



The Corporation of the Town of Espanola

Bylaw 2701/16

**Being a Bylaw to regulate Parking of Vehicles on
Town of Espanola owned property**

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes Municipalities to pass Bylaws 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 Part XIV of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that Councils of all Municipalities have the power to impose fines and enforce Bylaws;

AND WHEREAS the *Highway Traffic Act*, R.S.O. 1990 c. H-8, as amended, provides that Councils of Municipalities have the power to make Bylaws to regulate, govern and control parking within the boundaries of the said Municipality;

NOW THEREFORE the Council of the Corporation of the Town of Espanola enacts as follows:

Part 1 – DEFINITIONS:

1. In this Bylaw:

(1) "AUTHORIZED SIGN" means any sign or other device placed or erected on a highway or on municipal property under the authority of this bylaw for the purpose of regulating, warning or guiding traffic and includes official signs;

(2) "COMMERCIAL MOTOR VEHICLE" means a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, fire apparatus, buses and tractors used for hauling purposes on the highways;

(3) "CORPORATION" means the Corporation of the Town of Espanola;

- (4) "DRIVER" means every person who drives a vehicle on a highway or is in actual physical control of a vehicle;
- (5) "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;
- (6) "MOTOR VEHICLE" includes an automobile, motorcycle, motor assisted bicycle 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 motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine;
- (7) "MUNICIPAL BYLAW ENFORCEMENT OFFICER" means a Bylaw Enforcement Officer appointed by the municipality to enforce the municipal bylaws;
- (8) "MUNICIPALITY" means the Corporation of the Town of Espanola;
- (9) "OFFICIAL SIGN" means a sign consistent with the Manual of Uniform Traffic Control Devices;
- (10) "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;
- (11) "PERSON" includes every natural person, firm, partnership, association or corporation;
- (12) "POLICE OFFICER" is a member of the Espanola Police Service;
- (13) "THE PROVINCIAL OFFENCES ACT" means The Provincial Offences Act, R.S.O. 1990, Chapter P33 as amended and regulations thereto;
- (14) "VEHICLE" includes a commercial motor vehicle, motor vehicle, trailer, traction engine, farm tractor, road-building machine and any motor vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or the cars of electric or steam railways running only upon rails;

Part 2 - RESTRICTIVE PARKING

1. When authorized signs are displayed:

- (1) No person shall park a vehicle in parking area described in SCHEDULE "A" to this Bylaw.

The provisions of this Bylaw shall not apply to ambulances, police and fire vehicles, and motor vehicles actually engaged in works undertaken for or by the Municipality.

Part 3 - PENALTY PROVISIONS FOR PARKING INFRACTIONS

1. A Police Officer or Municipal Bylaw Enforcement Officer, upon discovery of any vehicle parked, stopped or left standing in contravention of the provisions of this Bylaw, may attach a Parking Infraction Notice to the vehicle.
2. Any person who contravenes the provisions of this Bylaw, is guilty of an offence and upon conviction is liable to a fine as provided for pursuant to the *Provincial Offences Act*.
3. A Police Officer or Municipal Bylaw Enforcement Officer, upon discovery of any motor vehicle parked or left standing in contravention of this Bylaw, may cause it to be moved to, or stored in a suitable location, 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*.

Part 4 – MISCELLANEOUS

1. ONTARIO HIGHWAY TRAFFIC ACT TO GOVERN:

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.

3. AUTHORIZED SIGNS:

- (1) For the purpose of this Bylaw, the signs contained in the Manual of Uniform Traffic Control Devices are the authorized signs.
- (2) Signs as per subsection (1) may be altered from time to time to satisfy municipal needs.

4. SCHEDULES:

- (1) Schedule "A" inclusive, attached hereto, is hereby made a part of this Bylaw and shall be construed herewith.

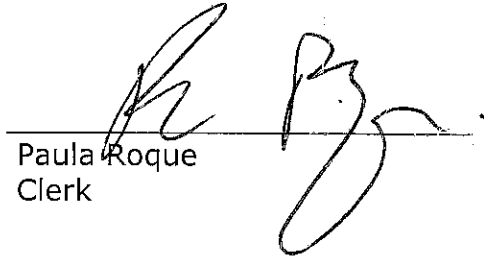
5. MUNICIPAL APPROVAL AND EFFECTIVE DATE:

- (1) This Bylaw shall not come into force until approved by the Council of The Corporation of The Town of Espanola, nor shall any particular provision become effective until the sign or signs, if any, applicable to such particular provisions have been erected and are on display, and SCHEDULE "B" short form wording and set fines have been approved by the Ontario Court of Justice.
- (2) Subject to subsection (1) above, this Bylaw shall come into force and take effect once passed by Council.

Read a First, Second and Third Time and Passed this 8th day of March 2016.



Ron Piche
Mayor



Paula Roque
Clerk

SCHEDULE "A"

RESTRICTIVE PARKING

LOCATION / PARKING AREA	FROM	TO	SPECIAL CONDITIONS
Espanola Regional Recreation Complex Designated Parking Lot		Entire Lot	Restricted to Espanola Regional Recreation Complex and Espanola Public Library Patrons only
Espanola Public Library Designated Parking Area adjacent to the Library		Hours of Operation of the Espanola Public Library	Restricted to Espanola Public Library Patrons only

SCHEDULE "B"



PART II Provincial Offences Act

Bylaw No. 2701, Parking on Town of Espanola Property

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Voluntary Payment Payable within 7 Days	COLUMN 4 Set Fine
1	No person shall park a vehicle in parking area	Part 2. 1.(1)	\$40.00	\$50.00

NOTE: The penalty provision for the offence indicated above is Part 3. 2. of Bylaw 2701/16, certified copy of which has been filed.