

The Corporation of the Municipality of Brooke-Alvinston

By-law Number 58 of 2019

Being a by-law to regulate Parking and Vehicle Movement on any road, street or bridge in the Municipality of Brooke-Alvinston

The Municipal Council of the Corporation of the Municipality of Brooke-Alvinston enacts as follows:

PART 1 – DEFINITIONS

- 1.1 “**Boulevard**” means that portion of the street allowance of the Municipality which lies between the curb or edge of the traveled portion of the roadway and the property line, or may hereafter be so improved either by the Corporation or any owner of land in front of whose property such improvements may be made with the consent of Council of the Municipality of Brooke-Alvinston.
- 1.2 “**By-law Enforcement Officer/Provincial Offenses Officer**” means a person duly appointed by the Corporation of the Municipality of Brooke-Alvinston for the purpose of enforcing or carrying out the provisions of Municipal By-laws.
- 1.3 “**Commercial Motor Vehicle**” means the motor vehicle having permanently attached thereto a truck or delivery body and indicates an ambulance, hearse, casket wagon, fire apparatus or motor bus and tractors used for hauling purposes on the highway.
- 1.4 “**Corner**” means the point of intersection of curbs or edges of the portion of the highway used for vehicular traffic.
- 1.5 “**Curb**” means the edge of the traveled portion of the highway.
- 1.6 “**Accessible Parking Permit**” vehicle – included motor vehicle, traction engine, trailer and any vehicle, drawn, propelled or driven by any kind of power, including muscular power, providing it has an accessible parking permit displayed.
- 1.7 “**Emergency Vehicle**” – means ambulance, fire department or police force vehicles, public utility emergency vehicles and public works department vehicles.
- 1.8 “**Gross Weight**” – means the combined weight of the vehicle and load.
- 1.9 “**Highway**” or “**Road**” or “**Street**” – are used interchangeably and shall include a common and public highway, street, avenue, boulevard, bridge, parkway, driveway, shoulder or the like 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.
- 1.10 “**Highway Traffic Act**” – the definitions set forth in section 1 of the *Highway Traffic Act*, R.S.O. 1990, c.H. and amendments thereto, shall be deemed to be part of this section as if set forth in full herein.
- 1.11 “**Inoperable**” – means a motor vehicle that is not operable because of mechanical problems or does not have a current license or validation sticker.
- 1.12 “**Intersection**” means the area embraced in the prolongation or connection of the lateral curb lines or, if none, then that 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.
- 1.13 “**Loading Zone**” means the part of the highway next to the sidewalk or curb and marked or indicated for loading or unloading merchandise or for taking on or letting off passengers.
- 1.14 “**Official Sign**” means a sign approved by the Ministry of Transportation and Communications.

- 1.15 **“Operator”** means a person who operates a motor vehicle on a highway.
- 1.16 **“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.
- 1.17 **“Peace Officer”** includes a mayor, warden, sheriff, deputy-sheriff, sheriff’s officer, justice of the peace, police officer, constable, police cadet, or other persons employed for the preservation and maintenance of the public peace or any officer including a provincial offences officer appointed for the enforcing or carrying out the provisions of this by-law.
- 1.18 **“Person”** includes a firm or company.
- 1.19 **“Private Property”** means property that has been clearly marked as such by fences or on which a legible sign or signs have been erected by the owner, occupant or an agent for either, forbidding trespassing or parking on a private road or driveway.
- 1.20 **“Public Lane”** means a passageway between buildings or properties which belongs to the Municipality of Brooke-Alvinston or is a public thoroughfare.
- 1.21 **“Public Place”** means any place to which the public has or is permitted to have access.
- 1.22 **“Roadway”** means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include two or more separate roadways, the term “roadway” refers to any one roadway separately and not to all of the roadways collectively.
- 1.23 **“Road Superintendent”** – means the person appointed by the Council to the position of Road Superintendent, and any employee of the Municipality who acts at the direction of the Road Superintendent.
- 1.24 **“Sidewalk”** means a walk of raised path between the lateral lines of a highway and the adjacent property lines intended for use by pedestrians.
- 1.25 **“Singular-plural-masculine-feminine”** in this by-law, unless the context otherwise requires, the singular number includes the plural, the plural number includes the singular, the masculine gender included the feminine.
- 1.26 **“Street” or “Highway” or “Road”** – are used interchangeable and shall include a common and public highway, street, avenue, boulevard, bridge, parkway, driveway, shoulder or the like, 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.
- 1.27 **“Unattended Motor Vehicle”** – means any motor vehicle parked or left unattended for a period contrary to provisions of Municipal By-laws and may include vehicles that are inoperable or does not have a current license.
- 1.28 **“Vehicle”** includes motor vehicle, motorized snow vehicle, traction engine, farm tractor, farm combine and/or farm equipment drawn, trailer and any vehicle, drawn, propelled or driven by any kind of power, including muscular power.

PART 2 – GENERAL PROVISIONS

- 2.1 **Time – standard – daylight saving**
Where any expression of time occur or where any hour or other period is stated, the time referred shall be standard time except in periods of when daylight saving time is in effect, in which periods, it shall be daylight saving time.
- 2.2 **Enforcement** – peace officer, by-law officer, provincial offenses officer, or a member of the Ontario Provincial Police shall enforce the provisions of this by-law.

- 2.3 Speed**
No person shall drive a vehicle at a greater rate of speed than is prescribed in the Highway Traffic Act RSO.
- 2.4 Materials – other – on sidewalk**
No person shall cause any merchandise or building material or other material to be placed on any highway, sidewalk or public place unless he has obtained permission from the Municipality to do so.
- 2.5 Fire route – fire hydrant – obstruction – prohibited**
No person shall stop, park or stand a vehicle so as to obstruct a fire hydrant or designated fire route.
- 2.6 Barrier – obeyed – removal – destroyed – prohibited**
No person shall drive a vehicle over, under, around or past any barrier on a street or public place unless permitted by a peace officer. No person shall remove, destroy or tamper with any barrier or sign erected temporarily or permanently by the Municipality of Brooke-Alvinston.
- 2.7 Emergency Vehicles – exemption**
The provisions of this by-law respecting parking and stopping of vehicles shall not apply to any emergency vehicle or operator.
- 2.8 Owner – liable – contravention – exception**
The owner of a vehicle shall incur the penalties provided for any contravention of this by-law, unless at the time of the contravention, the vehicle was in the possession of some person other than the owner or his chauffeur without the owner's consent and the driver or operator of a vehicle not being the owner shall also incur the penalties provided in this By-law for any such contravention.
- 2.9 Moving – building – large object – approval required**
No person shall move any building, large or heavy objects likely to obstruct traffic along or across any highway, except in accordance with prior authorization from the Council of the Municipality of Brooke-Alvinston or in accordance with municipal by-laws.
- 2.10 Notice of Violation – motor vehicle – parked – unattended**
Where a motor vehicle has been left unattended and is in violation of this By-law, the Municipal By-law Enforcement Officer, Police Officer or Road Superintendent may post on the motor vehicle, a notice requiring immediate steps taken to remove the vehicle.
- 2.11 Vehicle – removed – stored – for contravention**
Any peace officer is authorized to remove or cause to be removed, any vehicle he finds parked in a prohibited area or in contravention otherwise of this by-law or of any regulation hereunder, and the owner or person responsible for such parking, shall be liable for the expense of removing and storing such vehicle, in addition to any penalty for such illegal parking. Any motor vehicle towed and impounded shall not be released to its owner until payment of all costs incurred in such removal or impounding.
- 2.12 Driver – owner – liability**
The driver of a vehicle, not being the owner, is liable to any penalty provided under this by-law and the owner of the vehicle is also liable to any such penalty unless, at the time of the offence was committed, the vehicle was in the possession of some person other than the owner or his chauffeur without the owner's consent.
- 2.13 Parking Area – Required – Location**
- 2.13.1** The required Parking Area shall not form a part of any Street or Lane. The required Parking Area shall be provided on the Lot occupied by the Building, Structure or Use for which said Parking Area is required, except in the case of a non-residential Use, the required parking area may be provided on another Lot if such Parking Area is not more than 150 metres from the Building, Structure or Use requiring the Parking Area.

- 2.13.2 Not withstanding the provisions of 2.13.1, temporary street parking for business associated with a non-residential use shall be permitted with conducting said business.

PART 3 – PROHIBITED MATTERS

No person shall (either by himself or by permitting others or by any means) without lawful authority:

- 3.1 Motor Vehicle – unattended – inoperable – extended period**
No person shall park or leave unattended a motor vehicle on any street or bridge in the Municipality of Brooke-Alvinston for a period of time greater than 24 hours.
- 3.2 Motor Vehicle – unattended**
No person shall park or leave unattended a motor vehicle on any street or bridge in the Municipality of Brooke-Alvinston during the period December 1st through March 31st between the hours 2 a.m. and 7 a.m. for snow removal and winter road maintenance.
- 3.3 Obstruction – traffic – prohibited**
No person shall stand or park a vehicle in such a way as to obstruct traffic or the free passage of traffic on a highway.
- 3.4 Fire Hydrant – distance from – standing – parking**
No person shall stand or be parked within three metres of a fire hydrant, measured from a line at a right angle from the curb to the hydrant.
- 3.5 Driveway – in front of – standing – parking – prohibited**
No person shall park or stand a vehicle in front of a public or private driveway.
- 3.6 Intersections – distance from – parking**
No person shall stand or park a vehicle within nine metres of the corner of the intersection of a highway.
- 3.7 Sidewalk – parking – standing – over – on – prohibited**
No person shall stand or park a vehicle on or over any sidewalk in the Municipality of Brooke-Alvinston.
- 3.8 Duration – limitation – twenty-four hours**
No person shall park or stand a vehicle on any highway or public place within the Municipality of Brooke-Alvinston for a period of more than twenty-four (24) consecutive hours.
- 3.9 Prevention – movement – parked vehicle – prohibited**
No person shall stand or park a vehicle in such a position as to prevent the convenient movement of another vehicle which is already parked.
- 3.10 Right side – direction of travel – distance from curb**
No person shall park a vehicle or permit a vehicle to stand on any highway 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 from respectively, not more than fifteen centimeters from the edge of the roadway.
- 3.11 Signs – permanent – temporary – posted**
No person shall stand or park a vehicle on any section of highway or public lands where permanent or temporary signs have been erected.
- 3.12 Accessible Parking - no person shall park in a parking space designated for use of a person with a disability unless they have a Permit to parking in set space (Highway traffic act)**

PART 4 – PRIVATE – PUBLIC PLACE

4.1 Parking – without authority – prohibited

No person shall park or leave any vehicle on private property or public place without authority from the owner or occupant of such property.

4.1.1 Notwithstanding 4.1, parking prohibited on a public place shall be designated by signs reading "Parking Prohibited under authority of By-law No. xx of 2019" or similar wording to portray the message that parking is prohibited in such location.

4.2 Complaint – vehicle – ticketed – removed – stored

The occupant or any adult resident of the property may complain to a peace officer that a vehicle has been left or parked contrary to the provisions of this Part and the peace officer, upon discovery of any vehicle parked or left in contravention of this Part, may cause it to be ticketed, moved or taken to and placed or stored in a suitable place, and all costs and charges for removing, care and storage thereof, if any, shall be a lien upon the vehicle which may be enforced in a manner provided by the *Repair and Storage Liens Act*.

4.3 Complaint – in writing – required – before enforcement

The driver or owner of a vehicle parked or left on private property shall not be liable to a penalty or to have the vehicle removed from such property for impounded under this Part except upon the written complaint of the occupant or any adult resident of the property.

PART 5 – PEDESTRIANS

5.1 Obstruction – sidewalks – street corners – roadways prohibited

Pedestrians shall not obstruct sidewalks or street corners or roadways. Obstruction may include, but not limited to "street hockey".

5.2 Walking – on road – prohibited – sidewalks provided

Where sidewalks are provided, no person shall walk along or upon an adjacent roadway.

5.3 Walking – on road – toward traffic – no sidewalks

Where sidewalks are not provided on a highway, a pedestrian walking along or upon the roadway when practicable, shall walk on the left side of the roadway as close to the edge as possible, facing traffic which may approach from the opposite direction.

PART 6 – COMMERCIAL VEHICLES

6.1 Park, Stop or Stand – maximum – two hours

No person shall cause or permit a commercial vehicle to park, stop or stand on any highway for a period exceeding two hours.

PART 7 – TICKETS – ISSUE

7.1 Where a person or vehicle is found in contravention of the provisions of this Chapter, a peace officer, so finding the person or vehicle, may issue and/or attach to the vehicle or person a violation ticket or parking infraction notice.

7.2 Voluntary payment – within three days – information

A parking violation ticket or parking infraction notice shall state that the person or owner or operator may report to the Brooke-Alvinston Municipal Office within three days, after the ticket is attached, and make a voluntary payment of the penalty.

7.3 Non-payment – enforcement – information

A parking violation ticket or parking infraction notice shall state that in the event of a failure to make a voluntary payment within seven days or the said fine, within fifteen days, the provincial offences officer shall proceed with the enforcement of this Part pursuant to the provisions of the *Provincial Offences Act*.

PART 8 – ENFORCEMENT

8.1 Fine – for contravention

Every person who contravenes any of the provisions of the By-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*.

PART 9 – REPEAL – ENACTMENT

9.1 The following by-laws are hereby repealed.

By-law 41 of 2006
By-law 25 of 2007

9.2 This by-law comes into force upon final passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 12
DAY OF DECEMBER, 2019



David Ferguson, Mayor

Janet Denkers, Clerk Administrator

**MUNICIPALITY OF BROOKE-ALVINSTON
SET FINE SCHEDULE “A” of
BY-LAW No. 58 of 2019**

PART 1 – PROVINCIAL OFFENCES ACT

TITLE: To Regulate Parking and Vehicle Movement on Roads, Streets or Bridges

Item	Column 1 Short Form Wording	Column 2 Offence Creating Provision or Offence	Column 4 Set Fine
1.	Place Materials on Sidewalks	2.4	\$25.00
2.	Pedestrians – obstruct Sidewalks – Road ways	5.1	\$25.00
3.	Walk on Road way where Sidewalks exist	5.2	\$25.00
4.	Drive around barrier Remove/destroy barrier	2.6 2.6	\$105.00 \$105.00
5.	Move building – large object – obstruct traffic	2.9	\$105.00

NOTE: The Penalty provision for the offences indicated above is Part 8 (8.1) of By-Law No. 58 of 2019, a certified copy of which has been filed.

**Municipality of Brooke-Alvinston Set Fine Schedule “B” of
By-law No. 58 of 2019**

PART 2 – PROVINCIAL OFFENCES ACT

TITLE: To Regulate Parking and Vehicle Movement on Roads, Streets or Bridges

Item:	Column 1 Short Form Wording	Column 2 Offence Creating Provision Or Offence	Column 3 Set Fines
1.	Park, stop or stand vehicle – obstruct fire route/hydrant	2.5	\$45.00
2.	Stand or park – obstruct traffic	3.3	\$25.00
3.	Stand or park within 3m of fire hydrant	3.4	\$45.00
4.	Parking in front of driveway	3.5	\$25.00
5.	Parking within 9 metres of intersection	3.6	\$25.00
6.	Parking on Sidewalk	3.7	\$25.00
7.	Stand of park – prevent the convenient movement of another vehicle	3.9	\$25.00
8.	Parking on wrong side of Road	3.10	\$25.00
9.	Parking where permanent or Temporary Signs Prohibit	3.11	\$25.00
10.	Parking on Private Property without authority	4.1	\$25.00
11.	Park motor vehicle more than 48 hours	3.1	\$45.00
12.	Motor Vehicle – parked over night between hours 2 a.m. to 7 a.m.	3.2	\$25.00
13.	Park more than 48 hours	3.8	\$45.00
14.	Park, stop or stand commercial vehicle – more than 2 hours	6.1	\$45.00
15.	Park in Disabled Parking Space	3.12	\$305.00
16.	Park in unauthorized public place	4.1	\$45.00

NOTE: The Penalty provision for the offences indicated above is Part 8 (8.1) of By-Law No. 58 of 2019, a certified copy of which has been filed.

