

CORPORATION OF THE MUNICIPALITY OF BLUEWATER

BY-LAW #24-2005

“Being a By-law to regulate and control traffic, to prohibit parking, and to prohibit depositing of certain materials on roadways within the municipality.”

WHEREAS pursuant to the Municipal Act, R.S.O. 1990 as amended, and under The Highway Traffic Act, R.S.O. 1990, as amended provide that by-laws may be passed by the councils of local municipalities for the regulating and controlling of traffic within their boundaries and for prohibiting the parking, standing or stopping of motor vehicles on the designated highways or the designated parts of highways, and for prohibiting the deposit of snow, or ice, or any waste or litter upon a highway and may provide for penalties and enforcement of said by-laws;

NOW THEREFORE the Council of the Municipality of Bluewater enacts as follows:

The provisions of this by-law are subject to the provisions of the Highway Traffic Act, R.S.O. 1990, as amended, or re-enacted from time to time and the Regulations made there under.

PART 1 DEFINITIONS

For the purpose of this by-law:

- 1.1. “Authorized Sign” – means any sign or roadway, curb or sidewalk marking or device, placed or erected anywhere under the authority of Council for the purpose of regulating, warning or guiding traffic and includes an official sign.
- 1.2. “Boulevard” – means that portion of municipal property located between the roadway and a sidewalk or pedestrian walkway and in the absence of a sidewalk or pedestrian walkway, means that portion of municipal property located between the roadway and the property line.
- 1.3. “Commercial Motor Vehicle” – means a motor vehicle having permanently 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.
- 1.4. “Corner” – means the point of intersection of curbs or edges of the roadways.
- 1.5. “Crosswalk” – means that part of a highway at an intersection that is included within the connections of the lateral lines of the sidewalk on opposite sides of the highway measured from the edges of the roadway, or any portion or a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or lines or other markings on the road surface.
- 1.6. “Driver” – means a person who drives a vehicle.
- 1.7. “Garbage” – means all rejected, abandoned or discarded materials, containers and goods incidental to the operation of households, farms, business establishments and public places.
- 1.8. “Heavy Truck” – means a commercial motor vehicle, larger than a truck commonly identified as a half-ton pickup truck or a van with maximum half-ton cargo capacity, used for the transportation of any material whether animate or inanimate.
- 1.9. “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 between the lateral property lines thereof.

Parking By-law #24-2005 Municipality of Bluewater

- 1.10. "Intersection" – means the area embraced within the prolongation or connection of the lateral curb lines or if none, then of the lateral curb lines or if none, then of the lateral boundary lines of two or more highways that join one another at an angle whether or not one highway crosses the other.
- 1.11. "Minister" – means the Minister of Transportation.
- 1.12. "Ministry" – means the Ministry of Transportation.
- 1.13. "Median" – means a portion of a highway so constructed as to separate traffic traveling in one direction from traffic traveling in the opposite direction by a physical barrier or an unpaved strip of ground.
- 1.14. "Motor Vehicle" – includes an automobile, motorcycle, motor-assisted bicycle unless otherwise excluded by the Highway Traffic Act and any other vehicle propelled or driven otherwise than by muscular power but does not include motor vehicles running only upon rails or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or a road-building machine within the meaning of the Highway Traffic Act.
- 1.15. "Municipality" – means the Municipality of Bluewater.
- 1.16. "Officer" – includes members of the Ontario Provincial Police, a special constable, a peace officer, or any person authorized by the Municipality of Bluewater to regulate or to enforce the provisions of this By-law.
- 1.17. "Official Sign" – means a sign approved by the Ministry.
- 1.18. "One-Way Street" – means a street upon which vehicular traffic is limited to movement in one direction.
- 1.19. "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.
- 1.20. "Pedestrian" – means a person afoot and includes children, persons afoot with mechanical aid or aids, and invalids in wheelchairs or similar devices.
- 1.21. "Pedestrian Crossover" – means any portion of a roadway, designated by By-law, 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.
- 1.22. "Provincial Offences Officer" – means a police officer or a person designated under the Provincial Offences Act.
- 1.23. "Regulations" – means the regulations made under the Highway Traffic Act.
- 1.24. "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 the roadways collectively.
- 1.25. "Road Allowance" – means that portion of the Municipality that is designated as road property.
- 1.26. "Sidewalk" – means that portion of a highway, between the curb lines of a roadway or the lateral edge lines of a roadway and the adjacent property lines, designed and intended for the use of pedestrians.

- 1.27. "Stop" or "Stopping", when prohibited – means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control sign or signal.
- 1.28. "Stand" or "Standing", when prohibited – means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in the receiving or discharging passengers.
- 1.29. "Street or Highway" – includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or use by, the general public for the passage of vehicles and any portion of a street between the lateral property lines. The word street shall denote highway and vice versa.
- 1.30. "Time" – where any expression of time occurs or where any hour or other period of time if stated, the time referred to shall be Eastern Standard Time, except during a period when daylight Saving Time is in effect in the Municipality of Bluewater, when the time referred to shall be one hour in advance of standard time.
- 1.31. "Traffic" – means lawful vehicular or pedestrian movement on the highway and includes, ridden or herded animals, vehicles and other conveyances either singly or together while using any street for the purpose of travel.
- 1.32. "U-Turn" – means to turn a vehicle within a roadway so as to proceed in the opposite direction.
- 1.33. "Vehicle" – includes a 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 vehicle.
- 1.34. "Words" – where any word or expression used in this By-law is not defined herein, reference shall be made to the Highway Traffic Act, the Interpretation Act, as amended or re-enacted from time to time or a generally accepted dictionary and the interpretation that best supports the spirit and intent of this By-law shall be adopted.

PART II – PARKING

2. Method of Parking:

- 2.1 When authorized signs are erected and on display, no person shall park a vehicle in disobedience to the directions given on the said sign on any street or part of street in the municipality during those times and places as set out in Schedule "A-B-C-D" to this by-law, save and except Police, Fire Department, Works Department, ambulance, garbage collection and corporation vehicles parking in the course of their duties.
- 2.2 For better clarity, where linear limits of prohibition or regulation of parking are set out in Schedule "A-B-C-D" these shall be deemed to include portions of the roadway on the same side of the street paralleling the said linear limits.
- 2.3 When parking spaces have been established by suitable markings on the road surface, no person shall park a vehicle except within the space designated by the markings.
- 2.4 "Parallel Parking" - When parking is permitted, no person shall park or stop a vehicle on any highway other than a one-way street, except on the right side of the highway having regard for the direction in which the vehicle has been proceeding and unless the right front and right rear wheels or runners of the vehicle are parallel to and distant respectively not more than 15 cm. (6 inches) from the curb or edge of the roadway.
- 2.5 "Angle Parking" – Where angle parking is designated, no person shall park a vehicle except at a 45 degree angle to the curb or edge of the roadway, with the front of the vehicle closest to the curb or edge of the roadway and where parking spaces are designated by lines on the roadway, no person shall park a vehicle except within the parking space.
- 2.6 "One-Way Streets" – Where parking is permitted on both sides of a one-way street, in addition to the provisions of Subsection 2.4, a person may park a vehicle facing only in the direction allowed and with the left front and left rear wheels parallel to and distant respectively not more than 15 cm. (6 inches) from the curb or edge of the roadway and this mode of parking also applies where parking is only allowed on the left side of a one-way street.

3. Prohibited Parking:

- 3.1 Where authorized signs are erected and are on display, no person shall park a vehicle in disobedience to the directions given on the said sign during periods of time prohibited by 'Schedule A-B-C-D' attached and forming a part of this By-law.

3.2 No person shall park or stand a vehicle –

- a. On a sidewalk;
- b. On a crosswalk or pedestrian crossover;
- c. Within any intersection;
- d. In a fire route;
- e. On a bridge or approaches thereto;
- f. Within 3 metres (10 feet) of a point on the curb or edge of the roadway directly opposite a fire hydrant;
- g. Within 9 metres (30 feet) of an intersection, crosswalk or pedestrian crossover;
- h. Within 15.24 metres fifty (50') feet of any intersection on any through highway;
- i. On any street or highway in such a position as to obstruct traffic;
- j. In such a position as to interfere with the convenience or removal of any vehicle previously parked or standing;
- k. In front of the entrance or exit of a school, theatre, auditorium, public hall or other place of assembly during the period when the facility may be occupied by a group of people or for a reasonable time immediately preceding a following such assemblage;
- l. In front of the entrance to any hospital;
- m. On any street or highway in such a position as to interfere with the clearing of snow in any manner;
- n. Impeding entrance to or exit from a private or public driveway;
- o. On any street or highway, including boulevard or median, between the hours of 3:00 a.m. and 6:00 a.m.
- p. Where a street is curbed and guttered, on the boulevard;
- q. On any roadway for an unreasonable time having regard for the traffic requirements of such roadway;

This Subsection does not prohibit the proper parking of bicycles in a bicycle rack erected by the municipality or approved in writing by an authorized representative of the municipality.

Permission may also be granted, by authorized representatives of the municipality for relief from the provisions of this by-law during construction, any unusual or unforeseen circumstance or where lot dimensions of a property are not sufficient to allow for parking on the property.

Any vehicle found parked contrary to this by-law may be removed or impounded at the owner's expense.

4. Prohibited Stopping:

- 4.1 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 Schedule 'A-B-C-D' to this by-law.
- 4.2 No person shall stop a vehicle in any of the following areas when other traffic may experience interference –
 - a. on a sidewalk;
 - b. on a pedestrian crossover or crosswalk;
 - c. beside another stopped or parked vehicle, or
 - d. on a through highway as set out in Schedules 'A-B-C-D'

5. Heavy Trucks:

No person shall park a heavy truck in any residential area for a longer period of time than required to load or unload cargo.

6. Limited Time Parking Zones:

Where authorized signs are erected and on display, no person shall park a vehicle on a street or part of a street described in 'Schedule A-B-C-D' attached and forming part of this By-law for a longer period of time than that allowed by the said Schedules.

Parking By-law #24-2005 Municipality of Bluewater

7. Physically Handicapped Parking:
- 7.1 Parking spaces are hereby established and described in Schedule 'D' as designated for the exclusive use and convenience of the physically handicapped.
- 7.2 Where authorized signs bearing the International Symbol of the Physically Handicapped are erected and on display on public or private parking areas, parking lots or parking facilities, no person shall park a vehicle in a designated parking space except when the parking is for the convenience of a handicapped person and the vehicle displays a permit bearing the International Symbol of the Physically Handicapped.
8. Parking on Private Property:
- 8.1 No person shall park a motor vehicle –
- a. on private property without the consent of the owner or occupant of the property; or
- b. on property owned or occupied by the municipality or any local board thereof without the consent of the municipality or local board, as the case may be.
- 8.2 In addition to any other penalty that may be imposed, any vehicle parked in contravention of this Section may be removed and impounded at the owner's expense and all costs incurred become a lien against the motor vehicle.
- 8.3 The driver or owner of a motor vehicle parked on private property is not liable to a penalty or to have the motor vehicle removed from such property or impounded under this Section except upon the written complaint of the owner or occupant of the property given to an Officer appointed by council to carry out the provisions of this By-law.
- 8.4 Where an owner or occupant of property affected by this Section has posted signs stating conditions on which a motor vehicle may be parked on the property of prohibiting the parking of a motor vehicle on the property, a motor vehicle parked on the property contrary to such conditions or prohibition shall be deemed to be parked without consent.
- 8.5 In this Section –
- (a) "Owner", when used in relation to property, means -
- i. the registered owner of the property or the spouse of that person, or
- ii. a person authorized in writing by the owner as defined in Subclause (i) to act on behalf of the owner in requesting enforcement of this Section
- (b) "Occupant" means -
- i. the tenant of the property or part thereof whose consent shall extend only to the control of the land which he is tenant and any parking spaces allotted to him under the lease or tenancy agreement or
- ii. the spouse of a tenant, or
- iii. a person authorized in writing by an occupant as defined in Sub clause (i) or (ii) to act on the occupant's behalf for requesting the enforcement of this Section.
9. Miscellaneous Prohibitions:
- 9.1 No person shall push or blow snow onto the road allowance.
- 9.2 No person shall deposit mud on the roadway.
- 9.3 No person shall deposit manure on the roadway.
- 9.4 No person shall deposit garbage on the road allowance.
10. Keys in Parked Vehicle:
- No person driving or in charge of a motor vehicle, other than a commercial motor vehicle, shall allow such vehicle to stand unattended unless the keys are out of the vehicle and the ignition is locked in such a manner as to prevent its operation by any person not authorized by the owner, driver or person in charge.
11. Designated Loading Zones:
- Where authorized signs have been erected and are on display, no person shall park a vehicle between the hours of 8:00 a.m. and 6:00 p.m. in any loading area defined in 'Schedule A' attached and forming part of this By-law, except persons who are permitted to park in the loading zone for a reasonable time to load or unload passengers or cargo.

Parking By-law #24-2005 Municipality of Bluewater

12. Exceptions:

The provisions of this By-law shall not apply to –

- a. Fire department vehicles;
- b. Police department vehicles;
- c. Ambulances;
- d. Vehicles owned or employed by the Municipality of Bluewater; or
- e. Emergency vehicles

While performing the duties for which they were intended.

13. Enforcement and Penalties:

13.1 The provisions of this By-law shall be enforced by an Officer as defined in Section 1.16 of this By-law.

14. Emergency Prohibitions:

14.1 Notwithstanding any other provisions of this By-law, the Mayor or a person authorized by the Mayor, during emergency or special circumstances, may declare a period of emergency parking prohibition and by use of signs or other clear directions, may suspend the parking of vehicles on any street or parts thereof. A vehicle parked previous to the declaration of the Mayor or authorized agent may be deemed to be parked in contravention of this Section providing the owner or driver of the vehicle has been notified of the emergency parking prohibition and has been given a reasonable opportunity to remove the vehicle and any person who fails or refuses to obey the directions of the Mayor or his authorized agent commits an offence.

14.2 In addition to any other penalty that may be imposed under this By-law, where a vehicle is parked in such a manner that it interferes with the movement of traffic or the removal of snow from the highway, an officer appointed to enforce the provisions of this By-law may remove and impound the vehicle at the owner's expense and all costs incurred become a lien against the vehicle.

15. Procedures:

15.1 An Officer who finds a vehicle parked in contravention of this By-law shall serve the owner or driver of the vehicle with a "parking infraction notice: indicating –

- i. The plate number and concise description of the vehicle, and
- ii. The offence alleged, and
- iii. The date, time, and place of the alleged offence, and

15.2 The issuing Officer alleging the offence shall make two (2) copies of a notice indicating that the traffic By-law has been violated and setting forth in the said notice the time and place at which voluntary payment of the penalty for the offence may be made, and may serve the "parking infraction notice" –

- i. On the owner of the vehicle by affixing the notice to the vehicle in a conspicuous place at the time of the alleged infraction or by delivering it personally to the person having care and control of the vehicle at the time of the alleged infraction; or
- ii. On the driver of the vehicle by delivering the notice to the driver personally at the time of the alleged infraction.
- iii. The second copy shall be delivered to the administration office of the Municipality of Bluewater.

16. Penalties:

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

16.2 All penalties imposed by a judicial official are recoverable under the provisions of the *Provincial Offences Act* together with such costs and expenses as are imposed there under.

17. Voluntary Payment of Penalties:

17.1 A person receiving a "parking infraction notice: may attend or send payment to a location specified on the notice and make voluntary payment within seven days, exclusive of Saturday, Sunday or Legal Holiday, of the penalty specified on the notice.


Parking By-law #24-2005 Municipality of Bluewater

- 17.2 In all cases where a person accused of an infringement of this By-law has not voluntarily paid the penalty imposed, within the time set forth for payment, a summons shall be issued to compel that person's attendance before a Justice of the Peace for the County of Huron to answer to the said charge.
- 17.3 Upon payment of the penalty, the person so charged shall be issued a receipt for same and said receipt shall discharge the person guilty of the infraction of the By-law from any further prosecution for such infraction.
- 17.4 Upon receiving payment at the Bluewater Municipal Office of a penalty imposed for a traffic offence, the Officer shall be notified of the payment, by whom it was made, and at what time it was made.
- 17.5 All penalties collected under this By-law shall be part of the general revenue of the Municipality of Bluewater.
18. Commencement and Transition:
- 18.1 This By-law comes into force when passed by the Council of the Municipality of Bluewater and repeals previous by-law, or portions thereof, as passed by the Municipality of Bluewater and the former Municipality of Bayfield, Hay, Hensall, Stanley and Zurich.
- 18.2 The provisions of this by-law affecting traffic on a highway designated as a connecting link pursuant to the Public Transportation and Highway Improvement Act shall not become effective until approved by the Ministry of Transportation.

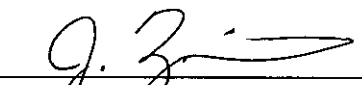
READ A FIRST TIME this 9th day of May 2005.

READ A SECOND TIME this 9th day of May 2005.

READ A THIRD TIME AND FINALLY PASSED this 9th day of May 2005.



Bill Dowson, Mayor



Janisse Zimmerman, Clerk-Administrator

Schedule "A"

No Parking as Posted

No person shall park any vehicle on the following posted roadways or boulevards or municipality owned property as described below:

Street or Parts of Streets or Municipal Property	Prohibited Time of Parking
1. on the west side of Wellington St. from King St north 40.2m/132 ft	At All Times
2. on the east side of Nelson St between Queen St and Richmond St north	At All Times
3. on the west side of Nelson St between King St and Queen St	At All Times
4. on the west side of Nelson St between Richmond St north and Mill St	At All Times
5. on the south side of Mill St between Wellington St and Nelson St	At All Times
6. on the north side of Mill St between Hwy #4 and the westerly limit of Lot 13, Plan 270	At All Times
7. on the west side of Elizabeth St between King St and Oxford St	At All Times
8. on the north and south sides of Danceland Rd LRW	11:00 p.m. to 6:00 a.m.
9. on the north and south sides of Campbell Ave for 121.92m/400 ft east of beach as indicated on the sign LRW	11:00 p.m. to 6:00 a.m.
10. on the north and south sides of Sararas Rd LRW	11:00 p.m. to 6:00 a.m.
11. on the north and south sides of Hendrick Rd LRW	11:00 p.m. to 6:00 a.m.
12. on the north and south sides of Turnbull's Rd LRW	11:00 p.m. to 6:00 a.m.
13. on the north side of Water Works Rd LRW	11:00 p.m. to 6:00 a.m.
14. on municipal property Lot 18, R.P. 516	11:00 p.m. to 6:00 a.m.
15. on municipal property Pt Lot 10 LRW 33717 Pavillion Rd	11:00 p.m. to 6:00 a.m.
16. on any municipal parking lot	3:00 a.m. to 6:00 a.m.
17. on the north side of Long Hill Rd from the intersection of Short Hill Rd west for 408m/1338.6 ft	At All Times
18. on the south side of Long Hill Rd from the intersection of Short Hill Rd west for 184m/603.7 ft	At All Times
19. on Short Hill Rd both sides between Bayfield Terrace intersection and Hwy 21	At All Times
20. on all streets in Dashwood	3:00 a.m. to 6:00 a.m.

Schedule "B"

Cars only Parking

No person shall park any vehicle which includes vans, trucks of all sizes, Tractor trailer units, motor homes, recreational vehicle units, farm tractors, farm apparatus, but does not include cars as described below:

Street or Parts of Streets or Municipal Property	Prohibited Time of Parking
On the south side of Zurich Main St (HCH Rd 84) from The southeast corner of Goshen St east for 30m/100 ft	All Times
On the south side of Zurich Main St (HCH Rd 84) from The southwest corner of Goshen St west for 45m/150 ft	All Times
On the north side of Zurich Main St (HCH Rd 84) from The north east corner of Goshen St east for 30m/100 ft	All Times
On the north side of Zurich Main St (HCH Rd 84) from The north west corner of Goshen St west for 45m/150 ft	All Times

Schedule "C"

Fire Routes

No Person Shall park any vehicle on any street or property designated as Fire Routes as described below:

Street or Parts of Streets or Municipal Property	Prohibited Time of Parking
Any signed area	At All Times
In front of all Fire Hall Doors	At All Times
In front of all Arena main entrance doors	At All Times
On the south side of Oxford Street from Brock St West for 80m/262.5 ft (Hensall complex)	At All Times
On the north side of Oxford St from Brock St West for 46m/151 ft (Hensall complex)	At All Times
Bayfield Complex – on the east side of the building From Jane St 15m/50 ft to fence	At All Times
Zurich Complex – No parking from the northwest Corner east for 30m/98 ft	At All Times
112 King St (Hensall Library) No parking from King St north along the west side of the building for 40m/131.2 ft	At All Times

Schedule "D"

Exemptions

No person shall park any vehicle on any street or highway between the hours of 3:00 a.m. and 6:00 a.m. except as designated below:

1. Bayfield Main Street north from the Square to 70.1m/23 ft north of Catherine Street for businesses with overnight accommodations.

Handicapped Parking

Area must be signed or painted with the handicapped symbol

At the United Church (Hensall Ward) on the east side of Albert St at the walkway to the side door.

At the Lutheran Church (Zurich Ward) on the south side of Centre St at the side door.

At the Zurich Public School on Frederick Ave at east doors.

At the Library (Bayfield Ward) at the walkway.

On the north side of Colina St at the south entrance to Pioneer Park.

At 6 Municipal Road both sides of the handicapped ramp.

At the Bayfield Complex on the north side of the building.

At the Municipal Office parking lot, 14 Mill Ave – north of the handicapped ramp.

At St. Boniface School on Mary Street, Ward of Zurich, at the south doors
(amended By-law 63-2006)