

THE CORPORATION OF THE TOWN OF PETAWAWA

BY-LAW NUMBER 257/2003

BEING A BY-LAW TO PROVIDE FOR THE REGULATING OF PARKING, STANDING AND STOPPING ON HIGHWAYS OR PARTS OF HIGHWAYS UNDER THE JURISDICTION OF THE CORPORATION OF THE TOWN OF PETAWAWA AND ON PRIVATE AND MUNICIPAL PROPERTY.

WHEREAS the Councils of Municipalities are authorized by Section 130 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended to pass by-laws to regulate matters related to the health, safety and well being of the inhabitants of the municipality;

AND WHEREAS the Councils of Municipalities are authorized by Section 100 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended to pass by-laws to prohibit the parking or leaving of vehicles on land not owned or occupied by the municipality;

AND WHEREAS the Councils of Municipalities are authorized by Section 101(1) and 101(2) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended to pass by-laws to allow for the impounding, restraining and immobilizing of motor vehicles left or parked in contravention of a by-law;

NOW THEREFORE the Council of the Corporation of the Town of Petawawa enacts as follows:

This By-law may be cited as the "Parking Control By-law" for the corporation of the Town of Petawawa.

SHORT TITLE
PARKING BY-LAW

BY-LAW INDEX

Part 1
DEFINITIONS

Part 2
PARKING – GENERAL

Part 3
PARKING – DESIGNATED ZONES

Part 4
STOPPING

Part 5
PARKING – PERMITS

Part 6
ENFORCEMENT AND AUTHORITY

Part 7
OFFENCES AND PENALTIES

Part 8
ADMINISTRATION

SCHEDULE A
NO PARKING ZONES – SIGNED

SCHEDULE B
NO STOPPING ZONES - SIGNED

Part 1
DEFINITIONS

1.1 Definitions

For the purpose of the By-law, the following terms, phrases, words and their derivation shall have the meaning defined herein, unless the context clearly indicates that another meaning is intended. Words used in the present tense include the future and past tense, words in the plural number include the singular number, words in the singular number include the plural number, and words in the masculine gender include the feminine gender. In addition, the term “May” shall be construed as permissive and “Shall” shall be construed as imperative.

In this By-law:

Authorized Sign – defined

“Authorized sign” shall mean a sign or other device placed or erected on a highway or elsewhere pursuant to the provisions of this by-law which conforms to the Ministry of Transportation and Communications Manual of Uniform Traffic Devices;

Boulevard – defined

“Boulevard” shall mean that part of a highway situated between the curb line and the property line of the lot abutting the highway, including a driveway, but does not include a sidewalk or shoulder and is not designed or intended for or used by the general public for the passage of vehicles or of pedestrians;

By-law Enforcement Officer – defined

“By-law Enforcement Officer” shall mean a person appointed by the Council whose duties include the administration and enforcement of this By-law;

Commercial Motor Vehicle – defined

“Commercial Motor Vehicle” shall mean a motor vehicle having permanently attached thereto a truck or delivery body and includes an ambulance, hearse, fire apparatus, police patrol, motor bus and tractor used for hauling purposes on the highways;

Corner - defined

“Corner” shall mean the point of intersection of curb lines;

Council – defined

“Council” shall mean the Council for the Corporation of the Town of Petawawa;

Crosswalk – defined

“Crosswalk” shall mean:

- (a) 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 or, in the absence of curbs, from the edges of the roadway; or
- (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface;

Cul-de-sac – defined

“Cul-de-sac” shall mean that part of a highway terminating in a turn-around;

Curb Lines – defined

“Curb lines” shall mean:

- (a) Where a curb has been constructed, the line of curb; and
- (b) Where no curb has been constructed, the edge of the roadway;

Disabled Person Parking Permit – defined

“Disabled Person Parking Permit” shall mean a permit issued by the Minister of Transportation in accordance with the Regulations made under the Ontario Highway Traffic Act, R.S.O. 2000, c.H.8;

Disabled Person Parking Space - defined

“Disabled Person Parking Space” shall mean a parking space designated for the use of disabled persons as defined by the Regulations made under the Ontario Highway Traffic Act, R.S.O. 2000, c.H.8 and distinctly indicated by the erection of a DISABLED PERSON PARKING PERMIT SIGN or pavement markings;

Disabled Person Parking Permit Sign – defined

“Disabled Person Parking Permit Sign” shall mean a sign prescribed by the Regulations made under the Ontario Highway Traffic Act, R.S.O. 2000, c.H.8 for identifying a DISABLED PERSON PARKING SPACE;

Driver – defined

“Driver” shall mean any person who drives or is in actual physical control of a vehicle;

Driveway – defined

“Driveway” shall mean the improved land on a highway which provides vehicular access from the roadway to adjacent land;

Fire route – defined

“Fire Route” shall mean a private roadway designed as a fire route by signs erected by or on behalf of the owner or occupant of the private roadway;

Highway – defined

“Highway” shall mean and include a common and public highway, street, avenue, parkway, lane, alley, square, place, bridge, viaduct or trestle, designed and intended for, or used by the general public for the passage of vehicles;

Intersection – defined

“Intersection” shall mean the area embraced within the prolongation or connection of the lateral curb lines or, if none, then or the lateral boundary lines of two or more highways that join one another at an angle, whether or not one highway crosses the other;

Laneway – defined

“Laneway” shall mean improved land adjacent to the highway, which provides access from the highway to a parking area on adjacent land;

Loading Zone – defined

“Loading Zone” shall mean that part of a highway set apart for the exclusive purpose of parking a vehicle to load or unload same;

Motor Vehicle – defined

“Motor vehicle” shall include an automobile, motorcycle, motor assisted bicycle, unless otherwise indicated in the By-law, 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 vehicle running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the Highway Traffic Act, R.S.O. 2000, c.198, as amended;

Municipality – defined

“Municipality” shall mean the Corporation of the Town of Petawawa;

Park or Parking – defined

“Park or parking” when prohibited, shall mean 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;

Parking Tag – defined

“Parking Tag” means a serially numbered notice issued by the Town showing the nature of the parking, standing or stopping offence and the fine therefor;

Pedestrian – defined

“Pedestrian” shall mean any person afoot, children in wheeled carriages and muscular powered or motorized wheelchairs;

Permit – parking – defined

“Permit” shall mean a permit issued by the Town of Petawawa for the purpose of providing for exemptions from certain parking prohibitions;

Private Roadway – defined

“Private Roadway” shall mean any private road, lane, ramp or other means of vehicular access to or egress from a building or structure which is not a highway and may include part of a private parking lot;

Roadway – defined

“Roadway” shall mean the part of a 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;

Shoulder – defined

“Shoulder” shall mean that part of the highway lying adjacent to the roadway where there is no barrier curb, and which is improved with granular or paved surface for the use of vehicles;

Sidewalk – defined

“Sidewalk” shall mean that 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;

Stand or Standing – defined

“Stand or standing” when prohibited shall mean the halting of a vehicle whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers;

Stop of Stopping – defined

“Stop of stopping” when prohibited shall mean 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, traffic control device or traffic signal;

Street – defined

“Street” shall mean a highway;

Time – defined

“Time” shall mean, whenever certain hours are named herein, Standard Time or Daylight Saving Time, whichever shall be in official current use in the Municipality;

Town – defined

“Town” shall mean the Corporation of the Town of Petawawa;

Traffic – defined

“Traffic” shall mean and include pedestrians, ridden or herded animals, vehicles, motor buses and other conveyances, either singly or together while using any street for purposes of travel;

Traffic Control Device – defined

“Traffic Control Device” shall mean any sign, or roadway, curb or sidewalk marking or other device erected or placed under the authority of the Town Council for the purpose of guiding or directing traffic;

Traffic Signal – defined

“Traffic Signal” shall mean any device manually, electrically, or mechanically operated for the regulation of traffic;

Vehicle – defined

“Vehicle” shall include a bicycle, motorcycle, motor vehicle, 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 vehicles or cars of electric or steam railways running only upon rails;

Part 2
PARKING - GENERAL

Method of Parking

2.1 General

Unless otherwise prohibited or permitted in this by-law no person shall stop or park a vehicle on any street within the Municipality unless:

- a) on the right-hand side of the street, having regard for the direction in which the vehicle had been proceeding; and
- b) the right-front and right-rear wheels or runners of the vehicle are parallel to and no more than 15 centimetres (6 inches) from the curb line;

2.2 Parking – One Way Streets

Where parking is permitted on either side or both sides of a one-way street, a person may park a vehicle only in the direction it was permitted to proceed, parallel to and not to exceed a distance of 15 centimetres (6 inches) from the curb line;

2.3 Parking – Angle Parking

Where angle parking is permitted, no person shall park a vehicle except at the angle with the roadway indicated by markings and/or signs, and so that the front end of the vehicle is nearest to the edge of the roadway;

2.4 Parking – Boulevard Parking

Where boulevard parking is permitted, no person shall park a vehicle on the abutting roadway or any part thereof;

2.5 Parking – Designated Spaces

Where parking spaces are designated on a roadway by signs or pavement markings, no person shall park a vehicle in such a manner as to infringe upon or take up more than one parking space unless the vehicle cannot be accommodated in one parking space;

PARKING PROHIBITED

2.6 General - Prohibited

Unless otherwise permitted in this by-law, no person shall at anytime park a vehicle in any of the following places:

- a) On or overhanging a sidewalk, footpath or curb;
- b) Within an intersection;
- c) Within 10 metres of an intersecting roadway;
- d) Within 3 metres of a fire hydrant;
- e) Within 15 metres of any railway track which crosses the roadway or is adjacent to a roadway;
- f) In front of or within 1.5 metres of the entrance to a driveway or so as to prevent ingress to or egress from such driveway;

- g) In such a manner as to obstruct the normal flow of traffic along a roadway;
- h) On any highway for the purpose of repairing, washing or maintenance of a vehicle, save when such use of the highway is unavoidable through emergency or breakdown;
- i) On any highway for the purpose of soliciting, vending, buying or selling goods and/or services unless otherwise permitted by by-law;
- j) Within the turning circle of a cul-de-sac;
- k) Within 15 metres of a crosswalk;
- l) In such a position so as to prevent the removal of any other parked vehicle; and
- m) On any bridge or the approaches thereto;

2.7 Prohibition Of Parking – Emergency

- a) Notwithstanding anything to the contrary contained herein, a Police Officer, Fire Chief, Public Works Supervisor or their designate, during any emergency or special circumstances may;
 - (i) Prohibit any or all parking on a highway within the area affected by the emergency or special circumstance;
 - (ii) Authorize the erection of “No Parking” traffic control devices and traffic signals;
 - (iii) Declare that any vehicle already parked is parked illegally regardless of the time permitted for parking such vehicle under the provisions of this By-law;
- b) **Notification**
Where possible, the owner or driver of a vehicle declared to be illegally parked shall be notified by a Police Officer or By-law Enforcement Officer that such has been prohibited;
- c) **Removal**
Where;
 - (i) the owner or driver so notified to remove the vehicle does not do so; or
 - (ii) where the owner or driver cannot immediately be located;

the said vehicle may be removed and impounded forthwith on order of the Police Officer, Fire Chief or Public Works Supervisor, and at the owner’s expense. All cost and charges for removing, care and storage of any vehicle removed or impounded pursuant to Section 2.7(a) herein shall be a lien upon the vehicle.

- d) **Liability**
Every person using a highway closed to traffic in accordance with Section 2.7 herein, does so at the person’s own risk and the Municipality is not liable for any damage sustained by a person or vehicle using the highway so closed to traffic;

2.8 Snow Clearing/Removal – Parking – Seasonal Restrictions

No person shall park a vehicle on any highway within the Municipality:

- a) From 1:00 am to 7:00 am, 15 November to 31 March;
- b) At any time when accumulated snow fall exceeds or is expected to exceed 5 centemetres; or
- c) During any snow removal or clearing operation;

2.9 No Parking – Private Property – Without Consent

No person shall cause a vehicle to be parked on private property without the express permission of the owner or person in charge of the property;

Part 3
PARKING – DESIGNATED ZONES

3.1 No Parking Zones – Signed

- a) Where authorized signs establishing a “No Parking Zone” have been erected, no person shall park a vehicle within such zone except when necessary to avoid conflict with other traffic or in compliance with a traffic control signal, sign, device or the directions of a Police Officer;
- b) Without limiting the generality of the provisions of Section 3.1(a), authorized signs may be erected prohibiting the parking of a vehicle on a highway in any of the following places:
 - (i) On any of the 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; and
 - (ii) On any public lane;

3.2 No Parking Zones – Limited Parking – Signed

Where authorized signs have been erected and are on display, no person shall park a vehicle on any of the highways or parts of highways named or described in Schedule “A” to this by-law, on the side or sides of highways during the times and/or days set out in said schedule;

3.3 No Parking – Municipal Property – Signed

No person shall park or leave any vehicle on any Municipal property where by means of one or more signs it is indicated that such parking or leaving is not authorized;

3.4 No Parking – Fire Route – Signed

No person shall park or leave any vehicle along any private roadway designated and signed as a fire route;

3.5 No Parking – Fire Hall – Signed

Where authorized signs to the effect are displayed, no person shall park any vehicle on any highway within:

- a) 8 metres of any fire hall on the side of the highway on which the fire hall is located; or
- b) 30 metres of such fire hall on the opposite side of the highway;

3.6 No Parking – Parks – Signed

Where authorized signs to the effect are displayed, no person shall park a vehicle on the side of any highway or part of a highway which is immediately adjacent to a park or playground;

3.7 No Parking – Loading Zone – Signed

Where authorized signs to the effect are displayed, no person shall park a vehicle in a loading zone except for the purpose of and while actually engaged in loading, thereon, or unloading therefrom, passengers, freight or merchandise;

3.8 Parking For The Disabled – Signed

Where authorized signs have been erected and are on display, no persons shall park a vehicle on a designated parking space on any of the highways or parts of highways other than a vehicle upon which is properly displayed a valid Disabled Person Parking Permit as defined within this by-law and is at the time being used to transport a physically disabled person;

3.9 Parking – Reserved Parking – Signed

- a) Where authorized signs have been erected and are on display, no persons shall park a vehicle in a parking space reserved for a particular type of vehicle or combination of vehicles unless said vehicle is of the authorized configuration; and

- b) Where authorized signs have been erected and are on display, no persons shall park a vehicle in any reserved parking space without authorization;

Part 4
STOPPING – GENERAL

4.1 Stopping – specific locations – not signed – Prohibited

No person shall at any time stop a vehicle or permit a vehicle to remain stopped in the following places, unless otherwise posted:

- a) On or within 15 metres of a crosswalk other than at an intersection controlled by a traffic signal;
- b) Within 3 metres of a fire hydrant;
- c) On or partly on or over a sidewalk or footpath or in such a position as to obstruct any pedestrian passageway;
- d) On either side of a highway that is divided by a median strip;
- e) On or within 3 metres of a railway crossing;
- f) On any bridge or the approaches thereto;
- g) Within an intersection or pedestrian crosswalk; and
- h) On the roadway side of any stopped or parked vehicle.

4.2 No Stopping – Signed – Prohibited

Where authorized signs establishing a “No Stopping Zone” have been erected, no person shall stop a vehicle or permit a vehicle to remain stopped within such zones as listed in Schedule “B” to this By-law except when necessary to avoid conflict with other traffic or in compliance with a traffic control signal, sign, device or the directions of a Police Officer;

Part 5
PARKING PERMITS/RESERVE PARKING

5.1 Permits - Authorization

The Town Clerk is hereby authorized to issue a reserved parking permit to one occupant of each property on the Island Property located in the Ottawa River and separately assessed as a parcel in the Town of Petawawa Assessment Roll.

5.2 Permits – Conditions

Permits may be issued under the following conditions:

- a) No person other than an occupant of a residence as detailed in para 5.1 shall acquire a parking permit;
- b) No person shall use a parking permit in a manner or for a purpose not provided for in this section;
- c) A parking permit shall be displayed so that the parking permit is readily visible from the outside of the vehicle on the passenger's side; and
- d) A parking permit shall be valid for a period of one year from its date of issue for a fee of \$10.00.

5.3 Permits - Cancellations

A parking permit shall be cancelled by the Town Clerk where:

- a) It is issued on false or mistaken information; or
- b) The person to whom it is issued ceases to be an occupant of the property by virtue of which he qualified for the permit.

Part 6
ENFORCEMENT AND AUTHORITY

6.1 Enforcement

This By-law may be enforced by a Police Officer or By-law Enforcement Officer for the Town of Petawawa.

6.2 Authority to Install Traffic Control Devices and Traffic Signals

- a) The Public Works Supervisor or his designate is hereby authorized to place, erect and maintain such authorized signs as may be necessary to give effect to the provisions of this By-law or which are authorized by the Schedules to this By-law; and
- b) The public works supervisor or his designate is further authorized for a temporary period not to exceed 30 days to place, erect and maintain such signs as are not otherwise authorized by this By-law but are required for safety reasons.

Exemptions

6.3 Repairing Vehicles

Notwithstanding Section 2.6(h) of this By-law, a person may repair or attempt to repair any vehicle upon a highway when such use of the highway is unavoidable through emergency;

6.4 Disabled Vehicles

This By-law does not apply to the driver or operator of a vehicle that is so disabled while on a highway that it is impossible to avoid temporarily a contravention of such provisions;

6.5 Official Vehicles

The following vehicles shall be regarded as official vehicles and exempt from the provisions of the By-law:

- a) Ambulances, police or fire department vehicles or public utility emergency vehicles;
- b) Vehicles actually engaged in works undertaken for or on behalf of the Municipality or County of Renfrew; or
- c) Vehicles actually forming part of a funeral procession for as long as may reasonably be required for the purpose of such funeral.

Part 7
OFFENCES AND PENALTIES

PENALTIES

7.1 Penalties

Every person who contravenes any provision of this By-law is guilty of an offence and is liable, upon conviction, to a fine as provided for in the Provincial Offences Act.

VOLUNTARY PAYMENT OF PENALTIES

7.2 Form of Notice

Where a vehicle is found to be in contravention of this By-law, a Police Officer or By-law Enforcement Officer shall issue a Parking Infraction Notice to the owner or operator of the said vehicle personally or by attaching said Notice to the vehicle in a conspicuous location. The Parking Infraction Notice shall state:

- (i) the licence number and concise description of the vehicle;
- (ii) the nature of the alleged violation;
- (iii) the date, time and place of the alleged violation;
- (iv) the minimum and set fine penalties provided for the violation; and
- (v) the payment or dispute options available.

7.3 Voluntary Payment of Penalties

- a) Notwithstanding all other provisions of this Part in respect to penalties or violation of the provisions of this By-law, a person may upon presentation of a Parking Infraction Notice issued by a Police Officer or By-law Enforcement Officer alleging commission of any of the offences under this By-law, pay out of court within the time limit specified on the said Parking Infraction Notice, the penalty set out opposite such offences. Upon such payment no further proceeding shall be taken under this by-law in respect of the said offence alleged in the Parking Infraction Notice;
- b) If a voluntary payment is not made in accordance with the procedure provided in Subsection 7.3(a) of this section, the procedures of the Provincial Offences Act shall apply;

7.4 Removal of Vehicle

In addition to the penalties herein, a Police Officer or By-law Enforcement Officer may order the removal of any unlawfully parked vehicle to a suitable place of storage and all costs and charges for the removal, care and storage thereof shall be a lien on such vehicle and the responsibility of the vehicle owner;

**Part 8
ADMINISTRATION**

8.1 Application

This By-law shall apply to all highways under the jurisdiction of the Municipality;

8.2 Schedules

- a) The schedules attached to this By-law are included in and shall be considered part of this By-law;
- b) Where any column in any Schedule referred to in this By-law is not completed, any and all reference to the said column in the By-law shall be deemed to be deleted;

8.3 Severability

Should any part, section, subsection or portion of this By-law be repealed or declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or in part thereof, other than for that which was declared to be invalid.

8.4 Repeal

The by-laws of the former corporation of the Village of Petawawa, Township of Petawawa and the current Town of Petawawa pertaining to parking, enacted prior to the passing of this by-law and including the by-laws listed below, are hereby repealed:

Township of Petawawa: By-law 1301/94
By-law 1134/89

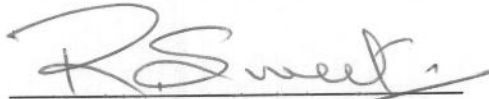
Town of Petawawa: By-law 53/98

8.5 In Force

This by-law shall come into force and take effect only upon passage by Council and provided that any provision hereof shall not become effective until the authorized sign, if any, applicable to such particular provision has been erected and is on display.

This by-law shall come into force and take effect upon the date of the final passing thereof.

READ A FIRST AND SECOND TIME THIS 16th DAY OF June, 2003

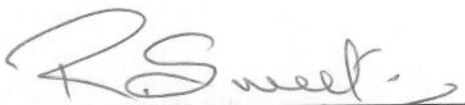


Mayor



Clerk

READ A THIRD TIME AND PASSED THIS 16th DAY OF June, 2003



Mayor



Clerk

