

THE CORPORATION OF THE VILLAGE OF SUNDRIDGE

BY-LAW NO. 2007-022

Being a by-law to regulate traffic and to govern and control
the parking of vehicles in the Village of Sundridge

WHEREAS Section 11.(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes Municipalities to pass by-laws respecting matters within its spheres of jurisdiction, which includes highways and regulating traffic on highways;

WHEREAS Section 425. (1), of the Municipal Act, 2001, S.O. 2001 c. 25, as amended, provides that by-laws may be passed by all municipalities for providing that any person who contravenes any by-law of the municipality passed under this Act is guilty of an offence;

WHEREAS Section 428, of the Municipal Act, 2001, S. O. 2001, c. 25, as amended, provides 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;

WHEREAS Section 429, of the Municipal Act, 2001, S. O. 2001, c. 25, as amended, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act.

AND WHEREAS The Highway Traffic Act R.S.O. 1990 c. H-8, as amended provides that Councils of Municipalities have the power to make by-laws governing certain areas of control for traffic within the boundaries of the said Municipality.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE VILLAGE OF SUNDRIDGE ENACTS AS FOLLOWS;

1. Short title:

This By-law may be called "The Uniform traffic By-law".

2. Definitions:

(a) "authorized sign" means any sign, or marking on a roadway, curb or sidewalk or other device placed or erected on a highway under the authority of this by-law for the purpose of regulating, warning or guiding traffic,

(b) "boat launch" means that portion of access within the Village of Sundridge intended for the launching of boats and/or vessels,

(c) "boulevard" means all parts of a highway save and except any roadway, shoulder or sidewalk,

(d) "fire route" means a public and private roadway, lane, driveway or parking lot aisle, not less than 3 meters wide, designated by this by-law as fire routes,

(e) "heavy traffic" means the operation of a heavy vehicle as herein defined,

(f) "heavy truck" means a vehicle as defined in the Highway Traffic Act which is not primarily designed to carry passengers and which the vehicle has an unloaded weight of 4.6 tonnes or more, but does not include a passenger vehicle, ambulance or any vehicle of a police, fire or public works department,

(g) “highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles, and includes the total width of the road allowance,

(h) “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,

(i) “motor vehicle” includes an automobile, motorcycle and any other vehicles propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of The Highway Traffic Act,

(j) “occupant” means:

(1) the tenant of private property or part thereof whose consent to permit parking on private property shall extend only to the control of the land or part thereof of which he/she is the tenant and any parking spaces allowed to him/her under their lease or agreement,

(2) the spouse of a tenant,

(3) a person, a municipality or a local board thereof, having an interest in the property under an easement or right of way granted to or expropriated by the person, municipality or local board whose consent to permit parking on private property shall extend only to that part of the property that is subject to the easement or right of way,

(4) a person authorized in writing by an occupant as defined in clauses (1) (2) or (3) of this section to act on the occupant’s behalf for requesting the enforcement of this by-law,

(k) “official sign” means an authorized sign approved by the Ministry of Transport of Ontario,

(l) “owner” when used in relation to property means:

(1) the registered owner of the property,

(2) the spouse of the person described in clause (1),

(3) a person authorized in writing by the property owner as described in clauses (1) or (2) of this section to act on the owner’s behalf for requesting the enforcement of this by-law,

(m) “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,

(n) “parking infraction notice” means a notice authorized by the Provincial Offences Act,

(o) “Police Officer” means a police officer who is a member of the Ontario Provincial Police Force,

(p) “private roadway” means any private roadway, private driveway, lane, ramp or other means to or egress from a property, building or structure and it may include part of a parking lot,

(q) “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 roadway collectively,

- (r) “schedule” means a schedule referred to in this by-law and forming part of this by-law,
- (s) “shoulder” means that part of the highway immediately adjacent to the roadway and having a surface which has been improved with asphalt, concrete or gravel,
- (t) “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,
- (u) “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,
- (v) “township means the Village of Sundridge,
- (w) “vehicle” means a motor vehicle, trailer, traction vehicle, farm tractor, road building machine, snowmobile and any vehicle drawn, propelled or driven by any kind of power,

3. Application and General Requirements:

- (a) This by-law applies to all highways under the jurisdiction of the Village of Sundridge.
- (b) The Schedules referred to in the by-law shall form part of this by-law and each entry in a column of such a schedule shall be read in conjunction with the entries across and not otherwise.
- (c) Where any expression of time occurs or where any hour or other period of time is stated in this by-law or on a sign erected pursuant to this by-law, the time referred to shall be Standard Time, except in periods when Daylight Saving time is in effect, in which periods it shall be Daylight Saving time.
- (d) The provisions of this by-law shall not apply to ambulances, police and fire vehicles, and any motor vehicles while actually engaged in works for the Village of Sundridge.
- (e) 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 an authorized sign or traffic control signal or which conceals from view or interferes with the effectiveness of an authorized sign or traffic control device.
- (f) The roads superintendent is authorized to place or erect and to maintain such authorized signs and traffic control signals as are required to give effect to the provisions of the safety or convenience of the public.

PART A - PARKING PROVISIONS

4. General parking and stopping requirements:

4.1. General Provisions:

4.1.1. Method of Parking - Parallel - Two way Traffic

- (a) No person shall park or stop any vehicle on any highway or portion thereof except as follows:
- (i) where there is a raised curb, on the right side of the roadway with the right front and rear wheels having regard to the direction in which such vehicle was proceeding, parallel to and not more than 30 centimeters out from such curb;
 - (ii) where there is a rolled curb or no curb with the right front and rear wheels parallel to and as near to the right of the roadway as is practical.
- (b) The provisions of subsection (a) do not apply where angle parking is permitted or to parking or stopping a vehicle on the left side of the roadway or a highway designated for one-way traffic.

4.1.2. Method of Parking - Parallel - One way Traffic

- (a) Where a highway is designated for one-way traffic and parking is permitted on the left side of such highway no person shall park or stop any vehicle on the left side of the highway or portion thereof except as follows:
- (i) where there is a raised curb, on the roadway with the left front and the rear wheels, having regard to the direction in which such vehicle is proceeding, parallel to and not more than 30 centimeters out from such curb;
 - (ii) where there is a rolled curb or no curb, with the left front and rear wheels, having regard to the direction in which such vehicle was proceeding, parallel to and as practical.

4.2. Parking Prohibited in Specified Places - Signs not Required:

- (a) No person shall park any vehicle on any highway:
- (i) in front of or within 2 meters of the intersection of a private roadway, or within 60 centimeters of a driveway on all Township roads;
 - (ii) within 3 meters of a point on the curb or edge of the roadway nearest to any fire hydrant;
 - (iii) within 9 meters of an intersecting roadway;
 - (iv) within 15 meters of any level crossing of a railway;
 - (v) for the purpose of displaying the vehicle for sale;
 - (vi) for the purpose of washing, greasing or repairing the vehicle, except for such repairs as have been necessitated by an emergency;
 - (vii) along side the tracks of any railway;
 - (viii) in such a position as will prevent the removal under its own power of any other vehicle;
 - (ix) so as to obstruct a crosswalk;

- (x) so as to interfere with the movement of traffic;
- (xi) on a highway within 152 meters of fire fighting apparatus where said apparatus is actually engaged in fighting a fire, or when if directed by a member of the Police or Fire Department;
- (xii) on a bridge;
- (xiii) on a boulevard.

4.3. Parking Prohibited in Specified Places Where Signs are on Display:

- (a) Where authorized signs are on display indicating that parking is prohibited, no person shall park any vehicle on any highway:
 - (i) within 30 meters of an intersection controlled by traffic control signals;
 - (ii) within a turning basin at the end of a cul-de-sac;
 - (iii) within 15 meters of the termination of a cul-de-sac.

4.4. Stopping Prohibited in Specified Places Signs not Required:

- (a) No person shall park any vehicle on a highway:
 - (i) on or over a sidewalk or footpath;
 - (ii) alongside or across the highway from any excavation or obstruction in the roadway when the free flow of traffic would thereby be impeded;
 - (iii) on the roadway side of any stopped vehicle;
 - (iv) upon any bridge or elevated structure or within any tunnel or underpass;

5.0. Specific Parking, Stopping and Standing Requirements.

5.1. Parking Restrictions and Prohibitions on Certain Highways:

- (a) Where authorized signs are on display indicating that parking is prohibited, no person shall park a vehicle on any highway at the side and between the limits set out in columns 1,2 and 3 of Schedule I, during the prohibited times or days set out in column 4 of said schedule.
- (b) Nothing in this section shall be deemed to permit parking at any location where or at any time when parking is prohibited.

5.2. Stopping Restrictions and Prohibitions on Certain Highways:

- (a) Where authorized signs are on display indicating that stopping is prohibited, no person shall stop a vehicle on any highway at the side and between the limits set out respectively in columns 1,2 and 3 of Schedule II, during the prohibited times or days set out in column 4 of said schedule.

5.3. Standing Restrictions and Prohibitions on Certain Highways:

- (a) Where authorized signs are on display indicating that standing is prohibited, no person shall stand a vehicle on any highway at the side and between the limits set out respectively in columns 1,2 and 3 of Schedule III, during the prohibited times or days set out in column 4 of said schedule.

5.4. Fire Routes:

- (a) The public and private roadways, lanes, driveways and parking lots aisles outlined in columns 1 and 2 of Schedule IV, hereto hereby authorized and assigned as fire routes.

5.5. Parking on Private or Municipal Property:

- (a) No person shall park or leave a motor vehicle:
- (i) on private property without consent of the owner or occupant of the property;
 - (ii) 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;
- (b) (iii) any vehicle parked or left contrary to this by-law may be removed and/or impounded at its owner's expense subject to the limiting provisions of this by-law;
- (iv) a vehicle shall be deemed to have been removed if a towing vehicle has been summoned to remove it by a person authorized to enforce this by-law;
- (c) Where an owner or occupant of property affected by this by-law has posted signs stating conditions on which a motor vehicle may be parked or left on the property or prohibiting the parking or leaving of a motor vehicle on the property, a motor vehicle parked or left on the property contrary to such conditions or prohibitions shall be deemed to have been parked or left without consent.
- (d) A Police Officer or Municipal Law Enforcement Officer, in respect of a particular property to enforce this by-law shall be deemed to have the written authority of the owner or occupant of the property to enforce this by-law and such officers are not required to receive written complaint before enforcing this by-law.

5.6. Parking on Untravelled Portions of Highways:

- (a) No person shall park or leave any vehicle upon any untravelled portion of a highway for a period exceeding seventy-two (72) hours.
- (b) Vehicles parked or left in contravention of this section may, by order of a Police Officer or Municipal Law Enforcement Office, be removed and impounded at the expense of the owner thereof.

6.0 Physically Handicapped Parking:

- 6.1 Every owner and operator of a parking lot or of a parking facility to which the public has access may designate parking spaces for the exclusive use of a motor vehicle operated by a physically handicapped person, or a motor vehicle carrying a physically handicapped person in respect of which a permit has been issued and properly displayed.
- 6.2 No person shall park, store or leave standing, a motor vehicle in a designated handicapped parking space unless a handicapped permit is properly displayed on the vehicle.
- 6.3 The sole manner of identifying vehicles entitled to use disable parking spaces shall be a disabled parking permit issued under and displayed in accordance with the *Highway Traffic Act* and regulations made under it.
- 6.3 Section 427 of the Municipal Act provides that a by-law establishing a system of disabled parking shall provide that every person who contravenes this by-law is guilty of an offence and on conviction is liable to a fine of **not less than** \$300.

7.0 Snow Removal:

7.1 In order to facilitate the process of snow removal from highways no person shall park any vehicle on any highway under the jurisdiction of the Village between the hours of 2 a.m. to 7 a.m. from November 01 of each year to April 15 of the following year.

8.0 Penalty Provisions For Parking Infractions:

- 8.1 A Police Officer or Municipal Law Enforcement Officer upon discovery of any vehicle parked, stopped or left standing in contravention of the provisions of Part A of this By-law, may attach a Parking Infraction Notice to the vehicle.
- 8.2 Every person who contravenes the provisions of Part A of this By-law upon conviction is guilty of an offence and is liable to a fine as provided for pursuant to the Provincial Offences Act for each offence, exclusive of costs.
- 8.3 A Police Officer or Municipal Law Enforcement Officer, upon discovery of any motor vehicle parked or left standing in contravention of this By-law, may cause it to be moved to, or stored in a suitable place, and all costs and charges for removing, care and storage thereof, if any, are a lien upon the vehicle, which may be enforced in the manner provided by the Mechanics Lien Act.
- 8.4 Any vehicle parked or left standing on any highway for a period exceeding 72 hours shall be considered to be abandoned, upon discovery of such abandonment, a Police Officer or Municipal Law Enforcement Officer may cause it to be moved to, or stored in a suitable place, and all costs and charges for removing, care and storage thereof, if any, are a lien upon the vehicle, which may be enforced in a manner provided by the relevant provisions of the Mechanics Lien Act.

PART B - TRAFFIC PROVISIONS

9.0 General Traffic Provisions:

- 9.1 (i) No person shall drive a motor vehicle upon a sidewalk or footpath on a highway except for the purpose of directly crossing the sidewalk or footpath.
- (ii) No person shall drive a motor vehicle over a raised curb except at a place where there is a ramp or rolled curb.

10.0 Pedestrians Rights and Duties:

- 10.1 Except where traffic control signals are in operation or where traffic is being controlled by a police officer, a pedestrian crossing a highway at a place other than a pedestrian crossover shall yield the right-of-way to all vehicles upon the roadway, but nothing in this section shall relieve the driver of a vehicle from the obligation of taking all due care to avoid an accident.
- 10.2 No person shall play or take part in any game or sport upon a roadway. No person upon roller skates, or riding in or by any means of any coasting device shall go upon a roadway except for the purpose of crossing the roadway, and when so crossing such person shall have the rights and be subject to the obligations of a pedestrian.

11.0 Heavy Traffic:

- 11.1 Except as provided in subsection (11.2) when authorized signs to that effect are displayed, no person shall move, drive or operate a heavy truck on the highways set out in column 1 of Schedule V, between the limits set out in column 2 of the said schedule during the times or days set out in column 3 of said schedule.
- 11.2 Subsection (11.1) shall not apply to the driver of a heavy truck making a bona fide delivery to, or a collection from a premise or premises which cannot be reached by any route other than a highway or part of a highway, where heavy trucks are not permitted within this by-law, provided that when making such a delivery or collection the same highway or portion of highway is traveled only insofar as is avoidable in getting to and from such premise or premises.
- 11.3 No person shall park an oversized vehicle including a heavy truck/oversized vehicle or commercial vehicle on any street within the Village of Sundridge, unless the heavy truck is loading or unloading merchandise for a time period not to exceed thirty (30) minutes.
- 11.4 The maximum weight per axle that may be transported on any highway under the jurisdiction of the Village of Sundridge during the period from the 28th day of February to the 30th day of June inclusive, shall be 5 tonnes.

12.0 Speed Limits:

When any road or portion of road set out in Column 1 of Schedule VI, has been marked to comply with the regulations of the Highway Traffic Act, the maximum rate of speed thereon shall be the prescribed maximum rate of speed set out opposite thereto in column 2 of said schedule.

13.0 Stop Signs:

The erection of stop signs is hereby authorized at each of the intersections set out in column 1 of Schedule VII, for the control of traffic entering the intersection of the highway set out in said schedule.

14.0 Enforcement:

- 14.1 Part A of the by-law shall be enforced by the Municipal By-law Enforcement Officer.
- 14.2 Part B of this by-law shall be enforced by any Police Officer, Municipal By-Law Enforcement Officer or Ministry of Transport Officer.

15.0 Parking Infraction Notice:

- 15.1 Every person who contravenes any provisions or part of "Part A" of this by-law may be issued a Parking Infraction Notice which shall indicate the particulars of the offence and the set fine amount.
- 15.2 The Parking Infraction Notice will be in a format set out in Schedule VIII. This Notice will clearly indicate the particulars of the offence, the set fine for the offence, and the conditions for payment or a trial option.

16.0 Penalty Provisions For Traffic Infractions:

- 16.1 Every person who contravenes any provision or part of this by-law is guilty of an offence and upon conviction, is liable to a fine in accordance with the *Provincial Offences Act* of not more than Five Thousand Dollars (\$5000) exclusive of costs and every such penalty shall be recoverable under the *Provincial Offences Act* and all the provisions of the *Provincial Offences Act* shall apply hereto;
- 16.2 In the event of conflict between the provisions of this By-law and the *Highway Traffic Act*, the provisions of the said Act prevail.

17.0 By-law Maintenance:

Additions and deletions to the by-law schedules may be made when deemed necessary by Council and such changes shall be made by By-law.

18.0 Repeal:

By-Law 2005-025 is hereby repealed.

19.0 Severability:

Should any part of this By-law be declared invalid by a court of competent jurisdiction, such Section shall be construed as being severed from this By-law and the remainder of the By-law shall continue in full force and effect.

20.0 Effective date:

This By-Law shall take effect on being passed.

Introduced and read a First, Second and Third time this 18th Day of December, 2007.

Mayor: Elgin Schneider

Clerk: Lillian Fowler

SCHEDULE 1 - PROHIBITED PARKING

<u>COLUMN 1</u> <u>HIGHWAY</u>	<u>COLUMN 2</u> <u>SIDE</u>	<u>COLUMN 3</u> <u>BETWEEN</u>	<u>COLUMN 4</u> <u>TIMES</u>
Edward St.	north side	Albert to Ontario Sts.	anytime

SCHEDULE II - STOPPING PROHIBITED

Location: _____ Time: _____

SCHEDULE III - STANDING PROHIBITED

Location: _____ Time: _____

SCHEDULE IV - FIRE ROUTES

Column 1 LOCATION: _____ FROM/TO

SCHEDULE VI - MAXIMUM RATE OF SPEED

Column 1 - Road or Portion of Road Column 2 - Maximum Rate of Speed

All roads within built up areas in The Village of Sundridge 50 kilometres per hour

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SCHEDULE VII - STOP SIGNS

Column 1 - Intersection

Column 2 - Stop Streets

Northbound	Albert Street	at	Main Street
Southbound	Albert Street	at	Main Street
Northbound	Anderson Street	at	Murray Street
Northbound	Ann Street	at	Edgar Street
Southbound	Ann Street	at	Queen Street
Northbound	Barrie Street	at	Main Street
Northbound	Belmont Street	at	Main Street
Southbound	Belmont Street	at	Main Street
Northbound	Belmont Street	at	Park Street
Westbound	Birchwood Drive	at	Edgar Street
Westbound	Birchwood Drive	at	Edgar Street
Northbound	Commerce Court	at	High Street
Westbound	Dunbar Street	at	Albert Street
Northbound	Edgar Street	at	High Street
Eastbound	Edgar Street	at	Paget Street
Westbound	Edward Street	at	Albert Street
Eastbound	Edward Street	at	Ontario Street
Westbound	Greenwood Street	at	Paget Street
Westbound	High Street	at	Albert Street
Eastbound	High Street	at	Tower Road
Southbound	James Street	at	Main Street
Northbound	James Street	at	Water Street
Northbound	John Street	at	Main Street
Southbound	John Street	at	Main Street
Northbound	John Street	at	Ontario Street
Southbound	John Street	at	Ontario Street
Eastbound	King Street	at	Paget Street
Northbound	Lake Bernard Drive	at	Main Street
Southbound	Lakeview Drive	at	Lansdown Street
Westbound	Lakeview Drive	at	Paget Street
Westbound	Lang Court	at	Ann Street
Westbound	Lansdown Street	at	Paget Street
Northbound	Market Street	at	Main Street
Southbound	Market Street	at	Main Street
Eastbound	McDermott Street	at	Barrie Street
Northbound	Mill Street	at	Main Street
Southbound	Mill Street	at	Main Street
Northbound	Mill Street	at	Ontario Street
Westbound	Murray Street	at	Albert Street
Northbound	Murray Street	at	High Street
Northbound	Murray Street	at	Pine Hill Road
Southbound	Murray Street	at	Pine Hill Road
Northbound	Paget Street	at	High Street
Northbound	Paget Street	at	Main Street
Southbound	Paget Street	at	Main Street
Northbound	Paget Street	at	Ontario Street
Southbound	Paget Street	at	Ontario Street
Southbound	Park Street	at	Main Street
Eastbound	Park Street	at	Union Street
Westbound	Park Street	at	William Street
Westbound	Pine Hill Road	at	Albert Street
Eastbound	Pine Hill Road	at	Edgar Street
Westbound	Queen Street	at	John Street
Eastbound	Queen Street	at	Paget Street
Southbound	Quirt Crescent	at	Dunbar Street
Westbound	Robert Street	at	Albert Street
Eastbound	Robert Street	at	Anderson Street
Westbound	Robertson Court	at	Paget Street

SCHEDULE VII - STOP SIGNS continued.....

<u>Column 1 - Direction</u>	<u>Column 2 - Stop Street Intersections</u>		
Westbound	Victoria Street	at	Albert Street
Eastbound	Water Street	at	James Street
Northbound (both ends of drive)	Water Street (Childrens' Park)	at	Main Street
Southbound	William Street	at	Main Street
Southbound	William Street	at	Ontario Street
Northbound	Yonge Street	at	Main Street
Southbound	Yonge Street	at	Malin Street

SCHEDULE V - HEAVY TRUCKS PROHIBITED

HEAVY TRUCKS ARE PROHIBITED ON ALL STREETS WITHIN THE VILLAGE OF SUNDRIDGE.

SCHEDULE VIII - PARKING INFRACTION NOTICE AND SET FINES

FRONT

BACK