

THE CORPORATION OF
THE TOWNSHIP OF GEORGIAN BAY

BY-LAW 2018-06

Being a By-law to regulate and control parking within
the Township of Georgian Bay.

WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25, Section 11.(3) 1., provides that a municipality may pass By-laws respecting highways, including parking and traffic on highways

AND WHEREAS Section 425(1) of the Municipal Act, S.O. 2001, c.25 (hereinafter referred to as the "Municipal Act") provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

AND WHEREAS, Section 426(1) of the Municipal Act provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under the Act or a by-law under the Act;

AND WHEREAS, Section 428 of the Municipal Act provides that a by-law may provide that, where a vehicle has been left parked, stopped or standing in contravention of a by-law passed under this Act, the owner of the vehicle is guilty of offence, even though the owner was not the driver of the vehicle at the time of the contravention of the by-law, and is liable to the applicable fine unless, at the time of the offence, the vehicle was in the possession of another person without the owner's consent;

AND WHEREAS, Section 432 of the Municipal Act Provides that a by-law under section 425 may establish a procedure for the voluntary payment of penalties out of court where it is alleged that any of the following by-laws have been contravened: (1) by-laws related to the parking, standing or stopping of vehicles;

AND WHEREAS pursuant to Section 170(12) of the Highway Traffic Act, Chapter H8 R.S.O. 1990, no person shall park or stand a vehicle on a highway in such a manner as to interfere with the movement of traffic or clearing of snow from a highway.

AND WHEREAS, Section 170(15) of the Highway Traffic Act, R.S.O. 1990, c.H.8 provides that a police officer, police cadet, municipal law enforcement officer or an officer appointed for carrying out the provisions of this Act, upon discovery of any vehicle parked or standing in contravention of

subsection (12) or a municipal by-law, may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage of the vehicle, if any, are a lien upon the vehicle, which may be enforced in the manner provided by the Repair and Storage Liens Act, 2005, c.26.

AND WHEREAS the Municipal Act, S.O. 2001, Chapter 25, Section 102., provides that a local municipality may pass a By-law for establishing a system of disabled parking;

AND WHEREAS it is deemed expedient to prohibit or regulate parking, standing or stopping of vehicles in highways or any part of a highway and to provide for designated handicapped parking spaces;

AND WHEREAS staff are able to update the Schedules to reflect required changes / housekeeping that may be legislated by the Ontario Court of Justice (Provincial Division);

AND WHEREAS, Section 7.1 (3) of the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, as amended, authorizes municipalities to designate private roads as fire routes along which no parking of vehicles shall be permitted;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BAY ENACTS AS FOLLOWS:

1. Definitions

a) In this By-law

1. "Accessible Parking Space" means a parking space for the sole use of vehicles in which an accessible Parking Permit is properly displayed;
2. "Accessible Parking Permit" means a permit issued to a person with a disability by the Province of Ontario pursuant to the provisions of the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8 as amended and any regulations made thereunder or permit, number plate or other marker or device issued by another jurisdiction and recognized in law by that jurisdiction;
3. "Boulevard" means an improved or unimproved area lying between the highway and the limit of the road allowance;
4. "Driver" means a person who drives or is in care or control of a vehicle.

5. "Emergency vehicle" means
 - i) A fire department vehicle while responding to a emergency call
 - ii) A vehicle while used by a person in the lawful performance of his duties (police officer or by-law enforcement officer)
 - iii) An ambulance vehicle responding to an injured person in an emergency situation
6. "Fire route" means a public or private roadway designated by the Fire Chief to ensure unobstructed access for fire department vehicles along a signed route.
7. "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.
8. "Intersection" means the area embraced within the prolongation or connection of the lateral curb line or if none, then of the lateral boundary lines of two or more highways that join another at an angle whether or not one highway crosses the other;
9. "Officer" means a police officer, municipal law enforcement officer or other person appointed by by-law to enforce the provisions of this by-law;
10. "Official Sign" means a sign in conformity with the Highway Traffic Act regulations or approved by the Ministry of Transportation;
11. "Park" means the halting of a vehicle, whether occupied or not, except when halted temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;
12. "Parking lot" means an area or structure or portion thereof intended for the parking of vehicles off of the street or highway. Such lots may be either privately or municipally owned or operated.
13. "Pay and Display parking meter" means a device which dispenses a pay and display permit that is intended to be removed from the device and displayed by the operator of a vehicle on the interior driver's side of the front windshield of the vehicle when parked.

14. "Pay and Display Permit" means a piece of paper dispensed by a pay and display parking meter imprinted with a time and date beyond which the vehicle may not be parked dependent on the amount of the currency deposited into the device.
15. "Person with a disability" has the same meaning as in the Highway Traffic Act, Regulation 581/90 as amended from time to time;
16. "Resident Parking Permit" means a current permit provided to residents of the Township of Georgian Bay, upon their request, which provides said residents' access to park in the parking lots listed in Schedule "C" of this by-law.
17. "Sidewalk" means a path or strip of land paved or otherwise on a highway physically set apart or designed, made available or intended for pedestrian use;
18. "Utility Vehicle" means a vehicle owned or operated by a public utility while being used by a person in the lawful performance of his duties in the installation, inspection or repair of the utility, including telephone, hydro, natural gas and television cables;
19. "Vehicle" has the same meaning as in the Highway Traffic Act as amended from time to time.

2. Parking Regulations

- a) **Direction of Parking**
No Person shall park a vehicle in a direction opposite to that of the traffic on the side of the road that the vehicle is parked;
- b) **Bridges**
No person shall park a vehicle on any bridge or within 100 metres of a bridge over, under or across which the highway passes;
- c) **Fire Hydrants**
No Person shall park a vehicle in front of or within three metres of a fire hydrant;
- d) **Fire Routes**
Following designation of fire routes by the Fire Chief and notice under the Fire Protection and Prevention Act S.O. 1997, as amended, no person shall park or leave a vehicle at any time on or along any part of a designated fire route.

e) Obstructing Traffic

- i) No person shall park a vehicle on any highway or portion thereof in such a manner as to obstruct traffic;
- ii) No person shall park a vehicle in front of a public or private driveway or laneway or within three quarters or a metre of the limits thereof;
- iii) No person shall park a vehicle within an intersection or within nine metres of the limits of an intersection;
- iv) No person shall park a vehicle in such a manner as to obstruct a sidewalk.

f) Manner of Parking

- i) No person shall park a vehicle in such a position so as to prevent the convenient removal or any vehicle previously parked or left standing;
- ii) No person shall park a vehicle outside the lines painted on the pavement that designates a parking space.
- iii) No person shall park a vehicle where a temporary no parking sign has been erected by an order made by the Township Council;

g) Loading and Unloading

Whenever possible, vehicles shall be loaded and unloaded from the side adjacent to the curb or edge of the roadway and in all cases, the vehicles shall be placed within fifteen centimeters of the edge of the curb or roadway.

h) Parking on Municipally Owned Land

No person shall park or leave a vehicle on property owned or occupied by the municipality or any local board thereof without the prior written consent of the Municipality or local board.

In designated areas, parking permits, issued by the municipality must be prominently displayed in the parked vehicle.

i) Winter Parking Control

From the 15th day of November in any year until the 1st day of April in the following year no person shall park a vehicle on or within 3.05 metres (10 feet) of the edge of any gravel surface treatment or asphalt roadway within the Corporation of the Township of Georgian Bay.

j) Parking Near Garbage/ Recycling Bins

No person shall park a vehicle within 15 metres (50 feet) of public garbage/recycling bin within the Township of Georgian Bay.

k) Municipal Parking Lots

- i) No person shall park a vehicle in excess of the posted time in municipal parking lots and municipally owned land identified in schedule "A" attached.
- ii) No person shall use municipal lots for any purpose other than the parking of a vehicle without the consent of the municipality
- iii) No person shall Park a vehicle in excess of seven (7) consecutive days in a municipally owned parking lot without obtaining prior written approval from the municipality

l) Pay and Display Meter Parking

- i) No person shall park a vehicle in the municipal lots depicted in Schedule "C" of this by-law without first having paid for a pay and display permit at the pay and display meter and have it displayed and clearly visible from outside the vehicle.
- ii) Notwithstanding section A) a person who has a motor vehicle and trailer must pay for both vehicles.
- iii) No person shall park in the municipal lots depicted in Schedule "C" of this by-law past the maximum allowable time displayed on a pay and display permit;
- iv) No person shall park a vehicle in the municipal lots depicted in Schedule "C" without first having clearly displayed a resident parking permit in the windshield of the parked vehicle.

m) Prohibited Parking

Where proper prohibitive parking signs have been erected and are on display, no person shall park a vehicle on any portion of any highway

or road as specified in Schedule "B" hereto.

n) Accessible Parking Regulations

- i) No person shall park a vehicle in an accessible parking space unless a valid accessible parking permit is displayed and is clearly visible from outside the vehicle as prescribed in this by-law or Provincial statute or regulations
- ii) No person other than a person with a disability who is the operator of a vehicle or a person who is the operator of a vehicle in which a person with a disability is a passenger shall use an accessible parking permit.
- iii) If the vehicle is a motorcycle or motor assisted bicycle, the accessible parking permit shall be displayed on the top left corner of the number plate of the vehicle.

3. Exemptions

The provisions of this by-law do not apply to:

- a. Vehicles operated by or on behalf of the Township or any municipal utility while engaged in the performance of cleaning, clearing, maintenance, repair, construction or other work; or,
- b. Emergency vehicles as defined in the Highway Traffic Act, in case of an emergency.

4. Towing and removal of vehicles

A officer or any person appointed by the municipality upon discovery of any vehicle parked or standing in contravention of this By-Law, may cause it to be moved or taken and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, are lien upon the vehicle which may be enforced in the manner provided by Chapter R.25, Sec. 4 of the Repair and Storage Liens Act, R.S.O. 1990;

5. Penalty

Where a vehicle is found parked in contravention of the provisions of this by-law, the officer so finding the vehicle shall attach to the vehicle a ticket in the form of a number notice stating;

- a) The license plate number, expiry date and make of the vehicle;
- b) That the vehicle has violated the provision of this by-law;
- c) The date, time, place and nature of the alleged offence;
- d) That the owner or operator thereof can report to the Municipal Office of the Township of Georgian Bay within seven (7) days after the date when the ticket is issued to make early payment;
- e) After seven (7) days the penalty becomes the set fine;
- f) If payment is not received within fifteen (15) days after the ticket is issued, the fine is subject to the provisions of the Provincial Offences Act;
- g) Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act;

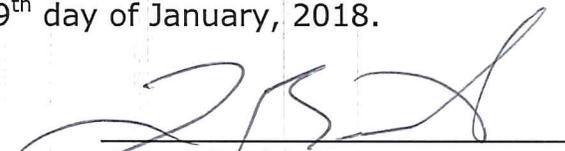
6. Severability

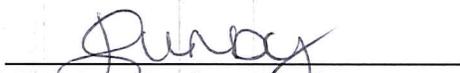
Every Provision of this By-law is declared to be severable from the remainder of the By-law and if any provision shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder thereof.

7. Implementation

- a. By-law 2012-38 hereby is repealed.
- b. This By-law shall come into force and take effect on the date the chief judge of Ontario Court of Justice (Provincial Division) issues and order approving set fines.

READ and enacted in open Council this 9th day of January, 2018.


Larry Braid, Mayor


Jessica Gunby, Clerk



SCHEDULE "A" TO BY-LAW 2018-06

1. Honey Harbour Park Landing, Part of Lot #38, Concession 11, Lots 3 & 4 of Plan M54:

- a. No person shall park a vehicle for a period in excess of 2 hours.
- b. No person shall park any motor vehicle between the hours of 9:00 p.m. of any one day and 7:00 a.m. the following day.

2. Musky Bay Road

- a. No person shall park a vehicle for a period in excess of 15 minutes maximum allowed.

SCHEDULE "B" TO BY-LAW 2017-**

HIGHWAY	FROM	TO
Angliss Rd	Lake Joseph Rd	End
Bass Bay Rd	Muskoka Rd 5	End
Baxter loop Rd	Muskoka Rd 5	Muskoka Rd 5
Bayview Rd	Archies Rd	End
Bear Lake Rd	Stewart Lake Rd	End
Beech Ave	Maple St	End
Berwick Rd	Bayview Rd	Redhawk Rd
Bloody Bay Rd	Twelve Mile Bay Rd	End
Bonneville Rd	Lone Pine Rd	End
Bressette Rd	Lone Pine Rd	End
Causeway Rd	Muskoka Rd 33	End
Cemetery Rd	Muskoka Rd 11	End
Centre St	Joseph St	Muskoka Rd 11
Clerks Rd	Highway 69	End
Community Centre Dr	Muskoka Rd 5	Leduc Lane
Corrievale Rd	Heath Valley Trail	East of #104 C.R.
Crooked Bay Rd	Highway 400	End
Curling Club Rd	Muskoka Rd 11	End
Delawana Rd	Muskoka Rd 5	End
Elizabeth St	Muskoka Rd 11	End
Fern Ave	North St	End
Front St	Muskoka Rd 11	Muskoka Rd
Galla Lake Rd	Muskoka Rd 12	End
George St	Muskoka Rd 11	Muskoka Rd
Georgian Bay Rd	Highway 400	End
Global Tower Rd	Highway 400	End
Golf Course Rd	Muskoka Rd 5	End
Haig St	Muskoka Rd 11	End
Hansens Rd	Muskoka Rd 33	End
Haskett's Rd	Crooked Bay Rd	Private
Heath Valley Trail	Lone Pine Rd	End
Hiawatha Rd	Iroquois Rd	End
Hillside Drive	Muskoka Rd 5	Muskoka Rd 5
Honey Harbour Rd	Muskoka Rd 5	End
Hungry Bay Rd	Muskoka Rd 33	South of #632 H.B.R
Huron Trail	Whites Falls Rd	Ravine Way
Iroquois Rd	Muskoka Rd 33	End
Joe Kings Rd	Muskoka Rd 34	End
Joseph St	North St	End
Kilty Bay	Stanley/ Railway St	End of Municipal Portion
King George Rd	Huron Trail	End

King St
King's Farm Rd
Lake Rd
Lamoureux Lane
Leduc Lane
Lily Pond Rd
Linton Rd
Lodge Rd
Lone Pine Rd
Macey Bay Rd
Maple St
McCombes Rd
McDonald Rd
Metis Rd
Minors Bay Rd
Mohawk Rd
Moore Point Rd
Muskoka Rd
Musky Bay Rd
Myers Lake Rd
Nicholson Rd
North Shore Rd
North St
Ogemawahj Rd
Old Mill Rd
Park Dr
Pickerel Pt Rd
Picnic Island Rd
Pine Valley Rd
Points of View Rd
Portage Rd
Potato Island Rd
Pratts Rd
Prisque Rd
Railway St
Redwing Lane
Shannons Rd
Silver Sands Lake Rd
Six Mile Channel Rd
South Gibson Lake Rd
Stanley St
Station St
Stewart Lake Rd
Stewart St

Joseph St
Muskoka Rd 34
Joe Kings Rd
Prisque Rd
Golf Course Rd
Muskoka Rd 5
Muskoka Rd 48
Lone Pine Rd
Muskoka Rd 5
Muskoka Rd 5
Muskoka Rd
Lake Joseph Rd
Muskoka Rd 34
Beach Rd
Muskoka Rd 32
Muskoka Rd 38
Musky Bay Rd
High St
Muskoka Rd 5
Silver Sands Lake Rd
Highway 400
Moore Point Rd
Joseph St
Twelve Mile Bay Rd
Whites Falls Rd
Railway St
Whites Falls Rd
Baxter Loop Rd
Lone Pine Rd
Nicholson Rd
Muskoka Rd 48
Leduc Lane
Muskoka Rd 34
Baxter Loop Rd
Maple St
Lily Pond Rd
Lake Joseph Rd
Lake Joseph Rd
Whites falls Rd
Muskoka Rd 33
Railway St
Muskoka Rd
Muskoka Rd 11
Maple St

End of Municipal Portion
End
End
End
Evergreen
#97 Lily Pond Rd
End
End
End
End
Stewart St
End
Pickle Point Rd
Lamoureux Lane
End
End
End
North St
Moore Pt Rd
Wesley Rd
End
End
Joseph St
End
Private
Stewart St
Macdonald Rd
Bridge
End
Private
Woods Lane
End
End
#102 Prisque Rd
End
End
End
Whites Falls Rd
End
Stewart St
End
End
Stanley St

Tobys Rd
Tower Rd
Tree Line Court
Twelve Mile Bay Rd
Violet Drive
Vollicks Rd
Young St

Muskoka Rd 5
Lake Joseph Rd
Hillside Drive
Moose Deer Point Marina Rd
Muskoka Rd 38
Muskoka Rd 34
Elizabeth St

End
End
End
End
End
End
End

Schedule "D" to By-law 2018-06

Part II Provincial Offences Act

A by-law of the Corporation of The Township of Georgian Bay to regulate and control parking within The Township of Georgian Bay

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.	Parked wrong way on a 2-way street	2 (a)	\$85.00	\$100.00
2.	Parked on or approaching a bridge	2 (b)	\$85.00	\$100.00
3.	Parked within 3 metres of a fire hydrant	2 (c)	N/A	\$150.00
4.	Parked along fire route at any time	2 (d)	N/A	\$150.00
5.	Parked obstructing traffic	2 (e) (i)	\$85.00	\$100.00
6.	Parked obstructing driveway or lane	2 (e) (ii)	\$85.00	\$100.00
7.	Parked within 9 meters of an intersection	2 (e) (iii)	\$85.00	\$100.00
8.	Parked obstructing sidewalk	2 (e) (iv)	\$85.00	\$100.00
9.	Double Parked	2 (f) (i)	\$85.00	\$100.00
10.	Parked outside the lines of a parking space	2 (f) (ii)	\$85.00	\$100.00
11.	Parked prohibited area- Temporary sign displayed	2 (f) (iii)	\$85.00	\$100.00

12.	Parked without a permit	2 (h)	\$85.00	\$100.00
13.	Parked within 3.05m of gravel or Asphalt roadway (November 15 to April 1)	2 (i)	\$85.00	\$100.00
14.	Parked within 15m of public garbage/recycling bin	2 (j)	\$85.00	\$100.00
15.	Parked in excess of posted time limit	2 (k) (i)	\$85.00	\$100.00
16.	Parked in excess of 7 consecutive days in a municipal lot	2 (k) (ii)	\$85.00	\$100.00
17.	Parked without having paid the meter	2 (l) (i)	\$85.00	\$100.00
18.	Parked vehicle and trailer without paying appropriate fee	2 (l) (ii)	\$85.00	\$100.00
19.	Parked beyond maximum time paid for	2 (l) (iii)	\$85.00	\$100.00
20.	Parked where prohibited	2 (m)	\$85.00	\$100.00
21.	Parked in accessible parking space without valid permit	2 (n) (i)	N/A	\$300.00

NOTE: The penalty provision of the offence indicated above is section 5 of by-law 2018-06, a certified copy of which has been filed and section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.