



By-Law No. 2023-73

BEING A BY-LAW TO REGULATE PARKING AND TRAFFIC ON MUNICIPAL ROADWAYS UNDER THE JURISDICTION OF THE CORPORATION OF THE TOWNSHIP OF DUBREUILVILLE.

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 impound or restrain and immobilize 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 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 conducting 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 Dubreuilville deems it expedient to provide for a single by-law to regulate parking within the limits of the Township;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Dubreuilville enacts as follows:

1. In this by-law;

“Accessible Parking Space” means a parking space designated under his By-law for the exclusive use of a vehicle displaying an accessible parking permit;

“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;

“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;

“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 the highway surface or shoulder;

d) Traffic control device(s) and/or signal(s); or

e) Construction or Emergency Road work sign(s);

“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, buses and tractor used for hauling purposes on the highways;

“Council means” the Council of the Corporation of the Township of Dubreuilville;

“Cul-de-sac” means a highway terminating in a turnaround;

“Drive” means to drive, move or operate a vehicle;

“Driveway” means that part of a highway that provides vehicular access to and from the roadway and an adjacent property;

“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 (about 9920.79 lb.), but does not include an ambulance, hearse, 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 pickup truck having a Registered Gross Vehicle Weight of 4,500 kilograms (about 9920.79 lb.) 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;

“Holiday means” New Years Day, day after New Year, Family Day, Good Friday, Easter Monday, Victoria Day, Canada 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;

“Motorized Snow Vehicle” means a self-propelled vehicle designed to be driven primarily on snow;

“Municipal Act” means the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended;

“Municipal Law Enforcement Officer” means the Municipal By-Law Enforcement Officer appointed by the Township of Dubreuilville or their agent, other staff appointed as an Officer for the Township;

“No Parking Zone” means an area on a street or highway where properly worded signs are on display indicating that parking is prohibited as designated in Schedule “A” and “B” to this by-law;

“Officer” means the Director of Building and By-law Services for the Township, or his or her designate;

“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;

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

“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;

“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;

“Parking Space” means that part of a roadway that is designated by the Township for the purposes of parking one vehicle;

“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.

“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;

“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;

“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*;

“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 of other markings on the surface of the roadway indicated pedestrian crossing(s).

“Shoulder” means that part of the highway lying adjacent to the roadway that is improved with granular or paved surfaces and is not intended for the passage of motor vehicles or pedestrians;

“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;

“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;

“Street or Highway” includes a common and public highway, street, avenue, driveway or bridge designed and intended for or used by the public for the passage of vehicles.

“Traffic Control Device” means a sign, marking or other device on a highway for the purpose of controlling, guiding or directing traffic;

“Traffic Control Signal” means any device, manually, electrically or mechanically operated for the regulation of traffic;

“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

“Vehicle” includes an automobile, commercial motor vehicle, trailer, motorized snow vehicle, off-road vehicle, horse-drawn vehicle, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power.

GENERAL PROVISIONS

2. Fire Routes:

- a) A fire route may be on a highway, public parking lot or private property where properly worded signs are erected.
- b) A fire route may be located upon private property that is subject to a municipally approved site plan agreement that designates such private property to be a fire route.
- c) A fire route may be located upon private property where the property owner has requested the designation of a fire route, and that request has received municipal approval.

3. Enforcement of Penalty Provisions:

- a) The provisions of this by-law shall be enforced pursuant to the provisions set out in Part II of the *Provincial Offences Act, R.S.O. 1990, c. P.33*.
- b) Any person violating any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in *Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33*.

- c) Where a vehicle is found parked in contravention of the parking provisions of this by-law, the Municipal Law Enforcement Officer or an Officer of the Corporation of the Township of Dubreuilville so finding the vehicle shall attach to the vehicle a parking ticket in the form of a serial numbered notice stating:
 - That the vehicle is unlawfully parked;
 - That the owner or operator thereof may report to the front desk of the office of the Corporation of the Township of Dubreuilville within five (5) days, exclusive of Saturdays, Sundays and holidays, after the day when the ticket is attached to make a voluntary payment of the penalty.
- d) If voluntary payment is not made within the allowable time limit, the penalty notice issued alleging commission of an offence under this by-law will be officially fined under the Provincial Offences Act Ontario Court of Justice.
- e) 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).
- f) 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.

4. Deemed Offence by Vehicle Owner

Where a vehicle has been left parking in contravention of this by-law, the owner of the vehicle, even though the owner was not the driver of the vehicle at the time of the contravention of the by-law, is guilty of an offence and is liable to the fine prescribed for the offence, unless at the time of the offence, the vehicle was in the possession of some person other than the owner without the owner's consent.

5. Towing of Illegally Parked Vehicles

Where a vehicle is found parked in contravention of any of the parking provisions of this by-law, an officer of the Corporation of the Township of Dubreuilville, in addition to any other penalties provided by this by-law, cause such vehicle to be moved or taken and placed or stored in a suitable place and all costs and charges for the removing, care and storage thereof, if any, at the vehicle owner's expense, shall be a lien upon the vehicle which may be enforced in the manner provided in *Part III of the Repair and Storage Liens Act, R.S.O. 1990, c. R.25.*

6. Exemptions

The provisions of this by-law shall not, if compliance therewith were impractical, apply to:

- a) An emergency vehicle, or
- b) A vehicle registered to a municipal corporation or registered to a utility, while performing work on behalf of the municipal corporation; or while responding to an emergency, or
- c) When the driver or operator of a vehicle is following the direction of a police officer or of a traffic control device.

PARKING OFFENCES

7. Within the Township of Dubreuilville

7.1 No person shall park a vehicle upon a street or a highway or on a municipal parking lot in a no-parking zone.

- 7.2 No person shall park a vehicle upon a street or a highway less than one (1) meter from edge of a driveway.
- 7.3 No person shall park a vehicle upon a street or a highway in front of the entrance to a driveway to prevent ingress to or egress from such driveway.
- 7.4 No person shall park a vehicle upon a street or a highway or on a municipal parking lot or on private property, in a fire route.
- 7.5 No person shall park a vehicle upon a street or a highway within three (3) meters of a point on the curb or edge of a street or a highway nearest to a fire hydrant.
- 7.6 No person shall park a vehicle on a street or highway between 6:00 a.m. and 4:00 p.m. of any day during November, December, January, February, March and April in any year.
- 7.7 No person shall park a vehicle on a sidewalk.
- 7.8 No person shall park a vehicle upon a street or a highway within an intersection.
- 7.9 No person shall park a vehicle upon a street or a highway within nine (9) meters of an intersection.
- 7.10 No person shall park a vehicle upon a street or a highway in a pedestrian crossover.
- 7.11 No person shall park a vehicle upon a street or a highway within nine (9) meters of a pedestrian crossover.
- 7.12 No person shall park a vehicle upon a street or a highway for the purpose of repairing, washing or maintenance of the vehicle other than in an emergency.
- 7.13 No person shall park a vehicle upon a street or a highway or on a municipal parking lot or on private property in a disabled person parking space unless that vehicle is transporting a disabled person or persons and displays a valid disabled person parking permit issued by the Ontario Ministry of Transportation (Service Ontario).
- 7.14 No person shall park a vehicle on a highway or portions thereof, including property in the care and control of the Township in the manner that obstructs the flow of traffic.
- 7.15 No person shall park a vehicle within three (3) meters of a fire hydrant.
- 7.16 No person shall park a vehicle within ten (10) meters of a stop sign.
- 7.17 No person shall park a vehicle in, on, or within ten (10) meters of an intersection.
- 7.18 No person shall park a vehicle in a manner that blocks more than one designated parking space if the vehicle size normally allowed to fit within the designated space.
- 7.19 No person shall park a vehicle 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.

STOPPING OFFENCES

8. No person shall stop a vehicle on a highway or portion thereof, including property in the care and control of the Township;
- 8.1 To load or unload a vehicle in contravention of this by-law;
- 8.2 Where authorized signed, devices, signals, or markings are posted;
- 8.3 Within an area designated as a Fire route or Accessible Parking space;
- 8.4 On a curve, hill, or anywhere the person does not have a clear view of at least 125 meters (about 410.1 ft) of an intersection;

8.5 In, On, Or within ten (10) meters of an intersection.

OBSTRUCTION

9. Within the Township of Dubreuilville;

9.1 No person shall hinder or obstruct a Municipal 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.

9.2 No person shall fail to identify themselves to the Municipal By-law Enforcement officer, person appointed by Council, or their designate, if they have been alleged to have contravened any of the provisions of this by-law.

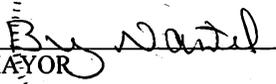
10. Severability

If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

11. That this by-Law shall come into force and take effect upon its reading and being passed.

12. That By-Law No. 2023-50 be and is hereby repealed.

READ a first, second and third time and finally passed this 8th day of November 2023.


MAYOR


CAO-CLERK

SCHEDULE "A"

PARKING PROHIBITED IN THE VICINITY OF WHERE PROPER WORDED SIGNS ARE DISPLAYED

IN THE FOLLOWING DESIGNATED NO PARKING ZONES:

- 1- Pins Street (North/West side of the Municipal Complex at 23 Pins Street) (South/East side of road) from "Épinettes Street" to "Magpie Road" (5 min max ex: ATM, delivery); and
- 2- Parc Avenue (South-West side of École St-Joseph) (North/East side of road) from "St-Joseph Street" to the end of the property of "149 Parc Avenue" going both directions, Monday to Friday, 8:00 a.m. to 5:00 p.m., September to June (school year), except school drop off and pick-up zone; and
- 3- Parc Avenue (South/West side of l'Orée des Bois) (North/East side of road) from beginning to end of "159 Parc Avenue" property along curbside (at all times); and
- 4- Parc Avenue (South/West side of road) from "St-Joseph Street" to "154 Parc Avenue" and/or directly aligned with the end of the property line of "149 Parc Avenue", Monday to Friday, 8:00 a.m. to 5:00 p.m., September to June (school year);
- 5- St-Joseph Street (South/East & North/West side of road) from "Bouleaux Street" to "Parc Avenue", Monday to Friday, 8 :00 a.m. to 5:00 p.m., September to June (school year); and

SCHEDULE "C"

**PARKING AND TRAFFIC BY-LAW
ADMINISTRATIVE PENALTY AMOUNT**

Item	Column 1	Column 2	Column 3
	Short Form Wording	Provision creating or defining offence	Penalty Amount
1	No parking zone, fire route	Section 7.1 / 7.4	\$150
2	Driveway- no parking less than 1 meter from the edge of driveway	Section 7.2	\$50
3	Driveway – no parking in front of entrance	Section 7.3	\$50
4	No parking – within 3 meters of a point on the curb or edge of a street nearest to a fire hydrant / No person shall park a vehicle within three (3) meters of a fire hydrant	Section 7.5/7.15	\$150
5	No parking- all streets between 6 a.m. to 4 p.m. during November to April each year. (snow removal)	Section 7.6	\$50
6	No parking- on a sidewalk	Section 7.7	\$50
7	No parking-upon a street within an intersection or within 9 meters of an intersection	Section 7.8 / 7.9	\$50
8	No parking-upon a street in a pedestrian crossover	Section 7.10 / 7.11	\$50
9	No-parking upon a street for repairs, washing or maintenance of the vehicle	Section 7.12	\$50
10	No parking-disable person parking space	Section 7.13	\$150
11	No parking on highway or portions, in care and control of the Township that may obstruct flow of traffic	Section 7.14	\$50
12	No parking – within 10 meters of a stop sign or an intersection	Section 7.16 / 7.17	\$50
13	No parking – in a manner that blocks more than one designated parking space	Section 7.18	\$50
14	No parking – facing the opposite direction of the flow of traffic	Section 7.19	\$50
15	Hinder or Obstructed an Officer	Section 9.1	\$300
16	Fail to identify themselves to an Officer	Section 9.2	\$200

**Schedule "D", ADMINISTRATIVE PENALTY, is considered part of this by-law.
Administrative Penalty takes effect on the date of ORDER attached to this by-law.**