

## CORPORATION OF THE MUNICIPALITY OF TWEED

### BY-LAW NO. 2003-08

Being a By-Law to regulate traffic and parking in the Municipality of Tweed.

WHEREAS the Council of the Municipality of Tweed has deemed it necessary to pass a by-law to prohibit or regulate the parking, standing or stopping of vehicles, or any class thereof, on highways or any part of a highway;

AND WHEREAS Sections 63 (1) and 101 (2) of the Municipal Act, 2001 provide authority for related actions if a municipality passes a by-law for prohibiting or regulating the placing, stopping, standing or parking of vehicles on highways;

NOW THEREFORE the Council of the Corporation of the Municipality of Tweed enacts as follows:

#### 1. DEFINITIONS

In this By-Law the following definitions shall apply:

- a) "BICYCLE" shall include a tricycle having a wheel or wheels of more than 45 centimeters in diameter.
- b) "BOULEVARD" shall mean the untravelled portion of the road allowance, including the sidewalk, which is not intended for use by traffic.
- c) "BUILT UP AREA" shall mean the territory contiguous to a highway not within a city, town, village or police village where not less than 50 percent of the frontage upon both sides of the highway for a distance of not less than 100 metres is occupied by dwellings, buildings used for business purposes, schools or churches.
- d) "COURT" shall mean a Provincial Offences Court or, where jurisdiction in respect of the offence is conferred upon a Provincial Court (Family Division) by any other Act, the Provincial Court (Family Division).
- e) "DRIVEWAY" shall mean that part of the sidewalk or boulevard used as a vehicular access to a parking lot, or to a commercial property, or to an industrial property, or to a residential property.
- f) "HANDICAPPED" and "HANDICAPPED PERSON" refers to a person who by reason of a physical infirmity is unable to walk or advance on foot or transport himself without the aid or assistance of another person or without the use of a wheelchair.
- g) "HEAVY TRUCK" shall mean a commercial vehicle having weight, when unloaded, of five tonnes or more, and shall include any cube van exceeding 93 cubic metres, but does not include a passenger vehicle, an ambulance or any vehicle of a police or fire department.
- h) "HIGHWAY" shall include a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designated and intended for, or used by, the general public for the passage of vehicles.
- i) "INTERSECTION" shall mean the area within the prolongation or connection of the lateral boundary lines of two or more roads which join one another at an angle, whether or not one road crosses the other.

- j) "MOTOR VEHICLE" shall include an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in this by-law, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a road-building machine within the meaning of the Highway Traffic Act, or a motorized vehicle designed for the specific use of handicapped and physically disabled persons.
- k) "OFFICIAL SIGN" shall mean any sign or roadway, curb or sidewalk marking or other device placed or erected on a road under the authority of this by-law for the purpose of regulating, warning, parking or guiding traffic; in particular and without limiting the generality of the foregoing, yellow paint applied to a curb is an official sign indicating that parking is prohibited where the curb is so marked.
- l) "PARK or PARKING" where prohibited shall mean the standing still of a vehicle, whether occupied or not, except while actually engaged in loading or unloading passengers or goods.
- m) "PARKING INFRACTION" shall mean any unlawful parking, standing or stopping of a vehicle that constitutes an offence under this by-law.
- n) "PEDESTRIAN" shall include a person afoot, an invalid in a wheelchair and a child in a baby carriage.
- o) "PERSON" shall, when used in this by-law, include persons, firms or corporations.
- q) "PEDESTRIAN CROSSOVER" shall mean any portion of a roadway, designated by by-law at an intersection or elsewhere, distinctly indicated for pedestrian crossing by signs on the highway and lines or other marking on the surface of the roadway as prescribed by the regulations under the Highway Traffic Act.
- r) "PRIVATE ROADWAY" shall mean any private road, lane, ramp or other means of vehicular access to or egress from a building or structure and it may include part of a parking lot.
- s) "PROVINCIAL OFFENCES OFFICER" shall mean a police officer or a person designated under Section 1 (2) of the Provincial Offences Act, as amended and/or from time to time renumbered.
- t) "ROAD" shall mean a common and public highway including the untravelled portion thereof and includes a street, lane, alley, bridge and any other structure incidental thereto.
- u) "ROADWAY" shall mean the part of the road that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder or the portion of a driveway or laneway connecting the road way with land adjoining the road, and where a road includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of the roadways collectively.
- v) "STOP or STOPPING" when prohibited shall mean the halting of a vehicle, whether occupied or not, except where necessary to avoid conflict with a pedestrian or other traffic or to comply with the direction of a police officer, traffic control signal or official sign.

- w) "TIME" shall mean the following: where any expression of time occurs or where any hour or other period of time is stated, the time referred to shall be standard time except in periods when daylight savings time is in effect, in which period it shall be daylight savings time.
- x) "TRAFFIC" shall include pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for the purposes of travel.
- y) "TRAFFIC CONTROL SIGNAL" shall mean any device, manually, electrically or mechanically operated for the regulation or control of traffic.
- z) "VEHICLE" shall mean motor vehicle, trailer, traction engine, farm tractor, roadbuilding machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does include the cars of electric or steam railways or other motor vehicles running only upon rails.

## 2. TRAFFIC

### 2.1 Traffic Signs and Signals.

- a) Traffic officials appointed by the Council of the Corporation of the Municipality of Tweed are authorized to place or erect and to maintain such official signs and traffic control signals as are required to give effect to the provisions of this by-law or as are required to warn or guide traffic for the safety or convenience of the public.
- b) No person shall place, maintain, or display upon or in view of any road any sign, signal, marking or device which purports to be or is an imitation of or resembles an official sign or traffic control signal, or which conceals from view or interferes with the effectiveness of an official sign or traffic control signal.
- c) The erection of traffic control signal lights is hereby authorized on the highways set out in Column 1 of Schedule A of this by-law, at the intersections or locations set out in Column 2 of the said Schedule.

### 2.2 Pedestrians Rights and Duties.

- a) No person shall play or take part in any game or sport upon a roadway and no person upon roller skates, skateboards or riding in or by any means of any coaster or toy vehicle or similar device shall go upon a roadway, and no person upon rollerskates or skateboards shall go upon any sidewalk or municipal parking facility in any built up area of the Municipality.
- b) No persons shall stand in a group or near to one another on any street or sidewalk in such a manner as to obstruct a through passage for vehicles or pedestrians after a request to move has been made to them by a police officer or other person duly authorized thereto.

- c) Nothing contained in the preceding section shall be construed as prohibiting the congregation of individuals, so long as peaceful and orderly, and sufficient space is left both on the sidewalk and roadway, to allow orderly traffic to pass, but should the sidewalks or roadway become at any time so obstructed as to impede the orderly traffic thereon, the parties so obstructing the same shall upon request as aforesaid, forthwith vacate such position.

2.3 Bicycles.

- a) No person shall ride a bicycle upon a sidewalk.

2.4 Driveways only as Authorized.

- a) No person shall establish any driveway or use any part of any boulevard or sidewalk for the purpose of a driveway unless such use is expressly authorized by the provisions of this by-law and such driveway complies with all the requirements of this by-law.

- b)
  - i) Notwithstanding anything contained elsewhere in this by-law, where a curb or sidewalk has been constructed or is constructed in the future on a highway, no person shall establish a driveway or any means of vehicular access over such curb or sidewalk by breaking the curb or constructing a ramp or otherwise, without the express consent of the Corporation of the Municipality of Tweed.
  - ii) Nothing in this by-law shall be deemed to limit the right of the Municipality to construct curbing or sidewalks along any highway or past any existing driveway and access over any curbs or sidewalks so constructed shall comply with all requirements of this by-law.

3. Parking Infractions.

3.1 Bicycles.

- a) No person shall park a bicycle on a road except in such a manner as to cause the least possible obstruction to pedestrian or vehicular traffic.

3.2 General Stopping and Parking Regulations.

- a) No person shall park or stop any vehicle on any road carrying two way traffic or any portion thereof except as follows:
  - i) Where there is a raised curb, on the right side on the travelled portion of the road, having regard to the direction such vehicle was proceeding, with its right front and rear wheels parallel to and not more than 30 centimeters out from such curb.
  - ii) Where there is no curb or a rolled curb, with the right front and rear wheels parallel to and as near to the right hand limit of the road as is practicable without stopping or parking over a sidewalk or footpath or over any part of the road where grass is grown or which is not intended for the use of vehicles.

- b) No person shall park or stop any vehicle on any road carrying one way traffic or any portion thereof except as follows:
  - i) Where there is a raised curb on either side of the travelled portion of the road, with its outside front and rear wheels parallel to and not more than 30 centimeters out from such curb.
  - ii) Where there is no curb or a rolled curb, with the outside wheels parallel to and as near to the outside limit of the road as is practicable without stopping or parking over a sidewalk or footpath or over any part of the road where grass is grown or which is not intended for the use of vehicles.
- c) Except in areas designated as approved parking spaces, no person shall on any roadway park any vehicle:
  - i) in front of or within 1.5 meters of a driveway or laneway or so as to obstruct vehicles in the use of a driveway or laneway;
  - ii) within 3 meters of a point on the curb or edge of the roadway opposite any fire hydrant;
  - iii) within 9 meters of an intersecting roadway;
  - iv) for the purpose of displaying the vehicle for sale;
  - v) for the purpose of washing, greasing or repairing the vehicle, except for such repairs as have been necessitated by an emergency;
  - vi) in front of an entrance to or exit from any building or enclosed space in which persons may be expected to congregate in large numbers;
  - vii) in such a position as will prevent the removal of any other vehicle previously parked.
- d) No person shall on any roadway stop any vehicle:
  - i) on or over a sidewalk or footpath;
  - ii) within an intersection;
  - iii) between a safety zone and the adjacent side of the roadway or within 15 meters of the points on such side opposite the ends of the safety zone;
  - iv) alongside or across the road from any excavation or obstruction in the roadway when the free flow of traffic would thereby be impeded;
  - v) on the roadway side of any stopped or parked vehicle;
  - vi) upon any bridge or elevated structure or within any tunnel or underpass;

- vii) on any middle boulevard or centre strip separating two roadways or adjacent to either side or ends of such middle boulevard or centre strip;
  - viii) within a designated pedestrian crossover;
  - ix) within 9 meters of a pedestrian crossover.
- e) Where official signs to that effect are displayed, no person shall on any road park any vehicle:
- i) within 15 meters of an intersection;
  - ii) within 30 meters of an intersection controlled by traffic signals;
  - iii) within 7 meters of any firehall on either side of the road on which the firehall is located;
  - iv) within a turning basin;
  - v) so as to interfere with the formation of a funeral procession;
  - vi) within 15 meters of the termination of a dead end street;
  - vii) within a designated pedestrian crossover;
  - viii) within 9 meters of a designated pedestrian crossover.

3.3 Stopping for Resale of Goods, etc.

- a) No person who sells, offers for sale or takes orders for goods, wares, merchandise or produce from a vehicle shall for the purpose of carrying on a business, stop the vehicle on any road between two intersecting roads for more than 30 minutes on any one day, or for more than 10 minutes at one location.
- b) Nothing in this section shall be deemed to permit the stopping or parking of a vehicle where stopping or parking is prohibited.

3.4 Loading Zones.

- a) No person shall park any vehicle on a road at a place marked by an official sign as a passenger of a freight loading zone during the time shown on such sign.
- b) Signs referred to in Subsection a) shall not be displayed except with the approval of the Council of the Municipality of Tweed.

3.5 Handicapped Parking Zones.

- a) No person shall park or stop a motor vehicle or leave a motor vehicle standing in any parking space marked for use by the handicapped by an official sign, unless:
  - i) that person, or a passenger in the vehicle or to be picked up as a passenger, is handicapped;

ii) the vehicle bears a "handicapped" designation.

b) Parking areas shall be marked for the handicapped on roads, at the side and between the limits set out respectively in Columns 1, 2 and 3 of Schedule B to this by-law during the times or days set out in Column 4 of the said Schedule.

3.6 Police "No Parking" and "No Stopping" Signs.

a) Police "no parking" or "no stopping" signs may be erected by, or by the authority of a police officer to the Public Works and/or Fire Departments, in the event of emergencies, approved parades, special events or funerals on any highway or portion thereof during such time or times as may be deemed necessary for the proper and orderly control and traffic regulation of traffic for the safety of pedestrians. No person shall park or stop, as the case may be, where prohibited by signs erected pursuant to this section.

b) No person shall erect or cause to be erected or used any police "no parking" and "no stopping" sign, except by the authority of a police officer.

3.7 Overnight Parking.

a) No person shall park a motor vehicle on any of the streets or highways or boulevards adjacent thereto in the Village of Tweed in such a manner that interferes with the clearing of snow from a highway between the hours of 11:00 p.m. and 7:00 a.m. Eastern Standard Time between the 15<sup>th</sup> day of November and the 31<sup>st</sup> day of March inclusive in the year next following.

b) No person shall park a vehicle on the following streets in the Village of Tweed in such a manner that interferes with the sweeping of the streets or highways, between the hours of 4 a.m. and 8 a.m., on the Friday of any week in any month of the year:

- i) Victoria Street from River Street to Bridge Street;
- ii) Colborne Street from River Street to Bridge Street;
- iii) Spring Street from Metcalf Street to Colborne Street.

3.8 Civic Services.

a) No person shall park a vehicle on any highway within the Municipality of Tweed in such a manner as to interfere with necessary civic services, such as snowplowing or snow removal, or park a vehicle at any place where signs have been placed indicating snow removal operations are to be commenced.

3.9 Stopping and Parking Restrictions and Prohibitions on Certain Roads.

a) Where official signs to that effect are displayed, no person shall park a vehicle on any road at the side and between the limits set out respectively in Columns 1, 2, 3 and 4 of Schedule C to this by-law during the prohibited times or days set out in Column 5 of the said Schedule.

- b) Where official signs to that effect are displayed no person shall park a vehicle on any road at the side and between the limits set out respectively in Columns 1, 2, 3 and 4 of Schedule D to this by-law during the prohibited times or days set out in Column 5 of the said Schedule for longer than the period of time set out in Column 6 of the said Schedule.
- c) Where official signs to that effect are displayed, no person shall stop a vehicle on any road at the side and between the limits set out respectively in Columns 1, 2, 3 and 4 of Schedule E to this by-law during the prohibited times or days set out in Column 5 of the said Schedule.
- d) Where official signs to that effect are displayed, no person shall stop a truck on any road at the side and between the limits set out respectively in Columns 1, 2, 3 and 4 of Schedule F to this by-law during the prohibited times or days set out in Column 5 of the said Schedule.

3.10 Restricted Parking on Municipal Property.

- a) Where official signs to that effect are displayed no person shall park or leave a motor vehicle on any municipal property in a manner that will prevent civic operations from being carried out.

3.11 Heavy Truck Parking.

- a) No person shall park a heavy truck on any roadway in the Municipality.

4. Offences and Penalties.

- a) Every person who contravenes any provision of Part 3, Sections 1 to 11 of this by-law is, upon conviction thereof, guilty of an offence and shall be liable to a penalty pursuant to the provisions of the Provincial Offences Act.
- b) The driver of a motor vehicle, not being the owner, is liable to any penalty for an offence under Part 3, Sections 1 to 11 of this by-law and the owner of the motor vehicle is also liable to such penalty unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner without the owner's consent.
- c) Proceedings in respect of offences under Part 3, Sections 1 to 11 of this by-law may be commenced and carried out under the provision of Parts II or III of the Provincial Offences Act, as amended.
- d) Parking infraction notices issued with respect to contraventions of Part 3, Sections 1 to 11 of this by-law shall display the fine set for the offence charged, and such notice may also display a reduced fine.
- e) Any person may pay a reduced penalty out of Court by presenting a parking infraction notice issued in respect of an offence under this by-law to the office of the Treasurer of the Municipality of Tweed within 7 days of the date that the notice was issued. Once a person has paid the reduced penalty, no further proceeding shall be taken against that person in respect of the offence alleged in the parking infraction notice.



5. General Matters and Exemptions.

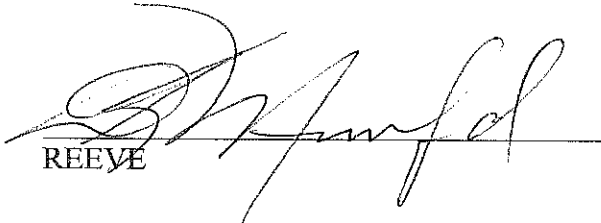
5.1 A constable or an officer appointed for the carrying out of the provisions of the Highway Traffic Act, upon discovery of any vehicle parked or left in contravention of this by-law, may cause it to be moved or taken to, or placed, or stored in a suitable place, and all costs and charges for removing, care and storage thereof, if any, or a lien upon the vehicle, may be enforced in the manner provided by the Repair and Storage Liens Act, 1990, c.R.25.

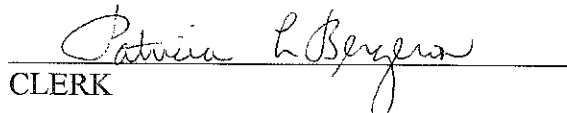
5.2 The Schedules referred to in this by-law shall form part of this by-law and each entry in a Column of such a Schedule shall be read in conjunction with the entries across therefrom, and not otherwise.

6. This By-Law shall come into force and take effect immediately upon the passing thereof by the Corporation of the Municipality of Tweed.

Read a first and second time this 4<sup>th</sup> day of March, 2003.

Read a third and final time, passed, signed and sealed in open Council this 4<sup>th</sup> day of March, 2003.

  
REEVE

  
CLERK

CORPORATION OF THE MUNICIPALITY OF TWEED

BY-LAW NO. 2003-08

SCHEDULE "A"

Traffic Control Signal Lights

	<u>Highway</u>	<u>Intersection</u>
1.	Victoria Street North	Victoria Street North and Jamieson Street
2.	Victoria Street North	Victoria Street North and Bridge Street

CORPORATION OF THE MUNICIPALITY OF TWEED

BY-LAW NO. 2003-08

SCHEDULE "B"

Designated Handicapped Parking

	<u>Road</u>	<u>Side</u>	<u>Limits</u>	<u>Times</u>
1.	Victoria Street North	East	249 Victoria St N	at all times DRUGSTORE
2.	Victoria Street North	West	256 Victoria St N	at all times CIBC
3.	Victoria Street North	West	340 Victoria St N	at all times VIDEO STORE (NORTH END OF VILLAGE)
4.	Colborne Street	West	at Post Office	at all times
5.	Colborne Street	West	St. John's United Church	at all times
6.	Spring Street	South	Post Office	at all times
7.	Metcalf Street Parking Lot		at Library	at all times
8.	St. Joseph Street		at Arena	at all times
9.	Spring Street	South	12 m E of Intersection of Spring & Victoria St	at all times
10.	Spring Street	South	12 m W of Intersection of Spring & Victoria St	at all times

CORPORATION OF THE MUNICIPALITY OF TWEED

BY-LAW NO. 2003-08

SCHEDULE "C"

No Parking

	<u>Highway</u>	<u>Side or Sides</u>	<u>From</u>	<u>To</u>	<u>Period</u>
1.	Jane Street	Both	Easterly Limit	Westerly Limit	at any time
2.	Isaac Street	Both	Pringle Street	Southerly Limit	at any time
3.	Hungerford Rd	Both	Metcalf Street	Westerly for 100 metres	at any time
4.	St. Joseph St	West	Spring Street	30 metres north	at any time
5.	Pomeroy Ave.	North	Metcalf Street	111 metres west	7:30 a.m. to 5:00 p.m.
6.	Metcalf Street	West	Pomeroy Ave.	18 metres north	at any time
7.	Jamieson Street	South	Victoria Street	Colborne Street	at any time
8.	Bridge Street	South	Victoria Street	41 metres west	at any time
9.	Louisa Street	East	Jamieson Street	Spring Street	at any time
10.	Bridge Street	South	Metcalf Street	Victoria Street	at any time
11.	Victoria Street	Both	River Street	Bridge Street	Friday, 4:00 a.m. to 8:00 a.m.
12.	Colborne Street	Both	River Street	Bridge Street	Friday, 4:00 a.m. to 8:00 a.m.
13.	Spring Street	Both	Metcalf Street	Colborne Street	Friday, 4:00 a.m. to 8:00 a.m.

CORPORATION OF THE MUNICIPALITY OF TWEED

BY-LAW NO. 2003-08

SCHEDULE "D"

Restricted Parking

	<u>Highway</u>	<u>From</u>	<u>To</u>	<u>Side</u>	<u>Period</u>	<u>Max Time</u>
1.	Victoria Street	Bridge Street	River Street	Both	7:00 a.m. to 6:00 p.m.	Two hours
2.	Spring Street	Colborne St	Metcalf Street	Both	7:00 a.m. to 6:00 p.m.	Two hours

CORPORATION OF THE MUNICIPALITY OF TWEED

BY-LAW NO. 2003-08

SCHEDULE "E"

No Stopping

	<u>Highway</u>	<u>Side</u>	<u>From</u>	<u>To</u>	<u>Period</u>
1.	Victoria Street	Both	River Street	South limits	at any time
2.	Quinn's Lane	Both	Victoria St	Colborne St	at any time
3.	Victoria Street	West	Bridge St	North limits	at any time
4.	Victoria Street	West	82 metres south of Bridge St	Bridge St	at any time
5.	Victoria Street	East	53 metres south of Bridge St	Bridge St	at any time

CORPORATION OF THE MUNICIPALITY OF TWEED

BY-LAW NO. 2003-08

SCHEDULE "F"

No Truck Stopping

	<u>Highway</u>	<u>Side</u>	<u>From</u>	<u>To</u>	<u>Period</u>
1.	Victoria Street	East	#351 Victoria St	18 metres north	at any time
2.	Victoria Street	West	IGA Exit	23 metres south	at any time