

Consolidation - December 2008

This consolidation is prepared for convenience only. For accurate reference, recourse should be had to the Original By-law and approved corresponding amendments

The Corporation of Haldimand County

By -Law 302/02

Being a By- Law to regulate Parking on Municipal Roads within Haldimand County in respect to snow clearing.

WHEREAS Section 210(123) of the Municipal Act R.S.O. 1990, c. M.45, as amended confers upon all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act.

AND WHEREAS Section 314 (7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for the placing, regulating and maintaining upon public highways traffic signs for the purpose of guiding and directing traffic.

AND WHEREAS the Council of Haldimand County deems it necessary to ensure that highways within it's jurisdiction are kept unobstructed to permit the clearing of snow on it's highways.

NOW THEREFORE the Council of the Corporation of Haldimand County enacts as follows:

PART I - DEFINITIONS

1. In this By-Law,
 - a) "Appropriate Authorized Sign" shall mean a sign which has been authorized by the Council of the Corporation of Haldimand County.
 - b) "Boulevard" shall mean that portion of every road allowance within the limits of Haldimand County, which is not used as a *sidewalk*, driveway, traveled *roadway*, or *shoulder*.
 - c) "By-Law Enforcement Officer" means a *person* authorized by Council to enforce the by-laws of Haldimand County.
 - d) "Curb" includes the edge of the *roadway*.

- e) “Highway” includes a common and public *highway, street, road, lane, avenue, parkway, driveway, square, place, bridge, viaduct or trestle*, designed and intended for, or used by, the general public for the passage of *vehicles*, includes the area between the lateral property lines thereof and *sidewalks, boulevards and curbs* it may contain and includes a *roadway and shoulder*.
- f) “Motor vehicle” includes an automobile, truck, motorcycle, motor assisted bicycle, and any other *vehicle* propelled or driven otherwise than by muscular power.
- g) “Municipality” means Municipality of the Corporation of Haldimand County.
- h) “Owner” means the *person* having ownership of, or *person* having control, charge or care of a *vehicle*.
- i) “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.
- j) “Person” includes any *person*, firm, partnership, association, corporation, company or organization of any kind.
- k) “Police Officer” means a member of the Ontario Provincial Police.
- l) “Residential” means any location within the urban areas, hamlet areas and designated resort residential zones as designated in the area Official Plans.
- m) “Roadway” means the part of a *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.
- n) “Shoulder” means that portion of every *street* which abuts the *roadway* and which is designed and intended for the passage or stopping of *motor vehicles* but which extends no more than four meters (4 meters) (12 feet) in width from the limit of the *roadway*.
- o) “Sidewalk” means with respect to a *street* that;
 - (i) has a *curb* or *curbs*, that portion of the *street* intended for the use of pedestrians between the outside edge of the *curb* and the adjacent property line, or
 - (ii) with respect to a *street* without *curbs*, that portion of the *street* intended for the use of pedestrians.

- p) "Snow Route" identifies a *highway* or *street* listed in Schedule "A" of this By-law.
- q) "Street" see "Highway";
- r) "Time" means where any expression of *time* occurs or where any hour or other period of *time* is stated the *time* referred to shall be eastern. Standard *time* except during the periods when daylight saving *time* is in effect in Haldimand County, during which period the *time* referred to shall be one hour in advance of standard *time*.
- s) "Rural" means any location not within the urban areas, hamlet areas and designated resort residential zones as designated in the area Official Plans.
- t) "Vehicle" includes a *motor vehicle*, trailer, traction engine, farm tractor, road building machine and any *vehicle* drawn, propelled or driven by any kind of power, including muscular power, but does not include the cars of electric or steam railways running only upon rails.

PART II – GENERAL PROVISIONS

Snow Routes

- 2. No *person* shall permit, *park* or leave a *vehicle* on a *highway* designated as a "Snow Route", as set out in Schedule "A" attached hereto, between the hours of 2:00 a.m. and 8:00 a.m. from November 15th of any year until April 15th of the following year.

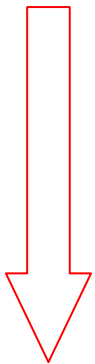
Rural Areas

- 3. No *person* shall permit, *park* or leave a *vehicle* on a *highway*, in any *rural* area from November 15th of any year until April 15th of the following year.

Residential Areas

- ~~4. Where *parking* is permitted within a *residential* area on both sides of a *highway* or *street*,~~
 - ~~a) No *person* shall permit, *park* or leave a *vehicle* on such *highway*, on the side where municipal numbers (911 numbers) are even in number; from the *time* of 6:00 p.m. on the 1st day of any month until the *time* of 6:00 p.m. of the 15th day of the same month from November 15th of any year until April 15th of the following year.~~
 - ~~b) No *person* shall permit, *park* or leave a *vehicle* on such *highway*, on the side where municipal numbers (911 numbers) are odd in number; from the *time* of 6:00 p.m. on the 15th of any month until the *time* of 6:00 p.m. of the 1st day of the following month from November 15th of any year until April 15th of the following year.~~

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4. Where *parking* is permitted within a *residential* area on both sides of a *highway* or street, excluding the urban area of Dunnville and streets as set out in Schedule “C” attached hereto;
 - a) No *person* shall permit, *park* or leave a *vehicle* on such *highway*, on the side where municipal numbers (911 numbers) are even in number; from the *time* of 6:00 p.m. on the 1st day of any month until the *time* of 6:00 p.m. of the 15th day of the same month from November 15th of any year until April 15th of the following year.
 - b) No *person* shall permit, *park* or leave a *vehicle* on such *highway*, on the side where municipal numbers (911 numbers) are odd in number; from the *time* of 6:00 p.m. on the 15th of any month until the *time* of 6:00 p.m. of the 1st day of the following month from November 15th of any year until April 15th of the following year.
- ~~5. Where *parking* is permitted within a *residential* area only on one side of any *highway*, no *person* shall permit, *park* or leave a *vehicle* on such *highway* from November 15th of any year until April 15th of the following year.~~
5. Where *parking* is permitted within a *residential* area:
 - a) Only on one side of any *highway*, no *person* shall permit, *park* or leave a *vehicle* on such *highway*, from November 15th of any year until April 15th of the following year, excluding the urban area of Dunnville and streets as set out in Schedule “C” attached hereto.
 - b) No *person* shall within a *residential* area, permit, *park* or leave a *vehicle* on a *highway* as set out in Schedule “D” attached hereto, from November 15th of any year until April 15th of the following year.
- ~~6. No *person* shall within a *residential* area, permit, *park* or leave a *vehicle* in a cul-de-sac or dead-end street turn around, from November 15th of any year until April 15th of the following year.~~
6. No *person* shall within a *residential* area, permit, *park* or leave a *vehicle* in a cul-de-sac or dead-end street turn around, from November 15th of any year until April 15th of the following year, excluding the urban area of Dunnville and cul-de-sac or dead-end streets as set out in Schedule “C” attached hereto.
- ~~7. Where, within a *residential* area, any *street* or cul-de-sac, contains within it, divided lanes, by means of a *boulevard*, island or ditch, no *person* shall permit, *park* or leave a *vehicle* on such a *street*, from November 15th of any year until April 15th of the following year.~~

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7. Where, within a *residential* area, any street or cul-de-sac, contains within it, divided lanes, by means of a *boulevard*, island or ditch, no *person* shall permit, *park* or leave a *vehicle* on such a street, from November 15th of any year until April 15th of the following year, excluding the urban area of Dunnville and any street set out in Schedule “C” attached hereto.

School loading zones

8. No *person* shall permit, *park* or leave a *vehicle* in any signed school loading zone.

Parking in contravention

- ~~9. No *person* shall *park* a *vehicle*, where snow and ice is being removed, in any location in contravention to this By-law.~~

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9. No person shall permit, *park* or leave a *vehicle*:
 - a) Where snow and ice is being removed, in any location in contravention of this By-law.
 - b) In such a manner as to interfere with snow plowing or snow removal where ‘No *Parking*’ signs have been temporarily placed by the *Municipality* or its authorized agent to accommodate winter control activities.

Remove within one hour

10. Any *vehicle* which has been *parked* or left on a *highway* or *street* in contravention of this by-law prior to the commencement of or during the removal of the snow or ice shall be removed by the *owner* within one (1) hour after the commencement of such work.

Towing

11. Any *police officer* or *by-law enforcement officer* upon discovery of any *vehicle parked* or left in contravention of one or more of these provisions may cause it to be taken and stored in a suitable place and all costs relating to the removal, care and storage thereof shall be a lien upon the *vehicle* which may be enforced in the manner provided by The Repair and Storage Liens Act, R.S.O. 1990. Chapter R.25.

PART III – ENFORCEMENT AND PENALTIES

12. Every *person* contravening any of the provisions of this By-Law is guilty of an offence and, on conviction, is liable to a fine as provided for in, and recoverable under, the Provincial Offences Act, unless the *owner* proves to the satisfaction of the Court that, at the time of the offence, the *vehicle* was in the possession of another *person* without the owner’s consent, expressed or implied.

13. When a *vehicle* is found *parked* or stopped in contravention of the provisions of this By-Law, it shall be the duty of the *Police Officer* or *By-Law Enforcement Officer* for the Corporation of Haldimand County, to attach to the *vehicle* a Parking Infraction Notice stating.
 - a) Date, time and place of alleged infraction
 - b) License plate number of *vehicle*.
 - c) Expiry date of license plate of *vehicle*.
 - d) Infraction(s) for which the Notice is being issued.
14. The Parking Infraction Notice and Certificate of Parking infraction shall be in the form as prescribed in Ontario Regulations made under the Provincial Offences Act.
15. An *owner* or operator of a *vehicle* may make early payment within five (5) days in the amount as shown on the face of the Notice to an office of the Corporation of Haldimand County.
16. Where the *owner* or operator of the *vehicle* fails to make payment within five (5) days but makes payment within fifteen (15) days of the date of the infraction, voluntary payment of the set fine as shown on the face of the Notice may be made to an office of the Corporation of Haldimand County.
17. Each day a violation of this By-law continues shall constitute a separate and distinct offence under this By-law.

PART IV – PARTIAL INVALIDITY

18. Notwithstanding any other Parking By-law enacted by the Corporation of Haldimand County this by-law shall remain in effect.
19. Should any section, clause or provision of this By-law or the application thereof be held by a court of competent jurisdiction to be invalid or unenforceable to any extent, the remainder of this By-law and the application thereof to circumstances other than to those held to be invalid or unenforceable shall not be affected thereby and each section, clause and provision of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.
20. Where a form of words or expression are prescribed in this by-law, deviations therefrom not effecting the substance, or calculated to mislead, do not vitiate them.
21. The requirements of this by-law do not nullify the effect and authority of any other Parking By-law within Haldimand County.

PART V – REPEAL

22. That any sections of By-laws 37-98 of the former Town of Dunnville and 737/89, as amended, of the former Town of Haldimand making reference to the snow routes as contained within this by-law be repealed.

PART VI – ENACTMENT

23. This By-law comes into effect and into force on February 1st, 2003.

24. The short title of this By-law is the Winter Parking Control By-law.

READ a First and Second time this 25th day of November, 2002.

READ a Third time and finally passed this 25th day of November, 2002.

MAYOR

CLERK

Schedule "A"
"Snow Routes"

Column 1 Street	Column 2 Side	Column 3 From	Column 4 To
Caledonia			
Caithness Street East	both	Edinburgh Square East	Argyle Street
Caithness Street West	both	Shetland Street	Argyle Street
Argyle Street North	both	Grand River Bridge	Railway Tracks
Sutherland Street East	both	Banff Street	Aberdeen Street
Sutherland Street East	both	Argyle Street	Edinburgh Square West
Sutherland Street West	both	Argyle Street	Shetland Street
Orkney Street East	both	Argyle Street	Nairn Street
MacCrae Drive	both	Kinross Street	Kinross Street
Cayuga			
Talbot Street	Both	Grand River Bridge	Thorburn Street
Cayuga Street	Both	Talbot Street	Mohawk Street
Dunnville			
By-law No. 880/07	Chestnut Street Chestnut Street Chestnut Street	both West East	North Cayuga South Cayuga Street Alder Street
By-law No. 973/08	Church Street Alder Street Lock Street Bridge Street Queen Street Tamarac Street Cedar Street	East East both both both both both	Lock Street Cedar Street Cedar Street Queen Street Main Street Queen Street Main Street Queen Street Main Street Oak Street Broad Street Broad Street
Hagersville			
Main Street North	both	King Street	Oneida Street
Main Street South	both	King Street	Walpole Street
King Street East	both	Main Street	Sherring Street
King Street West	both	Main Street	Conrail Tracks
John Street	both	King Street	Church Street

Schedule "B"

Schedule of Fines

	Column 1	Column 2	Column 3	Column 4
Item	Short Form Wording	Provision creating or defining offence	Early Payment (including costs)	Set fine (including costs)
1	Parking in a Snow Route	Section 2	\$50.00	\$60.00
2	Parking on street in rural area	Section 3	\$50.00	\$60.00
3	Parking on wrong side of street	Section 4	\$50.00	\$60.00
4	Parking where not permitted	Section 5	\$50.00	\$60.00
5	Parking in a cul-de-sac	Section 6	\$50.00	\$60.00
6	Parking on a divided street	Section 7	\$50.00	\$60.00
7	Parking in a school loading zone	Section 8	\$50.00	\$60.00

NOTE: The penalty provision for the offences listed above is Section 12 of By-law no. ____/02 as amended, a certified copy of which has been filed.

Schedule "C"

"Specific Exemptions – Caledonia"

By-law
No.
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Column 1 Street	Column 2 Side	Column 3 From	Column 4 To
Caledonia			
Caledon Court	Both	Celtic Avenue	End of street
Glenmore Place	Both	Kinross Street	End of street
Burke Drive	Both	Aberdeen Street	Orkney Street East

"Specific Exemptions – Cayuga"

Cayuga

By-law
No.
867/07

Seneca Street	West	McKay Street	Brant Street
Seneca Street	West	Tuscarora Street	Chippewa Street

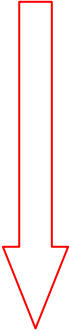
Schedule "D"

"Specific Exemptions – Cayuga"

Cayuga

By-law No. 867/07	Seneca Street Seneca Street	East East	McKay Street Tuscarora Street	Brant Street Chippewa Street
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"Specific Exemptions – Dunnville"

By-law No.	Column 1 Street	Column 2 Side	Column 3 From	Column 4 To
540/04			Dunnville	
	Griffith Avenue Church Street	Both Both By-law No. 964/08 East By-law No. 973/08 West	Alder Street Lock Street	South Cayuga Broad Street
	Alder Street West South Cayuga Street John Street	Both Both Both	West Street Cedar Street South Cayuga Street	George Street Pine Street Alder Street