass.
 - On any centre boulevard or centre strip separating two roadways or adjacent to either side or ends of such middle boulevard or centre strip.
 - Within a designated pedestrian crossover.
18. No person shall park a vehicle on a highway in any of the following places:
- In front of or within 1.0 metres of a driveway or laneway, or so as to obstruct vehicles in the use of a driveway or laneway.
 - Within 3 metres of a point in the edge of the roadway and nearest a fire hydrant.
 - On any sidewalk or a pedestrian crossover or so as to obstruct any sidewalk or pedestrian crossover.
 - Within 9.0 metres of an intersecting roadway.
 - Within 15 metres of any intersection controlled by traffic signals.
 - Within 15 metres of any level crossing of a railway.
 - On any roadway having an overall width less than six metres.
 - For a continuous period of time greater than 48 hours.
 - In front of an entrance to or exit from any building or enclosed space, in which persons may be expected to congregate.
 - Alongside any tracks of any railway.
 - In such a position as will prevent the removal of any other vehicle previously parked.
 - In front of the entrance to any place where goods or merchandise are regularly delivered or removed.
 - On or within 9.2 metres of any bridge or overpass, under, over or across which the street passes.
 - So as to obstruct the free passage of the highway, or so as to obstruct or endanger pedestrians.
 - On any boulevard.
 - No person shall park a motor vehicle or combination of a motor vehicle with a registered gross weight of fifteen thousand (15,000) kilograms or more on any street in the Village of Point Edward except for the purpose of loading or unloading of goods. This provision shall not apply to the Fire Department or Public Works or any other Village department vehicles operated for Municipal purposes.
19. Where signs, in accordance with the Regulations of the Highway Traffic Act are erected and are on display, no person shall on any highway park any vehicle:
- Within 15 metres of an intersection.
 - Within 30 metres of an intersection controlled by traffic signals.
 - Within 25 metres of any point designated as a bus or coach stop.
 - Within 7.5 metres of any fire hall on the side of the highway on which the fire hall is located or within 30 metres of such fire hall on the opposite side of the roadway.
 - Within a fire route.
 - Between 2:00 am and 5:00 am.

g. Within an accessible spot without valid permit displayed

20. No person shall park a derelict vehicle on any road or street at any times of the year.
21. No person shall park a marine vehicle on a trailer, a commercial trailer, camping trailer or other recreational trailer on Village roads at any time when not attached to a legally parked and licensed vehicle.
22. No person shall park any trailer, of any sort, whether attached to a vehicle or not, on a roadway between the hours of 7:00 pm and 7:00 am.
23. The Ontario Provincial Police may temporarily designate and erect "No Parking" signs for a period not longer than 48 hours, and without the need of permission of Council, any street or portion of a street as a "No Parking" area.

PERMITTED ANGLE PARKING

24. Angle parking, in accordance with the provisions of sections 13 and 15, is permitted on the highways at the sides and in between the limits set out respectively in Columns 1, 2 and 3 of Schedule "H" to this By-Law.

STOPPING AND PARKING RESTRICTIONS AND PROHIBITIONS ON CERTAIN HIGHWAYS

NO PARKING

25. Where signs in accordance with the Regulations of the Highway Traffic Act are erected and are on display no person shall park a vehicle on any highway at the side and between the limits set out respectively in Columns 1, 2 and 3 of Schedule "A" to this By-Law during the prohibited times or days set out in Column 4 of the said Schedule.

RESTRICTED PARKING

26. Where signs in accordance with the Regulations of the Highway Traffic Act are erected and are on display no person shall park a vehicle on any highway at the side and between the limits set out respectively in Columns 1, 2 and 3 of Schedule "B" to this By-Law during the times or days set out in Column 4 of the said Schedule for a longer period than set out in Column 5 of the said Schedule.

NO STOPPING

27. Where signs in accordance with the Regulations of the Highway Traffic Act are erected and are on display no person shall STOP a vehicle on any highway at the side and between the limits set out respectively in Columns 1, 2 and 3 of Schedule "I" to this By-Law during the prohibited times or days set out in Column 4 of the said Schedule.

DESIGNATED ONE-WAY STREETS

28. The highways set out in Column 1 of Schedule "C" to this By-Law between the limits set out in Column 2 of the said Schedule, are hereby designated for one-way traffic only in the direction set out in Column 3 of the said Schedule.
29. Each designation made by section 21 shall be effective upon the erection of official signs.

THROUGH HIGHWAYS, STOP SIGNS AND YELD SIGNS

THROUGH HIGHWAYS

30. The highways set out in Column 1 of Schedule "D" to this By-Law, between the limits set out in Columns 2 and 3 of the said Schedule are, except as provided in section 30, hereby designated as through highways.
31. The designation in section 29 of a section of a highway or part of a highway as a through highway shall not include any intersection thereon where the road is a King's Highway or where traffic control signals are installed.

STOP SIGNS

32. The intersections set out in Column 1 of Schedule "E" to this By-Law are designated as intersections where stop signs shall be erected at the locations shown in Column 2 of the said Schedule.

YIELD SIGNS

33. The intersections set out in Column 1 of Schedule "F" to this By-Law are designated as intersections where yield right of way signs shall be erected at the locations shown in Column 2 of the said Schedule.

DESIGNATING LANES FOR TRAFFIC MOVING IN A PARTICULAR DIRECTION

34. On the highways or parts of highways listed in Column 1 of Schedule "G" having been divided into clearly marked lanes between the limits indicated in Column 2, each of the lanes indicated in Column 3 is designated for traffic moving only in the direction or directions indicated in Column 4 during the days and times indicated in Column 5 of the said Schedule.
35. The Schedules referred to in this By-Law form part of this By-Law and each entry in a Column 1 of such a Schedule shall be read in conjunction with the entry or entries across therefrom and not otherwise.

PENALTIES

36. Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
37. Every person guilty of an offence under this By-Law may, if permitted under the Provincial Offences Act, pay a set fine and the Chief Judge of the Ontario Court (Provincial Offences Act) shall be requested to establish, pursuant to the Provincial Offences Act, set fines in Accordance with Schedule "J" of this By-Law.
38. Set fines in Schedule "J" of this By-Law shall come into force and effect upon approval by the Chief Judge of the Ontario Court (Provincial Division).
39. Any person violating the provisions of sections 27, 28, 29, 30, 31 and 32 of this By-Law shall be subject to the penalty for such violations in the Highway Traffic Act.

VOLUNTARY PAYMENT OF PARKING PENALTIES

40. Notwithstanding all other provisions of this By-Law, in respect of penalties for violations of the parking and stopping provisions, any person may, within five days, exclusive of Saturdays, Sundays and holidays, after the day when the violation ticket was issued, and upon presentation of the violation ticket issued alleging commission of such an offence under this By-Law, pay to the Village of Point Edward, the amount shown on the violation ticket, and upon such payment no further proceedings shall be taken under this By-Law in respect of the said offence alleged in the violation ticket.

GENERAL PROVISIONS

41. The headings in the body of this By-Law form no part of the By-Law but are inserted for convenience of reference only.
42. Reference in this By-Law to the masculine gender includes the feminine, and reference to the singular includes the plural as determined by the context.
43. The attached schedules form part of this By-Law.
44. Where a form or words or expressions are prescribed in any schedule to this By-Law, deviations therefrom not affecting the substance or calculated to mislead shall not invalidate such forms, words or expressions or any parking infraction notice in which they appear.
45. In the event of any conflict between this By-Law and the Highway Traffic Act, the provisions of the Act shall prevail.
46. If any section or sections of this By-Law or parts thereof may be found by any courts to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections of parts of this By-Law shall be deemed to be separate and independent therefrom and continue in full force and effect unless and until similarly found and this By-Law shall be enacted and enforced as such.

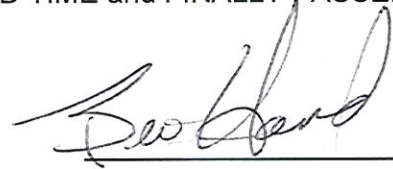
REPEAL

47. By-Law 28 of 2020 of the Corporation of the Village of Point Edward and all amendments are hereby repealed.

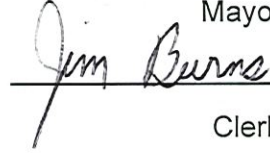
CONFLICT WITH THE HIGHWAY TRAFFIC ACT

48. In the event of conflict between the provisions of this By-Law and the Highway Traffic Act, the provisions of the Act prevail.

This By-Law be READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 8th day of December, 2020.

A handwritten signature in black ink, appearing to read "Bev Hand", written over a horizontal line.

Mayor Bev Hand

A handwritten signature in black ink, appearing to read "Jim Burns", written over a horizontal line.

Clerk Jim Burns

VILLAGE OF POINT EDWARD

PART II Provincial Offences Act

By-law 45 of 2020: Traffic and Parking

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Voluntary payment payable within 7 days	COLUMN 4 Set Fine
1	Park left wheel to curb where not permitted	s.12	\$20	\$25
2	Stop vehicle on sidewalk	s. 17a	\$20	\$25
3	Stop within intersection	s. 17b	\$20	\$25
4	Stop vehicle on highway – impede traffic	s. 17c	\$20	\$25
5	Stop on roadway alongside stopped or parked vehicle	s. 17d	\$20	\$25
6	Stop on bridge or	s. 17e	\$20	\$25

	within tunnel or underpass			
7	Stop on or adjacent to centre boulevard or centre strip	s. 17f	\$20	\$25
8	Stop within a designated pedestrian crossover	s.17g	\$20	\$25
9	Park obstruct driveway/laneway	s. 18a	\$20	\$25
10	Park within three meters of a fire hydrant	s. 18b	\$40	\$50
11	Park – obstruct sidewalk/ pedestrian crossover	s. 18c	\$20	\$25
12	Park within 9m of intersection roadway	s. 18d	\$20	\$25
13	Park within 15m of intersection with signals	s. 18e	\$20	\$25
14	Park within 15 meters of level	s. 18 f	\$20	\$25

	railway crossing				
15	Park on roadway less than 6 meters in width	s. 18 g	\$20		\$25
16	Park continuous period of time greater than 48 hours	s. 18 h	\$20		\$25
17	Park obstruct entrance/exit	s. 18i	\$20		\$25
18	Park alongside railway tracks	s. 18j	\$20		\$25
19	Park in a manner to prevent removal of another vehicle	s. 18 k	\$20		\$25
20	Park obstruct delivery of goods/merchandise	s. 18l	\$20		\$25
21	Park on or within 9.2m of bridge or overpass	s. 18m	\$20		\$25
22	Park – obstruct free passage	s. 18n	\$20		\$25
23	Park vehicle exceeding GVW	s. 18 p	\$45		\$50

	limit				
24	Park within 15 m of intersection	s. 19a	\$20	\$25	
25	Park within 30 of intersection controlled by signals	s. 19b	\$20	\$25	
26	Park within 25 m of bus stop	s. 19 c	\$25	\$30	
27	Park within 30 m of fire hall	s. 19 d	\$20	\$25	
28	Park in fire route	s. 19 e	\$70	\$75	
29	Park between 2:00 am and 5:00 am	s. 19 f	\$20	\$25	
30	Park in accessible spot without valid permit displayed	s. 19 g	\$300	\$350	
31	Park derelict vehicle on road or street at any time	s. 20	\$45	\$50	
32	Park unattached trailer of any kind on street or road	s. 21	\$40	\$50	
33	Park any trailer, of any sort, whether attached to a	s.22	\$40	\$50	

	vehicle or not, on a roadway between the hours of 7:00 pm and 7:00 am			
34	Park vehicle on highway where and when prohibited	s. 25	\$20	\$25
35	Park vehicle contrary to signs	s. 26	\$20	\$25
36	Stop vehicle in posted No Stopping Zone	s. 27	\$20	\$25

"NOTE: The penalty provision for the offences indicated above is section 36 of by-law number 45 of 2020, a certified copy of which has been filed".

VILLAGE OF POINT EDWARD

PART I Provincial Offences Act

By-law 45 OF 2020: Traffic and Parking

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Make u-turn not in safe manner	s. 9	\$25
2	Drive vehicle upon sidewalk or footpath	s. 10	\$50
3	Drive vehicle over raised curb	s. 11	\$25

"NOTE: The general penalty provision for the offences indicated above is section 36 of by-law no. 45 of 2020, a certified copy of which has been filed".