

THE CORPORATION OF THE VILLAGE OF OIL SPRINGS

BY-LAW Number 701 of 2016

Being a By-law to regulate parking on roads within the Village of Oil Springs

WHEREAS Sections 11, 100, 101 and 102 of the Municipal Act, 2001 authorize a municipality to regulate parking;

NOW THEREFORE the Council of The Corporation of The Village of Oil Springs hereby enacts the following:

1. The title of this By-law shall be as follows: **Short Title: Parking By-law**

2. **DEFINITIONS**

For the purpose of this By-law:

Authorized Sign

Means any sign, curb or sidewalk marking, or other device placed or erected on a highway under the authority of this by-law for the purposes of regulating, warning or guiding traffic.

Boulevard

shall mean a strip of grass, gravel, concrete, asphalt or other vegetation between a sidewalk and a roadway.

By-law Enforcement Officer

means a person appointed by the Municipal Corporation for enforcing the provisions of this By-law including a Police Officer.

Commercial Motor Vehicle

means a motor vehicle having permanently attached thereto a truck or delivery body and includes an ambulance, hearse, casket wagon, fire apparatus, bus and tractor used for hauling purposes on the roadways, also mean a taxi-cab.

Designated Parking Space

means a designated parking space or parking area for physically disabled persons, with appropriate signs erected and on display.

Fire Route

shall mean any part of a roadway or a private roadway designated by signage as a route that will be used for emergency vehicles or emergency personnel, including without limitation, fire trucks, emergency response vehicles, ambulances and any other similar motor vehicles.

Highway

includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, road, and boulevard, designed and intended for, or used by, the general public for the passage of motor vehicles and includes the area between the lateral property lines thereof and the entire road allowance. For clarity, "Street" or "Highway" shall include Rural Highways and Urban Highways.

Motor Vehicle

includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, a commercial motor vehicle and any vehicle drawn, propelled or driven by any kind of power, including muscular power but does not include a motorized snow vehicle or the cars of electric.

Park, Parked or Parking

means the standing of a motor vehicle whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

Parking Infraction

means any unlawful parking, standing, or stopping of a vehicle that constitutes an offence.

Parking Infraction Notice

means a notice authorized by the Provincial Offences Act and placed on any vehicle parked in contravention of this by-law, providing for the payment of the penalty out of court.

Physically Disabled Person

shall mean a person who is permanently or temporarily physically disabled in such a way that mobility is seriously restricted and includes a person who uses a wheelchair, crutches, braces or other mobility assisted devices.

Police Officer

means an officer employed with Ontario Provincial Police.

Private Parking Lot

shall mean a privately owned lot that is used, in whole or in part, for the purpose of parking motor vehicles.

Recreation Vehicle

means any vehicle used for recreational purposes, including all-terrain vehicles (ATV), off road motorcycles, snowmobiles, boats, jet skis (PWC), camper trailers, motor homes, and any trailer utilized for the aforementioned.

Roadway

includes the travelled portion of a street or highway designed and intended for the travel of motor vehicles and includes any designated parking areas.

Rural Highways

shall mean the highways within the Village of Oil Springs limits.

School Bus Loading Zone

means an area marked by signs indicating such area to be for the sole use of school buses engaged in receiving and discharging passengers.

Sidewalk

means that portion of a boulevard, which is paved, bricked, or otherwise hard surfaced and intended for the use of pedestrians.

Stand or Standing

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

means the complete cessation of movement of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control sign or signal.

Street or Highway

includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, road, and boulevard, designed and intended for, or used by, the general public for the passage of motor vehicles and includes the area between the lateral property lines thereof and the entire road allowance. For clarity, "Street" or "Highway" shall include Rural Highways and Urban Highways.

3. PARKING REGULATIONS

- i. **No Parking – At Any Time**
No person shall park a motor vehicle on the highways or parts of highways designated by signage as a “No Parking” area.
- ii. **No Parking – Restricted**
No Person shall park a motor vehicle on the highways or parts of highways contrary to the posted times as designated by the signage.
- iii. **No Parking – Limited**
No person shall park a motor vehicle on the highways or parts of highways in excess of the time limit as designated by the signage.
- iv. **No Stopping Areas**
No person shall stop a motor vehicle on the highways or parts of highways during the times as designated by the signage as “No Stopping”.
- v. **No Overnight Parking – Year Round**
No person shall park a motor vehicle overnight on the roadway or parts of the roadway between the hours of 2:00 a.m. and 6:00 a.m., During winter months, this will ensure the Village can completely clear the streets of snow.
- vi. **No Parking or Standing – Commercial Vehicles – 2 Hour Limit**
No commercial motor vehicle shall be parked or left standing for a longer period than two (2) hours, upon any part of any highway.
- vii. **No Parking – Wrong Side of Highway**
No person shall park a motor vehicle on any highway unless on the right hand side of the highway having regard to the direction of the flow of traffic.
- viii. **No Parking – Distance from Curb**
No person shall park a motor vehicle on any highway equipped with curbs unless the motor vehicle is parallel to and not more than 30 centimetres from the curb.
- ix. **No Parking or Standing – Recreation Vehicles – 48 Hours**
No recreational vehicle shall be parked or left standing for a longer period than forty-eight (48) hours, upon any part of any highway.

4. Parking Regulations – General Prohibition

No person shall park a motor vehicle in contravention of authorized posted signs.

No person shall park a motor vehicle:

- i. on a highway within three (3) metres of a fire hydrant;
- ii. so as to obstruct a public or private roadway, driveway, or entrance;
- iii. so as to obstruct a sidewalk;
- iv. so as to obstruct a pedestrian crosswalk;
- v. so as to interfere with the movement of traffic;
- vi. so as to interfere with the clearing of snow from the highway;
- vii. on a boulevard;
- viii. in an area designated as parking for physically disabled persons;
- ix. in a private parking lot except as permitted in paragraph five (5) herein.

5. Private Parking Lot

- i. The owner of any private parking lot shall designate parking spaces for motor vehicles that are used to transport physically disabled persons and for other motor vehicles.
- ii. No motor vehicle shall park or be left standing in a private parking lot unless:
 - a) The motor vehicle is parked within the boundaries of a space designated in the private parking lot as a parking space; and
 - b) In the case of a motor vehicle occupying a parking space for physically disabled persons, the operator of the motor vehicle has obtained and posted a permit in the motor vehicle confirming that the motor vehicle has been parked in such an area for the benefit of a physically disabled person.

6. REMOVAL OF MOTOR VEHICLES IN CONTRAVENTION OF BY-LAW

- i. In addition to any other penalty provided for in this by-law, a Police Officer or By-law Enforcement Officer, may cause a motor vehicle that is parked in contravention of this by-law to be removed and taken to be stored at a location determined by a Police Officer or By-law Enforcement Officer.
- ii. Where a motor vehicle is removed and stored pursuant to section 7(i), all costs and charges for the removal, care, and storage of the motor vehicle shall be paid by the motor vehicle owner and shall form a lien on the motor vehicle which may be enforced in the same manner as provided for in the Repair and Storage Liens Act.

7. OWNER LIABILITY

Where a motor vehicle has been left parked, stopped or left standing in contravention of this by-law, the owner of the motor vehicle, notwithstanding that he/she was not the driver of the motor vehicle at the time of the contravention of this by-law, is guilty of an offence, and is liable to the fine prescribed for the offence in this by-law unless, at the time of the offence, the motor vehicle was in possession of some person other than the owner without the owner's consent.

8. ENFORCEMENT

Any Police Officer or By-law Enforcement Officer is hereby authorized to enforce the provisions of this By-law.

9. SEVERABILITY

If any section, clause or provision of this by-law be held by a Court of competent jurisdiction to be invalid, in whole or in part, the validity of the remainder of that section, clause or provision and the validity of the remainder of the by-law shall not be affected thereby. Each section, clause or provision of this by-law are hereby deemed to be separate and distinct sections, clauses or provisions.

10. CHANGE IN STATUTES

Where an Act or any portion of any Act is referred to in this By-law, such reference shall be interpreted as referring to any subsequently renumbered sections of the Act and/or changes to the date of the Act and/or amendments or revisions to the Act or re-enactments of the Act or any legislation that replaces the Act.

11. EFFECTIVE DATE

This by-law shall come into full force and effect on the date of passage of this by-law or, in the event that the approval of the Ministry of the Attorney-General or any other third party is required, such date that the requisite approvals have been obtained.

12. INCONSISTENCY

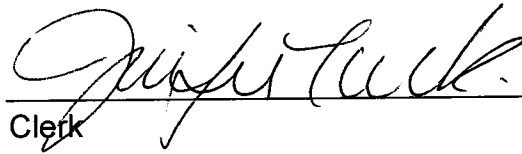
If any other by-law of The Corporation of the Village of Oil Springs is inconsistent with the sections, clauses or provisions herein, the sections, clauses or provisions of this by-law shall prevail to the extent of such inconsistency. If Section 12 is applied to any other by-law, all other sections, clauses or provisions of that by-law shall remain in full force and effect.

READ a first, second, and third time and finally passed this 12th day of January 2016.

Mayor

A handwritten signature in black ink, appearing to be "G. J. ...", written over a horizontal line.

Clerk

A handwritten signature in black ink, appearing to be "J. ...", written over a horizontal line.