

The Corporation of the Township of Hornepayne
 68 Front Street, PO Box 370
 Hornepayne, Ontario
 P0M 1Z0



COUNCIL RESOLUTION

MOVED BY: Belinda Kistemaker
signature

NO. 2020-415

SECONDED BY: Peter Kistemaker
signature

DATE: DEC 09 2020

BE IT RESOLVED that By-Law No. 1827 being a By-Law to regulate traffic and parking on highways, private property and municipal property within the Township of Hornepayne be read a first and second time and be considered read a third time and finally passed.

 Carried Defeated Deferred

[Signature]
signature of presiding officer

RECORDED VOTE:	YES	NO	ABSTAINED
Councillor Belinda Kistemaker	—	—	—
Councillor Peter Kistemaker	—	—	—
Councillor Jon Peroff	—	—	—
Councillor Drago Stefanic	—	—	—
Mayor Cheryl Fort	—	—	—

Disclosure of pecuniary interest and the general nature thereof.

(Name) _____ (Name) _____

Disclosed the pecuniary interest and the general nature thereof and abstained from the discussion, vote and influence.

(Clerk)

THE CORPORATION OF THE TOWNSHIP OF HORNEPAYNE

BY-LAW NO. 1827

Being a By-Law to regulate traffic and parking on highways, private property and Municipal property within the Township of Hornepayne

WHEREAS pursuant to the Municipal Act, 2001 and the Highway Traffic Act, R.S.O. 1990, By-Laws may be passed by the Councils of municipalities to regulate traffic and parking on highways, private property and municipal property; and,

WHEREAS the Municipal Act 2001, S.O. 2001, Chapter 25, Section 10, provides that a single-tier municipality may pass By-Laws respecting the health, safety and well-being of persons;

NOW THEREFORE the Corporation of the Township of Hornepayne enacts as follows:

1. That the attached Definitions, attached as Schedule "A", form an integral part of this By-Law"; and,
2. That the attached Regulations, attached as Schedule "B" form an integral part of this By-Law; and,
3. That the attached Fines, attached as Schedule "C" form an integral part of this By-Law; and,
4. That this By-Law may be known as the "Parking By-Law"; and,
5. The Mayor and CAO/Clerk are hereby authorized to sign and affix the corporate seal for, and on behalf of, the Corporation to any and all documents necessary to give force and effect to this By-Law.
6. This By-Law comes into force and takes effect upon passage.

By-Law No. 1694, formerly By-Law No. 127 is hereby rescinded.

Read a first and second time this 9th day of December, 2020.

Read a third time and finally passed this 9th, day of December, 2020.



Presiding Officer



Clerk

SCHEDULE "A"
TO BY-LAW NO. 1827
PARKING BY-LAW
DEFINITIONS

1.0 DEFINITIONS

"Authorized Emergency Vehicle" includes vehicles of the Fire Department, Ontario Provincial Police, Ambulances, any other emergency vehicles of the Federal or Provincial Government, Municipal Government and/or Public or Private Utilities.

"Authorized Sign" means any sign or other device placed or erected on a highway under the authority of the By-Law for the purposes of regulating, warning or guiding traffic and includes official signs.

"Boulevard" means the part of the highway situated between the roadway and the property lines of the lots abutting the highway and includes a shoulder but does not include a sidewalk, if any.

"Bus Stop" means the portion of the highway designated by an authorized sign for the use of buses as space for loading or unloading passengers only.

"By-Law Enforcement Officer" means a person appointed by council to enforce the By-laws.

"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, tractors and any heavy equipment, including but not limited to graders used for hauling purposes on highways.

"Corporation" mean The Corporation of the Township of Hornepayne.

"Council" means the Council of the Corporation of the Township of Hornepayne.

"Crosswalk" means the part of the highway at an intersection that is included within the connection of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, on the absence of curbs, from the edges of the roadway; or 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.

"Disabled parking space" refers to a parking space designated under this By-Law for the exclusive use of a vehicle displaying a permit in accordance with the requirements of the Highway Traffic Act and regulations made thereunder and this By-Law.

“Driver” means a person who drives a vehicle on a highway.

“Highway” includes a common and public highway, street, avenue, lane, parkway, driveway, laneway, square, place, bridge, viaduct, or trestle, designed and intended for, or used by the general public for the passage of vehicles.

“Highway Traffic Act” means the Highway Traffic Act, R.S.O. 1990, Chapter H.8, as amended, and regulations thereto.

“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.

“Lane” means the entire width of the roadway surface between property lines at the rear or sides of places of business or residential properties.

“Median Strip” means the 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 a raised or depressed paved or unpaved separation area that is not intended to allow crossing vehicular movement.

“Motor Vehicle” means an automobile, motorized snow vehicle, motorcycle, motor assisted bicycle unless otherwise indicated in this By-Law, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, or other motor vehicles running only upon rails, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine with the meaning of the Highway Traffic Act.

“Municipality” means the Township of Hornepayne.

“Official Sign” means a sign approved by the Ministry of Transportation.

“One-Way Street” means a highway upon which vehicular traffic is limited to movement in one direction.

“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.

“Pedestrian” means any person afoot, in wheelchair or a child in a carriage.

“Person” includes every natural person, firm, partnership, association, or corporation.

“Police Officer” is a sworn member of the Ontario Provincial Police.

“Provincial Offences Act” means the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended, and regulations thereto.

“Public Works Manager” means the Manager of the Public Works Department for the Township of Hornepayne, or his designate.

“Registered Gross Weight” means the registered gross weight of a vehicle as indicated on the vehicle registration.

“Roadway” or “Road” 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.

“Safety Zone” means the area or space set apart within a roadway for the exclusive use of pedestrians which is protected, or is so marked or indicated by adequate signs, as to be plainly visible at all times while set apart as a safety zone.

“Sidewalks” means a part or strip of land paved or otherwise, in, on or alongside a highway and designed and intended for, or used by, the general public for pedestrian travel. “Sidewalk” includes any structure above or below the ground designed or intended for the use of pedestrians even if said structure is wholly or partially above or below a highway.

“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, receiving or discharging passengers.

“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 of a traffic control sign or signal.

“Through Highway” means a highway or part of a highway designated as such by the Ministry of Transportation or by By-Law of a municipality, and every such highway shall be marked by a stop sign or yield right-of-way sign in compliance with the regulations of the Ministry.

“Traffic Control Device” means any sign, signal light traffic control system, traffic signal, marking, or device placed or erected by the authority of Council for the purpose of regulating, warning or guiding traffic.

“Traffic” includes pedestrians, ridden or herded animals, vehicles, buses and other conveyances, either singly or together while using any highway for the purpose of travel.

“U-Turn” means to turn a vehicle within a roadway so as to proceed in the opposite direction to the direction in which the said vehicle was proceeding immediately prior to the said turn.

“Vehicle(s)” includes a motor vehicle, motorized snow vehicle, trailer, traction engine, farm tractor, road building machine, bicycle, and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a street car.

SCHEDULE "B"
TO BY-LAW NO. 1827
PARKING
REGULATIONS

REGULATIONS

1 AUTHORIZED SIGNS AND TRAFFIC CONTROL DEVICES

1.1 Public Works Manager or Authorized Designate

The Public Works Manager or Authorized Designate, is hereby authorized to place or erect, and to maintain such authorized signs and traffic control provisions of this By-Law or as are required to warn or guide traffic for the safety or convenience of the public.

- 1.2** Unless otherwise permitted herein, no person shall place, maintain or display upon, or in view of any highway, any sign, signal, marking or device which purports to be, or is an imitation of or resembles, or interferes with the effectiveness of, any authorized sign or traffic control device; no person shall place, maintain or display any structure or item which conceals from view or interferes with the effectiveness of an authorized sign or traffic control device.

2 OBEDIENCE TO TRAFFIC REGULATIONS

2.1 Enforcement

- i) This By-Law shall be enforced by Police Officers, Municipal Law Enforcement Officers, the Public Works Manager or other individuals duly appointed by the Township of Hornepayne to enforce this By-Law.
- ii) Every person shall promptly obey all signals given either by a Police Officer, Enforcement Officer Public Works Manager or by a traffic control device or traffic signal.

3 PARKING AND STOPPING

3.1 Parallel

- i) No person shall park a vehicle on any street unless on the right hand side of the street, having regard for the direction in which the vehicle had 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 fifteen centimetres (15 cm.) from the edge of the roadway, provided that this provision shall not apply where angle parking is specifically authorized by By-Law.

- ii) Where there is no curb or rolled curb, with the right front and right rear wheels parallel to and as near to the right-hand limit of the highway as is practical without stopping or parking on a sidewalk, footpath or on any part of the highway where grass is grown or which is not intended for the use of vehicles.
- iii) Double parallel parking is not permitted on any street.

3.2 Angle

- i) Where angle parking is permitted, no person shall park a vehicle except at an angle with the roadway, indicated by appropriate marking or signs.
- ii) Where angle parking is permitted, no person shall park a vehicle of an overall length of more than six meters (6m).

3.3 Parking in Roadway

- i) No person shall park any vehicle on the travelled portion of any roadway, street or highway in such a manner as to obstruct or interfere with the ordinary movement of traffic having regard to traffic requirements on such street, road or highway.

3.4 Obstructing Driveway

- i) No person shall park a vehicle in such a manner and such location as to obstruct the entrance to any business, office building, a private lane or driveway, opposite the entrance to any hospital at any time or in front of the entrance to any public place.

3.5 Obstructing Laneway

- i) No person shall park a vehicle in any manner or at any location so as to obstruct the entrance to a public laneway, or to obstruct any laneway in the Township of Hornepayne, or in such a manner as to prevent the regular flow of traffic through a laneway.
-

3.6 Obstructing Another Vehicle

- i) No person shall park a vehicle in any manner as to obstruct or prevent the removal of any other vehicle previously parked.

3.7 Obstructing Fire Hydrant

- i) No person shall park a vehicle within three (3) meters of the nearest fire hydrant.

3.8 Too Close to an Intersection

- i) No person shall park a vehicle within ten (10) meters of any intersection within the Township of Hornepayne.

3.9 Parking on Sidewalk

- i) No person shall park any vehicle such that any portion of the vehicle is situated on any sidewalk reserved for pedestrian traffic within the Township of Hornepayne.

3.10 Parking in "NO PARKING" Area

- i) No person shall park a vehicle at any time on any streets or highways or any parts of streets or highways where signs or notices have been posted or are on display prohibiting parking on such streets or parts of streets.

3.11 Parking at Restricted Times

- i) No person shall park a vehicle during specified prohibited times on any streets or highways or any parts of streets or highways where signs or notices have been posted or are on display indicating the times and areas when and where parking is prohibited or restricted.

3.12 Interfere/Obstruct Snow Removal/Road Maintenance/Winter Parking

- i) No person shall park a vehicle in any location or manner which shall obstruct, hinder or prevent, in any way, snow ploughing or snow removal operations on any street or highway or any Municipal Parking Lot during the months of November, December, January, February, March and April of each and every year.

3.13 School Bus Loading Zone

- i) No person shall park a vehicle during specified prohibited times on those designated streets or highway or any parts of streets or highways where signs or notices have been posted or are on display prohibiting parking on such streets or parts of streets or the times and areas when and where parking is prohibited or restricted.

3.14 Fire Hall Parking

- i) No person shall stop or park a vehicle within the entranceway of the Fire Hall, thus, blocking or obstructing the operations of the Fire Hall.

3.15 Taxi-cab and Other Transporting Services

- i) The driver of a taxi-cab or other transporting service shall not stand or park upon any street unless designated respectively, whether occupied or not, except when standing temporarily for the purpose of, and while actually engaged in loading or unloading merchandise, passengers and shall include standing or stopping of a taxi-cab while soliciting passengers, or awaiting instructions for, or a call for passengers by solicitation in person, or by instruction from other communication devices.

3.16 Emergency Parking

- i) Notwithstanding any provision contained in this By-Law, the Public Works Manager, or authorized designate, may during any emergency or special circumstance deemed sufficient therefore, by the use of appropriate signs, barriers, or obstructions or signals, suspend any or all parking located in that area by erecting such notices or barricades or affixing "No Parking" in locations that will be made visible to the public.

3.17 Accessible Parking Spaces

When an authorized sign identifying an accessible parking space has been erected, no person shall:

- i) Park or stop a vehicle or allow a vehicle to remain parked or stopped in a public parking area in a parking space reserved for the disabled unless a valid disabled permit is displayed on the dashboard of the vehicle or license plates issued for the disabled are properly attached to the front and/or rear of the vehicle.

3.18 Parking in Reserved Parking Spaces, Not including Accessible Parking Space

- i) No person shall park a vehicle in a parking space where such space has been designated and clearly identified as temporarily reserved for the use for the specified reservation pursuant to this By-Law.

3.19 Parking at Crosswalk

When an authorized sign identifying a crosswalk has been erected no person shall:

- i) Park a vehicle within ten (10) meters of a crosswalk that is not located at an intersection within the Township of Hornepayne.

3.20 Churches, Funerals, Marriage and Other Special Ceremonies

- i) Locations where services and special ceremonies are being held are granted the authority to place signs in a manner approved by the By-Law Enforcement Officer, Public Works Manager or other authorized designate, indicating that parking is temporarily prohibited in the parking spaces so marked, except for those attending such services and special ceremonies during a period of 180 minutes commencing in advance of the scheduled time of any service and/or special ceremony and ending immediately following the completion of the said event.

4 OPERATIONS OF VEHICLES

4.1 Turns

- i) Every person in charge of a vehicle before starting, stopping, turning or changing its course shall take the necessary precautions to make such movements safely and without interfering with other traffic.

- ii) When angle parking is permitted, no person shall make entry to an angled parking space of forty-five (45) degrees or less except from the lane of the highway immediately adjacent to the said angled parking space, having regard for the direction in which the vehicle has been travelling.
- iii) Where angle parking is permitted, no person shall emerge from an angled parking space of forty-five (45) degrees or less unless the vehicle proceeds in the same forward direction in which it was travelling on entering the parking space.

4.2 Obstructing Traffic

- i) No person shall drive any vehicle upon or along any highway so as to obstruct traffic unreasonably or when the vehicle is so overloaded that the horse or motor power is unable to move such vehicle at a reasonable rate of speed.
- ii) A person operating a slow-moving vehicle shall operate it as near the right-hand edge of the roadway as circumstances, safety and weather conditions permit.

4.3 Entering Highway

- i) The driver or operator of a vehicle emerging from a driveway, lane, lot or building shall stop the vehicle immediately prior to driving onto the sidewalk of any and shall not enter the roadway until it can be done safely.

4.4 Funeral and Other Processions

- i) No person shall interrupt a funeral or other properly authorized procession while it is in motion except under the direction of a police officer.
 - ii) The driver of the vehicle in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and follow the vehicle ahead as close as practicable and safe.
-

4.5 Parks and Recreation Areas

- i) All motorized vehicles, including motorized snow vehicles are prohibited from being upon, or being used, drawn, hauled, propelled along or upon, or being in any park, park-lot, garden, or other place set apart for ornament, embellishment or for public recreation; vehicles used or authorized to be used by the Township of Hornepayne for work within these areas and emergency vehicles are exempted from this prohibition.
- ii) Exemptions include established snowmobile trails as outlined in the most current Memorandum of Understanding with the Hornepayne Snowmobile Club, By-Law No. 1822 or its successor.

4.6 Excess Loads

- i) No person shall move or permit to move over a municipal highway any heavy vehicle, load, object, or structure in excess of the dimensions and weight limits set out in Part VII or Part VIII of the Highway Traffic Act, unless the person has made written application to the Township of Hornepayne and has been granted a permit by the Township of the Hornepayne as set out in Section 110 of the Highway Traffic Act.
- ii) All permits issued under this Section shall be issued by the Public Works Manager or authorized designate.
- iii) The issuance of a permit under this Section does not limit the liability of the owner, driver, operator or mover of any vehicle for which a permit is obtained, from responsibility for all damages which may be caused to the highway by reason of driving, operating or moving of any **such vehicles, object or contrivance**.
- iv) Prior to the issuance of a permit, the CAO/Clerk or designate may require an applicant to file one or more bonds in such an amount as in the opinion of the CAO/Clerk or designate is sufficient to cover the cost of repairing any possible damage to the highway resulting from the move.
- v) Every person to whom a permit has been issued under this Section who operates or permits the operation of a vehicle or combination of vehicle contrary to any condition of such permit is guilty of an offence and on summary conviction is subject to the penalties prescribed under Section 110 (7) of the Highway Traffic Act.

- vi) The provisions of Section 110 of the Highway Traffic Act shall extend and apply to all highways under the jurisdiction of The Corporation of the Township of Hornepayne during the period commencing on the first day of January to an including the thirty-first day of December in each and every year.

4.7 Reduced Loads

- i) When properly worded signs have been erected and are on display, the provisions of Section 122 of the Highway Traffic Act are declared to be in force in respect of all highways.

4.8 Heavy Trucks Prohibited

- i) When properly worded signs have been erected and on display, no person shall drive or cause to be driven any heavy truck on any street or part of street in the Township of Hornepayne.
- ii) This section shall not apply where it is necessary to deviate from the streets for the purpose of performing a service on a street or part of a street or on land abutting on such street or part of a street for the purpose of proceeding to or from a garage or other premises for the housing, storing or repairing of the heavy trucks.
- iii) This section shall not apply to vehicles engaged in works undertaken for or on behalf of the Township of Hornepayne and vehicles needed for general deliveries when engaged in the course of duties.
- iv) Every deviation referred to in this section shall be made at a point on one of the streets nearest by to the street to the place where the service is performed or the heavy truck is housed, stored or repaired.

4.9 Safety Zones

- i) No person shall board or alight from any vehicle while such vehicle is in motion.
- ii) No person shall drive a vehicle over or upon any safety zone while a pedestrian is thereon or is about to enter thereon.

5. PENALTIES

- 5.1** Every person that contravenes any of the provisions of this By-Law is guilty of an offence and, on conviction, is liable to a fine as provided for in Section 61 of the Provincial Offences Act.

6. FINES

- 6.1** When a vehicle is found parked, standing or stopped in contravention of a provision of this By-Law, the By-Law Officer, or other specified designate so finding the vehicle may complete and place upon or attach to the vehicle a Parking Infraction Notice (PIN) in the form of a serial numbered notice stating:
- a) The licence number of the vehicle;
 - b) A description of the offence;
 - c) The date, time and location of the alleged offence;
 - d) The signature of the issuing Officer;
 - e) The set fine for the alleged offence;
 - f) That the owner or driver thereof may make a voluntary payment in the manner set forth or, within (15) days of the infraction, either pay the set fine or plead "not guilty", in which latter event, a trial will be held.
 - g) That if the owner of a driver fails to make the voluntary payment, pay the set fine or plead "not guilty", a conviction may be registered under Part II of the Provincial Offences Act, R.S.O. 1990, Chapter P. 33, as amended;
 - h) The address for payment of the voluntary payment or set fine.
- 6.2** The notice shall be completed in duplicate, (PIN and certificate of parking infraction) and the By-Law Officer or designate shall attach one (1) copy (the PIN) to the vehicle and deliver the copy to the Corporation's township offices.

7. PAYMENT OUT OF COURT

- 7.1** The owner or operator of the vehicle may, with five (5) days, exclusive of Saturdays, Sundays and holidays, after the time of the alleged offence, report to the Corporation's township offices and pay to the Corporation the sum designated on the PIN for voluntary payment as set forth in Schedule "C" to this By-Law, a penalty in full satisfaction in respect of the alleged offence, and a receipt therefor shall be given to the person making the payment.
- 7.2** The failure to attach a PIN to or place a PIN upon a vehicle found in contravention of a provision of this By-Law shall not prejudice any prosecution for an offence hereunder.

8. ILLEGALLY PARKED VEHICLES – OWNER'S LIABILITY

- 8.1** In accordance with Section 428 of the Municipal Act 2001, S.O. 2001, Chapter 25, where a vehicle that is parked, stopped or standing in contravention of a provision of this By-Law the owner of a vehicle is guilty of an offence and on conviction is liable to a fine in the same amount as that to which the driver is liable for so parking, stopping or leaving such vehicle unless the owner proves to the satisfaction of the court that at the time of the event the motor vehicle was in the possession of someone other than the owner or his chauffeur without the owner's consent, express or implied.

9. REMOVAL OF VEHICLES

- 9.1** In addition to any other penalty or fine levied by reason of a contravention of this By-Law, the By-Law Officer or other specified designate may authorize the removal of any vehicle parked in contravention of this By-Law to the Public Works compound owned by the Corporation of the Township of Hornepayne and all costs and charges of removal and storage shall be paid by the owner of the vehicle prior to removal of the vehicle from the Public Works Compound, and such costs, if any, shall be a lien upon the vehicle which, may be enforced in the manner provided under the Highway Traffic Act, R.S.O 1990, Chapter H.8 as amended.

10. POWERS OF OFFICER TO REMOVE VEHICLE

- 10.1** Upon discovering a motor vehicle parked or standing in contravention of any provision of this By-Law, the By-Law Officer or other specified designate may cause such vehicle to be moved or taken to and placed or stored in a suitable place (Public Works compound, owned by the Corporation of the Township of Hornepayne), and all costs and charges for removing, care and storage thereof, shall be paid by the owner of the vehicle prior to removal of the vehicle from the Public Works Compound, and such costs, if any, are a lien upon the vehicle which may be enforced in the manner provided for under the Repair and Storage Liens Act, R.S.O. 1990, Chapter R25.

10. HIGHWAY TRAFFIC ACT

- 10.1** The provisions of the Highway Traffic Act, R.S.O. 1990, as amended shall prevail over the provisions of this By-Law.

SCHEDULE "C"
TO BY-LAW NO. 1827
PARKING
FINES

Parking fines will be as follows:

Obstructing Fire Hydrant	\$50.00
Parking in NO PARKING Zone	\$30.00
Parking at Restricted Times	\$30.00
Interfere/Obstructing Snow Removal/ Road Maintenance/Winter Parking	\$50.00
School Bus Loading Zone	\$20.00
Fire Hall Parking	\$50.00
Disabled Parking Spaces	\$30.00
Parking in Reserved Parking Spaces/ Churches, Funerals, Marriage & Other Special Ceremonies	\$20.00
All Other Parking Violations	\$20.00

SCHEDULE "D"
TO BY-LAW NO. 1827
PARKING RESTRICTIONS

Parking Restrictions on Specified Roadways

STREET	SIDE	FROM	TO	CONDITIONS
Front Street	West	Third Avenue	Fourth Avenue	2 hour parking restriction
Firman Avenue	Both	Entirety		No Parking at any time
Lane "A"	Both	Entirety		No Parking at any time
Lane "C"	Both	Entirety		No Parking at any time
Lane "D"	Both	Entirety		No Parking at any time

