

BY-LAW NO. 2018-32



DATE: June 6, 2018

MOVED BY: [Signature]

SECONDED BY: [Signature]

THAT By-law No. 2018-32

Being a By law to regulate traffic and to govern and control the parking of vehicles in the Municipality of McDougall, and Repeal By-law No.'s 579, 616, 738, 77-8, 77-9, 90-35, 97-18, 97-25, 2000-07, 2000-09, 2010-63, and 2013-42 and all other By-laws and Resolutions, or parts thereof, contrary hereto or inconsistent herewith.

be introduced and read a **FIRST** and **SECOND** time.

Carried [Signature]
Signature

Defeated _____
Signature

MOVED BY: [Signature]

SECONDED BY: [Signature]

THAT By-law No. 2018-32 be read a **THIRD** time, **PASSED, SIGNED** and **SEALED** this 6th day of June, 2018.

Carried [Signature]
Signature

Defeated _____
Signature

DIVISION LIST **FOR** **AGAINST**

First and Second Reading

Councillor Constable	_____	_____
Councillor Dixon	_____	_____
Councillor Gregory	_____	_____
Councillor Malott	_____	_____
Mayor Robinson	_____	_____

Third Reading

Councillor Constable	_____	_____
Councillor Dixon	_____	_____
Councillor Gregory	_____	_____
Councillor Malott	_____	_____
Mayor Robinson	_____	_____

THE CORPORATION OF THE MUNICIPALITY OF MCDougALL

BY-LAW NO. 2018-32

Being a By-law to regulate traffic and to govern and control the parking of vehicles in the Municipality of McDougall, and Repeal By-law No.'s 579, 616, 738, 77-8, 77-9, 90-35, 97-18, 97-25, 2000-07, 2000-09, 2010-63, and 2013-42 and all other By-laws and Resolutions, or parts thereof, contrary hereto or inconsistent herewith.

WHEREAS the Municipal Act S.O. 2001, c. 25, as amended authorizes municipalities to pass by-laws for regulating traffic on highways, prohibiting of unauthorized parking on private or municipal property, for standing, parking or stopping of motor vehicles, for the owners and drivers of motor vehicles on any highway or part thereof under the jurisdiction of the municipality or other parking facility the public has access to and for regulating and controlling the use including the use for the purposes, of untraveled portions of highways;

AND WHEREAS the said act provides that fines may be charged for offences created by vehicles left parked, stopped or standing;

AND WHEREAS The Highway Traffic Act R.S.O. 1990, c.H.8, as amended provides for the regulating of heavy trucks and penalties;

AND WHEREAS it is deemed necessary for a reduced load requirement on certain highways or portions thereof in the Municipality of McDougall for the protection of said highways;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF MCDougALL ENACTS AS FOLLOWS;

1. Definitions:

- (a) "authorized sign" means any sign, or marking on a roadway, curb or sidewalk or other device placed or erected on a highway under the authority of this by-law for the purpose of regulating, warning or guiding traffic.
- (b) "boulevard" means all parts of a highway save and except any roadway, shoulder or sidewalk.
- (c) "fire route" means a public and private roadway, lane, driveway or parking lot aisle, not less than 3 metres wide, designated by this by-law as fire routes.
- (d) "heavy truck" means any vehicle having a total weight in excess of 4.5 tonnes and any commercial motor vehicle for carriage of goods, but does not include a passenger vehicle, ambulance, police, fire, school buses, public utility vehicles, or public works department.
- (e) "highway" includes a common and public highway, street, avenue, parkway, 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 total width of the road allowance.
- (f) "intersection" means the area 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.
- (g) "motor vehicle" includes an automobile, motorcycle 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 traction engine, farm tractor, self-propelled

implement of husbandry or road building machine within the meaning of The Highway Traffic Act.

- (h) "occupant" means:
 - (1) the tenant of private property or part thereof whose consent to permit parking on private property shall extend only to the control of the land or part thereof of which he/she is the tenant and any parking spaces allotted to him under their lease or agreement.
 - (2) the spouse of a tenant.
 - (3) A person, a municipality or a local board thereof, having an interest in the property under an easement or right of way granted to or expropriated by the person, municipality or local board whose consent to permit parking on private property shall extend only to that part of the property that is subject to the easement or right of way.
 - (4) a person authorized in writing by an occupant as defined in clauses (1) (2) or (3) of this section to act on the occupant's behalf for requesting the enforcement of this by law.
- (i) "official sign" means an authorized sign approved by the Municipality of McDougall and or the Ministry of Transport of Ontario.
- (j) "owner" when used in relation to property means:
 - (1) the registered owner of the property.
 - (2) the spouse of the person described in clause (1).
 - (3) a person authorized in writing by the property owner as described in clauses (1) or (2) of this section to act on the owners behalf for requesting the enforcement of this by law.
- (k) "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.
 - (1) "parking infraction notice" means a notice authorized by the Provincial Offence Act.
- (l) "parking infraction notice" means a notice authorized by the Provincial Offence Act.
- (m) "Police Officer" means a police officer who is a member of the Ontario Provincial Police Force.
- (n) "private roadway" means any private roadway, private driveway, lane, ramp or other means to or egress from a property, building or structure and it may include part of a parking lot.
- (o) "roadway" means the 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 of the roadway collectively.
- (p) "schedule" means a schedule referred to in this by law and forming part of this by law.
- (q) "shoulder" means that part of the highway immediately adjacent to the roadway and having a surface which has been improved with asphalt, concrete or gravel.

- (r) "stand or standing" when prohibited means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.
- (s) "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 of a traffic control sign or signal.
- (t) "Township" means The Corporation of The Municipality of McDougall.
- (u) "vehicle" means a motor vehicle, trailer, traction vehicle, farm tractor, road building machine, snowmobile and any vehicle drawn, propelled or driven by any kind of power.

2. Application and General Requirements:

- (a) This by law applies to all highways under the jurisdiction of the Municipality of McDougall.
- (b) 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 there from and not otherwise.
- (c) Where any expression of time occurs or where any hour or other period of time is stated in this by law or on a sign erected pursuant to this by law, the time referred to shall be Standard Time, except in periods when Daylight Saving time is in effect, in which periods it shall be Daylight Saving time.
- (d) The provisions of this by law shall not apply to ambulances, police and fire vehicles, and motor vehicles actually engaged in works undertaken for the Municipality.
- (e) No person shall place, maintain or display upon or in view of any highway, any sign, signal, marking or device which purports to be or is an imitation of or resembles an authorized sign or traffic control signal or which conceals from view or interferes with the effectiveness of an authorized sign or traffic control device.
- (f) The Public Works Superintendent is authorized to place or erect and to maintain such authorized signs and traffic control signals as are required to give effect to the provisions of the safety or convenience of the public.

PART A - PARKING PROVISIONS

3. General parking and stopping requirements:

3.1 General Provisions:

3.1.1 Method of parking - Parallel - Two way Traffic

- (a) No person shall park or stop any vehicle on any highway or portion there for except as follows:
 - (i) where there is a raised curb, on the right side of the roadway with the right front and rear wheels having regard to the direction in which the said vehicle was proceeding, parallel to and not more than 30 centimeters out from such curb;

- (ii) where there is a rolled curb or no curb with the right front and rear wheels parallel to and as near to the right of the roadway as is practical.
- (b) The provisions of subsection (a) do not apply where angle parking is permitted or to parking or stopping a vehicle on the left side of the roadway or a highway designated for one way traffic.

3.1.2 Method of Parking - Parallel – One way Traffic

- (a) Where a highway is designated for one way traffic and parking is permitted on the left side of such highway no person shall park or stop any vehicle on the left side of the highway or portion thereof except as follows:
 - (i) where there is a raised curb, on the roadway with the left front and the rear wheels, having regard to the direction in which such vehicle is proceeding, parallel to and not more than 30 centimeters out from such curb;
 - (ii) where there is a rolled curb or no curb, with the left front and rear wheels having regard to the direction in which such vehicle was proceeding, parallel to and as practical.

3.2 Parking Prohibited in Specified Places - Signs not Required:

- (a) No person shall park any vehicle on any highway:
 - (i) in front of or within 3 meters' of the intersection of a private roadway, or within 3 meters of a driveway on all Municipal roads;
 - (ii) within 3 meters' of a point on the curb or edge of the roadway nearest to any fire hydrant;
 - (iii) within 9 meters of an intersecting roadway;
 - (iv) within 15 meters' of any level crossing of a railway;
 - (v) for the purpose of displaying the vehicle for sale;
 - (vi) for the purpose of washing, greasing or repairing the vehicle, except for such repairs as have been necessitated by an emergency;
 - (vii) alongside the tracks of any railway;
 - (viii) in such a position as will prevent the removal under its own power or of any other vehicle;
 - (ix) so as to obstruct a crosswalk;
 - (x) so as to interfere with the movement of traffic;
 - (xi) on a highway within 150 meters' of fire fighting apparatus where said apparatus is actually engaged in fighting a fire, or when if directed by a member of the Police or Fire Department;
 - (xii) on a bridge;
 - (xiii) on a boulevard.

3.3 Parking Prohibited in Specified Places Where Signs are on Display:

- (a) Where authorized signs are on display indicating that parking is prohibited, no person shall park any vehicle on any highway:
 - (i) within 30 meters' of an intersection controlled by traffic control signals;

- (ii) within a turning basin at the end of a cul-de-sac;
- (iii) within 15 meters' of the termination of a cul-de-sac;

3.4 Stopping Prohibited in Specified Places Signs not Required:

- (a) No person shall park any vehicle on a highway:
 - (i) on or over a sidewalk or footpath;
 - (ii) alongside or across the highway from any excavation or obstruction in the roadway when the free flow of traffic would thereby be impeded;
 - (iii) on the roadway side of any stopped vehicle;
 - (iv) upon any bridge or elevated structure or within any tunnel or underpass;

4 Specific Parking. Stopping and Standing Requirements:

4.1 Parking Restrictions and Prohibitions on Certain Highways:

- (a) Where authorized signs are on display indicating that parking is prohibited, no person shall park a vehicle on any highway at the side and between the limits set out in columns 1, 2 and 3 of schedule I during the prohibited times or days set out in said schedule.
- (b) Nothing in this section shall be deemed to permit parking at any location where or at any time when parking is prohibited.

4.2 Stopping Restrictions and Prohibitions on Certain Highways:

- (a) Where authorized signs are on display indicating that stopping is prohibited, no person shall stop a vehicle on any highway at the side and between the limits set out respectively in columns 1, 2, and 3 of schedule I during the prohibited times or days set out in said schedule.

4.3 Standing Restrictions and Prohibitions on Certain Highways

- (a) Where authorized signs are on display indicating that standing is prohibited, no person shall stand a vehicle on any highway at the side and between the limits set out respectively in columns 1, 2, and 3 of schedule I during the prohibited times or days set out in said schedule.

4.4 Parking on Municipal Property:

- (a) No person shall park or leave a motor vehicle:
 - (i) on property owned or occupied by the Municipality or any local board thereof, without the consent of the Municipality or local board as the case may be.
- (b)
 - (i) any vehicle parked or left contrary to this by law may be removed and/or impounded at its owner's expense subject to the limiting provisions of this by law;
 - (ii) a vehicle shall be deemed to have been removed if a towing vehicle has been summoned to remove it by a person authorized to enforce this by law.
- (c) Where property affected by this by law has posted signs stating conditions on which a motor vehicle maybe parked or left on the property or prohibiting the parking or leaving of a motor vehicle on the property, a motor vehicle parked or left on the property contrary to such conditions or prohibition shall be deemed to have been parked or left without consent.

- (d) A Police Officer or Municipal Law Enforcement Officer, in respect of a particular property to enforce this by law shall be deemed to have the written authority of the owner or occupant of the property to enforce this by law and such officers are not required to receive a written complaint before enforcing this by law.

4.5 Parking on Untraveled Portions of Highways:

- (a) No person shall park or leave any vehicle upon any portion of an untraveled highway for a period exceeding TWENTY FOUR (24) hours.
- (b) Vehicles parked or left on contravention of this section may, by order of a Police Officer, Municipal Law Enforcement Officer or Public Works Supervisor/ or designate be removed and impounded at the expense of the owner thereof.

5 Physically Handicapped Parking:

- (a) Every owner and operator of a parking lot or of a parking facility to which the public has access may designate parking spaces for the exclusive use of a motor vehicle operated by a physically handicapped person, or a motor vehicle carrying a physically handicapped person in respect of which a permit has been issued and properly displayed.
- (b) No person shall park, store or leave standing, a motor vehicle in a designated handicapped parking space unless a handicapped permit is properly displayed on the vehicle.

6 Snow Removal:

- (a) In order to facilitate the process of snow removal from highways no person shall park any vehicle on any highway under the jurisdiction of the Municipality at any time from November 15 of each year to April 15th of the following year.
- (b) No person or persons by himself or otherwise shall deposit or place or cause to be deposited or placed any article, item or thing including snow on any municipal road or road allowance at any time.

7 Penalty Provisions or Parking Infractions:

- (a) A Police Officer, Municipal Law Enforcement Officer, Public Works Supervisor /or designate upon discovery of any vehicle parked, stopped or left standing in contravention of the provision of Part A of this By Law, may attach a Parking Infraction Notice to the vehicle and or have it towed.
- (b) Every person who contravenes the provisions of Part A of this By law upon conviction is guilty of an offence and is liable to a fine as provided for pursuant to the Provincial Offences Act for each offence, exclusive of costs.
- (c) A Police Officer or Municipal Law Enforcement Officer, Public Works Supervisor /or designate upon discovery of any motor vehicle parked or left standing in contravention of this By Law, may cause it to be moved to, 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 by the Mechanics Lien act.
- (d) Any vehicle parked or left standing on any highway for a period exceeding 24 hours shall be considered to be abandoned, upon discovery of such abandonment, a Police Officer or Municipal Law Enforcement Officer, Public Works Supervisor /or designate may cause it to be moved to, 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 a manner provided by the relevant provisions of The Mechanics Lien Act.

PART B - TRAFFIC PROVISIONS

8 General Traffic Provisions:

(a)

- (i) No person shall drive a motor vehicle upon a sidewalk or footpath on a highway except for the purpose of directly crossing the sidewalk or footpath.
- (ii) No person shall drive a motor vehicle over a raised curb except at a place where there is a ramp or rolled curb.

9 Pedestrian's Rights and Duties:

- (a) Except where traffic control signals are in operation or where traffic is being controlled by a police officer, a pedestrian crossing a highway at a place other than a pedestrian crossover shall yield the right of way to all vehicles upon the roadway, but nothing in this section shall relieve the driver of a vehicle from the obligation of taking all due care to avoid an accident.
- (b) No person shall play or take part in any game or sport upon a roadway; no person upon roller skates, or riding in or by any means of any coasting device shall go upon a roadway except for the purpose of crossing the roadway, and when so crossing such person shall have the rights and be subject to the obligations of a pedestrian.

10 Year-Round Load Restrictions:

- (a) Except as provided in subsection (b) when authorized signs to that effect are displayed, no person shall move, drive or operate a motor vehicle exceeding 5000kgs/axle on the highways set out in column 1 of Schedule I between the limits set out in column 2 of the said schedule during the times or days set out in column 3 of said schedule.
- (b) Subsection (a) shall not apply to Municipal Vehicles or any Vehicle working for the Municipality or Vehicles actually engaged in making a delivery or a collection from premises which cannot be reached except by way of a highway or portion of highway referred to in the said section
- (c) The intention of this section is to protect highways under the jurisdiction of the Municipality from the potential for damage from heavy traffic and also to limit traffic as much as possible on such highways , for the purpose of maintaining the condition of the highways, limiting municipal repair and maintenance costs and for the safety of pedestrian traffic.

10.1 Load Restrictions

- (a) That the provisions of The Highway Traffic Act, R.S.O. 1990, Section 122, Subsections 1, 2, 3 and 4, as amended from time to time, shall apply to all highways or portions thereof under the jurisdiction of the Corporation of the Municipality of McDougall. The municipality may at any time , reduce the weight limit deemed necessary for the preservation of the road system.

That any person violating the provisions of this by-law shall be subject to the penalties provided in The Highway Traffic Act, R.S.O. 1990, Section 125, as amended from time to time, and all such penalties shall be recoverable under the Provincial Offences Act.

This by-law shall not become effective until appropriate signs have been erected in accordance with the regulations under The Highway Traffic Act, R.S.O. 1990.

11 Speed Limits

When any road or portion of road set out in Column 1 of Schedule II has been marked to comply with the regulations of the Highway Traffic Act, the maximum rate of speed thereon shall be the prescribed maximum rate of speed set out opposite thereto in column 2 of said schedule.

12 Enforcement:

Part B of this by law shall be enforced by any Police Officer, Municipal By law Enforcement Officer, and Ministry of Transport Officer.

13 Penalty Provision for Traffic Infractions

- (a) Every person who contravenes any provision or part of this by law, upon conviction is guilty of an offence and is liable to a fine as provided for pursuant to The Provincial Offence Act for each offence, exclusive of costs.
- (b) Every person who contravenes any provision or part of this bylaw, upon conviction is guilty of an offence and shall be subject to the penalties provided in the Highway Traffic Act R.S.O. 1990 as amended, and all such penalties shall be recoverable under the Provincial Offences Act.

14 By-law No.'s 579, 616, 738, 77-8, 77-9, 90-35, 97-18, 97-25, 2000-07, 2000-09, 2010-63, and 2013-42 and all other By-laws and Resolutions, or parts thereof, contrary hereto or inconsistent herewith, are hereby repealed and where any by-law or resolution passed prior to this by-law conflicts with this by-law, the terms of this by-law shall prevail.


15 This by law shall come into force and effect upon final passage thereof.

READ a **FIRST** and **SECOND** time this 6th day of June, 2018.

MAYOR 

CLERK 

READ a **THIRD** time, **PASSED, SIGNED,** and **SEALED** this 6th day of ^{June} 2018.

MAYOR 

CLERK 

THE CORPORATION OF THE MUNICIPALITY OF MCDOUGALL

BY-LAW NO. 2018-32

YEAR –ROUND LOAD RESTRICTIONS

Schedule "I"

Column 1	Column 2	Column 3
<u>Location:</u>	<u>From/To:</u>	<u>Time:</u>
Barager Blvd.	Nobel Rd. to Nobel Rd	Anytime
North Road	Burnside Bridge Rd. to Mill Lake Shores Rd.	Anytime

THE CORPORATION OF THE MUNICIPALITY OF MCDUGALL

BY-LAW NO. 2018-32

Schedule "II"

Column 1	Column 2
Road or Portion of Road	Maximum Rate of Speed (kilometers per hour)
Armstrong Avenue	40
Beaver Trail	40
Bell Lake Road	40
Big Sound Road	40
Big Ben Road	40
Boundary Road	40
Bunny Trail	70
Burnside Bridge Road	40
Buttercup Road	40
Cedar Shore Road	40
Cornflower Road	40
Crawford Road	40
Duff Crescent	40
Feldman Drive	40
George Hunt Memorial Drive	40
Glenrock Road	40
Grandview Drive	40
Haines Road	50
Hammel Avenue	50
Hillview Drive	40
Hoddy's Side Road	50
Hurdville Road	70
Kirkham Road	50
Lake Forest Drive	50
Limberts Road	40
Loch Erne Road	50
Long Lakes Estates Road	50
Lorimar Lake Road	50
Maple Ridge Drive	50
Meadow Crest Drive	50
McDougall Road	70
Miller Drive	50
Mountain Basin Road	40
Municipal Road	40
Murray Point Road	40
Nine Mile Lake Road	50
North Road	40
Nobel Road	70
Oakridge Road	50
Parkway Drive	50
Parry Sound Drive	50
Pineridge Drive	50
Penninsula Shores Road	50
Pinewood Drive	40
Pleasant View Drive	40
Riverview Drive	40

Ryder Drive	40
Skerryvore Circle	40
Snowden Road	40
Sound View Court	40
Strawberry Lane	40
Squirrel Road	40
Sylvan Drive	40
Taylor Crescent	40
Trout Lake Road	40
White Beaver Trail	50
Wren Place	40