

# THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS

## BY-LAW NO. 2022 - 033

### BEING A BY-LAW TO REGULATE PARKING AND TRAFFIC ON MUNICIPAL ROADWAYS UNDER THE JURISDICTION OF THE TOWNSHIP OF LAKE OF BAYS (Parking By-law)(Repeal By-laws 95-72 and 06-80)

**WHEREAS** Section 8 of the Municipal Act, 2001, S.O. 2001, c.25 (hereinafter referred to as the "Act") provides that the powers of a municipality under the Municipal Act or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

**WHEREAS** pursuant to Section 23.1 of the Act, without limiting Sections 9, 10, and 11, those sections authorize a municipality to delegate its powers and duties under this or any other Act to a person or body subject to restrictions set out in the Part. 2006, c.32, Sch. A, s. 15; and

**WHEREAS** pursuant to Section 63 of the Act, a municipality may provide for the removal and impounding or restraining and immobilizing of any object or vehicle placed, stopped, standing or parked on or near a highway in contravention of the by-law; and

**WHEREAS** pursuant to Section 100 of the Act provides that a municipality may, in respect of land and parking lots not owned or occupied by the municipality, regulate or prohibit the parking or leaving of motor vehicles on that land without the consent of the owner of the land; and

**WHEREAS** pursuant to Section 101 of the Act provides for the removal and impounding or restraining and immobilizing of any vehicle, at the vehicle owner's expense, parked or left in contravention of the by-law and subsection 170(15) of the Highway Traffic Act applies to the by-law; and

**WHEREAS** pursuant to Section 425 of the Act, establishes that any person who contravenes any by-law of the municipality passed under the Act, is guilty of an offence. 2003, c.32, Sch. A., s. 184; and

**WHEREAS** pursuant to Section 426 of the Act prohibits a person from hindering or obstructing, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under the Act or a by-law under the Act; and

**WHEREAS** pursuant to Section 428 of the Act reads, "A by-law may provide that, where a vehicle has been left parked, stopped or standing in contravention of a by-law passed under this Act, the owner of the vehicle is guilty of an offence, even though the owner was not the driver of the vehicle at the time of the contravention of the by-law, and is liable to the applicable fine unless, at the time of the offence, the vehicle was in the possession of another person without the owner's consent". 2006, c. 32, Sch. A., s. 184; and

**WHEREAS** pursuant to Section 429 of the Act, a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act; and

**WHEREAS** pursuant to Section 432 of the Act, a by-law may establish a procedure for the voluntary payment of penalties out of court where it is alleged that any by-law related to the parking, standing or stopping of vehicles has been contravened; and

**WHEREAS** pursuant to Section 436(1) of the Act authorizes a municipality to enter upon land at any reasonable time for the purposes of carrying out an inspection to determine by-law compliance; and

**WHEREAS** pursuant to the Highway Traffic Act R.S.O. 1990, c.H.8, section 170 (15) reads, "a police officer, police cadet, municipal law enforcement officer or an officer

appointed for carrying out of 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 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". 2002. c. 17, Sch. F, s.1; 2005, c.26, Sch. A, s. 28; and

**WHEREAS** the Council of the Corporation of the Township of Lake of Bays deems it expedient to provide for a single by-law to regulate parking within the limits of the Township;

**NOW THEREFORE** the Council of the Corporation of the Township of Lake of Bays, a municipal corporation pursuant to the Municipal Act, 2001, as amended, enacts as follows:

**1. SHORT TITLE**

1.1. This By-law may be cited as "Parking By-law".

**2. WORD USAGE**

2.1. The headings and subheadings used in this by-law shall not form a part of the By-law, but shall be deemed to be inserted for convenience of reference only.

**3. EXPRESSION OF TIME**

3.1. Where, in this By-law, any expression of time occurs or when any hour or other point of time is stated, the time referred to or intended shall be reckoned as standard time except in periods when daylight saving time is declared to be in effect, then, during such periods, the time referred to or intended shall be reckoned as daylight saving time.

**4. DEFINITIONS**

The definitions contained within the Highway Traffic Act, R.S.O. 1990, c. H 8 shall apply in the interpretation of this By-law except where they are inconsistent, in which case the definition under this By-law shall apply. For the purpose of this By-law:

4.1. **Accessible Parking Space** means a parking space designated under this By-law for the exclusive use of a vehicle displaying an accessible parking permit;

4.2. **Administrative Monetary Penalty System By-law (AMPS By-law)** means any by-law passed by the Township to implement administrative penalties related to parking, stopping and general by-law enforcement;

4.3. **Administrative Penalty** means monetary penalties defined under the AMPS By-law and set out in Schedules of the AMPS By-law, as amended from time to time;

4.4.

4.5. **Authorized Sign** means any of the following that have been installed, posted, or painted onto a surface, in accordance with applicable provincial legislation and under the authority of the Township, for the purpose of regulating or prohibiting parking and traffic:

- a) Sign(s) or signage defining parking provisions or prohibitions, including:
    - i) Time of day or length of time during a day;
    - ii) Number of hours or minutes;
    - iii) Day or days of the week;
    - iv) Month or months of the year;
    - v) Specific types or classes of vehicle, trailer or vessel; or
    - vi) Any other conditions under which the sign applies;
  - b) Sign(s) or signage defining parking prohibitions;
  - c) Lines or markings painted on highway surface or shoulder;
  - d) Traffic control device(s) and/or signal(s); or
  - e) Construction or Emergency road work sign(s);
- 4.6. **Boulevard** means that part of a highway from the edge of the roadway to the nearest lateral property line, but does not include a shoulder, sidewalk or multi-use trail;
- 4.7. **Council** means the Council of the Corporation of the Township of Lake of Bays;
- 4.8. **Cul-de-sac** means a highway terminating in a turn-around;
- 4.9. **Director** means the Director of Building and By-law Services for the Township, or his or her designate;
- 4.10. **Drive** means to drive, move or operate a vehicle;
- 4.11. **Driveway** means that part of a highway that provides vehicular access to and from the roadway and an adjacent property;
- 4.12. **Heavy Vehicle** means a motor vehicle having permanently attached thereto a truck or delivery body having:
- a) A gross weight or registered gross weight of more than 4,500 kilograms but does not include an ambulance, hearse, casket wagon, fire apparatus, bus, mobile crane, motor home or road service vehicle;
  - b) Which exceeds 21 feet in length;
  - c) Which is equipped with dual rear wheels or tandem rear axles, provided that this shall not apply to a pick-up truck having a Registered Gross Vehicle Weight of 4,500 kilograms or less;
  - d) Which is a tow truck; or

- e) Which is a bus, or a bus converted into a mobile home or otherwise used for a commercial or non-commercial purpose;
- 4.13. **Highway** means a highway or part of a highway under the jurisdiction of the Township, or District of Muskoka;
- 4.14. **Highway Traffic Act** means the Highway Traffic Act, R.S.O. 1990, c. H. 8, as amended;
- 4.15. **Holiday** means New Years Day, Good Friday, Easter Monday, Victoria Day, Civic Holiday, Labour Day, Thanksgiving, Christmas Day, Boxing Day, or any day appointed by proclamation of the Governor General or Lieutenant Governor-in-Council as a public holiday or for a general feast or Thanksgiving;
- 4.16. **Motorized Snow Vehicle** means a self-propelled vehicle designed to be driven primarily on snow;
- 4.17. **Municipal Act** means the Municipal Act, 2001, S.O, 2001, c. 25, as amended;
- 4.18. **Municipal Law Enforcement Officer** means a person appointed by the Township to enforce Township By-laws;
- 4.19. **Off-road Vehicle** means a vehicle referred to in the Highway Traffic Act, RSO 1990 and within the Off-Road Vehicles Act, as amended from time to time;
- 4.20. **One-Way Street** means a highway upon which vehicular traffic is limited to movement in one direction;
- 4.21. **O. Reg 333/07** means Ontario Regulation 333/07, made under the Municipal Act, 2001, S.O. 2001, c. 25, as amended from time to time or any other successor thereof;
- 4.22. **Park, Parked or Parking** means the standing of a Vehicle, whether occupied or not, except when parked temporarily for the purpose of and while actually engaged in loading or unloading according to the By-law;
- 4.23.
- 4.24. **Parking Space** means that part of a roadway that is designated by the Township for the purposes of parking one vehicle;
- 4.25. **Pedestrian** means any person afoot, any person in a wheelchair, any child in a wheeled carriage, and any person riding a non-motorized bicycle with wheels less than 50 centimetres in diameter;
- 4.26. **Pedestrian Crossing** means any portion of the roadway, designated by By-law, at an intersection or elsewhere, reserved for pedestrian crossing and indicated by signs on the highway and lines or other markings on the surface of the roadway;
- 4.27. **Penalty Notice** means a document or notice of violation of an alleged offence under a by-law, issued and administered according to the AMPS By-law;

- 4.28. **Permit** means a permit that is displayed when required, is not expired, and takes the form prescribed by the issuer, whether it be under the authority of the Province or pursuant to Township approval or given under an exemption;
- 4.29. **Police Officer** means an employee of the Ontario Provincial Police who is appointed as a peace officer pursuant to the Police Services Act, R.S.O. 1990, c. P. 15;
- 4.30. **School Bus** means a publicly or privately owned vehicle that is used for taking school children to and from school or school-related activities;
- 4.31. **“School crossing”** means:
- a) Any portion of a highway, or highway at or near an intersection where Authorized Signs have been erected to indicate pedestrian crossing(s); or,
  - b) Any portion of a highway, or highway at or near an intersection where lines or other markings on the surface of the roadway indicated pedestrian crossing(s).
- 4.32. **Shoulder** means that part of the highway lying adjacent to the roadway that is improved with granular or paved surface and is not intended for the passage of motor vehicles or pedestrians;
- 4.33. **Sidewalk** means that portion of a highway between the curb line and the property line of the lot abutting the highway improved for the use of pedestrians;
- 4.34. **Stop** or **Stopped** means the halting of a Vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic, or to comply with the directions of a police officer or a traffic control device or signal;
- 4.35.
- 4.36. **Traffic Control Device** means a sign, marking or other device on a highway for the purpose of controlling, guiding or directing traffic;
- 4.37. **Traffic Control Signal** means any device, manually, electrically or mechanically operated for the regulation of traffic;
- 4.38. **Unlicensed Vehicle** means a motor vehicle that does not have a number plate displayed or does not have current validation of a vehicle permit affixed to the number plate, in the manner prescribed in the Highway Traffic Act; and
- 4.39. **Vehicle** means any automobile, motorcycle, motor assisted bicycle, trailer, traction engine, farm tractor, road building machine, any Vehicle drawn, propelled, or driven by any kind of power, including muscular power, but does not include a motor Vehicle running only upon rails;

## **5. APPLICATION**

- 5.1. Where otherwise specifically provided or defined within Authorized signs, the provisions of this By-law shall apply to all highways and parts of highways under the jurisdiction of the Township.

## **6. ADMINISTRATION AND ENFORCEMENT**

- 6.1. A Police Officer, Police Cadet, By-law Enforcement Officer, person appointed by Council, or their designate, authorized to enforce the Highway Traffic Act (as amended from time to time), can enforce the provisions of this by-law.
- 6.2. The Township, or those authorized on behalf of the Township, may place, erect, install, paint, maintain, remove or replace any authorized sign(s) or traffic control devices and signals that are required to give effect to the provisions of this by-law.
- 6.3. Unless otherwise permitted in this by-law, no person shall:
- a) alter, deface, remove, or cover any authorized sign(s) or traffic control devices and signals that are required to give effect to the provisions of this by-law.
  - b) place, erect, install, or paint signs, signage, devices, or signals that purports to be, is an imitation of, or resembles any authorized sign(s), device(s), or signal(s) without prior approval from the Township.
- 6.4. In addition to any other penalties provided for in this by-law, a Police Officer, a By-law Enforcement Officer, or those appointed by the Township to enforce this by-law and the provisions of the Highway Traffic Act (as amended from time to time), may cause a vehicle to be moved or taken to a place and 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, R.S.O. 1990 (as amended from time to time).

## **7. GENERAL PROVISIONS**

- 7.1. This by-law allows parking in designated parking spaces and parking lots across the Township, along highways, at Township parks and facilities according to authorized signs, signage, signals, devices, or markings placed on roadway surfaces.
- 7.2. This by-law allows parking and stopping along a highway provided that the vehicle is not within the travelled portion of the road, is not obstructing traffic and is not in violation of this by-law, other by-laws, Acts or legislation.
- 7.3. Vehicles shall be able to stop or park at the edge of a highway, to be loaded or unloaded, up to 30 minutes, under the following circumstances:
- a) Where no authorized signs for Fire Route or No Stopping are posted;

- b) When the vehicle is not blocking access to a fire hydrant or entrance;
- c) Vehicle's hazard lights engaged during loading or unloading;
- d) Vehicle is located on the same side as the loading or unloading; and
- e) Vehicle is within thirty (30) centimeters from the edge of the highway.

7.4. Council has the ability, by resolution or delegated authority given to Township staff, to authorize an exemption under this by-law.

## **8. STOPPING PROHIBITIONS**

- 8.1. No person shall stop a vehicle on a highway or portions thereof, including property in the care and control of the Township;
- a) To load or unload a vehicle in contravention of this by-law;
  - b) Where authorized signs, devices, signals, or markings are posted;
  - c) Within an area designated as a Fire Route or Accessible Parking space;
  - d) On a curve, hill, or anywhere the person does not have a clear view of at least 125 meters in both directions; or
  - e) In, on, or within ten (10) meters of an intersection.

## **9. PARKING PROHIBITIONS**

- 9.1. No person shall park a vehicle on a highway or portions thereof, including property in the care and control of the Township:
- a) Within the travelled portion of the highway during winter operations;
  - b) In a manner that obstructs the flow of traffic;
  - c) In contravention of an authorized sign, signal, device, or marking that has been installed by the Township;
  - d) In a Fire Route where authorized signs or markings have been installed;
  - e) In an accessible parking space where authorized signs or markings have been installed;
  - f) In Accessible parking space with expired permit displayed
  - g) On a curve, hill, or anywhere the person does not have a clear view of at least 125 meters in both directions;

- h) Where the vehicle will block a driveway, road entrance, sidewalk, crosswalk, or pedestrian crossing;
- i) In, on, or within ten (10) meters of the termination point of a highway;
- j) Within two (2) meters of a driveway;
- k) Within three (3) meters of a fire hydrant;
- l) Within ten (10) meters of a stop sign;
- m) In, on, or within ten (10) meters of an intersection;
- n) Within fifteen (15) meters of an intersection controlled by traffic lights;
- o) Within ten (10) meters of a bridge that had a guardrail and sidewalk installed;
- p) In contravention of an authorized sign installed on Township property;
- q) Between the hours of 11:00 p.m. EST and 5:00 a.m. EST at or within a Township park, designated parking areas of a Township park, or where authorized signs or markings have been installed;
- r) Within a Township park, if the vehicle is an off-road vehicle or motorized snow vehicle according to the Highway Traffic Act;
- s) In a manner that blocks more than one designated parking space if the vehicle size would normally allow it to fit within the designated space;
- t) Facing in the opposite direction of the flow of traffic that would normally occur on the side of the road where the vehicle is parked;
- u) In a manner that is angled to a highway, such that the vehicle is not parallel to the highway, unless authorized signs are posted to allow for angled parking;
- v) In a manner that is in contravention of an exemption given by Council; or
- w) In a manner that is in contravention of Township approvals/permits.

## 9.2. Emergency Prohibition of Parking

When an authorized sign is on display, no person shall park on any highway during an emergency. For this purpose "emergency" includes, but is not limited to:

- a) A fire, flood or other natural disaster;
- b) Work under a permit granted by the Township; or



- c) Any circumstance in which Section 134 of the Highway Traffic Act applies.

## **10. COMMERCIAL PROHIBITIONS**

- 10.1. No person shall display, sell, or offer for sale, any goods (merchandise, products, refreshments, foodstuffs, services, or flowers) if the place is located in or on a highway over which the Township has jurisdiction, unless:
- a) Permission has been given by the Township;
  - b) An exemption to this by-law has been granted by Council; or
  - c) The displaying, selling, or offering for sale is approved for specific locations, and has been granted by a permit or occurs during an event approved by the Township.

## **11. OBSTRUCTION**

- 11.1 No person shall hinder or obstruct a By-law Enforcement Officer, person appointed by Council, or their designate, who is lawfully carrying out enforcement or performing a duty under this by-law.
- 11.2 No person shall fail to identify themselves to the By-law Enforcement officer, person appointed by Council, or their designated, if they have been alleged to have contravened any of the provisions of this by-law.

## **12. TOWING AND IMPOUNDING**

- 12.1 A police officer, By-law Enforcement Officer, or those appointed by the Township to enforce this by-law and the provisions of the Highway Traffic Act (as amended from time to time), upon discovery of a vehicle parked or standing contrary to the provisions of this by-law may cause a vehicle to be moved or taken to a place and stored in a suitable place.
- 12.2 In the of a vehicle being removed or taken to a place and stored, when found in contravention of this by-law, 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, R.S.O. 1990, c.R.25 (as amended from time to time).

## **13. PENALTIES**

- 13.1 Any person who contravenes a designated provision of this by-law, is guilty of an offence, and, when given a Penalty Notice, in accordance with the Administrative Monetary Penalty System (herein after, "AMPS By-law"), be liable to pay to the Township an administrative penalty as set out in the schedules attached to the AMPS By-law (as amended from time to time).
- 13.2 Any person who contravenes any of the provisions of this By-law, except a designated provision, is guilty of an offence and upon conviction is liable to a penalty as provided for in the Provincial Offences Act, R.S.O. 1990, c.P 33 (as amended from time to time) or any successor thereof.

**14. SERVICE OF DOCUMENTS**

14.1 Where a vehicle is found parked, standing or stopped in contravention of the provisions of this By-law, the Police Officer or By-Law Enforcement Officer so finding a vehicle may attach to the vehicle a Parking Infraction Notice as per the Township's current AMPS By-law.

**15. SCHEDULES**

15.1 Provisions of this By-law that allow for financial penalties shall be updated and attached to the Schedules of the Administrative Penalties found in the AMPS By-law (as amended from time to time)

**16. SEVERABILITY**

16.1 Should any provision, or any part of a provision, of this By-law be declared invalid, or to be of no force and effect by a court of competent jurisdiction, it is the intent of Council that such provision, or part of a provision, shall be severed from this By-law, and every other provision of this By-law shall be applied and enforced in accordance with its terms to the extent possible according to law.

**17. CONFLICT**

17.1 In the event of a conflict between the provisions of this By-law and the provisions of the Highway Traffic Act, the Highway Traffic Act shall supersede.

**18. EFFECTIVE DATE**

18.1 THAT By-law 95-72 and 06-80 and any other by-laws or provisions found to be inconsistent with this by-law, are hereby deemed to be repealed.

18.2 THAT this By-law shall come into force and effect upon passing.

**READ a FIRST, SECOND and THIRD time and passed this 12<sup>th</sup> day of April 2022.**

  
\_\_\_\_\_  
Mayor – Terry Glover

  
\_\_\_\_\_  
Clerk – Carrie Sykes

