

BY-LAW 07-36

OF THE TOWNSHIP OF CLEARVIEW

Being a By-Law to regulate the parking of vehicles within the Township of Clearview.

WHEREAS Section 11(3) of the Municipal Act, 2001, S.O. 2001 c.25, as amended, empowers the councils of local municipalities to pass by-laws prohibiting parking on municipal property, prohibiting or regulating the pairing, standing or stopping of vehicles or classes thereof on a highway,

AND WHEREAS Section 63 (1) of the Municipal Act, 2001, S.O. c.25 as amended, says that if a municipality passes a by-law for prohibiting or regulating the placing, stopping, standing or parking of an object or vehicles on or near a highway, it may provide for the removal and impounding or restraining and immobilizing of any object or vehicles placed, stopped, standing or parked on or near a highway in contravention of the by-law. C.32. Sched. A s.27.

AND WHEREAS Section 170 (15) of Highway Traffic Act, R.S.O. 1990 c.H.8 says a police officer, police cadet, municipal law enforcement officer or an officer appointed for carrying out the provisions of this Act, upon discovery of any vehicle parked or standing in contravention of subsection (12), of a regulation made under subsection 26 (3) of the Public Transportation and Highway improvement Act or of a municipal 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 the removal, care and storage of the vehicle, if any, are a lien upon the vehicle, which may be enforced in the manner provided by the Repair and Storage Liens Act. 2005, c.26. Sched. A, s. 28 (2).

AND WHEREAS Section 427 of the Municipal Act 2001. S.O. 2001, c.25 says a By-Law establishing a system of disabled parking shall provide that every person who contravenes the By-Law is guilty of an offence and on conviction is liable to a fine of not less than \$300. 2006, c. 32, Sched. A, s. 184.

AND WHEREAS the Council of the Corporation of the Township of Clearview deems it necessary and expedient to pass a By-Law to regulate parking of vehicles on highways and municipal property.

NOW THEREFORE BE IT RESOLVED THAT:

1. INTRODUCTION

1.1 Title and Scope

1.1.1 This is a by-law to regulate parking of vehicles within the Township of Clearview. **This shall be known as the "Parking Control By-Law" for the Township of Clearview.**

1.2 Repeal of former By-Laws

1.2.1 Former By-Laws 01-48, 03-27 and 05-06 for the Township of Clearview are hereby repealed upon the effective date of this By-Law.

1.3 Validity and Severability

1.3.1 Should any section, subsection, paragraph, or provision of this By-Law be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of any other provisions of this By-Law or the By-Law as a whole.

1.4 Interpretation

1.4.1 Words used singular shall have corresponding meanings when used in the plural.

1.4.2 **"May" shall be construed as permissive.**

1.4.3 **"Shall" shall be construed as imperative.**

1.5 Force and Effect

This By-Law shall come into force and effect on the day that it receives the approval of Council of the Township of Clearview.

2. DEFINITIONS

2.1 **"Authorized Sign" means any sign on a highway, any 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.**

2.2 **"Designated No Parking Zone" means any location which has been designated by By-Law as an area where parking is prohibited and authorized signs have been erected.**

2.3 **"Designated No Standing Zone" means any location which has been designated by By-Law as a "Designated No Stopping Zone" and authorized signs have been erected.**

2.4 **"Designated No Stopping Zone" includes:**

- a) Any location that stopping has been prohibited by By-Law and authorized signs have been erected.
- b) A school zone between the hours of 8.30am and 4.30pm on any day when school is open and authorized signs have been erected.

2.5 **"Designated Disabled Person Parking Area(s)" means a parking area designated** by By-Law as being reserved solely for the use of a vehicle operated by or on behalf of a physically disabled person and authorized signs have been erected.

2.6 **"Disabled person Parking Permit" means a disabled person-parking permit issued** under the authority of the Highway Traffic Act and regulations made under the Act.

2.7 **"Emergency Services Vehicle" means an ambulance, fire department vehicle,** police vehicle or rescue vehicle.

2.8 **"Highway" includes a common and public highway, street, avenue, parkway,** driveway, square, place, bridge, viaduct, or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof

2.9 **"Intersection" means the area embraced within the prolongation or connection of** the lateral curb lines, or if none, then the lateral boundary lines of two or more highways that join one another at an angle, whether or not one highway crosses the other.

2.10 **"Motor Vehicle" includes an automobile, motorcycle, motor assisted bicycle and** any other vehicle propelled or driven otherwise than muscular power and does not include a motorized snow vehicle, traction engine, farm tractor, self-propelled instrument of husbandry or road building machine.

2.11 **"Municipal Parking Lot" means any area that is not a highway, owned or** maintained by the Township for parking of vehicles.

2.12 **"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 of merchandise or passengers.

2.13 **"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 under the Highway Traffic Act R.S.O. 1990, Chapter H.8.

2.14 **"Prohibited location"** means any location as outlined in Section 3(1) of this By-Law.

2.15 **"Public Utility Vehicle"** means a vehicle operated on behalf of a public utility including a hydro electric utility, water utility, telephone company or natural gas company.

2.16 **"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.

2.17 **"Sidewalk"** means that portion of a highway between the curb lines, the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians.

2.18 **"Stand" or "Standing" when prohibited,** means the halting of a vehicle, whether occupied or not, except for the purpose and while actually engaged in receiving or discharging passengers.

2.19 **"Stop" or "Stopping", when prohibited,** means the halting of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in the compliance with the direction of a police officer or of a traffic control sign or signal.

2.20 **"Township"** shall mean the Corporation of the Township of Clearview.

2.21 **"Township Clerk",** shall mean the Clerk for the Township of Clearview.

2.22 **"Vehicle",** includes a motor vehicle, trailer, traction engine, farm tractor, road building machine, bicycle, motorized snow vehicle, and any vehicle drawn, propelled or driven by any kind of power, including muscular power.

2.23 **"Zoning By-Law"** means the prevailing Zoning By-Law(s) in force and effect in the Township of Clearview.

2.24 **"Designated Bus Loading Zone"** means an area designated by By-Law as being reserved solely for the use of school buses or buses engaged in the transportation of students between the hours of 8.30am and 4.30pm on days when the school is open to students.

2.25 **"Person" shall mean and include the operator or person** having care and control of a vehicle, an individual company, partnership, corporation, limited company or the registered owner of a vehicle.

2.26 **"Fire Chief"** means the Chief of the Corporation of the Township of Clearview Fire Department.

2.27 **"Heavy Commercial Vehicle"** means a commercially licenced vehicle in excess of 3,000 kilograms gross vehicle weight or unladen weight.

2.28 **"Residential Zone"** means any highway that runs adjacent to any property that is zoned residential according to the Township's Zoning By-Law 06-54 as amended.

3. OFFENCES

3.1 No person shall park a motor vehicle:

- a) So as to obstruct a sidewalk
- b) Within an intersection
- c) So as to obstruct a private driveway or laneway
- d) So as to obstruct a pedestrian crosswalk
- e) So as to interfere with the movement of traffic
- f) On a highway within 9 metres of an intersection
- g) On a highway within 3 metres of a fire hydrant
- h) Within a school bus loading zone;
- i) On a highway within 152 metres of firefighting apparatus while said apparatus is actually engaged in fighting a fire, or any greater distance directed by a police officer or member of the fire department.
- j) On a highway within 7 metres of the entrance-way to a fire hall on the same side of the highway that the fire hall is located or within 30 (thirty) metres of the entrance way to a fire hall on the opposite side of the highway.
- k) On a bridge.
- l) **Within a "designated no parking zone"**

3.2 No person shall stop, stand or park a vehicle in any area where parking is prohibited by the Fire Marshall

3.3 No person shall stand or park a vehicle in a **"Designated No Standing Zone"**

3.4 In an area designated as an angle parking area, no person shall park a vehicle having a greater length than 6.1 metres.

3.5 No person shall park a motor vehicle on any highway unless the motor vehicle is parallel to and not more than thirty (30) centimetres to the curb or boundary of the highway. This section shall not apply where angle or perpendicular parking is permitted.

3.6 No person shall park a vehicle on a highway unless on the right hand side of the highway having regard to the direction in which the motor vehicle had been proceeding. This section does not apply to parking of a motor vehicle on the left side of a designated one-way highway unless prohibited by sign.

3.7 Where the properly worded signs are erected and are on display, no person shall park a vehicle within 13.7 metres of an intersection.

3.8 No person shall stand a motor vehicle, other than a commercial motor vehicle, unattended unless it is locked in such a manner as to prevent its operation by any person not authorized by the owner, driver or person in charge.

3.9 No person shall park a vehicle on any highway or road way between the hours of 1:00 AM and 6:00 AM

3.9.1 Section 3.9 does not apply during the period from April 15 to October 15 of the same year.

3.10 No person shall park in vehicle on a highway, Municipal Parking Lot or other property owned by the Township in a manner that would interfere with the convenient removal of snow.

3.11 No person shall park an unlicensed vehicle on any Municipal Parking Lot or other property owned by the Township.

3.12 No person shall park a vehicle on any Municipal Parking Lot for more than 48 consecutive hours unless express permission has been obtained from the Township Clerk.

3.13 No person shall park a vehicle on a highway for more than 24 consecutive hours.

3.14 Where properly worded signs have been erected and are on display, no person shall park a vehicle on the highways set out hereunder for a period longer than two (2) hours between the hours of 6.00 AM and 6.00 PM Monday to Saturday inclusive of each week.

Street	From – To	Side
Highway #26	Catherine Street to a point 24 metres (80 feet) west of Perry Street centreline to Huron Street	South Side
Highway #26	From a point 25 metres (82 feet) east of Perry Street centreline to Huron Street	South Side
Highway #26	From a point 113 metres (370 feet) east of County Road #42 to a point 66 metres (216 feet) west Perry Street centreline	North Side

3.15 No person shall stop, stand or park a vehicle in a designated “Disabled Person Parking Area”, unless that person is the driver of a motor vehicle on which a valid “Disabled Person Parking Permit” issued and displayed in accordance with the Highway

Traffic Act and regulations made under it, is properly displayed on the vehicle and which is being driven by or is carrying one or more physically disabled persons.

3.16 Where properly worded signs have been erected and are on display, no person shall park a vehicle on the highways set out hereunder for a period longer than one (1) hour between the hours of 8:00 AM and 6:00 PM, Mondays to Fridays inclusive of each week.

Street	From – To	Side
Locke Avenue	In front of Stayner Collegiate Institute	North Side
Locke Avenue	In front of Clearview Meadows Elementary School	North Side

13.6.1 **“Section 3.1 5 does not apply to a vehicle displaying a Parking Permit in a prominent location in the front windshield of the vehicle”**

3.17 No person shall stop a vehicle in a Designated **No Stopping Zone”**.

3.18 No person shall stand or park a vehicle in any Township Fire Station parking lot unless authorized by the Fire Chief or his designate.

Fire Stations

1. 204 Stayner Street
2. 5212 County Road 9
3. 7655 County Road 9
4. 794055 County Road 124
5. 95 Batteaux Road

3.19 No person shall park a heavy commercial vehicle in a residential zone.

4. PENALTY

Every person who contravenes any section of this By-Law is guilty of an offence and, upon conviction, is subject to a penalty under the Provincial Offences Act.

5. CONTINUING OFFENCE

Each day that a situation as described in Section 3 of this By-Law is allowed to continue shall constitute a separate offence under this By-Law and any Judge or Justice of the Peace adjudicating on such matter may assess a separate fine for each and every day that such situation has been allowed to continue.

6. ADDITIONAL REMEDY

6.1 Any motor vehicle found in violation of any section of this By-law may be removed and stored under the direction of the Municipal Law Enforcement Officer, or any person designated by this By-law. Any such costs or charges incurred through such removal care and storage will become a lien upon the vehicle which may be enforced in the manner provided by the Repair Storage and Liens Act, 2005, C.26. Sched. A. s.28(2).

6.2 For the purpose of Section 6.1, the following persons shall be considered as designated persons:

- a) Any Township employee while acting in his/her capacity as an employee and dealing with a vehicle parked on property owned by the Township
- b) Any person designated in writing by the Director of Public Works in the circumstances contained in the designation.
- c) Any police officer in lawful execution of his/her lawful duties.

7. EXEMPTIONS

The following are exempt from any provision of this By-Law:

- a) Vehicles owned by or operated on behalf of the Township
- b) Vehicles owned by or operated on behalf of a police department
- c) Emergency Services Vehicles while providing emergency service, or
- d) A public Utility Vehicle when providing emergent or urgent service or repairs.
- e) Vehicles unable to proceed due to traffic congestion or back-up.
- f) Vehicles required to stop under the provisions of the Ontario Highway Traffic Act or other provincial or federal legislation.

8. EFFECTIVE DATE

This By-law becomes effective upon the date of receipt of the approval of the "Set Fines" as set out in Schedule "B", by the Ministry of the Attorney General.

BY-LAW NUMBER 07-36 read a first, second and third time and finally passed this 11th day of June 2007.

Mayor

Clerk

SCHEDULE "A"

Parking Control By-Law 07-36 Clearview Township

For the purposes of the By-Law, parking of a vehicle is prohibited in the following **locations as they are designated as "Designated No Parking Zones"**.

Street	From – To	Side
King's Highway #26	From the junction of Montreal and Brock Streets to the Northerly limits of the former Town of Stayner	East Side and West Side
King's Highway #26	From a point 24 metres (77 feet) west of Perry Street Centreline to a point 25 metres (79 feet) east of Perry Street centreline.	South Side
County Road #42	From the junction of Point and Quebec Streets to the Junction of Margaret Street.	
All streets within the Township	Designated School Zones	Either or both sides as indicated by No Parking Signs
Sideroad 36/37 (Nottawasaga Township)	From County Road #124 to a point 210 metres (690 feet) west of County Road #124	Both Sides
All streets within the Township	Within 9 metres of a designated school crossing	Both Sides
Concession 4 – Nottawasaga (Fairgrounds Road)	Northerly limits of Clearview Township to the Barrie Collingwood Railway Crossing	Both Sides
Sideroad 33/34 Nottawasaga	Easterly limits of Clearview Township to the junction of Concession 6 North, Nottawasaga	Both Sides
Sideroad 33/34 Nottawasaga	Easterly limits of Clearview Township to the junction of Concession 6 North, Nottawasaga	Both Sides
Huron Street	Hwy #26 to the Municipal parking lot	East Side
Greengage Road	From Switzer Street to the Furthest Easterly point of Greengage Road	Both Sides
Perry Street	From a point 103 metres North of John Street to a point 119 metres North of John Street	West Side

Street	From – To	Side
King’s Highway #26	From a point 50 metres east of the centerline of Perry Street to a point 80 metres east of the centerline of Perry Street	North Side

The designated “No Parking Zones” do not apply to a vehicle operated by a member of the Clearview Township Fire Department while engaged in firefighting, training or administrative activities on behalf of the Clearview Fire Department and while displaying a “Parking Permit” issued by the Clearview Township Fire Chief.

Furthermore, it does not apply to implements of husbandry and commercial vehicles while engaged in agricultural activities at the location of Concession 4 Nottawasaga (Fairgrounds Road) and Sideroad 33/34 Nottawasaga.

For the purpose of this By-Law the stopping of a vehicle is prohibited in the following locations that are hereby **designated as “Designated No Stopping Zones”**.

Street	From – To	Side
King’s Highway #26	The junction of County Road #42 to Catharine Street	South Side
Kings Highway #26	From the junction of Simcoe County Road #91 to Montreal Street	Both Sides
County Road #42	From the Junction of King’s Highway #26 To Point Street	Both Sides
Huron Street	King’s Highway #26 to a point 15 metres (49 feet) south of King’s Highway #26	West Side
Huron Street	From Charles Street to Superior Street	West Side
Batteaux Road	15 metres East of the East curb of the Easterly entrance to the Nottawa Elementary School, 81 Batteaux Road, to a point 15 metres West of the extension of the westerly property line of the said school.	Both Sides 8am- 4pm School Days
Oak Street	From the South Side of the junction with William Street to a point 100 metres South of William Street.	West Side Only
King’s Highway #26	From the junction of Huron Street to the junction with Ontario Street	South Side
King’s Highway #26	From junction of Brock Street to a point 26 metres East of east curb of Brock Street	North side
County Road 91	From junction of County Road 42 to the junction with Sutherland Street South	South Side

Street	From – To	Side
County Road 91	From junction of King’s Highway #26 to the junction with Sutherland Street North	North Side
County Road 91	From intersection of County Road #95 to easterly for a distance of 1,150 meters	North and South portions of the roadway
King’s Highway #26	From the junction of County road 42 to a point 113 metres East of East curb of King’s Highway #26	North Side
Catherine Street	From Point Street to Highway 26	Both Sides
Locke Avenue	From the junction of the King’s Highway #26 to Jonathan Court	South Side 8:00 am to 9:00 am and 3:00 pm to 4:00 pm on School Days
Locke Avenue	From the junction of King’s Highway #26 to a point 99 metres east of King’s Highway #26	North Side 8:00 am to 9:00 am and 3:00 pm to 4:00 pm on School Days
Locke Avenue	From the junction with Jonathan Court to a point 150 metres east of Jonathan Court	South Side 8:00 am to 9:00 am and 3:00 pm to 4:00 pm on School Days
King’s Highway #26	From a point 66 metres west of Perry Street centerline to a point 50 metres east of Perry Street	North Side
Mulmur-Nottawasaga Townline	Mulmur Nottawasaga Townline, west from Concession 10 South Nottawasaga to the Mulmur Melancton Townline	North Side

For the purposes of this By-Law it is prohibited to stop, stand or park in the following locations without a valid **and properly displayed “Disabled Person Parking Permit” and are hereby designated as “Designated Disabled Person Parking Areas”**.

Street	From – To	Side
Huron Street	From a point 15 metres (49 feet) south of King’s Highway #26 to a point 22.5 metres (74 feet) South of King’s Highway #26	West Side
Huron Street	From a point 12.5 metres (41 feet) north of Gideon Street to a point 16.2 metres (53 feet) north of Gideon Street	West Side
Elizabeth Street	From Library Street to a point 26 metres (85 feet) west of Library Street	South Side

Consolidated By-law 07-36, amended by By-laws 07-67, 08-01, 09-37, 09-42, 09-54, 11-57, 12-05, 13-43, 17-08, 17-87, 18-17

Street	From – To	Side
Perry Street	From a point 9 metres (30 feet) south of William Street to a point 14 metres (46 feet) south of William Street	West Side
Caroline Street	From a point 12 metres (40 feet) east of Mill Street to a point 18 metres (60 feet) east of Mill Street	North Side
Mill Street	From a point 9 metres (30 feet) south of Caroline Street to a point 15 metres (50 feet)	West Side
King's Highway #26	From a point 24 metres (78 feet) east of Perry Street to a point 30 metres (98 feet) east of Perry Street	South Side
Locke Avenue	At the entrance to Stayner Collegiate Institute	North Side
Clearview Township Administration Building (Stayner)	Provisions for 2 vehicles as marked	
Creemore Public Library parking lot	Provisions for one vehicle as marked	
Stayner Community Centre parking lot	Provisions for 3 vehicles as marked	
Creemore Community Centre Parking Lot	Provisions for 3 vehicles as marked	
Station on the Green Parking lot	Provisions for 2 vehicles as marked	

SCHEDULE B

THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW BY-LAW 07-36 (AS AMENDED)
 A BY-LAW CONTROLLING PARKING OF VEHICLES
 PART II - PROVINCIAL OFFENCES ACT

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Early Voluntary Payment- Payable Within 15 Days	COLUMN 4 Set Fine
1	Park motor vehicle - obstruct sidewalk	Section 3.1(a)	\$25.00	\$35.00
2	Park motor vehicle - within intersection	Section 3.1(b)	\$25.00	\$35.00
3	Park motor vehicle - obstructing private laneway or roadway	Section 3.1(c)	\$25.00	\$35.00
4	Park motor vehicle - obstruct crosswalk	Section 3.1(d)	\$25.00	\$35.00
5	Park motor vehicle - interfere with traffic	Section 3.1(e)	\$25.00	\$35.00
6	Park motor vehicle - within 9 metres of intersection	Section 3.1(f)	\$25.00	\$35.00
7	Park motor vehicle - within 3 metres of fire hydrant	Section 3.1(g)	\$25.00	\$35.00
8	Park motor vehicle - in school bus loading zone	Section 3.1(h)	\$25.00	\$35.00
9	Park motor vehicle - within 152 metres of fire apparatus	Section 3.1(i)	\$25.00	\$35.00
10	Park motor vehicle - fire hall entrance	Section 3.1(j)	\$25.00	\$35.00
11	Park motor vehicle - on a bridge	Section 3.1(k)	\$25.00	\$35.00
12	Park motor vehicle - within No Parking Zone	Section 3.1(l)	\$35.00	\$50.00
13	Park - prohibited area	Section 3.2	\$35.00	\$50.00
14	Stand - in prohibited area	Section 3.2	\$35.00	\$50.00
15	Stop - in prohibited area	Section 3.2	\$75.00	\$100.00
16	Stand - in No Standing Zone	Section 3.3	\$35.00	\$50.00
17	Park - in No Standing Zone	Section 3.3	\$35.00	\$50.00
18	Park oversized vehicle - designated area	Section 3.4	\$25.00	\$35.00
19	Park vehicle - too far from curb	Section 3.5	\$25.00	\$35.00
20	Park vehicle - facing wrong direction	Section 3.6	\$25.00	\$35.00
21	Park - too close to intersection	Section 3.7	\$25.00	\$35.00

SCHEDULE B

<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>	<u>COLUMN 4</u>
22 Stand - unattended vehicle - unlocked	Section 3.8	\$25.00	\$35.00
23 Park - on highway - prohibited time	Section 3.9	\$35.00	\$50.00
24 Park on Township property - interfere with snow removal	Section 3.10	\$35.00	\$50.00
25 Park on highway - interfere with snow removal	Section 3.10	\$35.00	\$50.00
26 Park - unlicensed vehicle on Township property	Section 3.11	\$35.00	\$50.00
27 Park vehicle - on municipal lot- more than 48 hours	Section 3.12	\$25.00	\$35.00
28 Park vehicle - on highway more than 24 hours	Section 3.13	\$25.00	\$35.00
29 Park vehicle - over 2 hours - designated area	Section 3.14	\$25.00	\$35.00
30 Stand vehicle - disabled area - no permit	Section 3.15	N/A	\$300.00
31 Park vehicle - disabled area - no permit	Section 3.15	N/A	\$300.00
32 Park vehicle - over 1 hour - designated zone	Section 3.16	\$25.00	\$35.00
33 Stop vehicle - no stopping zone	Section 3.17	\$75.00	\$100.00
34 Stop vehicle - Designated Bus Loading Zone	Section 3.18	\$75.00	\$100.00

Note: The penalty provision for the offences indicated above is Section 4 of By-law 07-36 (as amended), a certified copy of which has been filed.