

**THE CORPORATION OF THE  
TOWNSHIP OF EDWARDSBURGH/CARDINAL**

**BY-LAW NO. 2004-58**

**“A BY-LAW TO PROVIDE FOR THE REGULATION OF PARKING  
WITHIN THE TOWNSHIP OF EDWARDSBURGH/CARDINAL”**

**WHEREAS** the Municipal Act, S.O. 2001, C. 25, Sections 27 & 28 authorizes a municipality to pass by-laws in respect of a highway it has jurisdiction over;

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

**AND WHEREAS** the Municipal Act, S.O. 2001 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** various provisions of the Highway Traffic Act, Chapter H.8, RSO 1990, as amended, apply to by-laws passed by the Councils of local municipalities respecting the prohibition, regulating and controlling of the parking, standing and stopping of vehicles on highways;

**AND WHEREAS** the Council of the Corporation of the Township of Edwardsburgh/Cardinal deems it expedient to regulate and control the parking of vehicles in the Township of Edwardsburgh/Cardinal;

**NOW THEREFORE** the Council of the Corporation of the Township of Edwardsburgh/Cardinal enacts as follows:

**Section 1: INTERPRETATION / DEFINITIONS**

In this by-law:

- a) Authorized Emergency Vehicle means:
- i) a fire fighting vehicle while proceeding to or returning from a fire or emergency call;
  - ii) a vehicle while used by a person in the lawful performance of his duties as a police officer or firefighter;
  - iii) an ambulance or cardiac arrest emergency vehicle while responding to an emergency call or being used to transport a patient or injured person in an emergency situation; or
  - iv) an emergency vehicle of a public or private utility, or Federal, Provincial or Municipal Department when such a vehicle is being used in the performance of emergency duties.
- b) Authorized Sign means any parking or traffic control device or traffic signal placed or erected on a highway under the authority of this by-law for the purpose of regulating, warning or guiding traffic and includes such signs as described in the Regulations made pursuant to the Highway Traffic Act, Chapter H.8, RSO 1990, as amended.
- c) Bicycle Path means a surfaced or non-surfaced area or trail designated and intended for the sole use of persons riding/operating non-motorized bicycles for pleasure purposes.

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- d) By-Law Enforcement Officer means a By-Law Enforcement Officer of the Township of Edwardsburgh/Cardinal and any other officer authorized by the Township of Edwardsburgh/Cardinal for the enforcement of by-laws in the Township of Edwardsburgh/Cardinal. “Municipal Law Enforcement Officer” shall have a like meaning.
- e) Commercial Motor Vehicle means any motor driven vehicle, other than a private passenger vehicle, that is required to be licensed for commercial use by a business enterprise.
- f) Council means the Council of the Corporation of the Township of Edwardsburgh/Cardinal.
- g) Designated Parking Space shall mean a parking space designated by the Township for the sole use of handicapped or disabled persons.
- h) Highway shall have the same meaning as roadway.
- i) Intersection means the junction or point at which two or more roadways meet or cross each other, either in a perpendicular fashion or at an angle.
- j) Motor Vehicle includes any private or commercial car or truck, motorcycle, motorized farm vehicle, motor assisted bicycle, and any other road vehicle that requires a motor or engine to be moveable. This meaning does not include a road building machine within the meaning of the Highway Traffic Act as amended. “Vehicle” shall have a like meaning.
- k) Officer means a member of the Ontario Provincial Police, or a person empowered by way of the Provincial Offences Act, and authorized by the Council of the Township of Edwardsburgh/Cardinal as a Municipal Law Enforcement Officer.
- l) Park or Parking, when prohibited, means the standing of a motor vehicle including a pleasure vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
- m) Parking Lot means an area of land that has been arranged, laid out or improved to provide for the parking of motor vehicles.
- n) Person means a person, firm or corporation used in the normal context of the word.
- o) Private Passenger Vehicle includes a personal use only car, truck, motorcycle or other like vehicle that requires a road license and is used exclusively for the transportation of one or more persons.
- p) Pleasure Vehicle includes a licensed “off-road” vehicle such as a snowmobile or all-terrain vehicle (ATV) that is dependant on an engine or motor to be moveable.
- q) Police Officer means a member of the Ontario Provincial Police.
- r) Provincial Offences Officer means a Police Officer, Peace Officer or other person lawfully appointed, pursuant to the Provincial Offences Act, to enforce the by-laws of the Corporation.

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- s) Roadway includes a common and public highway, street, avenue, lane, bridge, overpass or thoroughfare, designed and intended for use by the general public for the passage of vehicles, but does not include the shoulder of same. 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. Also includes descriptions found under Section 26 of the Municipal Act, S.O. 2001.
- t) Sidewalk means a surfaced area, adjacent to or separate from a street or roadway, that was constructed and designed for the sole purpose of foot travel. This meaning also includes a walking path surfaced or non-surfaced.
- u) Stop or Stopping, when prohibited, means the halting of a motor vehicle, including pleasure vehicles, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Law Enforcement Officer or other police officer or a traffic control sign or signal.
- v) Taxi Stand means a space designated for taxi parking only.
- w) Township means the Township of Edwardsburgh/Cardinal.
- x) Trailer means any accessory non-motorized road licensed or unlicensed device, equipped with wheels, and which is dependant on a motorized vehicle to be moveable. Can also include a sleigh that is horse or tractor drawn.
- y) Vehicle shall have a like meaning as “Motor Vehicle” and “Commercial Motor Vehicle” described previously.

**Section 2: GENERAL REGULATIONS**

- 1. Where any expression of time occurs or where any hour or other period of time is stated, the time referred to shall be the current local time.
- 2. The By-law Enforcement Officer or Public Works Manager may prohibit or restrict parking of vehicles on one or both sides of any street or streets for such length of time as he may deem proper for snow removal, street repairs, funerals, parades, and other special occasions.
- 3. Subject to the other provisions of this by-law prohibiting parking or stopping, no commercial motor vehicle, attended or not, shall be parked or left standing on any street, other than for the purpose of loading or unloading cargo, and then only for such a period as is reasonably necessary to load or unload same. This provision shall not apply to ambulances or emergency service vehicles parked or stopped in the performance of duty.

**Section 3: STOPPING AND PARKING REGULATIONS**

- 1. Stopping or Parking - General
  - a) No person shall park or stop any vehicle on any roadway or portion thereof where the stopping or parking of vehicles is prohibited by appropriate signage.
  - b) No person shall park or stop any vehicle on any roadway so as to impede the travel of other vehicles proceeding in the same or opposite direction.

- c) Where there is a raised or rolled curb, all persons stopping or parking a vehicle on a roadway will do so in a manner that situates the vehicle as close and as parallel to the right hand curb as possible. This provision, as it relates to “parallel”, does not apply to a street or roadway having a downgrade or upgrade and a raised or rolled curb.

In the case of a roadway with a downgrade, the front wheels of the vehicle may be directed toward or abut the curb, thus, the vehicle may not be completely parallel to the curb when stopped or parked.

In the case of a roadway with an upgrade, the rear wheels may be directed toward or abut the curb, thus, the vehicle may not be completely parallel to the curb when stopped or parked.

- d) Where there is no curb, the vehicle will be stopped or parked as near to the right hand limit of the roadway as is practicable without stopping or parking on a sidewalk or footpath, or, on any part of the highway where grass is grown, or, any area that is not visibly intended or otherwise identified for the stopping or parking of vehicles.

## 2. Parking - General and Unsigned

No person shall, on a roadway, park a vehicle in any of the following places:

- a) In front of or within one (1) meter of a driveway or lane way or so as to obstruct vehicles in the use of a driveway or lane way;
- b) Within (3) meters from the point on the edge of the roadway and nearest a fire hydrant;
- c) Within nine (9) meters of an intersecting roadway;
- d) Within three (3) meters of any level crossing or railway;
- e) On any roadway having overall width of less than six (6) meters;
- f) In front of an entrance to or exit from any building or enclosed space in which persons may be expected to congregate in large numbers, such as hotels, theaters, church halls, community centres;
- g) Alongside the tracks of any railway;
- h) In such a position as will prevent the removal of any other vehicle previously parked;
- i) On any street when the vehicle is inoperable or derelict for periods in excess of twelve (12) hours;
- j) On any street outside of a garage while waiting for the vehicle to be taken in for repairs for periods in excess of twelve (12) hours;
- k) On any street for the purpose of making repairs or servicing the vehicle. The replacing of a defective tire or starting of a stalled car is permitted;

- l) On any boulevard, median, sidewalk or property owned by the Township of Edwardsburgh/Cardinal and in any public park or private roadway/property, except in areas designated for the parking of vehicles.

3. Parking - Specific and Signed

Where appropriate signs are erected and are on display, no person shall park or cause to be parked, a vehicle on any roadway within the limits specified by those signs. Parking shall also be prohibited as follows:

- a) On any roadway designated as a Fire Route or Fire Zone.
- b) Within a designated taxi stand.
- c) No person shall park or cause to be parked a vehicle on any municipal parking lot from 1:00 a.m. to 7:00 a.m.

**Section 4: HANDICAPPED PARKING PROVISIONS**

1. Where appropriate signs are erected, parking spaces designated for the use of the handicapped shall be reserved for the exclusive use of those so qualifying.
2. Spaces shall be reserved as follow:
  - a) One signed space at the Edwardsburgh Community Centre parking lot on the south side.
  - b) Two signed spaces at the South Edwardsburgh Community Centre parking lot on the west side.
  - c) One signed space at the Spencerville Municipal Offices parking lot on the north side.
  - d) Two signed spaces at the Cardinal Community Centre parking lot on the south side.
  - e) One signed space at the Cardinal Public Library on the west side.
  - f) One signed space at the Spencerville Public Library on the north side.

**Section 5: OVERNIGHT WINTER PARKING**

1. Main Street Commercial/Residential Zones (MCR)

No person shall park, or, permit to be parked any motor vehicle, trailer or other like device on any roadway in a Main Street Commercial/Residential Zone (MCR) within a village or hamlet between the hours of 2:00 a.m. and 7:00 a.m. during the consecutive months of November, December, January, February, March and to the 15th of April so as to prevent or deter the removal of snow, or, the salting/sanding of an area of any roadway. On-street parking will be permitted in a Main Street Commercial/Residential Zone (MCR) at all other times.

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2. Zones other than a Main Street Commercial/Residential Zone (MCR)

No person shall park, or permit to be parked any motor vehicle, trailer or other like device on any roadway in any zone other than a Main Street Commercial/Residential Zone (MCR) in a village or hamlet, during the consecutive months of November, December, January, February, March and to the 15th of April between the hours of 1:00 a.m. and 7:00 a.m. so as to prevent or deter, the removal of snow, or, the salting/sanding of any area of any roadway.

**Section 6: ENFORCEMENT**

The Municipal Law Enforcement Officer of the Township of Edwardsburgh/Cardinal shall enforce the provisions of this by-law in accordance with the Enforcement Procedure as set out in Appendix A to this by-law as applicable, and/or, the Ontario Provincial Police.

**Section 8: PENALTIES**

Any person who contravenes any of the provisions of this by-law is guilty of an offence under the Provincial Offences Act and shall, upon conviction thereof, forfeit and pay a penalty as outlined in Schedule "A".

Notwithstanding all other provisions of this by-law, any person may, upon presentation of a parking ticket issued alleging commission of such an offence under this by-law, pay out of Court within fifteen (15) days of the time of the said ticket, the penalty for parking and stopping violations, and, upon such payment, no further proceedings shall be taken under this by-law in respect of the said offence alleged in the parking ticket.

The parking tickets herein described shall be set out in Schedule "A" attached and form part of this by-law as amended.

**Section 9: OTHER**

1. By-law 94-05 as amended of the Township of Edwardsburgh, and By-law 90-15 of the Village of Cardinal are hereby repealed.
2. This by-law shall have force and effect from the date of passing.

Read a first and second time in open Council this 15<sup>th</sup> day of November, 2004.

Read a third and final time, passed, signed and sealed in open Council this 20<sup>th</sup> day of December, 2004.

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**Mayor**

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**Clerk**

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APPENDIX A

ENFORCEMENT PROCEDURE

1. ENFORCEMENT - GENERAL

Where a motor vehicle, trailer or any other like device is found parked in contravention of the parking provisions of this by-law, save and except for Items 1 through 10; Items 12 and 13; and Items 15 through 21 of Schedule A to this by-law, the Officer so finding the vehicle will,

- a) First, attach a written warning notice on the offending motor vehicle, trailer or other like device, citing the applicable section or sections of this by-law being violated, and requiring the owner, operator or person in charge of the vehicle to move same.
- b) Second, if following at least one written warning notice, as it pertains to Items 11-14-22-23, and, issued on a separate date, the motor vehicle, trailer or other like device is found to be in violation for a second time for the same infraction, the Officer may issue a parking ticket for the infraction as set out under Schedule A to this by-law.
- c) A warning or parking ticket issued under Item 1 (a) or (b), shall , in the case of
  - i) Motor vehicle, be affixed to the vehicle in a conspicuous place at the time of the alleged infraction.
  - ii) Trailer or other like device, be affixed in a conspicuous and secure place at the time of the alleged infraction by whatever means the Officer deems appropriate.
- d) All parking tickets shall be issued in triplicate, and will be in the form of a serially numbered notice stating:
  - i) The permit number and a concise description of the vehicle;
  - ii) That the motor vehicle, trailer or other like device is unlawfully parked, and, will include the Section, Sub-section and/or clause of the by-law that is in violation;
  - iii) The date, time and place of the alleged offence.
- e) All parking tickets shall provide for a payment provision of the infraction, as well as, the appeal process for dispute of a parking ticket.

2. ENFORCEMENT - OVERNIGHT WINTER PARKING - SIGNED

Where a motor vehicle, trailer or other like device is found parked or stopped in contravention of overnight winter parking, as identified at Section 5 of this by-law, the Municipal Law Enforcement Officer shall:

- a) Where no snow removal is in progress
  - i) comply with the procedures as set out under Item 1 of this Appendix. A parking ticket will not be issued unless at least one written warning notice has been previously issued and affixed to the vehicle, trailer or other like device.

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- b) Where snow removal is in progress
  - i) comply with the procedures as set out under Item 1 of this Appendix, and,
  - ii) where the owner, operator or person in charge of the vehicle cannot be identified or located in a timely manner, or, where that person refuses to move the motor vehicle, trailer or other like device, the Officer may issue a parking ticket as set out under Item 1(c) (d) (e) of this Appendix.
- c) Removal of any vehicle, trailer or other like device, by the Municipal Law Enforcement Officer, will be as a last recourse (severe weather conditions), and, only when the stopped or parked vehicle would seriously interfere with the removal of snow.
- d) A Municipal Law Enforcement Officer who, as a last recourse, deems it necessary to remove a motor vehicle, trailer or other like device for the purpose of removing snow, shall, prior to removal,
  - i) advise the local detachment of the Ontario Provincial Police of the situation and/or violation, and, obtain authorization and/or OPP presence, as may be required, prior to the removal of such vehicle or vehicles and,
  - ii) provide the local detachment of the Ontario Provincial Police with the make, model, license plate number and colour of the motor vehicle(s), trailer(s) or other like device(s). This list will be provided to the OPP immediately following all towing being completed unless otherwise specified by the OPP. The By-law Enforcement Officer shall obtain and retain the name of the police officer and/or dispatcher so contacted, and shall make note of the time contact was made with the OPP and what instructions were provided by the OPP officer or dispatcher at the time of contact and,
  - iii) advise the local detachment of the Ontario Provincial Police of the location to where the motor vehicle, trailer or other like device was moved from and to.

### 3. PARKING TICKETS

All parking tickets shall be prepared in triplicate and the Municipal Law Enforcement Officer shall attached one copy to the motor vehicle, trailer or other like device as set out under Item 1(c) of this Appendix. The Officer will provide the original copy of the ticket to the Treasurer and retain one copy in the Municipal Law Enforcement offices.

NOTE: The Treasurer is to be provided with a copy of the ticket to ensure that there is an Audit Trail. He/she is also the only person empowered to collect fines levied by the Township.

TOWNSHIP OF EDWARDSBURGH/CARDINAL

**SCHEDULE “A” TO BY-LAW NO. 2004-58**

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
<b>ITEM</b>	<b>DESCRIPTION OF OFFENCE</b>	<b>BY-SECTION DEFINING OFFENSE</b>	<b>VOLUNTARY PAYMENT (PAYABLE WITHIN 15 DAYS)</b>	<b>SET FINE</b>
1.	Park facing wrong direction - curb (Left hand side of roadway)	S.3.1. c)	\$ 20.00	\$ 25.00
2.	Park facing wrong direction - no curb (Left hand side of roadway)	S.3.1. d)	\$ 20.00	\$ 25.00
3.	Stop facing wrong direction - curb (Left hand side of roadway)	S.3.1. c)	\$ 20.00	\$ 25.00
4.	Stop facing wrong direction - no curb (Left hand side of roadway)	S.3.1. d)	\$ 20.00	\$ 25.00
5.	Park impeding traffic - either direction	S.3.1. b)	\$ 20.00	\$ 25.00
6.	Stop impeding traffic - either direction	S.3.1. b)	\$ 20.00	\$ 25.00
7.	Park obscuring driveway or lane way	S.3.2. a)	\$ 20.00	\$ 25.00
8.	Park within 3 meters of a fire hydrant	S.3.2. b)	\$ 20.00	\$ 25.00
9.	Park within 9 meters of an intersecting roadway	S. 3.2. c)	\$ 20.00	\$ 25.00
10.	Park within 3 meters of a level crossing or railway	S. 3.2. d)	\$ 20.00	\$ 25.00

TOWNSHIP OF EDWARDSBURGH/CARDINAL  
SCHEDULE "A" TO BY-LAW NO. 2004-58

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
ITEM	DESCRIPTION OF OFFENCE	BY-SECTION DEFINING OFFENSE	VOLUNTARY PAYMENT (PAYABLE WITHIN 15 DAYS)	SET FINE
11.	Park on any roadway of less than 6 meters in width	S.3.2. e)	\$ 20.00	\$ 25.00
12.	Park in front of entrance/exit to assembly building	S.3.2. f)	\$ 20.00	\$ 25.00
13.	Park preventing removal of previously parked vehicle	S.3.2. h)	\$ 20.00	\$ 25.00
14.	Park an inoperable, derelict vehicle on a street for more than 12 hours	S.3.2. i)	\$ 20.00	\$ 25.00
15.	Park on any township boulevard, median, sidewalk, property, public park or private roadway/property not designated for parking	S.3.2. l)	\$ 20.00	\$ 25.00
16.	Park in a designated fire route or zone	S.3.3. a)	\$ 20.00	\$ 25.00
17.	Park within a designated No Parking zone	S.3.3	\$ 20.00	\$ 25.00
18.	Stop within a designated No Stopping zone	S.3.3	\$ 20.00	\$ 25.00
19.	Park within a taxi stand	S.3.3. b)	\$ 20.00	\$ 25.00
20.	Park on municipal parking lot from 1:00 a.m. to 7:00 a.m.	S.3.3. c)	\$ 20.00	\$ 25.00

TOWNSHIP OF EDWARDSBURGH/CARDINAL  
SCHEDULE "A" TO BY-LAW NO. 2004-58

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
ITEM	DESCRIPTION OF OFFENCE	BY-SECTION DEFINING OFFENSE	VOLUNTARY PAYMENT (PAYABLE WITHIN 15 DAYS)	SET FINE
21.	Park within designated handicapped or disabled parking area	S.4	\$ 75.00	\$ 85.00
22.	Park on any roadway in a Main Street Commercial/Residential zone (MCR) within a village or hamlet between the hours of 2:00 a.m. and 7:00 a.m. in winter months	S.5.1	\$ 50.00	\$ 55.00
23.	Park on any roadway in any zone other than a Main Street Commercial/Residential zone (MCR) within a village or hamlet between the hours of 1:00 a.m. and 7:00 a.m. in winter months	S.5.2	\$ 50.00	\$ 55.00

NOTE: THE PROVISION FOR OFFENSES INDICATED IN THIS SCHEDULE IS SECTION 7 OF BY-LAW 2004-58, A CERTIFIED COPY OF WHICH HAS BEEN FILED