



Municipality of  
**Dutton Dunwich**

By-Law No. 2016-01

**BEING A BY-LAW REGULATING PARKING ON MUNICIPAL ROADS WITHIN  
THE MUNICIPALITY OF DUTTON DUNWICH.**

WHEREAS the Municipal Act, S.O. 2001, c.25 Sec. 11(2) 3 states where a sphere or part of a sphere of jurisdiction is assigned to an upper tier municipality non-exclusively by the Table, its lower tier municipalities have the power to pass by-laws under that sphere or part;

AND WHEREAS the whole sphere is assigned to all upper tier municipalities non-exclusively, highways, including parking and traffic on highways;

NOW THEREFORE the Council of the Corporation of the Municipality of Dutton Dunwich enacts as follows:

PART "A"

1. DEFINITIONS:

For the purposes of this by-law:

**"Appropriate Sign"** means any sign or device placed or erected on a highway under the authority of this By-law and the Public Works Manager, for the purpose of regulating, warning or guiding traffic

**"Boulevard"** means that portion of every highway within the limits of the Municipality, which is not used as a sidewalk, road shoulder or a traveled roadway, which lies between the curb or edge of the travelled portion of the highway and the property line, whether grassed, gravelled or paved.

**"By-law Enforcement Officer/Provincial Offences Officer/Municipal Law Enforcement Officer (MLEO)"** means a person duly appointed by the Municipality of Dutton Dunwich for enforcing the provisions of this by-law and who shall have the powers as set out in the Provincial Offences Act, R.S.O., 1990. Chapter P. 33 as amended.

**"Commercial Motor Vehicle"** means the motor vehicle having permanently attached thereto a truck or delivery body and indicates an ambulance, hearse, motor bus and tractors used for hauling purposes on the highway.

**"Council"** means the Council of the Municipality of Dutton Dunwich.

**"Curbline"** means, where the curb is constructed, the line thereof; where no curb is constructed "curbline" shall be construed as meaning the edge of the travelled portion of the highway

**"Designated Parking Space"** means a designated parking space or parking area for physically disabled persons, with appropriate signs erected and on display.

**"Disabled Person Parking Permit"** means a disabled person parking permit issued under the Highway Traffic Act or a permit, number plate or other

marker or device issued by another jurisdiction and recognized under the Highway Traffic Act.

**“Emergency Vehicle”** means ambulance, fire department or police vehicles, public utility vehicles and public works department vehicles.

**“Highway” or “Road “ or “Street”** – are used interchangeably and shall include a common and public highway, street, avenue, boulevard, bridge, parkway, driveway, shoulder or the like 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 areas embraced within the prolongation or connection of the lateral curb lines or, if none then of the lateral boundary lines of two or more highways that join one another at an angle, whether or not one highway crosses the other.

**“Loading Zone”** means the part of a highway next to the sidewalk or curb and marked or indicated for loading or unloading merchandise or for taking on or letting off of passengers.

**“Municipality”** means the Municipality of Dutton Dunwich

**“Officer”** means a member of the Ontario Provincial Police or any other person authorized by Council and charged with the enforcement of this by-law.

**“Official Sign”** means a sign approved by the Ministry of Transportation and Communications, and/or a sign put in place by the Municipality of Dutton Dunwich.

**“Overnight Parking Permit”** means a permit issued by the Municipality of Dutton Dunwich for the purpose of allowing a vehicle to park for a limited time on a street within the jurisdiction of the municipality.

**“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.

**“Peace Officer”** includes a mayor, deputy mayor, warden, sheriff, deputy sheriff, sheriff’s officer, justice of the peace, police officer, constable, police cadet or other persons employed for the preservation and maintenance of the public peace, or any officer including a provincial offences officer appointed for the enforcing or carrying out the provisions of this by-law.

**“Physically Disabled Person”** means a person who is physically disabled in such a way that his/her mobility is seriously restricted and includes a person who uses a wheelchair, crutches, braces or other mobility assisting devices.

**“Police Officer”** means a member of the Ontario Provincial Police.

**“Private Property”** means property that has been clearly marked as such by fences or on which a legible sign or signs have been erected by the owner, occupant or an agent for either, forbidding trespassing or parking on a private road or driveway.

**“Public Work Manager”** means a person duly appointed but the Municipality of Dutton Dunwich who is responsible for the design, construction or maintenance of the municipal road system, sewers, waterlines, and landfill operations.

**“Roadway”** includes the surface portion of the highway designed and intended for the travel of vehicles.

**“School Bus Loading Zones”** means a designated area for the dropping off and picking up of children by a school bus.

**“School Drop Off/ Pick Up Zone”** means a designated area for the dropping off and picking up of children by vehicles other than a school bus.

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

**“Stop or Stopping”** when prohibited, 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 a traffic control sign or signal.

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

**“Unattended Motor Vehicle”** - means any motor vehicle parked or left unattended for a period contrary to provisions of municipal by-laws and may include vehicles that are inoperable or do not have a current license.

**“Vehicle”** includes a motor vehicle, trailer, motorized snow vehicle, ATV's, road building machine, trailer, traction engine, farm tractor, farm combine and/or farm equipment drawn, and any vehicle drawn, propelled or driven by any kind of power, including muscular power, and any vehicle drawn, propelled or driven by any kind of power, including muscular power.

**“Time”** means where any expression of time occurs or where an hour 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, in which periods, it shall refer to daylight saving time.

## 2. DISTANCES

2.1 Where a distance is used in this By-law as part of a prohibition of parking or stopping within a specified distance of an object, structure, land or a part of a highway, such distance shall be measured;

- i) From the projection of the nearest curb line or edge or roadway in the direction stated unless it is specifically stated otherwise, and
- ii) Along the curb or edge of the roadway to a point in such curb or edge of roadway opposite such object, structure, land or part of a highway, unless the context otherwise requires, and
- iii) From such object, structure, land, or part of highway in all directions.

2.2 All distances/dimensions are measured in the metric measurement of metres or as otherwise indicated.

## PART “B”

### REGULATED PARKING

## 3 GENERAL PARKING REGULATIONS:

3.1 Where appropriate signs are erected and displayed, no person shall stop or park a vehicle on a boulevard from Nov 1<sup>st</sup> to March 31<sup>st</sup> in any given year from 2:00 a.m. to 6:00 a.m. local time within the Municipality of Dutton Dunwich.

3.2 Where appropriate signs are erected and displayed, no person shall stop or park a vehicle overnight on any street from Nov 1<sup>st</sup> to March 31<sup>st</sup> in any given year from 2:00 a.m. to 6:00 a.m. local time on highways or parts of highways within the Municipality of Dutton Dunwich.

3.3 No Person shall stop or park a vehicle:

3.3.i On or over a sidewalk or crosswalk;

3.3.ii In front of or within 2 metres of any lane, driveways or alley entrance;

3.3.iii On the roadway side of a vehicle stopped or parked at the edge or curb of a highway;

3.3.iv At the edge of curb on the left side of the roadway having regard to the direction such vehicle was proceeding except when parking is permitted on the left hand side of the roadway of a highway designated for one way traffic;

3.3.v In such a position as to obstruct traffic;

3.3.vi On any bridge, or any approach thereto;

3.3.vii Within 3 metres of the point of the curb line which is nearest any fire hydrant;

3.3.viii Within 9 metres of an intersection;

3.3.ix In a position or place that prevents or is likely to prevent removal of any vehicle previously parked;

3.3.x On any roadway where parking is prohibited as indicated by the appropriate sign.

3.4 Vehicle-removed-stored-for contravention - Any peace officer is authorized to remove or cause to be removed, any vehicle found parked in a prohibited area or in contravention otherwise of this by-law or any regulation hereunder, and the owner or person responsible for such parking shall be liable for the expense of removing and storing such vehicle, in addition to any penalty for such illegal parking. Any motor vehicle towed and impounded shall not be released to its owner until payment of all costs incurred in such removal or impounding is paid in full.

3.5 Barrier-obeyed-removed-destroyed - No person shall drive a vehicle over, under, around or past any barrier on a street or public place unless permitted by a peace officer. No person shall remove, destroy or tamper with any barrier or sign erected temporarily or permanently by the Municipality of Dutton Dunwich.

#### 4 BOULEVARD PARKING ON MUNICIPAL STREETS:

4.1 Where appropriate signs are erected and displayed, no person shall stop or park a vehicle on a boulevard from 2:00 a.m. to 6:00 a.m. local time, within the Municipality of Dutton Dunwich. This by-law will be strictly enforced from November 1<sup>st</sup>- March 31<sup>st</sup> in any given year. Enforcement will be complaint driven only during all other months.

#### 5 OVERNIGHT PARKING ON MUNICIPAL STREETS:

5.1 Where appropriate signs are erected and are on display no person shall park or allow a vehicle to stand upon any part of any street between the hours of 2:00 a.m. to 6:00 a.m. local time, within the Municipality of Dutton Dunwich. This by-law will be strictly enforced from November 1<sup>st</sup>- March 31<sup>st</sup> in any given year. Enforcement will be complaint driven only during all other months.

5.2 The owner of a vehicle which is parked or standing in contravention of this By-law is guilty of an offence and on conviction is liable to a fine as

provided for in Section 61 of the Provincial Offences Act, R.S.O., 1990, Chapter P33 and Set Fine as attached.

5.3 Section 5(2) shall not apply to vehicles if the owner of such vehicle has obtained an Overnight Parking Permit from the Municipality of Dutton Dunwich, and has the same affixed to the inside of the left rear window of said vehicle.

## **6 PARKING SPACES FOR PHYSICALLY DISABLED PERSONS:**

6.1 Council may by resolution designate certain areas on streets in the Municipality of Dutton Dunwich as parking areas for physically disabled persons.

6.2 Each private disabled person parking space in respect of which an agreement within the Municipality of Dutton Dunwich is entered into by the owner of the disabled person parking space, and where authorized signs are erected, is hereby designated as a Disabled Person parking space as required under Section 4.

6.3 When appropriate signs have been erected and are on display no person shall stand or park a vehicle in such areas designated as parking for physically disabled persons except:

6.3.i Where the operator of the vehicle is a physically disabled person and a permit or sticker as described in Section 4 is displayed on the vehicle, such person may stand or park the vehicle in such area; and

6.3.ii Where the operator of the vehicle is in the process of discharging or picking up a physically disabled person, such person may stand or park the vehicle in such area;

6.3.iii A motor vehicle that is identified by an identifying permit.

6.4 A permit or sticker issued by the Ministry of Transportation shall be displayed on:

6.4.i Inner surface of the windshield, as close as practicable to the lower left hand corner and as close as practicable to the left hand side of the motor vehicle; or

6.4.ii Outer surface of the sun visor on the left hand side of the motor vehicle so as to be visible through the windshield from the exterior of the car, when the sun visor is in a lowered position.

## **7 PRIVATE - PUBLIC PLACE**

### **7.1 Parking without authority is prohibited**

No person shall park or leave any vehicle on private property or public place without authority from the owner or occupant of such property.

4.1.1 Notwithstanding 4.1, parking prohibited on a public place shall be designated by signs reading "Parking Prohibited" under authority of By-law #2016-01, or similar wording to portray the message that parking is prohibited in such location.

### **7.2 Complaint-vehicle-ticketed, removed and stored**

The occupant or any adult resident of the property may complain to a peace officer that a vehicle has been left or parked contrary to the provisions of this Part and the peace officer, upon discovery of any vehicle parked or left in contravention of this Part, may cause it to be ticketed, moved or taken to and placed or stored in a suitable place, and all costs and charges for removing, care and storage thereof, if any, shall be a lien upon the vehicle which may be enforced in a manner provide by the *Repair and Storage Liens Act*.

### **7.3 Complaint required in writing before enforcement**

The driver or owner of a vehicle parked or left on private property shall not be liable to a penalty to have the vehicle removed from such property or impounded under this Part, except upon the written complaint of the occupant or any adult resident of the property.

## **8 COMMERCIAL VEHICLES**

### **8.1 Park, Stop or Stand - Maximum two (2) hours**

No person shall cause or permit a commercial vehicle to park, stop or stand on any highway for a period exceeding two (2) hours.

## **9 EXEMPTION OF MUNICIPAL and EMERGENCY VEHICLES**

9.1 The provisions of this By-law do not apply to vehicles of the Municipality or vehicles contracted by the municipality where such vehicles are actually engaged in the performance of cleaning, maintenance repair, construction, snow removal or other work on any highway within the municipality.

9.2 The provisions of this By-law do not apply to emergency vehicles engaged in carrying out their normal services within the municipality.

## **10 REMOVAL OF VEHICLES IN CONTRAVENTION OF BY-LAW:**

10.1 In addition to any other penalty provided for in this By-law, a Police Officer, Officer or By-law Enforcement Officer appointed for the carrying out of the provisions of The Highway Traffic Act, may cause a motor vehicle that is parked in contravention of this By-law to be removed and taken to be stored in a safe place.

10.2 Where a motor vehicle is removed and stored pursuant to Section 7(1) all costs and charges for the removal, care, and storage of the motor vehicle which may be enforced in the same manner as provided for in the Repair and Storage Liens Act, and are the responsibility of the vehicle owner, and the vehicle owner is liable for all related costs, in addition to any penalty for such illegal parking. Any motor vehicle towed and impounded shall not be released to its owner until payment of all costs incurred in such removal or impounding is paid in full.

## **11 OWNER LIABILITY:**

Where a motor vehicle has been left parked, stopped or left standing in contravention of this By-law, the owner of the vehicle, notwithstanding that he was not the driver of the motor 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 in the by-law. If at the time of the offence, the vehicle was in possession of some person other than the owner without the owner's consent then that person shall incur the penalties provided in this by-law for any such contravention.

## **12 PARKING INFRACTION NOTICE:**

12.1 Where a vehicle is found parked in contravention of the provisions of this by-law, an Ontario Provincial Police Officer, Peace Officer, Officer, Provincial Offences Officer or Municipal By-law Enforcement Officer, or anyone appointed by the Municipal Council of the Municipal Corporation, so finding a vehicle may issue a warning notice; or

12.2 Where a vehicle is found parked in contravention of the provisions of this by-law, a Police Officer, Officer or the Municipal By-law Enforcement

Officer so finding a vehicle may issue a parking infraction notice in the form of a serially numbered notice stating:

- 12.2.i The license number of the vehicle, concise description of vehicle and the expiry date of the sticker;
  - 12.2.ii A description of the offence;
  - 12.2.iii The date, time and location of the alleged offence;
  - 12.2.iv The signature of the issuing officer;
  - 12.2.v The set fine for the alleged offence;
- 12.3 The Officer shall prepare the Parking Ticket in triplicate and shall attach one copy of the parking infraction notice to the vehicle or give the copy to the driver of the vehicle and deliver two copies to the office of the Treasurer of the Municipality of Dutton Dunwich.

### TRAFFIC REGULATIONS

#### 13 PARKING ON MUNICIPAL PARKING LOTS:

No person shall park a vehicle in any parking area owned or leased by the Municipality for public parking purposes for any period in excess of 24 hours, unless prior written authorization from Council is obtained due to unique circumstances.

### PART "C"

#### GENERAL PROVISIONS:

#### 14 PENALTIES:

Any person who contravenes any provisions of this By-Law is guilty of an offence and on conviction is liable to a fine as provided for in Section 61 of the Provincial Offences Act, R.S.O., 1990, Chap.P.33, and Set Fine Schedule "A" attached.

A person served with a parking infraction notice shall follow the options offered on the ticket. All funds are payable to the County of Elgin.

#### 15 ENFORCEMENT:

A member of the Ontario Provincial Police, Peace Officer, Officer, Provincial Offences Officer or Municipal By-law Enforcement Officer, or anyone appointed by the Municipal Council of the Municipal Corporation designated pursuant to the Provincial Offences Act, as a Provincial Offences Officer shall enforce the provisions of the Parking By-law.

#### 16 SCHEDULES ADOPTED:

The Schedules referred to in this By-law shall form part of this By-law and each entry in a column of such a Schedule shall be read in conjunction with the entry or entries across therefrom, and not otherwise.

All previous By-laws inconsistent with this By-law are hereby repealed.

This By-law shall become effective upon approved from the Ministry of Transportation and the Ministry of the Attorney General.


Any particular provisions hereof shall become effective when appropriate signs applicable to such particular provision has/have been erected and is/are on display.

In the event of conflict between the provisions of this by-law and *The Highway Traffic Act*, the provisions of the Act will prevail.

READ a first and second time this 13<sup>th</sup> day of January, 2016.

READ a third time and finally passed this 13<sup>th</sup> day of January, 2016.

  
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Mayor

  
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Chief Administrative Officer/Clerk



**MUNICIPALITY OF DUTTON DUNWICH  
SCHEDULE 'A' to BY-LAW #2016-01**

**PART II PROVINCIAL OFFENCES ACT**

**SET FINE SCHEDULE  
PARKING ON MUNICIPAL ROADS**

ITEM	COLUMN 1	COLUMN 2	COLUMN 4
	Short Form Wording	Provision Creating or Defining Offence	Set Fines
1	Stop or park vehicle on/over sidewalk or crosswalk	3.3.i.)	\$35.00
2	Stop or park vehicle in front of or within 2 metre of a laneway/driveway/alley entrance	3.3.ii.)	\$35.00
3	Stop or park adjacent to parked car on highway	3.3.iii.)	\$35.00
4	Stop or park vehicle in wrong direction	3.3.iv.)	\$35.00
5	Stop or park obstructing traffic	3.3.v.)	\$65.00
6	Stop or park on bridge or approach of a bridge	3.3.vi.)	\$35.00
7	Stop or park within 3 metres of a fire hydrant	3.3.vii.)	\$65.00
8	Stop or park within 9 metres of an intersection	3.3.viii.)	\$35.00
9	Stop or park preventing removal of another vehicle	3.3.ix.)	\$35.00
10	Park in signed area where prohibited	3.3.x.)	\$35.00
11	Drive around barrier	3.5	\$100.00
12	Park on boulevard between the hours of 2 a.m. to 6:00 a.m.	4.1	\$35.00
13	Park on street between the hours of 2:00 a.m. to 6:00 a.m.	5.1	\$35.00
14	Park in area designated for physically disabled person	6.3	\$300.00
15	Park on private property without permission	7.1	\$35.00
16	Commercial vehicles - Park more than 2 hours	8.1	\$35.00
17	Park on municipal parking lot more than 24 hours	13	\$35.00

**NOTE: the general penalty provision for the offences listed above is Section 14 of By-law #2016-01, a certified copy of which has been filed.**

**MUNICIPALITY OF DUTTON DUNWICH  
SCHEDULE 'B' to BY-LAW #2016-01**

**PART I PROVINCIAL OFFENCES ACT**

**SET FINE SCHEDULE  
PARKING ON MUNICIPAL ROADS**

ITEM	COLUMN 1	COLUMN 2	COLUMN 4
	Short Form Wording	Provision Creating or Defining Offence	Set Fines
1	Remove/destroy barrier	3.5	\$100.00

**NOTE: the general penalty provision for the offences listed above is Section 14 of By-law #2016-01, a certified copy of which has been filed.**

**ONTARIO COURT OF JUSTICE**

**PROVINCIAL OFFENCES ACT**

**PART I**

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2016-01, of the Municipality of Dutton Dunwich, attached hereto are the set fines for those offences. This Order is to take effect February 1, 2016.

Dated at London this 1<sup>st</sup> day of February 2016.



Stephen J. Fuerth  
Regional Senior Justice  
West Region