

The Corporation of the Township of Asphodel-Norwood

By-Law No. 2017-05 (AMENDED)

**A By-Law for the Regulation of Traffic and Parking on
Highways and Roadways within the Jurisdiction of the
Township of Asphodel-Norwood**

Whereas the Table appended to section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, provides that the whole of the sphere of jurisdiction “highways, including parking and traffic on highways” is assigned non-exclusively to all upper-tier municipalities and is therefore exercisable by both upper-tier and lower-tier municipalities;

And Whereas section 63 of the Municipal Act, 2001, S.O. 2001, c. 25, provides that where a municipality passes a by-law for prohibiting or regulating the placing, stopping, standing or parking of an object or vehicle on a highway, it may provide for the removal and impounding or restraining and immobilizing of any object or vehicle placed, stopped, standing or parked on a highway in contravention of the by-law;

And Whereas subsection 425(1) of the Municipal Act, 2001, S.O. 2001, c. 25, authorizes municipalities to pass by-laws providing that any person who contravenes any by-law of the municipality passed under said Act is guilty of an offence;

And Whereas section 428 of the Municipal Act, 2001, S.O. 2001, c. 25, provides that where a vehicle is left parked, stopped or standing in contravention of a by-law under said Act, the owner of the vehicle, even though the owner was not the driver 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 other person than the owner without the owner’s consent;

And Whereas section 429 of the Municipal Act, 2001, S.O. 2001, c. 25, authorizes a municipality to establish a system of fines for offences under a by-law of the municipality;

And Whereas section 432 of the Municipal Act, 2001, S.O. 2001, c. 25, states that a municipality may provide for a procedure for the voluntary payment of penalties out of court in cases where it is alleged that a by-law related to parking, standing or stopping of a vehicle has been contravened;

And Whereas section 46 of the Highway Traffic Act Regulation 615, R.R.O. 1990 authorizes a Municipal Corporation to erect and maintain other signage prescribed by the Act and regulations;

Now Therefore the Council of the Corporation of the Township of Asphodel-Norwood in Session duly assembled enacts as follows, that:

Definitions

1. For the purpose of this by-law:

“**bicycle**” includes a tricycle and unicycle and a power-assisted bicycle but does not include a motor-assisted bicycle;

“**boat launch**” means the portion of access within the Township of Asphodel-Norwood intended for the launching and loading of boats and/or water vessels;

“**boulevard**” means the portion of the road allowance lying between the sidewalk and the roadway. On roads where there are no sidewalks it shall mean the portion of the road allowance lying between the travelled portion of the road and the limit of the road allowance;

“**bus**” means a motor vehicle designed for carrying ten or more passengers and used for the transportation of persons;

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“By-law Enforcement Officer” a person duly appointed by the Township of Asphodel-Norwood for the purpose of enforcing the parking provisions of this by-law;

“commercial motor vehicle” means a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, buses and school buses, and tractors used for hauling purposes on the highways, and notwithstanding the foregoing shall include any and all motor vehicles which have a rated gross vehicle weight which exceeds 3 tonnes (3,000 kilograms or 6,614 pounds) according to the current permit or vehicle registration which has been issued under the Highway Traffic Act, or its foreign equivalent for such vehicle, regardless of the actual weight of such vehicles, but does not include a vehicle operated by or on behalf of the Corporation;

“corner” means the point of intersection of curbs or edges on the portion of roadway used for vehicular traffic;

“corporation” means the Corporation of the Township of Asphodel-Norwood;

“council” means the Council of the Corporation of the Township of Asphodel-Norwood;

“crosswalk” means that part of a highway at an intersection that is included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the roadway as well as any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface;

“driveway access” means the portion of a street which is improved to permit the passage of vehicles between the adjacent roadway and the abutting property;

“equipment” for the purposes of this by-law shall include any object which is towed behind a vehicle and/or is drawn, propelled or driven by any kind of power, including muscular power;

“gross weight” means the combined weight of the vehicle and load.

“heavy vehicle” means a vehicle, object, or contrivance for moving loads having a registered gross weight, including the vehicle, object or contrivance and load, greater than two thousand, two hundred and seventy two decimal seven three (2,272.73) kilograms, road building machines or motor vehicles engaged in the reconstruction or maintenance (including winter maintenance) of roads listed in Schedule “E”, motor vehicles used exclusively for the transportation of milk from properties abutting the roads listed in Schedule “E” and motor vehicles used to transport waste from properties abutting the roads listed in Schedule “E”, but does not include a passenger vehicle, ambulance, public works vehicle, fire department vehicle, police vehicle or privately owned commercial vehicle which is being driven to or from the residence by the owner or other family member, or a bonafide destination, which cannot be reached by way of a highway or highways upon which heavy traffic is not prohibited by this By-law;

“highway” includes a common and public highway, street, avenue, boulevard, parkway, driveway, square, place, bridge, viaduct or trestle, 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;

“intersection” means the area embraced within the prolongation or connection or the lateral curb lines, or if none, then of the lateral boundary lines of two or more

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highways that join one another at an angle, whether or not one highway crosses the other;

“loading” means the physical activity of moving merchandise from or to a property or another vehicle and the physical activity of passengers entering or departing a vehicle;

“loading zone” means an area or part of a highway established by-law for exclusive purpose of accommodation of commercial vehicles and loading/unloading of goods, wares, household contents, merchandise or passengers;

“Minister” means the Minister of Transportation;

“motor vehicle” includes an automobile, motorcycle, motor-assisted bicycle unless otherwise indicated by this by-law, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, or other motor vehicles running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the Highway Traffic Act, R.S.O. 1990, Chap. H.8, as amended;

“no stopping zone” means any of the locations named or described in Schedule “A” attached to and forming part of this By-law;

“official sign” means a sign approved by Corporation of the Township of Asphodel-Norwood or the Ministry of Transportation;

“park” or “parking” when prohibited means the standing of a vehicle or equipment, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or for receiving or discharging passengers;

“parking lot” means any lands owned or leased by the Corporation, designed, maintained, regulated and enforced, for the purpose of providing public parking spaces, except a roadway, which shall have the same status as a public highway for the purpose of this by-law;

“parking space” means the portion of the surface of the roadway designated by suitable markings;

“pedestrian” means a person on foot, children in wheeled carriages and a person in a wheelchair powered by muscular power or any other kind of power;

“pedestrian crossover” means that part of a highway at an intersection which is included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, where no curbs exist, from the edges of the roadway, OR any portion of a roadway designated by a By-Law of a Municipality at an intersection or elsewhere, distinctly indicated for pedestrian crossing by signs on the highway any lines or other markings on the surface of the roadway as prescribed by the regulations under the Highway Traffic Act;

“person” includes any person, firm, partnership, association, corporation, company or organization of any kind;

“police officer” or “officer” means a member of the Ontario Provincial Police Force or a Municipal Law Enforcement Officer authorized to enforce the provisions of this By-Law, and designated as a Provincial Offences Officer and includes all other persons appointed as Provincial Offences Officers;

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“private roadway”, when used with reference to a fire route, means any private road, lane, ramp or other vehicular access to or egress from a building or structure and it may include part of a parking lot;

“Provincial Offences Act” means the Provincial Offences Act R.S.O. 1980, c. 400, as amended and its successor from time to time;

“Provincial Offences Officer” shall mean the By-law Enforcement Officer of the Township of Asphodel-Norwood who is duly appointed by the Council for the Corporation for the purpose of enforcing the provisions of the Corporation’s by-laws;

“ramp” means any portion of the sidewalk where, through intentional design and placement by the municipality for the passing over of vehicles;

“restricted parking area” means any of the locations named and described in Schedule “B” attached to and forming part of this By-Law;

“road allowance” means all allowances for roads, except in so far as they have been stopped up according to law, made by the Crown surveyors, all highways laid out or established under the authority of any statute, all roads on which public money has been expended for opening them or on which statute labour has been usually performed, all roads dedicated by the owner of the land to public use, and all alterations and deviations of and all bridges over any such allowance for highway or road;

“roadway” means that 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 roadways collectively;

“sidewalk” means any municipal walkway, or that portion of a street between the curb line or the lateral line of a roadway and the adjacent property line, primarily 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 “stopped” or “stopping” when required, 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 or signal;

“street” or “highway” includes a common and public highway, street, avenue, parkway, lane, alley, 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 area between the lateral property lines thereof;

“time” where an expression of time occurs or where any house or other period of time is stated, the time referred to shall be Eastern Standard Time, except in periods when Daylight Saving Time is in effect. When Daylight Saving Time is in effect, such time shall be Eastern Daylight Saving Time;

“township” means the Township of Asphodel-Norwood;

“through highway” means a highway or part of a highway designated as such by the Minister or by a By-Law marked by a stop sign or a yield right of way sign in compliance with the regulations of the Highway Traffic Act;

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“**vehicle**” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle that is drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car;

“**wheelchair**” means a chair mounted on wheels driven by muscular or any other kind of power that is designed for any used by a person whose mobility is limited by one or more conditions or functional impairments.

2.1 Remove/Injure Parking Devices:

No person or persons shall without lawful authority, attempt to or, in fact alter, deface, injure, break down or remove any official traffic control device or any inscription, shield or insignia thereon, or part thereof.

2.2 Heavy Vehicles Prohibited:

When properly worded signs have been erected and are on display, no person shall drive, move or otherwise operate “Heavy Vehicles” upon any highway or part of a highway named or described in Schedule “E”, attached to and forming part of this By-law.

2.2.1 Exemptions to Section 2.2

The Township may grant exemptions to this prohibition provided the following conditions exist or are satisfied as the case may be:

- 2.2.1.1 the exemption is required for a delivery to a property abutting or having its sole means of motor vehicle access from the highway subject to this By-law;
- 2.2.1.2 the Township is satisfied that the subject Highway can reasonably accommodate the heavy traffic.

2.2.2 Notice of Exemption to Section 2.2

Whereupon the Township deems it appropriate to grant an exemption, such exemption shall be confirmed in writing and shall include the following information:

- 2.2.2.1 the date of issuance of the exemption;
- 2.2.2.2 the highway or highways to which the exemption applies;
- 2.2.2.3 the name of the person or persons to whom the exemption was granted;
- 2.2.2.4 identification of the property to and from which the Heavy Vehicle may travel;
- 2.2.2.5 the licensed heavy motor vehicle for which the exemption was granted; and
- 2.2.2.6 such other information as the Township deems necessary.
- 2.2.3 All Boundary Roads Application of Section 2.2

2.3 Load Restrictions:

When properly worded signs have been erected and are on display, no person shall operate a commercial vehicle on a highway or part of a highway, named or described in Schedule “E” attached to and forming part of this By-law, if any axle of the commercial vehicle or its trailer transmits to the highway a weight in excess of 5 tonnes (5000kg.) between March 1 and April 30. These dates may be extended at the discretion of the Manager of Public Works or his/her designate.

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2.4 Motor Vehicles on Sidewalks:

No person or persons shall drive a motor vehicle on a sidewalk or foot path except for the purpose of directly crossing a sidewalk or foot path, or for maintenance purposes where there is a ramp. No person or persons shall drive a motor vehicle over a barrier curb except at a place where there is a ramp and/or a mountable curb.

Parking

3.1 Method of Parking:

No person shall park a vehicle on any highway within the Corporation of the Township of Asphodel-Norwood unless on the right side of the highway, having regard to the direction in which the vehicle was proceeding, with the right front and right rear wheels not more than fifteen (15) centimetres from the curb or boundary of the roadway, provided that this provision shall not apply where angle parking is specifically authorized by By-Law.

3.1.1 Exemptions to Section 3.1

The Township may grant exemptions to this prohibition provided the following conditions exist or are satisfied as the case may be:

3.1.1.1 the exemption is required for emergency vehicles.

3.2 Parallel Parking:

Where parallel parking is permitted, a person shall park a vehicle in compliance to markings or signs and within the area of such markings or signs.

3.3 Parking Restricted:

When properly worded signs have been erected and are on display, no person shall park a vehicle on any highway between the limits and periods of time as described in Schedule "B", attached to and forming part of this By-law.

3.4 Parking Prohibited:

When properly worded signs have been erected and are on display, no person shall, at any time park a vehicle in the following places within the Corporation of the Township of Asphodel-Norwood:

3.4.1 In a park, except where a roadway or parking area is provided for vehicle or trailer use.

3.4.2 In any area described in Schedule "C", attached to and forming part of this By-law.

3.5 No Parking General:

No person, within the Corporation of the Township of Asphodel-Norwood, shall park a vehicle in any of the following places;

3.5.1 On a sidewalk;

3.5.2 In front of a public or private driveway;

3.5.3 Within nine (9) metres of an intersection;

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3.5.4 Within six (6) metres of a public entrance or emergency exit to/from a theatre or public hall as defined in the Public Halls Act;

3.5.5 In such a way or place which prevents, or is likely to prevent the removal of another vehicle already parked on the highway;

3.5.6 Within thirty (30) metres of a bridge over, under or across which the highway passes;

3.5.7 On any highway for the purpose of washing, greasing, painting or repairing the vehicle except where such repairs are necessitated by an emergency;

3.5.8 Within one (1) metre of a driveway or private entrance.

3.6 Stopping Prohibited:

No person shall stop a vehicle in any of the following places:

3.6.1 On a sidewalk;

3.6.2 Within an intersection;

3.6.3 On a pedestrian crossing;

3.6.4 In front of, or within one (1) metre of the entrance to a public lane or a private driveway or so as to prevent entry to or exit from such public land or private driveway;

3.6.5 Within nine (9) metres of an intersection;

3.6.6 On any bridge or on any approaches thereto;

3.6.7 On any highway in such a manner as to obstruct, impede or otherwise restrict the normal flow of traffic;

3.6.8 On any highway in such a manner as to obstruct or impede the removal of snow from the highway between October 15th and May 15th, inclusive;

3.6.9 On any highway in such a manner as to prevent the convenient removal of another vehicle previously parked or standing;

3.6.10 On the highway side of any vehicle previously parked or standing;

3.6.11 Alongside or across from any obstruction, impede or otherwise restrict the normal flow of traffic;

3.6.13 On any highway as described in Schedule "A", attached to and forming part of this By-law.

3.7 Loading Zones:

When properly worded signs have been erected and are on display, no person shall park any vehicle on any highway at a place marked by an official sign as a freight/pedestrian loading zone as named and described in Schedule "F" attached to and forming part of this By-law, during times shown on such sign, except a commercial motor vehicle which is actually engaged in loading or unloading freight.

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3.8 Unauthorized Parking:

No vehicle shall be parked:

3.8.1 On public property, where parking is unauthorized, without the written authority of the Municipal Council of the Corporation of the Township of Asphodel-Norwood.

3.9 Fire Routes:

Where properly worded signs have been erected and are on display, no person shall park a vehicle on a designated area by said signs as a Fire Route.

3.10 Bicycle Parking:

No person shall park a bicycle along a highway unless said bicycle stands upright. No bicycle shall be laid on its side along any curb, edge of roadway or sidewalk in a manner which is liable to obstruct pedestrian or vehicular traffic.

3.11 Handicapped Parking:

No person shall park a vehicle on any highway, or part of highway or municipal parking lot in any area marked by signs restricting such areas for wheelchair or handicapped parking unless a sticker bearing the recognized wheelchair symbol is clearly displayed on the windshield or rear window of such vehicle or such vehicle bears a valid wheelchair symbol licence plate or a permit issued by the Province of Ontario, attached to and displayed from the lowered position of the vehicle's sun-visor or placed on top of the vehicle's dashboard.

3.12 Snow Removal:

No person shall park a vehicle on any highway, parts of a highway or sides of highway marked by signs prohibiting its use for parking until snow thereon is removed. This section is to apply where any such highway is so marked for snow removal.

Seasonal Parking Prohibition

4. Notwithstanding any other provision of this by-law, and notwithstanding paragraph 3.6.8 above, no person shall park any vehicle, including equipment and/or a commercial vehicle, as respectively defined in this by-law, on any of the highways or roadways, or portions thereof within the jurisdiction of the Township, between the hours of 8:00 p.m. and 7:00 a.m., between the 15th day of October to the 15th day of May, inclusive.

Enforcement

5. This by-law may be enforced by a Police Officer, Police Cadet, Provincial Offences Officer, or a Municipal Law Enforcement Officer appointed by the Council of the Township of Asphodel-Norwood or any other person appointed by the Council of the Township of Asphodel-Norwood by By-law.

Offence and Penalty

6. Except where otherwise expressly provided by this by-law or the Highway Traffic Act, R.S.O. 1990, Chap. H.8, as amended, every person who:

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- (a) contravenes any provision of this by-law; or
 - (b) is the owner of a vehicle that is parked or stopped in contravention of any provision of this by-law,
7. Where a vehicle has been left parked, stopped or left standing in contravention of this by-law as passed, the owner of the vehicle, notwithstanding that he or she 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 possession of some person other than the owner without the owner's consent.

Removal of Illegally Parked Vehicles

8. In addition to any other penalties prescribed herein, a Police Officer, Police Cadet, Provincial Offences Officer, or a Municipal Law Enforcement Officer may cause a vehicle parked or left in contravention of this by-law to be moved or taken to and placed or stored in a licensed compound and 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.

Executive Acts Authorized

9. The Mayor, Clerk and the Administration are hereby authorized to do all things and the Mayor and Clerk are hereby authorized to execute on behalf and under the seal of the Corporation any document necessary to give effect to this by-law.

Headings Not Part of By-Law

10. The headings in the body of this by-law form no part of the by-law but are inserted for convenience of reference only.

Deviation from Form

11. Where a form or words or expressions are prescribed in any Schedule to this by-law, deviations there from not affecting the substance or calculated to mislead do not vitiate them.

Conflict with Highway Traffic Act

12. In the event of conflict between the provisions of this by-law and the Highway Traffic Act, R.S.O. 1990, Chap. H.8, as amended, the provisions of the said Act prevail.

Short Form Name

13. The short form name of this by-law shall be "Regulation of Traffic and Parking By-law".

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By-laws Repealed

14. That the following By-Laws or sections thereof as noted as passed by the Council of the Corporation of the Township of Asphodel-Norwood be and are hereby repealed:
- (a) By-Law No. 2006-38 passed on July 10, 2006
 - (b) By-Law No. 2016-66 passed on August 23, 2016

Effective Date

15. This By-Law shall not come into force and take effect until either the one-month anniversary of the date upon which it is passed by council, or until such time as signs have been erected and are on display in compliance with the Regulations of the Ministry of Transportation, whichever date is later.
16. That this By-Law shall be commonly called the "Regulation of Parking By-Law".

Read a first, second, and third time and passed in Open Council this 24th day of January, 2017.

Amendment to Schedule "C" read a first, second, and third time and passed in Open Council this 8th day of May, 2018.



Mayor, Terrence J. Low



Clerk, Candice White

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Table of Schedules

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Schedule "A"

NO STOPPING ZONES

Reserved.

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Schedule "B"

RESTRICTED PARKING AREAS

Reserved.

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Schedule "C"

PROHIBITED PARKING AREAS

No person shall at any time park a vehicle in the following areas:

1. On Mill Street from King Street to Asphodel 10th Line
2. On Oak Street from Spring Street to Highway 7
3. On County Road 40 from Wellington to Ridge Street
4. On Old Orchard Road from Asphodel 10th Line to County Road 45
5. The north side of King Street from Flora Street to Mill Street
6. The south side of Queen Street from Flora Street to Alma Street
7. The South-east side of Flora Street from King Street up to and including the turn around
8. Asphodel Heights Boat Launch
9. Birdsall Wharf Boat Launch and turn around
10. Old Orchard Road Boat Launch
11. Spring Street from Oak Street to County Road 45
12. Oak Street from Highway 7 to Spring Street
13. Pine Street from Highway 7 to Spring Street
14. South side of Ridge Street from Pine Street to County Road 40 (winter only)
15. North side of Robert Road from Pine Street up to and including the cul-de-sac/turnaround
16. East side of Murray Street from Robert Road up to and including the cul-de-sac/turnaround
17. On Pine Street from Highway 7 to Robert Road

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Schedule "D"

LOAD RESTRICTIONS

1. All roads in the Township of Asphodel-Norwood.

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Schedule "E"

HEAVY VEHICLES PROHIBITED

1. Spring Street from County Road 45 to Oak Street
2. Oak Street from Highway 7 to Spring Street
3. Pine Street from Ridge Street to Spring Street
4. Victoria Street from Highway 7 to Alma Street
5. Park Lane from River Road to River Road
6. River Road from Humphries Line to Birdsall Line
7. Mill Street from Highway 7 to Queen Street

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Schedule "F"

FREIGHT/PEDESTRIAN LOADING ZONES

Pedestrian

1. Oak Street at St. Paul Catholic Elementary School
2. Flora Street at Norwood District Public School
3. Alma Street at Hucklebug Preschool Inc.

Freight

Highway 7 – as designated by the Ministry of Transportation of Ontario