

# Corporation of the Town of Moosonee

## BY-LAW NO. 35-10

**Being a by-law to regulate parking of vehicles  
within the Town of Moosonee and to repeal  
by-law #25-01.**

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**WHEREAS** the Municipal Act, R.S.O. 1990, Chapter 45, Section 210(52) provides that Council may pass by-laws designating fire routes and prohibiting parking thereon;

**AND WHEREAS** the Municipal Act, R.S.O. 1990, Chapter 45, Section 210(123) authorizes Council to pass by-laws regulating or prohibiting the parking, standing or stopping of vehicles on highways:

**AND WHEREAS** the Municipal Act, R.S.O. 1990, Chapter 45, Section 210(124) provides that Council may pass by-laws to permit parking:

**AND WHEREAS** the Municipal Act, R.S.O. 1990, Chapter 45, Section 210(125) provides that Council may pass by-laws for regulating parking for disabled persons:

**AND WHEREAS** the Municipal Act, R.S.O. 1990, Chapter 45, Section 210 (131) provides that Council may pass by-laws prohibiting parking on private or municipal property:

**AND WHEREAS** The Highway Traffic, R.S.O. 1990, Chapter H-8, as amended, authorizes Council to pass by-laws regulating traffic on highways:

**NOW THEREFORE**, The Council of the Corporation of the Town of Moosonee enacts as follows:

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### **PART 1 – DEFINITIONS:**

1. In this by-law:

- (1) “Authorizes Sign” means any sign or any marking places or made on any roadway, curb, sidewalk or public place.
- (2) “By-law Enforcement Officer” shall mean a person authorized by Council (By-law Enforcement Officer) to regulate or direct traffic or enforce the provisions of this By-Law and the Highway Traffic Act.
- (3) “Corner” means the point if intersections of curbs or edges of the portion of the highway used for vehicular traffic.
- (4) “Council” means the Council of the Corporation of the Town of Moosonee.
- (5) “Curb” means the protecting rim of concrete or other material forming the lateral lines of a street or roadway.
- (6) “Gross Weight” means gross weight as defined in the “Highway Traffic Act”.
- (7) “Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, crescent, drive, designed and intended for, or used by, the general public for the passage of vehicles.
- (8) “Highway Traffic Act” means Highway Traffic Act, R.S.O. 1990 Chapter H-8 as from time to time amended.
- (9) “Intersection” means the area embraced within the prolongation or connection of lateral boundary lines of two or more streets or highways, which join one another at angle whether or not one street or highway crosses the other.
- (10) “Lane” means the entire width of the roadway surface between property lines at the rear or side of places of business or residential properties.
- (11) “Park or Parking”, when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose

of a while actually engaged in loading or unloading merchandise or passengers.

- (12) "Pedestrian" means a person afoot, invalids and children in wheeled carriages.
- (13) "Disabled Person" means a person who is a holder of an Accessible Parking Permit, and who has a medical condition, injured, or dependent upon artificial means of transportation and or aid in mobility assisting devices,
- (14) "Permit" means an accessible parking permit issued to a disabled person
- (15) "Private road or driveway" means every way or place in private ownership and used for vehicular traffic by the owner and those having expressed or implied permission given by the owner or his duly authorized agent.
- (16) "Roadway" means roadway as defined in the "Highway Traffic Act".
- (17) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians.
- (18) "Stand or standing" means to remain stationary except when in obedience to any police officer or sign and standing shall have a corresponding meaning.
- (19) "Stop or stopping", when prohibited, 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 device.
- (20) "Traffic" includes pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any street for the purpose of travel.
- (21) "Traffic Control Device" means any sign, roadway, curb or sidewalk marking, or other device erected or placed under the authority of the Municipal Council for the purpose of guiding or directing traffic.
- (22) "Vehicle" means a vehicle as defined in the "Highway Traffic Act".

## **PART 2- IMPROPER PARKING**

- (1) No person shall park or stop a vehicle on any street unless on the right side of the street, having regard to the directions in which the vehicle had been proceeding with the right front and right rear wheels not more than fifteen (15) centimetres (6 inches) from the curb, or the edge of the roadway.

## **PART 3 – PARKING PROHIBITED**

- a) **Parking on Sidewalk –**  
No person shall park any vehicle such that any portion of the vehicle is situated on any sidewalk reserved for pedestrian traffic.
- b) **Obstructing Driveway –**  
No person shall park a vehicle in any manner such location as to obstruct the entrance to any hotel, office building, or private lane or driveway, or opposite the entrance to any hospital at any time or in front of the entrance to any theatre, auditorium or other public place.
- c) **Obstructing Lane way -**  
No person shall park a vehicle in any manner or at any location so as to obstruct the entrance to a public laneway, or to obstruct any laneway in the township of Moose, Horden and Caron or in such a manner as to prevent the regular flow of traffic through a laneway.
- d) **Too close to Hydrant -**  
No person shall park any vehicle within ten (10) feet of a point in the curb or edge of the roadway opposite any fire hydrant.

- e) **Too close to Intersection -**  
No person shall park any vehicle within thirty (30) feet of any intersection within the Town of Moosonee.
- f) **Obstruct Snow Removal -**  
No person shall park a vehicle in any location or manner which shall obstruct, hinder or prevent, in any way, snow plowing or snow removal operations on any street or highway or any Municipal Parking Lot during the months of November, December, January, February, March, and April of each and every year from 11:00 p.m. to 7:00 a.m.
- g) **School Bus Loading Zone -**  
No person shall park a vehicle during specified prohibited times on those designated streets or any parts of streets hereinafter listed on Schedule "A" to this By-law and designated as a school bus loading zone where signs or notices have been posted or are on display prohibiting parking on such streets or parts of streets or the times and area and where parking is prohibited or restricted.
- h) **Designated Fire Route -**  
No person shall park a vehicle during specified prohibited times on those designated streets or any parts of streets hereinafter listed on Schedule "A" to this By-law and designated as a fire route where
- i) **Designated Accessible Parking -**  
No Person shall park a vehicle in such a manner as to obstruct a designated parking spot for an accessible dependant person.
- j) **Parking on Municipal Property-**  
No person shall park any vehicle on Municipal owned lands, other than a highway, street, or lane, except in designated parking lots or parking areas.
- k) **Parking on Roadway -**  
No person shall park any vehicle on the travelled portion of any roadway, street or highway in such a manner as to obstruct or interfere with the ordinary movement of traffic having regard to traffic requirements on such street, road or highway.
- l) **Parking on Bridge or Trestle -**  
No person shall park any vehicle on a bridge, or trestle, or within a distance of 50 meters on approach to any bridge or trestle.
- m) **Obstruct Delivery Entrance -**  
No person shall park a vehicle in any manner or at any location so as to obstruct the entrance to any area, entrance, building, or driveway where goods and merchandise are regularly delivered or removed.
- n) **Prevent Movement or Removal of Vehicle -**  
No person shall park a vehicle in a position or place, or in such a manner, that prevents or is likely to prevent the removal of any vehicle already parked on the street or highway.
- o) **After-Hours Parking in Non-Designated Area-**  
No person shall park a vehicle on any highway, street, or lane between the hours of 11:00 p.m. and 7 :00 a.m. unless in an area specifically designated for permitted overnight parking.
- p) **Excess Weight -**  
No person shall stand or park a vehicle, which has a gross combined weight in excess of five (5) tonnes on First Street.
- q) **Prohibited Standing or Parking for Deliveries -**  
No person shall at any time stand or park a delivery truck or van having a vehicle weight greater than one-half ton, on any street or highway. For the purpose of loading or unloading goods and merchandise to any property, where a lane abuts the property and permits alternate access for loading and unloading of goods and merchandise. For the purpose of this section, trucks or vans having a vehicle weight of one-half ton or less shall be permitted to stand or park for loading and unloading of goods and merchandise provided such loading and unloading is completed in a period of time not exceeding fifteen

(15) minutes.

- r) **More than 24 Hours-**  
No person shall park a vehicle or allow a vehicle to remain parked on any street, highway or lane, or in any Municipal Parking lot in the Town of Moosonee for a period of time exceeding twenty-four hours.

#### **PART 4 – IN SPECIFIED PLACES WHERE SIGNS ARE ON DISPLAY**

When authorized signs have been erected and are on display, as per Schedule “B”, no person shall park a motor vehicle in any of the following:

1. Beyond the posted signs depicting parking distances from intersections or 30 feet where intersections are not posted.
2. Between 8:30 a.m. and 5:00 p.m. Monday to Friday upon either side of the street adjacent to or opposite any school property.
3. On any of the parts streets named and described in Schedule “A” attached hereto and forming part of this By-law.

#### **PART 5 – MISCELLANEOUS**

No person shall stand or park a motor vehicle upon the roadway for any of the following purposes:

1. Displaying it for sale
2. Washing, greasing or repairing such vehicle except repairs necessitated by emergency.
3. Storage
4. For displaying item for sale.

#### **PART 6 – PENALTIES**

- 1) Any person who contravenes any of the provisions of this By-law is guilty of an offence. Pursuant to the Provincial Offences Act, R.S.O. 1990, c. P. 33, and amendments thereto, any person convicted of an offence is liable to a fine of not less than FIVE (\$5.00) DOLLARS, and not more than ONE THOUSAND (\$1,000.00) DOLLARS, exclusive of costs, for each offence committed.
- 2) Where a motor vehicle is found parked in contravention of the parking provisions of this by law, any By-law Enforcement Officer finding the vehicle shall attach to the motor vehicle a parking violation notice in the form of a serially numbered notice stating.
  - a) the motor vehicle plate number & description of the vehicle
  - b) that the vehicle is lawfully parked.
  - c) the date, time and place of the alleged offence.
- 3) The owner or operator of the motor vehicle may, within seven (7) calendar days, after the date when the violation notice was issued make payment in the amount as stated in Schedule “C” (Early Payment) in the manner prescribed on the violation notice for each offence and a receipt shall be given to the person making payment.
- 4) Failure to make payment within the specified time period for any parking violation notice issued pursuant to the provisions of the By-law shall result in legal action.
- 5) In addition to any other penalty or fine levied by reason of a contravention of this By-Law, the Municipality or authorized agent may remove any vehicle parked in contravention of this By-Law to the Public Works Compound or other designated area of the Municipality and all costs and charges of removal and storage shall be paid by the owner of the vehicle prior to removal of the vehicle from the storage area, and such costs, if any, shall be lien upon the vehicle, which may enforced in the manner provided for under the Highway Traffic Act, R.S.O. 1990, Chapter H-8 as amended.

**PART 7 – REPEAL**

**THAT** By-law Nos. 7-76, 8-83, 11-92 and 25-01 are hereby repealed.

**THAT** this By-law shall come into force and take effect on the date it receives its third and final reading.

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**READ** a first and second time  
this 4<sup>th</sup> day of August 2010

*ORIGINAL SIGNED AND SEALED*

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Mayor – Wayne Taipale

*ORIGINAL SIGNED AND SEALED*

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Acting Clerk – Shannon Mac Gillivray, CAO

**READ** a third time and finally passed  
this 4<sup>th</sup> day of August, 2010

*ORIGINAL SIGNED AND SEALED*

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Mayor – Wayne Taipale

*ORIGINAL SIGNED AND SEALED*

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Acting Clerk – Shannon Mac Gillivray, CAO

**BY-LAW NO. 35-10**

**SCHEDULE "A"**

**NO PARKING - PROHIBITED**

<b>COLUMN 1</b>	<b>COLUMN 2</b>	<b>COLUMN 3</b>
<b>Street</b>	<b>Side or Sides</b>	<b>Period</b>
<b>From Second St. to First St, while B.B p. m School is in session Except for school buses</b>	<b>Both</b>	<b>No Parking 8:00 a. m to 5:00</b>
<b>First St. From Bay Rd to 22 First St. While M.P school &amp; Northern College is in session. Except for school buses</b>	<b>Both</b>	<b>No Parking 8:00 a. m to 5:00 p. m</b>
<b>The parts of Meechim St Keewatin Drive surrounding N.L.S. School while in session. Except for school buses</b>	<b>Both</b>	<b>No Parking 8:00 a. m to 5:00 p. m</b>

**SCHEDULE "B"**

**RESTRICTED PARKING**

<b>COLUMN 1</b>	<b>COLUMN 2</b>	<b>COLUMN 3</b>
<b>Street</b>	<b>Side or Sides</b>	<b>Period</b>
<b>First St from Atim Road to Revillion Road</b>	<b>As per displayed signs</b>	<b>7:00 a.m. to 5:00 p. m</b>

**Corporation of the Town of Moosonee**

**SCHEDULE “C”**

**BY-LAW No.35-01: PARKING**  
Set Fine Schedule

Part II Provincial Offences Act

<b>ITEM</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Provision creating Or defining offence</b>	<b>COLUMN 3 Voluntary Payment Payable within 7 days</b>	<b>COLUMN 4 Set Fine</b>
1	Parking on sidewalk	Part 3(a)	\$ 35.00	\$ 50.00
2	Park vehicle – Obstruct driveway	Part 3(b)	\$35.00	\$ 50.00
3	Park vehicle – Obstruct lane way	Part 3(c)	\$35.00	\$50.00
4	Park vehicle – within 10ft of a fire hydrant	Part 3(d)	\$70.00	\$100.00
5	Park vehicle – Obstruct within 30ft of a intersection roadway	Part 3(e)	\$35.00	\$50.00
6	Park vehicle – Obstruct snow removal	Part 3(f)	\$70.00	\$100.00
7	Park vehicle – School bus loading zone	Part 3(g)	\$70.00	\$100.00
8	Park vehicle – Designated fire route	Part 3(h)	\$70.00	\$100.00
9	Park vehicle – Designated accessible parking	Part 3(i)	n/a	\$300.00
10	Parking on Municipal property	Part 3(j)	\$35.00	\$100.00
11	Parking on roadway	Part 3(k)	\$35.00	\$50.00
12	Parking on bridge or trestle	Part 3(l)	\$35.00	\$50.00
13	Park vehicle - Obstruct delivery entrance	Part 3(m)	\$35.00	\$50.00
14	Park vehicle – prevent removal of previous parked vehicle	Part 3(n)	\$35.00	\$50.00
15	Park vehicle – after hours parking in non-designated area	Part 3(o)	\$35.00	\$50.00
16	Park vehicle – excess weight	Part 3(p)	\$35.00	\$50.00
17	Park vehicle – prohibited standing or parking for deliveries	Part 3(q)	\$35.00	\$50.00
18	Park vehicle- more than 24 hours	Part 3(r)	\$35.00	\$50.00

**NOTE: the general penalty provision for the offences listed above is section 61 of the Provincial Offences Act, R.S.O. 1990, c.P.33**