

**The Corporation of the
Township of Selwyn**

By-law No. 2017 - 020

Being a By-law for the Regulation of Parking

Whereas the *Ontario Municipal Act*, 2001, S.O. 2001, C. 25, as amended, Section 11 (3) states that a municipality may pass By-laws in respect of the highways including parking and traffic on highways, in which it has jurisdiction over; and

Whereas Section 63(1) of the *Municipal Act*, 2001, as amended, permits a municipality, subject to subsection 170(15) of the *Highway Traffic Act*, to remove and impound or restrain and immobilize any object or vehicle placed, stopped, standing or parked on or near a highway in contravention of this By-law; and

Whereas Section 101(1) of the *Municipal Act*, 2001, as amended, permits a municipality, subject to subsection 170(15) of the *Highway Traffic Act*, to remove and impound or restrain and immobilize any vehicle, at the owner's expense, parked or left in contravention of this By-law; and

Whereas Section 425 (1) of the *Municipal Act*, 2001, as amended, states that a municipality may pass By-laws providing that a person who contravenes a By-law of the municipality passed under this Act is guilty of an offence, 2006, c. 32, Sched. A, s. 184.

Whereas Section 428 of the *Municipal Act*, 2001, as amended, stated 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, Sched. A, s. 184; and

Whereas Section 429 (1) of the *Municipal Act*, 2001, as amended, permits a municipality to establish a system of fines for offences under a By-law of the municipality passed under this Act. 2006, c. 32, Sched. A, s. 184;

Now Therefore the Council of the Corporation of the Township of Selwyn **Enact as Follows:**

1. Definitions

- a. Commercial Vehicle – means a vehicle which has:
 - i. The name of a commercial business clearly marked on any door or side panel of such vehicle by means of painting or other sign; and/or
 - ii. Any vehicle bearing a valid and current commercial vehicle licence plate.
- b. Emergency Vehicle – means an ambulance, fire department vehicle, or police vehicle
- c. Highway – includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is used or intended for use by the general public for the passage of vehicles.
- d. Official Sign – means a sign approved by the Township of Selwyn.
- e. Park or Parking – when prohibited means the standing of a vehicle or equipment, whether occupied or not, except when standing temporary for the

purpose of and while actually engaged in loading or unloading merchandise or for receiving or discharging passengers.

- f. Prohibited Parking Area – includes all areas as noted in Schedule “A” of this By-law
- g. Vehicle – includes a motor vehicle, trailer, traction engine, farm tractor, road building machine and any vehicle and/or piece of equipment that is drawn, propelled or driven by any kind of power, including muscular power.
- h. The following definitions are incorporated from the *Provincial Offences Act*:
 - i. Provincial Offences Officer;
 - ii. Parking Infraction Notice;
 - iii. Set Fine

2. Prohibition

No person shall park a vehicle, including equipment and/or a commercial vehicle, on the “Highway”, or portions thereof within the jurisdiction of the Township of Selwyn as provided in Schedule “A” of this By-law, such areas being designated as “Prohibited Parking Area” and identified on the roadway with an “Official Sign”.

3. Enforcement

The provisions of this By-law may be enforced by a Provincial Offences Officer or a person designated as a municipal law enforcement officer by the Township.

4. Offences and Penalty

Offences Created: Every person who contravenes a provision of this By-law is guilty of an offence and upon conviction, is liable to the penalties provided for in the Provincial Offences Act.

Warning: A “Provincial Offences Officer” appointed to carry out the provisions of this By-law may, upon observing any object or vehicle parked in contravention of this By-law, issue a “Parking Infraction Notice” as a warning to vehicle owners of their contravention of this By-law.

Towing: A “Provincial Offences Officer”, appointed to carry out of the provisions of this By-law may, upon observing any object or vehicle parked in contravention of this By-law, cause it to be removed, impounded, restrained and/or immobilized, in accordance with the provisions of subsection 170(15) of the *Highway Traffic Act*. Towing may occur in addition to any other enforcement mechanism. All costs and charges for removing care and storage, if any, are a lien against the said vehicle which may be enforced in the manner provided by the *Repair and Storage Liens Act*, R.S.O. 1990, Chap R.25, as amended.

Fine: A “Provincial Offences Officer”, appointed to carry out the provisions of this By-law may, upon observing any object or vehicle parked in contravention of this By-law, issue a “Parking Infraction Notice” indicating the set fine for the infraction.

Owner’s Responsibility: Where a vehicle has been left parked in contravention of this By-law, the owner of the vehicle, notwithstanding that the owner was not the operator of the 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.

5. Exceptions

If compliance of this By-law is impracticable, then it shall not apply to the following vehicles while engaged in bonafide work related activities:

- a. “Emergency Vehicles”;

- b. Utility Vehicles such as Hydro, Bell etc.;
- c. Vehicles while engaged in works undertaken by or on behalf of the Township of Selwyn.

6. Integrity of By-law – Severability

Notwithstanding that any part or parts, or section or sections of this Bylaw, may be found by any court of law to be beyond the powers of the Council to enact, such part or parts, or section or sections thereof shall be deemed to be severable, and all other sections of this By-law, or parts thereof, are separate and independent therefrom and enacted as such.

7. Effective Date

This By-law shall come into force and take effect on the date that it is approved by the Council of the Township of Selwyn, and, subject to the date that the Regional Senior Justice of the Ontario Court of Justice approves each set fine as set out in Schedule “B” for “Parking” infractions under this By-law, and where applicable, when an “Official Sign” to give effect to this By-law is erected or displayed.

Read a first, second and third time and finally passed on this 11th day of April A.D., 2017.

Mayor Mary Smith

Angela Chittick, Clerk

Corporate Seal

Schedule “A”

“Prohibited Parking Area”

Highway	Side	Between	Prohibited
Nicholl’s Blvd	East	Harrison Street to East Communications Road	Anytime
East Communications Road	North	Nicholl’s Blvd to Lake Chemong (approx. 27 metres)	Anytime
Kelly Blvd	West	East Communication Road to Bridge Road	Anytime
East Communications Road	South	Ward Street to Kelly Blvd	Anytime

Schedule “B”

Set Fine

Area	Set Fine
Parked in “Prohibited Parking Area”	\$25.00