

**THE CORPORATION OF THE
TOWN OF SPANISH
BY-LAW #2023-04**

Being a Bylaw to Prohibit or Regulate
The Parking of Vehicles

WHEREAS Section 210 (123) of the Municipal Act, R.S.O. 1990 as amended, allows for a bylaw to be passed to prohibit or regulate the parking of vehicles, or any class thereof, on highways or any part of a highway;

AND WHEREAS the Council of the Corporation of the Town of Spanish deems it desirable to enact a bylaw for this purpose;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Spanish **ENACTS AS FOLLOWS:**

1. **SHORT TITLE** This By-law may be cited as the Town of Spanish Parking By-law.
2. **DEFINITIONS** The definitions contained within the Highway Traffic Act, R.S.O. 1990, c. H.8 shall apply in the interpretation of this By-law.

DEFINITIONS FOR THE PURPOSES OF THIS BY-LAW:

“Bylaw Enforcement Officer” means the Bylaw Enforcement Officer for the Corporation of the Town of Spanish or other person appointed by Council, to enforce the whole or part of this By-Law.

“Council” means the Council of the Corporation of the Town of Spanish;

“Emergency / Health Care Vehicle” includes vehicles of the Fire Department, Police vehicles, ambulances, Victorian Order of Nurses, and any other emergency vehicles of Federal, Provincial or Municipal Departments or of public or private utilities;

“Heavy Vehicle” means a transport truck or commercial vehicle having a weight of three (3) tons or more, but does not include a passenger vehicle, an ambulance or any vehicle of a police or fire department;

“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

“Municipality” means the Corporation of the Town of Spanish;

“Municipal Roadway” includes privately owned roadways maintained by the Municipality of the Corporation of the Town of Spanish;

“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;

“Person” includes every natural person, firm, partnership, association or corporation;
“The Provincial Offences Act” means The Provincial Offences Act, R.S.O. 1990, Chapter P33 as amended and regulations thereto;

“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

3. GENERAL PARKING RESTRICTIONS:

- a) No person shall obstruct or park on any municipal roadway under the jurisdiction of the Township, or Provincial highway including roadway turnarounds;
- b) No person shall park a vehicle or permit a vehicle to remain parked on a municipal property where prohibited by signage;
- c) In winter months, no person shall park a vehicle on any highway under the jurisdiction of the Municipality, between the hours of ten (10) o'clock in the evening and ten (10) o'clock in the morning, during the period from the first day of November in one year until the last day of April in the next year, except emergency / health care vehicles.

4. HEAVY VEHICLES -PARKING RESTRICTIONS:

- a) No person shall park a heavy vehicle on any highway, except when actually engaged in the activity of loading or unloading the vehicle;
- b) The provisions of subsection (a) shall not apply to vehicles owned or contracted by the Municipality, or to emergency / health care vehicles.
- c) Heavy vehicle drivers are permitted to use the tractor for travelling to and from their homes, and to park same in private driveways.

5. ENFORCEMENT:

- 1) The provisions of this bylaw shall be enforced by the Bylaw Enforcement Officer, upon direction by Council.

6. REMOVAL OF ILLEGALLY PARKED VEHICLES:

- 1) When any vehicle is parked in contravention of any section of this By-law, a Bylaw Enforcement Officer may cause same vehicle to be taken to and stored in a suitable place and all costs and charges for removal, care or storage thereof, shall be a lien upon such vehicle.

7. PENALTIES:

- 1) Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

8. ONTARIO HIGHWAY TRAFFIC ACT TO GOVERN:

- 1) The provisions of this bylaw shall be subject to the provisions of the Highway Traffic Act as amended and to any regulations made thereunder and any reference in this bylaw to the said Highway Traffic Act or any provisions thereof shall be deemed to be a reference to the said Highway Traffic Act or provisions thereof as amended or re-enacted from time to time and to all Regulations made under the said Act.


9. TIMES:

- 1) Whenever certain hours are named herein, they shall mean Standard Time or Daylight Savings Time, whichever shall be in official current use in the Municipality.

10. This by-law is to rescind by-law #2009-12


11. JURISDICTION:

READ a first time
this 11th day of
January, 2023.


Karen Von Pickartz, Mayor


Lisa Hobbs, Deputy Clerk

READ a second
time this 25th day of
January, 2023.


Karen Von Pickartz, Mayor


Pam Lortie, CAO/Clerk-Treasurer

READ a third
time and finally passed
this 1st day of
February, 2023.


Karen Von Pickartz, Mayor


Lisa Hobbs, Deputy Clerk

1) The provisions of this bylaw shall only apply to those highways in the Municipality that are under the jurisdiction of the Municipality.

12. This By-law shall come into force and effect on the day that it receives third and final reading.

Corporation of the Town of Spanish
Part II Provincial Offences Act
By-law # 2023-04

ITEM	Column 1 – Short Form Wording	Column 2 – Provision Creating or Defining Offence	Column 3 – Set Fine
1	Park on or obstruct municipal roadway	Section 3(a)	
2	Park Motor vehicle on municipal property where prohibited by signage	Section 3(b)	
3	Park Motor vehicle on municipal roadway during winter months	Section 3(c)	

NOTE: The penalty provision for the offences indicated above is section 7 of By-law # 2023-04, a certified copy of which has been filed

Corporation of the Town of Spanish
Part II Provincial Offences Act
By-law # 2023-04

ITEM	Column 1 – Short Form Wording	Column 2 – Provision Creating or Defining Offence	Column 3 – Set Fine
1	Park on or obstruct municipal roadway	Section 3(a)	\$100.00
2	Park Motor vehicle on municipal property where prohibited by signage	Section 3(b)	\$150.00
3	Park Motor vehicle on municipal roadway during winter months	Section 3(c)	\$300.00

NOTE: The penalty provision for the offences indicated above is section 7 of By-law # 2023-04, a certified copy of which has been filed