Meeting Date:	Monday, June 27, 2022
To:	Mayor Mills and Members of Council
From:	Jennifer Willoughby, Director of Legislative Services/Clerk
Report:	LS2022-13
Subject:	**Town of Shelburne Draft Traffic By-law**

Recommendation

BE IT RESOLVED THAT Council receives report LS 2022-13 for review and information;

AND THAT Council directs staff to proceed with public engagement between July 1, 2022, and July 18, 2022;

AND THAT the draft traffic by-law will return to Council on July 25, 2022, for final review and enactment.

Background

The current Traffic By-law was enacted in 1983 and establishes specific parking restrictions and traffic control measures on Town roads, as well as some offences for the enforcement of the by-law. Since its passing, the by-law has been amended several times, specifically with routine administrative updates such as when new roads are established. However, the by-law and its amendments have never been consolidated into one cohesive document making enforcement of some provisions difficult, or no longer enforceable.

Due to conflicting amendments and the work required to update the existing by-law and its amendments to be an effective tool for enforcement, it was realized by staff that the most efficient course of action, would be to create a new parking and traffic by-law, as well as introduce the revised set fines Council has directed staff to implement.

In conjunction with the Traffic By-law, enforcement activities are also guided by departmental enforcement strategies, most of which were established over 30 years ago. With the growth and changes experienced by the Town during this time, there is a demand for enforcement of offences that have not been captured in the pre-existing by-law.

The review of the Traffic By-law is an opportunity to refresh and modernize the by-law and the Town's enforcement practices. Additionally, with the increase of the number of Municipal Law Enforcement Officers from one (1) to two (2) full-time officers, increased and enhanced dedicated parking enforcement will now include late afternoons, evenings, and weekends.

Analysis

Proposed Changes to the Traffic By-law

Some of the suggested changes include and recognize repeated complaints from residents regarding the change in parking from winter to spring, summer and fall when Town roadways effectively become parking lots where residents remove vehicles from storage, or from driveways, and park vehicles for extended periods of time on the street. Those vehicles utilizing the street as parking spaces interfere with regular garbage collection, large item waste collection, street sweeping, street painting, and regular or emergency maintenance/services. The cleaning and installation of benches along Main Street in the downtown core, maintaining flower beds, and streetlights.

By-law staff are recommending that Council consider extending the overnight parking provisions from the winter season to a year-round approach. Staff would proactively enforce the winter parking provisions from November 1 of one year until April 30 of the following year. Between May 1 and October 31, the overnight parking provisions would be complaint-based enforcement.

Simultaneously, By-law staff are recommending that a five (5) hour limit for parking on any street between the hours of 6:00 am and 6:00 pm Monday to Friday, exclusive of statutory holidays. Currently the Highway Traffic Act provides for a maximum of three (3) hours on any highway however, the Act does provide for an exemption from the 3-hour model, municipalities have the ability to change the maximum hours.

The rationale to not enforce 5-hour parking on weekends, often times weekends and holidays are when residents are most likely to have guests that require the use of on-street parking. Staff have always held the view that street parking should be utilized by out-of-Town guests and not by residents with more vehicles than can be accommodated in their garage and on their private driveway.

Additional proposed changes include the following no parking/no stopping provisions:

- no blocking driveways;
- no parking within 0.3 m or 1 foot of any driveway
- no parking so as to overhang the curb, sidewalk, or boulevard
- no parking on or over a curb, sidewalk, or boulevard
- no parking at a bus stop unless the vehicle is a bus
- no overnight parking on municipal property without permit, where applicable
- no parking on municipal property without consent;
- no parking a vehicle that is leaking fluid onto street
- no parking alongside or across the road from any legally placed road work
- no parking in a public lane;
- no parking centre of cul de sac
- no trailers – including road machines unless attached to a motor vehicle.
- no commercial or heavy truck parking on any residential road, without a permit (exclusive of motor vehicles that are making routine deliveries or an emergency)
- no parking within 3 m of a fire hydrant.
- Parking in an accessible space and not properly displaying accessible permit has also been created as an offence. As Officers need to be able to read the expiry date, who the permit was issued to, and if the permit was issued to a passenger, a driver or both.
- Parked at an electric charging station not an electric vehicle and/or parked at an electric charging station not charging. Minimum fine as per Highway Traffic Act (HTA) is $125.00.

Administrative Changes

- Reorganized the 'no parking' and 'no stopping' provisions so they are grouped together and changed the schedules containing the locations of 'no stopping' and 'no parking' zones from a list format to an illustrated map;
- Updated the term "disabled person parking permit" to "accessible parking permit" to reflect modern language standards;
- Clarified the definitions and prohibitions related to moving offences and parking offences in relation to heavy vehicle and commercial vehicle;
- Clarified what parking without consent means as many people are confused when they receive a ticket for parked on property without consent;
- Updated enforcement practices of towing and impounding so that Municipal Law Enforcement Officers (MLEO's) employed by the Town as well as Police Officers have the ability to tow and impound vehicles parked on roadways in contravention of the By-law;
- Altered the overnight parking prohibition of "no parking between midnight to 8:00 am" to "no parking from 2:00 am to 6:00 am" and removed the prohibition of November 15 to April 15 so that overnight parking can be enforced year-round;
- Reduce parking congestion on streets;
- Reduce interference with road maintenance such as street sweeping, line painting, boulevard repairs, street scaping, installation of benches, watering plants, remove accumulations of leaves, keep drains open for accessibility and general maintenance;
- Midnight to 8:00 am not in keeping with what many consider overnight;
- Overnight parking prohibitions enforced proactively between November 15 of one year to April 15 of the following year, and
- Overnight parking enforced on complaint basis between April 16 to November 14 in every year.

Enforcement Practices

By-law Services continues to enforce the Traffic By-law in accordance with historical practices, some of which were established 30 years ago.

Due to staffing resources not all provisions of the parking by-law were enforced with any regularity. Leaving many residents questioning why they are receiving tickets for violations that were not enforced in the past.

By-laws and the enforcement policies that accompany them have to change to meet the increasing demand for service and enforcement which includes enforcement during the day, evenings, overnight, on weekends and year-round.

With the expansion of Shelburne's By-law Services team, and in response to Council's request for an enhanced and proactive enforcement model, residents require additional education and increased communication as to the parking offences and the rationale for enforcement practices. The new by-law will bring educational opportunities and adjustments to the new enforcement practices. Staff are hoping to work with the Communications Coordinator to provide increased communication services in the community.

Staff are continuing to recommend a hybrid enforcement model that will include proactive and reactive enforcement. A zero-tolerance approach will be taken in regards to high risk, or potential high-risk offenses such as accessible parking offences on private and public property, parking near an in-service fire hydrant, parking on or over a sidewalk, a vehicle hanging out into the street from the driveway apron, these offences interfere with road maintenance such as snow removal, snowbank removal, street sweeping, parking within 15 metres of an intersection (stop signs). These are a few examples where staff will provide proactive enforcement.

Reactive enforcement or complaint driven enforcement would include parking in excess of 5 hours on streets other than the downtown core, blocking a private driveway, or parked within 0.3 m of a driveway (as the vehicle may belong to the resident or a visitor).

Dependent on Councils review, and input from the public, the prohibited overnight parking between May 1 and October 31 is being recommended as reactive enforcement. Staff believe that each street, neighborhood, and subdivision have their own uniqueness and residents should be given control over what is excessive overnight parking and where overnight parking is at an acceptable level. The caveat would be when overnight parking interferes with road maintenance or other activity/work conducted by or on behalf of the Town, and where there maybe "hot spots."

By-law staff are currently researching parking enforcement technologies that will allow By-law Services to modernize the parking process and practices by implementing a digital format that would provide significant efficiencies in regard to staffing resources in order to process parking tickets.

Set Fines & Early Payment Options

Staff have also reviewed our neighboring municipalities and comparators with regard to set parking fines and are recommending several increases in conjunction with the resolution passed by council in 2019 to establish set fines at $40.00 per offence. Staff are suggesting that no early payment amount be established.

When determining the appropriate amount of a fine, several factors should be considered:

- the amount of the fine should be reasonable for the offence;
- the increase in fines should be a deterrent to individuals from parking illegally; and
- the set fines should not be too high, as the amount would encourage individuals to request trials and contest parking tickets issued.

Staff believe that the proposed fines will meet the Town's balance between increasing fines to match our comparator municipalities and ensuring that the fines are not too high where ticket recipients are frequently requesting trials.

Conclusion

The proposed By-law and enforcement practices will provide staff with the tools to adequately regulate traffic and parking responsibly and appropriately, to best serve the residents of the Town and meet Council's request of a more proactive system of enforcement.

Individuals will be able to access, review and comment on the "Draft Parking and Traffic By-law" and a "Rationale" handout that will assist in the explanation for the changes in the proposed By-law.

The proposed Traffic By-law will modernize the Town's enforcement practices and aligns with Council's Strategic Priorities.

Policies and Implications

N/A

Financial Impact

N/A

Consultation and Communications

Staff reviewed the following municipalities in developing the proposed by-law: Wasaga Beach, Kingston, Barrie, Milton, Mississauga, and Orangeville.

The proposed by-law has received legal review from the Town Solicitor.

Council Strategic Priorities

Council's Strategic Priorities have three Goals - Sustainable, Engaged and Livable. There are a total of 12 targets with the three Goals.

This report aligns with the sustainable goals within the targets:

Target T2 – municipal services review and evaluation

Target T5 – improve technology

Target T6 – promote more open communication

Supporting Documentation

Appendix 1: Draft Traffic By-law XX-2022
Appendix 2: Common offences and suggested set fines
Appendix 3. Rationale handout

Report Prepare By:

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Respectfully Submitted By:

Jennifer Willoughby, Director of Legislative Services/Clerk

Reviewed By:

Denyse Morrissey, CAO

THE CORPORATION OF THE TOWN OF SHELBURNE

BY-LAW NUMBER XX-2022

Being a By-Law to Regulate Traffic and Parking on Roads under the Jurisdiction of the Corporation of the Town of Shelburne

WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, ("Municipal Act") authorizes municipalities to enact By-laws respecting matters within the sphere of jurisdiction of highways, including traffic on highways, in conjunction with the Highway Traffic Act;

AND WHEREAS Section 11 (1) of the Municipal Act, authorizes a municipality to pass By-laws prohibiting or regulating parking on highways and on properties other than Highways;

AND WHEREAS Sections 100 through 101 of the Municipal Act, authorizes a municipality to pass By-laws for prohibiting unauthorized parking on private or municipal property;

AND WHEREAS Section 102 of the Municipal Act authorizes a municipality to pass Bylaws requiring the owners or operators of parking lots or other parking facilities to which the public has access, to provide designated parking spaces for the sole use of vehicles operated by or carrying a disabled person;

AND WHEREAS Section 429 (1) of the Municipal Act provides that fines may be charged for breaches of By-laws passed pursuant to the powers set out therein and further provides for the removal, impounding or restraining or immobilizing of any vehicle parked on a Highway or on municipal property in contravention of a By-law or of the Highway Traffic Act;

AND WHEREAS the Council of the Corporation of the Town of Shelburne desires to regulate traffic and govern and control the parking of vehicles in the Town of Shelburne;

Now Therefore the Council of the Corporation of the Town of Shelburne hereby enacts as follows:

1. **SHORT TITLE**

1.1 This Bylaw may be referred to as the "Traffic & Parking By-law"

2. **DEFINITIONS AND INTERPRETATION**

2.1 In this By-law:

2.1.1 "Accessible parking permit" means an accessible parking permit issued under Section 26 of the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended and Regulation 581 made thereunder.

2.1.2 "Authorized sign" means any sign, or marking on a roadway, or curb or sidewalk or other device placed or erected on a highway under the authority of this by-law or the Highway Traffic Act and approved by the Ministry of Transportation for the purpose of regulating, warning, or guiding vehicular and pedestrian traffic.

2.1.3 "Boulevard" includes that portion of the highway located between the edge of the roadway and the property line of the highway, and without limiting the foregoing, may include the un-traveled portion of any highway, and ditches.

2.1.4 "By-law" means this by-law and any Schedule to this By-law as they may be amended from time to time.

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2.1.5 "Clerk" means the Clerk for the Town, or their designate.

2.1.6 "Commercial Vehicle" means any vehicle or motor vehicle designated or operated for the transportation of property or persons and includes an ambulance, a hearse, a casket wagon, a fire apparatus, a tractor used for hauling purposes on a highway; a bus or school bus which exceeds 3.5 m in height or 7 m in length and for the purposes of this bylaw and in accordance with Ontario Regulation 419/15 shall also include a tow truck.

2.1.7 “Community safety zone” means a section of roadway where pedestrian and driver safety are deemed to be of increased concern. areas such as school zones, parks, senior citizens residences and collision prone areas are good examples of locations suited for designation as community safety zones. they are identified through specific signage identified in the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended.

2.1.8 “Corporation” means the Corporation of the Town of Shelburne.

2.1.9 **"**Council" means the elected Council of the Town of Shelburne.

2.1.10 “Crosswalk” means that part of a highway at an intersection that is included within the connections of the lateral lines of the sidewalks on the opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the travelled portion of the highway or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing signs including a Traffic Control Device or Traffic Control Signal in accordance with the Highway Traffic Act.

2.1.11 “Curb” means the edge of a traveled portion of the highway and includes a raised curb.

2.1.12 “Designated Accessible Parking Space” means a parking space designated under this by-law for the exclusive use of a vehicle displaying a permit issued by Service Ontario in accordance with the requirements of the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended and the regulations made thereunder and this by-law.

2.1.13 "Driveway' means that portion of a property used to provide vehicular access from a highway to an off-street parking space or parking area.

2.1.14 “Electric vehicle” means a battery electric vehicle that runs only on a battery and an electric drive train, or a plug-in hybrid electric vehicle that runs on a battery and an electric drive train and uses an internal combustion engine.

2.1.15 “Electric vehicle charging station” means a publicly or privately owned parking space that provides access to equipment that supplies a source of electricity for charging electric vehicles.

2.1.16 “Heavy vehicle” means a motor vehicle with or without load which alone or together weighs 3,000 kilograms or more, or, loaded weighs 5,000 kilograms or more and shall include any road-building machine, regardless of its weight.

2.1.17 “Highway” means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is used or intended for use by the public for the passage of vehicles and includes the entire area between its lateral property lines. Without limitation, highway includes unassumed or unopened road allowances.

2.1.18 “Highway Traffic Act” means the Highway Traffic Act, R.S.O. 1990, c. H. 8 as amended, or any successor.

2.1.19 "Inoperable vehicle" means any vehicle, including a trailer, that appears by reason of its appearance, mechanical condition, or lack of current licence plates,

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to be inoperative. A vehicle is an inoperable vehicle if it bears licence plates that is not registered with the Ministry of Transportation to the attached vehicle.

2.1.20 “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.

2.1.21 “Lane” means a narrow street or passageway, between or behind buildings, designed, constructed, and intended to provide access to and service at the rear of places of residence or business and owned by a government authority.

2.1.22 “Motor vehicle” includes an automobile, motorcycle, and motor assisted bicycle unless otherwise indicated in the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, or other vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended.

2.1.23 “Municipal parking lot” means the whole or any part of a parcel of real property owned by the Municipality and intended to be used for the temporary parking of motor vehicles,

2.1.24 “Municipal property” means the whole or any part of a parcel of real property owned or leased or under the control by the Municipality.

2.1.25 “Officer” means a member of the Ontario Provincial Police and includes a Municipal Law Enforcement Officer, Bylaw Officer, or a Provincial Offences Officer appointed by the Town to enforce municipal bylaws.

2.1.26 “Park/parking” means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of, and while actively engaged in, loading, or unloading merchandise or passengers.

2.1.27 “Pedestrian” means a person on any part of a highway who is not within a vehicle, or a person in a wheelchair, baby carriage.

2.1.28 “Pedestrian crossover” has the same meaning as in the Highway Traffic Act, R.S.O. 1990, c. H.8.

2.1.29 **“**Permit agreement**”** shall mean the agreements containing the terms and conditions for parking permits issued by the Corporation of the Town of Shelburne.

2.1.30 “Person” means an individual, firm, partnership, corporation, trust, trustee, or agent, executors, or legal representatives of the person to whom the context can apply according to law.

2.1.31 “Private roadway” means any private road, lane, ramp, or other means of vehicular access to and egress from a building, property, or structure, and it may include a part of an area designated for parking.

2.1.32 “Raised curb” means a curb, the face of which measures not less than thirteen (13) centimetres in height.

2.1.33 “Road traffic control devices” are markers, signs and signal devices used to inform, guide and control vehicular and pedestrian traffic.

2.1.34 “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 roadways collectively.

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2.1.35 “School crossing” means a crosswalk marked by authorized signs and pavement markings designating it as a school crossing location.

2.1.36 "Sidewalk" means the part of the highway set aside for the use of pedestrians or used by the general public for the passage of pedestrians and includes multiuse trails, footpaths.

2.1.37 “Sign” means any sign, marking on a highway, curb, sidewalk, parking lot or other traffic control device, other than a traffic control signal system, which provides notice of traffic or parking regulations.

2.1.38 “Stop/stopping” 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.

2.1.39 “Through highway” means a highway or part of a highway designated as such by the minister or by by-law of a municipality, and every such highway shall be marked by a stop sign or yield right of way sign in compliance with the regulations of the ministry.

2.1.40 “Town” means the Corporation of the Town of Shelburne.

2.1.41 “Traffic control signal” means that part of a traffic control device that consists of one set of no less than three coloured lenses, red, amber, and green, mounted on a frame and commonly referred to as a signal head.

2.1.42 “Traffic control devices” means markers, signs and signal devices used to inform, guide and control traffic, including pedestrians, motor vehicle drivers and bicyclists. These devices are usually placed adjacent, over or along the highways, roads, traffic facilities and other public areas that require traffic control.

2.1.43 “U-turn” means the turning of a vehicle within a roadway for the purpose of traveling in the opposite direction.

2.1.44 “Vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, and any 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.

3. GENERAL PROVISIONS

3.1 This By-law applies to all highways, within the geographical boundaries of the municipality, including unassumed, and all municipal property and private property in so far as it applies to parking regulations.

3.2 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 saving time is in effect, in which periods it shall be daylight saving time.

3.3 No person shall place, maintain, or display on any highway, any sign, marking or device, which purports to be or is an imitation of or resembles an official sign.

3.4 The provisions of this By-law shall not apply to any vehicles owned by the Town, ambulances, police, fire department vehicles, vehicles owned by other public authorities which are actively engaged in the course of their work and any other vehicle while actively engaged in performing work for the Town.

3.5 The schedules referred to in this by-law form an integral part of this by-law and each entry in a column of a schedule shall be read in conjunction with the entry or entries across from it.

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3.6 If a court of competent jurisdiction declares any provision, or any part of a provision of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied, and enforced in accordance with its terms to the extent possible according to law.

3.7 The municipal highway and county/provincial highway names referenced in the schedules shall be taken as the official names of the highways for the purposes of this By-law.

3.8 All dimensions in this By-law are metres (m) or centimetres (cm) unless otherwise indicated.

3.9 All references to Zones in this By-law shall mean the Zones established and identified in the Town's Zoning By-law.

3.10 All measurements of distance relevant to an "intersection" shall, where possible, be taken to or from a point where the prolongation or connection of the edge of pavement meet on the side of the highway relevant to the said measurement.

3.11 No person shall erect, place, maintain or display upon or in view of any highway, any 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 signal.

4. AUTHORITY

4.1 The Legislative Services/Clerks Department is responsible for the administration of this By-law, excluding the installation and maintenance of signs that have been authorized by the Director of Development and Operations, or their designate.

4.2 The Director of Development and Operations, or their designate, is authorized to place or erect, modify and to maintain such signs as are required to give effect to the provisions of this By-law.

4.3 The Director of Development and Operations, or their designate, is authorized to issue permits for the movement on highways under the jurisdiction of the Town for heavy vehicles, loads, objects, or structures which are in excess of the dimensional limits set out in Section 109 of the Highway Traffic Act or the weight limits set out in Part VIll of the Highway Traffic Act.

4.4 The Director of Development and Operations, Manager of Operations, Facilities, and Parks, or their designates, shall be authorized to close local highways and roadways under the jurisdiction of the Town for social, recreational, community or athletic purposes, parades, or a combination of such purposes, upon passing of a resolution by Council for specific events.

4.5 The Director of Development and Operations or their designate, a Police Officer who is on active duty, or the Ontario Fire Marshall, or their designate, or the Fire Chief, or their designate shall be authorized to close or temporary restrict the parking or stopping of any motor vehicle on local highways and roadways, under the jurisdiction of the Town in the event of a significant weather event, or in the event of an emergency.

5. ENFORCEMENT

5.1 The provisions of this By-law shall be enforced by a Municipal Law Enforcement Officer, a Provincial Offences Officer, a Police Officer, or any other person designated by the Town.

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5.2 The Ontario Provincial Police, Dufferin Detachment, will be responsible for the enforcement of the traffic related provisions of this By-law.

6. GENERAL STOPPING AND PARKING REGULATIONS

6.1 Parking or Stopping Prohibited on Highway - Signs Not Required:

6.1.1 No person shall park or stop a vehicle on any highway or portion thereof that is:

a) on or over a sidewalk;
b) on a boulevard;
c) outside of the limits of a driveway apron;
d) in such a position to overhang the curb or sidewalk;
e) in the centre of a cul-de-sac;
f) within an intersection, crosswalk, or pedestrian crossover;
g) within 0.3 metres of a private or public driveway on all Town roadways;
h) inoperable or unplated;
i) at a bus stop, other than a bus using the bus stop;
j) within three (3) metres of a point on the curb or edge of the roadway nearest to any fire hydrant;
k) for the purpose of displaying a vehicle for sale;
l) for the purpose of washing, greasing, or repairing the vehicle, except for such repairs as have been necessitated by an emergency;
m) leaking fluid;
n) in such a position to prevent the removal of any other vehicle;
o) in such a position to interfere with the movement of traffic;
p) in such a manner as to interfere or obstruct with a highway cleaning/road maintenance or snow clearing operations;
q) alongside or across from any excavation or obstruction in the roadway when the free flow of traffic would thereby be impeded;
r) with the left wheels to the curb;
s) more than fifteen (15) centimetres from a raised curb;
t) alongside any other stopped or parked vehicle;

6.1.2 No person shall park or stop a heavy vehicle on any highway or portion thereof in any residential zone.

6.1.3 No person shall park or stop a commercial vehicle on any highway or portion thereof in any residential zone.

6.1.4 Section 6.1.2 and 6.1.3 does not apply to prohibit the parking or standing of any such vehicle upon a highway in any residential zone while the operator thereof is actually engaged in the delivery of goods or services to any premises within any such zones, or to prohibit the parking or standing of any bus or school purpose vehicle upon any highway in any residential zone while the operator thereof is actually engaged in the embarking or disembarking of passengers in any such zone.

6.2 PARKING OR STOPPING PROHIBITED ON HIGHWAY – SIGNS REQUIRED

6.2.1 No person shall park or stop where authorized signs are erected and are on display on the side or sides of the highways set out in Schedule 'B' attached to and forming part of this bylaw.

6.2.2 Where authorized signs are on display indicating that parking or stopping is prohibited, no person shall park or stop any vehicle on any highway or any portion thereof:

a) in a lane;
b) within the turning basin at the end of a cul-de-sac;

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c) within fifteen (15) metres of an intersecting highway;
d) within thirty (30) metres of an intersection controlled by traffic control signals;
e) within eight (8) metres of any fire hall on the side of the highway on which the fire hall is located or within thirty (30) metres of such fire hall on the opposite side of the highway.

6.2.3 Where designated portions of a highway have been closed for a special event, no person shall park or stand a vehicle or portion thereof on any portion of the highway that is designated as closed.

6.2.4 No person shall park or stop a vehicle in excess of three (3) hours between 6:01 am to 6:00 pm any highway located within the downtown area as illustrated in Schedule '?'.

6.2.5 Where signs are displayed at each entrance of the municipality, no person shall park or stop a vehicle or allow a vehicle to park, or stop, on any roadway or highway or any portion thereof in excess of five (5) hours between 6:01 am to 6:00 pm within a residential zone.

6.2.6 Where signs are displayed at each entrance of the municipality, no person shall park or stop a vehicle or allow a vehicle to park, or stop, on any roadway or highway or any portion thereof between the hours of 2:00 am and 6:00 am. of any day.

6.3 ACCESSIBLE PARKING

6.3.1 No person shall park, stop, or stand a vehicle in a designated parking space, or be entitled to the benefit of an exemption under this By-law, unless the vehicle is displaying a valid accessible parking permit and the vehicle is being operated by or is conveying the person with a disability to whom the accessible parking permit has been issued.

6.3.2 No person shall park, stop, or stand a vehicle in a designated parking space unless the valid accessible parking permit is properly displayed with the identification number and expiration date clearly visible.

6.3.4 No person who owns or operates a parking lot or parking facility to which the public has access, shall prevent the use of designated parking spaces by disabled persons, by using the designated parking space for the storage of any item, including but not limited to, snow or debris.

6.3.5 No person who owns or operates a parking lot or parking facility to which the public has access, shall prevent access by disabled persons to sidewalk areas and other facilities.

6.3.6 Every owner of private property shall ensure that a designated parking space for the exclusive use of vehicles displaying an accessible parking permit in accordance with the requirements of the Highway Traffic Act and this By-law shall have the dimensions and characteristics, and be located as follows:

a) Located with sufficient clearance around the vehicle, in terms of other vehicles or obstructions, such as light standards, waste receptacles, etc. to permit free access by wheelchair, and

b) Identified by an official sign required by the Highway Traffic Act regulations. This sign shall be mounted with the base of the sign a minimum of 1.7 metres (5.6 feet) above ground level, and at a maximum of 2.0 metres (6.6 feet) above ground level.

6.3.7 No person shall,

a) have in his or her possession an accessible parking permit that is fictitious, altered or fraudulently obtained;

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b) display an accessible parking permit otherwise than in accordance with the regulations;
c) fail or refuse to surrender an accessible parking permit in accordance with this Part or the regulations;
d) use an accessible parking permit on land owned and occupied by the Crown otherwise than in accordance with the regulations;
e) give, lend, sell, or offer for sale an accessible parking permit or permit the use of it by another person otherwise than in accordance with the regulations; or
f) make, permit the making of, give, lend, sell, or offer for sale a fictitious or altered accessible parking permit.

6.4 ELECTRIC VEHICLE PARKING

6.4.1 No person shall park or stop an electric vehicle in a designated electric vehicle parking space without being actively connected to an electric vehicle charging station.

6.4.2 No person shall park or stop a vehicle in a designated electric vehicle parking space unless the vehicle is an electric vehicle, and the vehicle is attached to the station's charging equipment.

6.4.3 Every parking space reserved for the exclusive use of an electric vehicle shall display signage in accordance with the requirements of the Highway Traffic Act and this By-law shall have the dimensions and characteristics, and be located as follows:

a) Identified by an official sign required by the Highway Traffic Act regulations. This sign shall be mounted with the base of the sign a minimum of 1.7 metres (5.6 feet) above ground level, and at a maximum of 2.0 metres (6.6 feet) above ground level.

6.5 MUNICIPAL PARKING LOTS/MUNICIPAL PROPERTY

6.5.1 No person shall park, or stop any vehicle on municipal property as set out in Schedule ?: and

a) without the consent of the municipality;
b) obstruct the movement of other vehicles;
c) between 11:00 pm and 7:30 am, except where authorized by permit;
d) on a municipal property except in a designated parking zone;
e) wholly within a marked parking space;
f) that is inoperable;
g) that is a heavy or commercial vehicle;
h) that is inoperable or unplated; or
i) a trailer unless affixed to a vehicle.

6.5.2 No person shall store a vehicle, motor vehicle or trailer, whether attached to a motor vehicle or not, or any parts of thereof on any municipal property without written authorization from the municipality.

6.5.3 Subject to availability, the Town may issue permits authorizing parking for a specified time period in a municipal parking lot designated in Schedule ? or to persons who meet the eligibility criteria, make application, and pay the applicable rate, as set out in the User Fees and Charges By-Law as amended, or of a successor to that By-Law.

6.5.4 Every permit issued under section 6.5.3 shall be valid only for a specific municipal parking lot and shall be subject to the terms and conditions established by the Town for the use of that permit.

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6.5.5 Temporary parking regulations may be established by the Town for any street, municipal parking lot or other municipal property to permit essential work to be carried out, or to deal with an emergency or with special circumstances.

6.5.6 Temporary parking regulations established in accordance with section 6.5.5 take effect when signage has been installed in appropriate locations which provide public notice and cease to be in effect when the signage is removed.

6.5.7. Temporary parking regulations established in accordance with section 6.5.5 take precedence over the provisions of this by-law in the event of a conflict.

7. GENERAL TRAFFIC REGULATIONS

7.1 Where U-turns are not prohibited, such turns shall be made only where it can be made in safety and without interfering with other traffic.

7.2 No person shall drive a motor vehicle on a sidewalk or footpath except for the purpose of directly crossing the sidewalk or footpath at a driveway.

7.3 No person shall drive a motor vehicle on any highway over any raised curb except at a place where there is a driveway opening or private roadway.

8. COMMUNITY SAFETY ZONE

8.1 Where authorized signs to that effect are displayed in accordance with the regulations made under the Highway Traffic Act, the highways or portions thereof set out in Schedule E are hereby designated as community safety zones.

9. HEAVY TRAFFIC PROHIBITED

9.1 Where authorized signs to that effect are displayed, heavy vehicles are prohibited on all Town roads except the Highway or part thereof set out in Schedule ‘F”.

9.2 The provisions of subsection 19.1 of this section shall not apply to the use of said highways or parts of highways for deliveries to or removals from any premises abutting thereon which cannot be reached except by way of a highway or a portion of highway referred to in the said section or to prohibit the use of such vehicles for such purpose, provided that in making such delivery or collection, the said highway or portion of highway is travelled only insofar as is avoidable in getting to and from such premise.

9.3 The provisions of this section shall not apply to heavy or commercial vehicles trucks, or machinery or driveway paving or sealing equipment where the owner of the property, or their authorized agent have obtained a permit or written authorization from the Municipality.

9.4 For further clarity, the owner of the property where the work is being conducted, or the owner of the company conducted the work must apply for, be approved for, and have submitted all supporting documents and have made payments for a permit to occupy a roadway or a highway. The issuance of a permit does not exempt any vehicle from any other parking or stopping provision of this bylaw.

10. PEDESTRIAN CROSSING

10.1 At the locations set out in Schedule I, are designated as pedestrian crossings as shall be indicated as such as prescribed by the regulations made under the Highway Traffic Act.

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11. RATE OF SPEED

11.1 No person shall drive a vehicle on any highway under the jurisdiction of the Town in excess of a rate of speed greater than 40 km/h unless otherwise posted.

12. SEASONAL LOAD RESTRICTIONS

12.1 Where official signs to that effect are displayed and for the purposes of subsections 122(1), (2) and (3) of the Highway Traffic Act, the reduced load period shall be that period commencing on February 1st of each year and ending on May 1st inclusive, in each and every year, no person shall on any highway or part of a highway affected, operate, or draw any vehicle having a weight which is in contravention of the Highway Traffic Act. Highways set out in Schedule '?" are subject to the seasonal load restrictions.

13. SIGNALIZED INTERSECTIONS

13.1 The erection and operation of traffic control systems in accordance with the Highway Traffic Act, as amended, and the regulations made there under at the locations set out in Schedule '?'.

14. STOP CONTROLLED INTERSECTION

14.1 The erection of stop signs is hereby authorized at each of the intersections set out in Schedule ?" attached to and forming part of this bylaw.

15. THROUGH HIGHWAYS

15.1 The highways as set out in Schedule ? are hereby designated as through highways for the purpose of the Highway Traffic Act, as amended.

15.2 The designation of a through highway in Schedule "?" shall not include any intersection thereon where the highway intersected is a King's highway or a Dufferin County Road.

16. TURNING MOVEMENTS PROHIBITED

16.1 Where official signs are displayed no person operating a vehicle shall turn in the prohibited direction as set out in Schedule '?

17. PENALTIES

17.1 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine for each offence, exclusive of costs, as prescribed by the Provincial Offences Act. R.S.O. 1990, c P. 33

17.2 Any person may, upon presentation of a parking infraction notice issued by a Police Officer, Municipal Law Enforcement Officer or any other person designated by the Town to enforce this By-law, alleging commission of a stopping, parking or standing offence, pay out of court within 15 days, from the date of issue of said parking infraction notice, the set fine set out on the Part II Parking Infraction, and upon such payment no further proceedings shall be taken in respect of the said parking infraction notice.

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17.3 For the purposes of this By-law, where a licence plate issued pursuant to the Highway Traffic Act is exposed on a vehicle, the holder of the permit corresponding thereto shall be deemed to be the owner of that vehicle and if said vehicle is stopped, parked or standing in contravention of this By-law, the owner shall be guilty of an offence, unless they can prove to the satisfaction of the court, that the number plate was exposed thereon without their consent, express or implied.

17.4 A Police Officer, or Municipal Law Enforcement Officer, upon discovery of any vehicle parked or stopped, in contravention of this By-law, may cause said vehicle to be moved or taken 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 Repair and Storage Liens Act.

17.5 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty pursuant to this By-law.

17.6 If compliance therewith would be impractical, the provisions of the sections and subsections of this By-law shall not apply to ambulances, Police and Fire Department vehicles and any vehicles while actually engaged in works undertaken for or on behalf of the Corporation of the Town of Shelburne, the County of Dufferin, the federal or provincial government, or any utility.

18. REPEALING SECTION

18.1 This Bylaw shall come into force and Bylaw # 8-1983 and all of its amendments, shall be repealed on the date that the set fines are approved pursuant to the Provincial Offences Act.

18.2 After the date of passing of this bylaw, Bylaw # 8-1983, as amended, shall only apply only to those enforcement proceedings which had been initiated prior to the date this Bylaw is enacted, and then only until such enforcement proceedings have concluded.

19. ENACTED

19.1 Read a first, second and third time and finally passed on the 13th day of June 2022

_____

Wade Mills, Mayor

_____

Jennifer Willoughby, Clerk

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Common Parking Offences

Offence	Fine
Park more than 15 cm from the curb	$40
Parking within 15 m of an intersection	$40
Park facing the wrong way	$40
Park within 3 m of a fire hydrant	$90
Park in an unauthorized municipal area	$40
Park in an electric parking space/nonelectric vehicle	$125
Park in an electric parking space/not charging	$125
Park in an accessible parking space without a permit	$300
Park/stop in a prohibited area	$40
Park overnight 2 am to 6 am	$40
Park an immobile or unlicensed vehicle	$40
Park on/over the boulevard	$40
Park in front of a driveway	$40
Park in centre of cul de sac	$40
Park a commercial/heavy motor vehicle on a residential street	$90
Park on/over a sidewalk	$40
Park a detached trailer on a residential street	$40
Obstructing traffic	$40
Park overhanging the curb	$40
Park in excess of a posted time limit	$40
Park on private property	$40
Park in excess of 5 hrs residential area	$40
Park in municipal lot no permit	$40
Park in accessible space permit not properly displayed	$150

For all parking offences please see the Town of Shelburne Traffic By-law XX- 2022

Background and Discussion

The Town's current traffic by-law was written in 1983 and has been amended on several occasions in response to administration functions and demands for additional or alternative provisions. Municipalities have the option of consolidating the original by-law by incorporating the amendments into an all-encompassing by-law or recreate a by-law to address and meet new standards, provincial guidelines, regulations, and legislation, in addition to modernize the by-law and reflect the ongoing needs of the community. Town staff determined the best solution was to create a new by-law that will meet the demands of today's traffic environment.

As residential densities have increased in recent years there has been a resulting increase in the number of vehicles parking on streets, residents using on-street parking, boulevard parking, obstructing sidewalks, boulevards and crosswalks. These issues have increased the demands for enforcement of these offences.

Several key changes are being proposed with regard to enforcement practices and procedures. A summary of these changes and the rationale for the changes includes:

Changing the overnight parking prohibition from November 15 to April 15 between midnight and 8:00 am to no overnight parking year-round between 2:00 am and 6:00 am.

More efficient utilization of staff hours, and municipal resources to attend and ticket and address community complaints regarding parking congestion on Town streets outside of the previous winter parking restrictions.

Allow for road maintenance crews – ploughing, street sweeping, general repairs, water plants in the downtown core, install and maintain street scaping downtown – to access streets year-round with reduced obstructions caused by parked vehicles.

The intent of prohibiting overnight parking from 2:00 am to 6:00 am is more in line with the hours most households consider to be overnight hours

Proactive enforcement would continue during the winter season between November 1 to April 30, and a complaint-based enforcement practice between May 1 and October 31.

Introduction of a time limit for residential parking on a street outside of the downtown core to 5 hours.

Reduce visual hazards, keep sightlines clear, allow for more bike access, and less obstructions for Operations staff road work and road maintenance.

The offence would be complaint driven to allow residents in particular neighbourhoods to independently determine what level of on street parking is acceptable. The 5-hour limit

would not be enforced on weekends, or statutory holidays unless it is determined the grace periods are being abused.

Expand the 3-hour parking limit within the downtown core to include more streets, First Ave East and West, William Street and Victoria Street

Introduction of new no parking at any time on some streets where concerns have been brought forward regarding emergency vehicles and service vehicles having safe passage or ability to access a street due to parked vehicles.

Clarification of other provisions with new wording for vehicles that extend into the roadway from the paved apron section of the boulevard/apron. This offence would not allow a vehicle to be parked on an apron that encroaches on to the travelled portion of the road.

Further clarification regarding:

- parking in the centre of a cul de sac;
- parking in a laneway;
- when/where official signs must be posted and what offences do not require signage;
- heavy vehicle versus commercial vehicles;
- on the apron and extending onto the roadway;
- park or leave a trailer, road making equipment, not attached to a vehicle offence.

Introduction of New Offences:

- Heavy trucks/commercial vehicles park/stop on roadways without first obtaining a Road Occupancy Permit or written authorization from the Town (not applicable to household moving vehicles, delivery vehicles;
- Park within 3 metres of a fire hydrant;
- Park within 0.3 m of a driveway, or blocking a driveway;
- Park at electric charging station;
- Fail to properly display accessible parking permit;
- Park overnight 2:00 am to 6:00 am;
- Park in excess of 5 hours on any roadway;
- Park/leave inoperable vehicle;
- Leak fluid on roadway.