

## **THE CORPORATION OF THE TOWNSHIP OF SOUTHGATE**

### **By-law Number 2020-005**

being a by-law to provide direction for parking in the Township of Southgate and to repeal By-law 48-2016 and 2021-161, and as amended by By-law 2023-036.

**Whereas** the Municipal Act, 2001, Chapter 25, as amended, Section 5 (3), states that municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

**Whereas** Section 8 of the Municipal Act, 2001, Chapter 25, as amended, provides that a municipality has the authority to govern its affairs as it considers appropriate and enables the municipality to respond to municipal issues; and

**Whereas** Section 9 of the Municipal Act, 2001, Chapter 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

**Whereas** Section 11(1), Paragraph 3 of the Municipal Act, 2001 S.O. 2001, c. 25, provides municipalities the authority to pass by-laws respecting parking; and

**Whereas** the Corporation of the Township of Southgate deems it expedient to provide that all parking throughout the Township of Southgate shall be monitored; and

**Whereas** the provisions of this By-law shall be subject to the provisions of the Highway Traffic Act, Chapter H.8, R.S.O. 1990, as amended from time to time.

**Now therefore be it resolved that** the Council of the Corporation of the Township of Southgate hereby enacts as follows:

## 1. Definitions

**Authorized Sign** shall mean a sign approved by the Ministry of Transportation of the Province of Ontario or a sign approved by the Township which includes words or symbols which describe a permitted or prohibited act and which have been erected by authorized agents of the Township pursuant to this By-law and without limiting the generality of the foregoing, includes a traffic control device and a traffic control signal.

**Accessible Parking Permit** means an unexpired accessible parking permit issued under O. Reg. 581 of the Highway Traffic Act.

**Boulevard** means that part of the highway situated between the shoulder and/or curb line of a roadway and the property lines of the lots abutting the highway of public property.

**By-law Enforcement Officer** means an enforcing officer appointed by the Township to enforce the provisions of this By-law or a person specially appointed to enforce only specific provisions of this By-law.

**Council** means the municipal Council of The Corporation of the Township of Southgate.

**Crosswalk** 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, in the absence of curbs, from the edges of the travelled portion of the highway or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs including a Traffic Control Device or Traffic Control Signal or by lines or other markings on the road surface.

**Commercial Motor Vehicle** unless otherwise defined by regulation, means a motor vehicle having attached to it a truck or delivery body and includes an ambulance, a hearse, a casket wagon, a fire apparatus, a bus and a tractor used for hauling purposes on a highway.

**Driveway** means a public or private roadway providing vehicular access to a street or highway.

**Emergency Vehicle** means a fire department vehicle, a vehicle used by a police officer while on duty, or an ambulance.

**Fire Department Vehicle** means a vehicle owned and operated by the Township, another municipality, or a rescue organization, as defined in the Highway Traffic Act, as amended from time to time.

**Highway** includes a common and public highway, street, avenue, 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.

**Highway Traffic Act (HTA)** means the Highway Traffic Act, RSO 1990, c H.8 as amended from time to time.

**Holiday** includes any day declared to be a holiday by the Township, and includes New Year's Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and when any holiday, falls on a Sunday, the next following day is in lieu thereof a holiday.

**Motor Vehicle** includes an automobile, a motorcycle, a motor-assisted bicycle unless otherwise indicated in this Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine within the meaning of the Highway Traffic Act.

**Municipal Parking Lot** means an off street parking area owned by the Township or operated by the Township pursuant to an agreement with the owner thereof.

**Official Sign** means a sign approved by the Ministry of Transportation of the Province of Ontario or the Township.

**Park or Parking**, when prohibited, 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.

**Pedestrian** means a person on foot, in a wheeled carriage or using a wheelchair or personal mobility device.

**Person** includes any person, firm, partnership, association, corporation, company, or organization of any kind.

**Person with a Disability** means a Person with a Disability as defined under O. Reg. 581 of the Highway Traffic Act.

**Places of Worship** means a Church, Synagogue, Temple, Mosque, or other facility that is used for prayer by persons of similar beliefs.

**Police Officer** means a member of The Ontario Provincial Police Services or a person authorized by the Chief of Police to regulate or direct traffic.

**Roadway** means the portion of a street or highway 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 of the roadways collectively.

**School Bus Loading Zone** means an area on a highway designated for the loading into a school bus or unloading from a school bus, of school students.

**School Day** means a day that is within a school year and is not a holiday, as determined by the Education Act.

**Shoulder** means the area between the moving traffic lanes of a street or highway, and the curb or edge of the roadway.

**Sidewalk** means the portion of a street or highway that lies between the roadway and the lateral property lines of the street or highway, and which may be paved, surfaced, or levelled, and is intended to be used as a pedestrian walkway.

**Stand or Standing**, when prohibited, means the halting of a motor vehicle whether occupied or not, except for the purpose of and while actually engaged in receiving and discharging passengers.

**Stop or Stopping**, when prohibited, means any stopping of a motor vehicle, except when necessary to avoid conflict with other traffic or in compliance with the direction of a Police Officer, or traffic control sign or signal.

**Street or Highway** includes a common and public highway, street, avenue, cul-de-sac, parkway, crescent, court, public 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.

**Through Highway** means a highway or part of a highway designated as such by the Minister or by by-law of a municipality, and every such highway shall be marked by a stop sign or yield right of way sign in compliance with the regulations of the Ministry.

**Township** means the Corporation of the Township of Southgate.

**Traffic** includes the movement or stopping of pedestrians, ridden or herded animals, motor vehicles, motor buses, and other conveyances, either singly or together, while using any street or roadway.

**Traffic Control Device** means any sign, or roadway, curb or sidewalk markings, or other device erected or placed under the authority of the Township for the purpose of guiding or directing traffic.

**Traffic Officer** means a Police Officer or any other person who is properly authorized by the Chief of Police to direct or regulate traffic.

**Traffic Control Signal** means any device manually, electrically, or mechanically operated for the regulation of traffic.

**Trailer** means a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, a mobile home, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn.

**Village** includes Dundalk, Holstein, Swinton Park, Dromore, Cedarville and Proton Station.

For the purpose of this By-law, the definitions and interpretations given in this By-law shall govern. In this By-law, "shall" is mandatory; words in the singular include the plural words and words in the plural include the singular; words used in the masculine gender include the feminine and words in the feminine gender include the masculine.

## **2. Enforcement of By-law**

This By-law may be enforced by a Police Officer or a Municipal By-law Enforcement Officer appointed by Council.

### **2.1 Obedience to Parking Regulations**

Notwithstanding any other provisions of the By-law, if a Motor Vehicle is parked contrary to the By-law, in addition to any other remedy, a Police Officer or By-law Enforcement Officer may remove such motor vehicle, or cause same to be removed to and be stored in a suitable place, and all costs and charges for removal or storage thereof shall be a lien upon such motor vehicle (Appendix A).

## **3. Parking and Operation of Vehicles**

### **3.1 Method of Parking**

No person shall park any vehicle on any street except on the right-hand side of the street, having regard for the direction in which the vehicle has been proceeding, and unless the right-front and right-rear wheels or runners of the motor vehicle are parallel to and distant, respectively, not more than 150 mm from the edge of the roadway.

### **3.2 Stopping Prohibited**

No person shall allow any motor vehicle or part thereof to stop anytime upon any highway or parts of highways.

No person shall stop or stand a motor vehicle in, or within six metres from, a crosswalk.

### **3.3 Parking Prohibited – General**

No person shall, at any time, park a vehicle, or any part thereof, in any of the following places, except as herein expressly permitted:

- on a sidewalk;
- in front of a public or private driveway or lane;
- within 1 meter of residential driveways on both sides;
- commercial vehicle parking limited to a 2 hour duration;
- within an intersection;
- within 3 meters from the point where a straight line drawn from a fire hydrant at right angles to the roadway intersects the roadway;
- on a crosswalk;
- on the front lawn of a home within a village;
- on any bridge or the approaches thereto;
- on any street in such a manner as to obstruct traffic;
- on a boulevard
- in such a position as to prevent the convenient removal of any other vehicle previously parked or standing;
- in front of the main entrance to, or any emergency exit from a theatre, auditorium, or other building while large assemblages are being held in such theatre, auditorium, or other building, or for a reasonable time immediately preceding and following such assemblages;
- in any public lane;
- on any roadway exceeding 72 hours, having regard for the traffic requirements of such roadway, or road maintenance operations;
- on any highway between the hours of 12:00 a.m. and 7:00 a.m. during the period of November 15 to April 15.

### **3.4 Specified Places Where an Authorized Sign is on Display – Anytime**

Where an authorized sign has been installed and is on display, no Person shall park or leave standing any Motor Vehicle anytime including:

- within 9.1 metres of the corner of any street intersection except where otherwise provided in this by-law;
- Within a designated accessible parking space unless an Accessible Parking Permit is properly displayed identifying that vehicle for use by the physically disabled.
- Within an area designated no parking, standing or stopping.

### **Specified Places Where an Authorized Sign is on Display – Specified Time**

Where an Authorized Sign has been installed and is on display, no Person shall Park or leave Standing, except in accordance with the time limits shown on the Authorized Sign, any Motor Vehicle on the Highway or parts of Highways.

Where an Authorized Sign has been installed and is on display, no Person shall Park or leave Standing, any Motor Vehicle on the Highway or parts of Highways.

### **3.5 Heavy Vehicle / Oversized Load**

When Authorized Signs have been installed and are on display, no Person shall move, drive or operate a Heavy Vehicle at any time on any Highway or parts of Highways without a Township of Southgate Moving Permit which is available through the municipal office.

### **3.6 Disabled or Unlicensed Vehicles and Trailers**

No person shall park a disabled vehicle, boat or trailer or travel trailer within a residential zone for a period exceeding 72 hours unless such vehicle is stored in an enclosed accessory building or garage. Automotive vehicles or travel trailers without current license plates shall not be stored or

parked, other than in completely enclosed buildings except that one boat and one unoccupied travel trailer may be stored in a side yard or rear yard.

### **3.7 Winter Parking**

To ensure the safe passage of traffic and to prevent interference with snow clearing operations, any vehicles found parked on public streets in Southgate from Nov 15 – April 15 of each year between the hours of 12:00 am and 7:00 am in such a manner as to interfere with the movement of traffic or the clearing of snow from the roads, in contravention of the Highway Traffic Act, s. 170 may be referred to the OPP, ticketed and/or removed at the owner's expense.

**Highway Traffic Act Section 181**– No person shall deposit snow or ice on a roadway without permission in writing to do so from the Ministry or the road authority responsible for the maintenance of the road.

No person shall park or stand a vehicle on a highway in such a manner as to interfere with the movement of traffic or the clearing of snow from the highway.

### **3.8 Accessible Parking**

Where an authorized sign is erected and on display, no person at any time shall stop, stand or park a motor vehicle in any parking space designated for the use of a vehicle operated by or carrying a disabled person unless displaying an accessible parking permit.

### **3.9 Municipal Parking Lot Locations**

- Proton Street North on east side
- Artemesia Street North
- Southgate Ruth Hargrave Memorial Library
- McIntyre Building
- Dundalk and District Community Hall and Arena
- Parking lot at 392103 Grey Road 109

### **3.10 Designated Accessibility Parking Spaces**

- Southgate Ruth Hargrave Memorial Library
- Dundalk and District Community Hall and Arena
- McIntyre Building

## **4. Designating Through Highways, Yield, and Stop Signs**

### **4.1 Through Highways**

The highways or parts of highways named or described in this By-law are hereby declared to be through highways.

### **4.2 Stop Signs**

In addition to stop signs required at intersections on through highways, Council of the Township of Southgate may by by-law provide for the erection of stop signs at intersections on highways under its jurisdiction and every sign so erected shall comply with the regulations of the Ministry.

### **4.3 Delegation of Authority**

The Public Works Manager or their designate is hereby appointed by the Township of Southgate as the office holder with the authority to temporarily designate a highway or portion of a highway under the Township's jurisdiction as a construction zone for the purpose of, and during the period required for, construction, repair or improvement of the highway or other services.

Where a highway or portion of a highway under the Township's jurisdiction has been designated as a construction zone, the Public Works Manager or their designate may:

- temporarily set a lower rate of speed for motor vehicles driven in the designated construction zone than is otherwise provided in the Highway Traffic Act or the Township's Rate of Speed By-law 45-2015 as applicable; or
- temporarily close any highway or portion thereof which is designated as a construction zone.

## **5. Removal of Motor Vehicle to be Stored**

Where an authorizing sign has been installed and is on display any Police Officer or By-law Enforcement Officer, upon discovery of any motor vehicle or other object parked or left in contravention of this By-law, may cause it to be moved, removed, impounded, restrained, immobilized, or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, are a lien upon the vehicle, which may be enforced in the manner provided in the Repair and Storage Liens Act of Ontario.

## **6. Residential Parking Permits**

- 6.1** A Municipal By-law Enforcement Officer is hereby authorized to issue Residential Parking Permits (Appendix B) for Roadways, authorizing a permit holder to Park a Vehicle in a Roadway in the Township of Southgate upon payment of the prescribed fee as set out in the Southgate Fees and Charges By-law.
- 6.2** Permit holders of Residential Parking Permits must adhere to all other provisions of this By-law, including but not limited to adhering to all Authorized Signs and Section 3.3 Parking Prohibited – General with the exception of on any roadway exceeding 72 hours.
- 6.3** No Residential Parking Permits will be issued during the period of November 15 to April 15 for winter operations.
- 6.4** Residential Parking Permits are a parking exemption for up to 15 days per calendar year and per valid licence plate.
- 6.5** Parking tickets issued prior to a Residential Parking Permit request will not be waived.
- 6.6** The rights attached to a Residential Parking Permit are exclusive to the applicant for the Residential Parking Permit in question and no person properly in possession of such Residential Parking Permit shall use or permit the same to be used for any other Vehicle for which it was issued by a Municipal By-law Enforcement Officer.
- 6.7** A Municipal By-law Enforcement Officer is further authorized to revoke a Residential Parking Permit if the holder of that Residential Parking Permit fails to ensure that the permit is used in the manner as prescribed in this By-law and any fee paid therefore shall be forfeited to the Corporation of the Township of Southgate.

## **7. Ontario Highway Traffic Act to Govern**

The provisions of this by-law shall be subject to the provisions of the Highway Traffic Act, Chapter H.8, R.S.O. 1990, as amended from time to time.

## **8. Penalty**

Any person who contravenes the provisions of this By-law is guilty of an offence and upon conviction therefore is subject to the penalty set out in the Provincial Offences Act, R.S.O. 1990, c. P. 33.

Where a vehicle has been left parked, stopped or standing 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 this 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, express or implied.

## **9. By-laws Repealed**

By-law number 48-2016 as amended by by-law 2017-027, 2019-009 and 2019-139 are hereby repealed.

## **10. Short Title**

This By-law may be cited as the "Southgate Parking By-law".

## **11. Effective Date of By-Law**

This by-law shall come into force on the date of passing.

**Read a first, second and third time and finally passed this 15<sup>th</sup> day of January, 2020.**

***Original Signed By***

\_\_\_\_\_  
Mayor – John Woodbury

***Original Signed By***

\_\_\_\_\_  
Deputy Clerk – Lindsey Green

## Appendix A

### Village of Dundalk

1. No parking is permitted on the west side of Young Street between Main Street and Victoria Street.
2. No parking is permitted on the east side of Young Street from Victoria Street to the most southerly limit.
3. No parking is permitted on the west side of Young Street from Hagan Street to the most southerly limit.
4. No parking is permitted on the north side of Hagan Street west from Young Street to the most southerly limit
5. No parking is permitted on either side of Hagan Street east from Young Street to the Rail Trail.
6. No parking is permitted on the south side for 100 metres west on Hagan Street west from the Young Street intersection.
7. No parking is permitted on the west side of Proton Street south of Main Street.
8. No parking is permitted on the east side of Artemesia Street between Main Street and Owen Sound Street.
9. No overnight parking of commercial vehicles is permitted within a Well Head Protection Area (WHPA "A"), 100-meter radius of a municipal Dundalk drinking well water source.
10. No parking is permitted on the north side of Sheffield Street between Sinclair Street and Russell Street.
11. No parking is permitted on the east side of Sinclair Street between Main Street East and Sheffield Street.

### Township of Southgate

1. No parking is permitted on any roadways within the Township of Southgate between the dates of November 15 to April 15 from 12:00am to 7:00am for the purpose of cleaning roadways of snow.

**Appendix B**  
**Corporation of the Township of Southgate**  
 By-law 2020-005  
 Southgate Parking By-law  
**Part II Provincial Offences Act**  
**Short Form Wording**

<b>Item</b>	<b>Column 1 Short Form Wording</b>	<b>Column 2 Provision Creating or Defining Offence</b>	<b>Column 3 Set Fine</b>
1.	Park incorrect direction	3.1	\$30.00
2.	Stop within 6 meters of crosswalk	3.2	\$30.00
3.	Park on sidewalk	3.3	\$30.00
4.	Park in front of driveway	3.3	\$30.00
5.	Park within 1 meters of residential driveways	3.3	\$30.00
6.	Park commercial vehicle longer than 2 hours	3.3	\$30.00
7.	Park within an intersection	3.3	\$30.00
8.	Park within 3 meters of fire hydrant	3.3	\$60.00
9.	Park on front lawn of a house	3.3	\$30.00
10.	Park on a bridge or approaches thereto	3.3	\$30.00
11.	Park to obstruct traffic	3.3	\$30.00
12.	Park to prevent removal of other vehicle parked or standing	3.3	\$30.00
13.	Park at front or emergency entrance at theatre, auditorium and/or large assembly	3.3	\$30.00
14.	Park in any public lane	3.3	\$30.00
15.	Park on a Boulevard	3.3	\$30.00
16.	Park 12am to 7am November 15 to April 15	3.3	\$30.00
17.	Park within 9.1 meters of intersection	3.4	\$30.00
18.	Park contrary to authorized sign	3.4	\$30.00
19.	Park – disabled vehicle or travel trailer in residential area	3.6	\$30.00
20.	Park in a disabled person parking space	3.8	\$300.00

**NOTE: the general penalty provision for the offences listed above is Section 8 of By-law 2020-005, a certified copy of which has been filed**