

THE CORPORATION OF THE TOWNSHIP OF NIPISSING

BY-LAW NUMBER 2021-50

Being a By-Law to regulate the parking of vehicles within the Corporation of the Township of Nipissing.

WHEREAS Section 10(1) of the *Municipal Act*, S.O. 2001 c. 25, as amended, empowers municipalities to provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS Section 101(1) of the *Municipal Act*, S.O. 2001, c. 25 as amended, provides that municipalities may pass By-laws regulating or prohibiting the leaving of motor vehicles on land;

AND WHEREAS Section 63 of the *Municipal Act* as amended, provides that where a municipality passes a by-law for prohibiting or regulating the placing, stopping, standing or parking of an object or vehicle on a highway, it may provide for the removal and impounding or restraining and immobilizing of any object or vehicle placed, stopped, standing or parked on a highway in contravention of the by-law;

AND WHEREAS subsection 425(1) of the *Municipal Act*, as amended, authorizes municipalities to pass by-laws providing that any person who contravenes a by-law of the municipality passed under said Act is guilty of an offence,

AND WHEREAS the Council of the Corporation of the Township of Nipissing deems it expedient to pass a by-law to regulate parking within the Township and for the designation of areas for Emergency Loading Zones;

NOW THEREFORE Council of the Corporation of Township of Nipissing hereby enacts as follows:

PART 1 – DEFINITIONS

1. In this By-Law:
 - a) “**Authorized Emergency Vehicle**” means a vehicle of the Fire Department, Police Department, Ambulance (Emergency Medical Services (EMS) and vehicles of other municipal departments responding to urgent or emergency situations.
 - b) “**Authorized Sign**” means any sign or any marking placed or made on any highway or roadway or public place by the Township.
 - c) “**Boulevard**” means the portion of the highway at the side of or adjacent to such highway not normally used for pedestrian or vehicular traffic and exclusive of any part of such highway coming within the definition of “sidewalk” herein.
 - d) “**Council**” means the Council of the Corporation of the Township of Nipissing.
 - e) “**Double Parking**” means the parking of a motor vehicle on a highway where the vehicle is parked parallel to another vehicle illegally parked on the highway.
 - f) “**Driver**” means a person who drives or is care or control of a vehicle.
 - g) “**Emergency Loading Zone**” means an area designated and signed appropriately for the use of Authorized Emergency Vehicles for the purpose of emergency operations including but not limited to access to water sources and ingress and egress points for water bodies.
 - h) “**Highway**” means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, or any part which is intended for or used by the general public for the passage of motor vehicles and includes the area between the lateral property line thereof, and “street” and “road” shall have a like meaning.
 - i) “**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 crosses the other.

- j) “**Motor Vehicle**” includes an automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular power, or a motorized snow vehicle, a motor assisted bicycle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine.
- k) “**Municipal Law Enforcement Officer**” means the By-law Enforcement/Municipal Law Enforcement Officer(s) employed by the Corporation of the Township of Nipissing.
- l) “**Owner of Vehicle**” means the person to whom a vehicle is registered under the *Highway Traffic Act*.
- m) “**Park or Parking**”, when prohibited, means the standing of a vehicle, whether occupied or not on a highway, roadway, or municipally owned lands. Excluded from this definition are vehicles standing temporarily for the purpose of and while actually engaged in loading or unloading goods, wares, merchandise or passengers.
- n) “**Pedestrian**” means a person afoot or in a wheelchair or a child in a wheeled carriage.
- o) “**Police Officer**” means a member of the police force of the Ontario Provincial Police.
- p) “**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 duly authorized agent.
- q) “**Roadway**” means that portion of a street improved, designed or ordinarily used for vehicular traffic.
- r) “**Stand or Standing**” means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.
- s) “**Traffic**” includes vehicles, pedestrians, ridden or herded animals, and other conveyances either singly or together while using any street for the purposes of travel.
- t) “**Traffic Control Device**” means any sign or roadway markings placed under the authority of the Council for the purpose of guiding or directing traffic.
- u) “**Vehicle**” includes a motor vehicle, trailer, traction engine, farm tractor, road building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power.
- v) “**Voluntary Payment**” means a method of paying the Voluntary Penalty payment out of court, directly to the Township of Nipissing, made on or before the date specified on the parking infraction notice.

PART 2 – PARKING REGULATIONS

2.1 General Stopping and Parking Regulations

- i) No person shall park or stop any vehicle on any road unless on the right hand side of the roadway having regard to the direction in which the vehicle was traveling, with the right front and rear wheels parallel to and not more than .30 metres (12”) from the right hand limit of the roadway as practicable, without stopping or parking over a sidewalk or footpath or over any part of the highway where grass has grown or which is not intended for the use of vehicles but this section shall not apply where angle parking is specifically authorized under this By-law.
- ii) Where angle parking is permitted on a roadway, no person shall stop or park any vehicle except at an angle from the curb or boundary of the roadway with the front end of the

vehicle at such curb or boundary.

2.2 Restrictions on Stopping and Parking

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with a traffic control signal, sign device or the directions of a Police Officer, in any of the following places:

- i) **Private Driveway** – in front or within 3 metres (10 feet) of a public or private driveway.
- ii) **Intersection** – within 9 metres (30 feet) of an intersection unless otherwise signed.
- iii) **Bridge** – on any bridge or approaches thereto.
- iv) **Time Limit** – on any roadway in excess of 48 hours.
- v) **Double Parked** – double parked on the roadway side of any vehicle stopped or parked at the edge or curb of a roadway.
- vi) **Interference** – in such a place or position as to prevent the convenient removal of any other vehicle previously parked or standing.
- vii) **Municipal Property** – on property owned or occupied by the Municipality or any local Board thereof without the consent of the Municipality or local Board, as the case may be. For the purpose of this section, land owned by the Municipality includes a parcel of land, all street, Municipal parking lots and road allowances within the Municipality whether or not such streets or road allowances have been assumed by the Municipality for use by the public. Vehicles parked on streets within the Municipality or in Municipal parking lots in accordance with the provisions of this By-law shall be deemed to have been parked with the consent of the Municipality.
- viii) **Schedule “A”** – on any of the parts of highways named and described in Schedule A attached hereto and forming part of this by-law.

2.3 Emergency Loading Zone

Parking is prohibited in all areas designated as Emergency Loading Zone within this by-law. The purpose of Emergency Loading Zones is to provide a clear access at all times to water sources for the Fire Department, lake access for emergency responders including Fire, EMS and Police; and designated areas for the loading of patients by emergency responders.

Emergency Loading Zones are marked with signage and are designated on the Appendix maps attached to and hereby forming part of this by-law.

Emergency Loading Zones are located:

1. Wolfe Lake Beach
2. McQuaby Lake Boat Launch
3. Chapman’s Landing Dock and boat launch
4. Heritage Park, Blake Street (beside the rink building)
5. Sandy Bay Road, end of road at turnaround
6. Birchgrove Drive (“Party Rock”)

Vehicles parked in these designated areas will be towed at the owner’s expense.

2.4 Winter Maintenance Turnarounds

Parking is prohibited in all areas designated as Winter Maintenance Turnarounds within this by-law from October 31 to May 1 each year. The purpose of Winter Maintenance Turnarounds is to provide access to snow plow trucks and maintenance vehicles for safe turning areas during the winter season.

Winter Maintenance Turnarounds are marked with signage and are designated on Schedule B attached to and hereby forming part of this by-law.

Vehicles parked in these designated areas between October 31 to May 1, during or following a snow fall event, may be towed at the owner’s expense.

2.5 Time Limited Parking Areas

No vehicle shall be permitted to park on any roadway in excess of 48 hours.

Parking areas provided for Day Parking and Overnight Parking are designated within this by-law and marked with appropriate signage at each site.

Day Parking provides space for parking for not longer than twelve (12) hours.

Day Parking areas provided at:

Wolfe Lake Beach

Link's Beach

Chapman's Landing dock

McQuaby Lake launch area located off of Niagara Road

Sandy Bay Road, at the end of the road, located off of turnaround

Birchgrove Road ("Party Rock") at lot provided, corner of Rocky Shore Drive

Overnight Parking provides space for parking for not longer than forty-eight (48) hours.

Overnight Parking areas provided at:

McQuaby Lake launch area located off of Niagara Road

Birchgrove Road ("Party Rock") at lot provided, corner of Rocky Shore Drive

2.6 Restricted and No Parking Areas

No person shall park any vehicle upon a roadway in such a manner or under such conditions as to leave available less than three (3) metres (10 feet) of the width of the roadway for the free movement of vehicular traffic.

Vehicles parked obstructing free movement of vehicular traffic shall be towed at the owner's expense.

PART 3 – ENFORCEMENT

3.1 The Ontario Provincial Police (O.P.P.) may enforce the provisions of this By-law.

3.2 The Council may appoint one or more persons as Municipal Law Enforcement Officers (MLEO) to enforce the provisions of this By-law.

3.3 Provincial Offences Act

Where a vehicle is found parked in contravention of any of the standing, stopping or parking provisions of this or any other By-law of the Corporation of the Township of Nipissing, an Officer who is responsible for the enforcement of this By-law so finding the vehicle may commence proceedings for parking infractions under Part 2 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33.

3.4 Impounding

In addition to and notwithstanding Section 4.3 of this By-law, where a vehicle is found parked in contravention of the standing, stopping or parking provisions of this By-law a Municipal Law Enforcement Officer or an Ontario Provincial Police Officer, may cause the vehicle to be moved or taken to and placed or stored in a suitable place and all costs or charges for removing, care and storage shall be a lien against the vehicle which may be enforced in the manner provided by the *Repair and Storage Liens Act*.

PART 4 – PARKING ON PRIVATE PROPERTY AND PROPERTY OF PUBLIC AUTHORITY

4.1 No person shall park or leave a motor vehicle:

Private Property

i) On private property without the consent of the owner or occupant of the property.

Public Authority

- ii) On property owned or occupied by a public authority or any local board without the consent of the public authority or local board, as the case may be; and

4.2 Conditions of Parking

Where signs have been posted, stating conditions on which a motor vehicle may be parked or left on the property, or prohibiting the parking or leaving of a motor vehicle on the property, a motor vehicle parked or left on the property contrary to such conditions or prohibitions shall be deemed to have been parked or left without consent.

4.3 Impounding

A Municipal Law Enforcement Officer (MLEO) or an Ontario Provincial Police Officer, upon discovery of any vehicle parked or standing in contravention of the provisions of this section may cause it to be moved or taken to and placed or stored in a suitable place, at the owner's expense, and all costs and charges for removing car 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.

4.4 Exemption Special Functions

The Council, on application, may by Resolution and subject to conditions it deems advisable, direct that any section of this By-law not be enforced for a period of time, to be set out by Council, for the purpose of a function deemed to be in the best interests of the Township of Nipissing.

PART 5 - GENERAL

5.1 Time References

Wherever in this By-law a time of day or hour is referred to, the time shall be construed in accordance with standard time or day light savings time, as may be in the current official use in the Township of Nipissing.

PART 6 – PROVISIONS SEPARATE AND INDEPENDENT

All sections of this By-law shall be deemed to be separate and independent and the invalidity of any section or provision hereof shall not affect the remaining sections.

PART 7 - PENALTIES

- 7.1 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is subject to fine as provided for by s. 7.1 and section 61 of the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended.
- 7.2 Where a motor vehicle is found parked in contravention of the parking provisions of this by-law, and a Municipal Law Enforcement Officer finding the vehicle shall attach to the motor vehicle a parking infraction notice in the form of a serially numbered notice stating:
 - i. the motor vehicle plate number, province of number plate issuance and validation expiry date.
 - ii. that the vehicle is unlawfully parked, providing the wording of the offence,
 - iii. the date, time and location of the alleged offence, and
 - iv. the amount of the fine for the offence.
- 7.3 The owner of a motor vehicle is liable for the penalty provided for in this section to the same extent as the driver of such motor vehicle unless at the time of the offence, the vehicle was in possession of some person other than the owner, without the owner's consent.
- 7.4 Notwithstanding any other provisions of this Section in respect to penalties for violation of the parking provisions of this By-law, any person may, upon presentation of a Certificate of Parking Infraction issued by a Municipal Law Enforcement Officer, alleging commission of an offence under this By-law, pay out of Court within seven days from the issue of the said tag, the

voluntary payment as prescribed in Schedule “C” to the Township of Nipissing Offices at 45 Beatty Street, Nipissing, Ontario; or after seven days and within 15 days the set fine as prescribed in Schedule “C”.

- 7.5 The notice shall be prepared in duplicate and the Municipal Law Enforcement Officer or Police Officer shall attach one copy to the vehicle and deliver the duplicate copy to the Provincial Offences Office, 200 McIntyre Street East, North Bay, Ontario.
- 7.6 The Municipal Law Enforcement Officer or Police Officer upon finding a vehicle in violation of any section of the by-law, may at his/her discretion, order the removal of the vehicle violating the by-law when deemed necessary. The cost of such removal, towing and impoundment is the sole risk and expense of the owner.

PART 8 - SCHEDULES

- 8.1 There are attached to this By-Law the following schedules:
- i. Schedule A – Regulating those areas where parking is regulated.
 - ii. Schedule B – Defining Winter Maintenance Turnarounds.
 - iii. Schedule C – Set fines and voluntary payment.

By-Law Number 2021-50 shall come into force once the Short Form Working and Set Fines are approved by the Regional Senior Judge of Ontario Court of Justice pursuant to the *Provincial Offences Act*.

By-Law Number 2007-1203 is hereby repealed, once By-law Number 2021-50 comes into force.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 19TH DAY OF OCTOBER, 2021.

THE CORPORATION OF THE TOWNSHIP OF NIPISSING

Signed copy on file at Office.

Tom Piper, Mayor

By-Law Passed October 19, 2021

Kris Croskery-Hodgins,
Municipal Administrator

By-Law Number 2021-50
Schedule "A"

THIS IS SCHEDULE "A" TO BY-LAW NUMBER 2021-50

THE CORPORATION OF THE TOWNSHIP OF NIPISSING

THE PARKING OF VEHICLES IS REGULATED IN THE FOLLOWING AREAS:

1. Unopened Road Allowance between Concession 18 and 19, Lot 11 and the abutting Shore Road Allowance – designated as an Emergency Loading Zone, no parking at any time. (Reference Illustration 1, attached.)
2. Block 20, Plan 42M559 – designated parking area containing signed areas for Day Time Parking and Overnight Parking with a limit of 48 hours. (Reference Illustration 1, attached.)
3. Birchgrove Drive, Rocky Shore Drive, Sunset Cove Road – No parking on roadway. (Reference Illustration 1, attached.)
4. Turn around at the end of Sandy Bay Road – designated area for Emergency Loading Zone, no parking at any time within; designated parking area with limited spaces for Day Time Parking; and no parking on roadway. (Reference Illustration 2, attached.)
5. Bear Creek Road and adjacent land 42R-14719, Part 1 and Part of PSR 534, Part 10 – No parking on roadway or municipal property indicated. (Reference Illustration 3, attached.)
6. Lake Nipissing Road 42R-13453, Parts 5, 6, 9, 7, 19, 21, 11 and 13 – no parking on roadway. (Reference Illustration 4, attached.)
7. Chapman's Landing dock and boat launch, Concession 11, Part Lot 14 – designated Emergency Loading Zone, no parking at any time within; designated parking area with limited spaces for Day Time Parking; and no parking on roadway. (Reference Illustration 5, attached.)
8. Boat Launch, McQuaby Lake (McQuaby Lake Road) – road allowance, Con 7, Part Lot 27 – designated Emergency Loading Zone, no parking at any time within; no parking on roadway. (Reference Illustration 6, attached.)
9. McQuaby Lake Access Point (off of Niagara Road) – designated Emergency Loading Zone, no parking at any time within; designated parking area with signed areas for Day Time Parking and Overnight Parking with a limit of 48 hours; and no parking on roadway. (Reference Illustration 7, attached.)
10. Link's Beach (Sunset Cove Road) – designated parking area for Day Time Parking; no parking on roadway. (Reference Illustration 8, attached.)
11. Wolfe Lake Beach (Wolfe Lake Road) – designated Emergency Loading Zone, no parking at any time within; designated parking area for Day Time Parking; no parking on roadway. (Reference Illustration 9, attached.)

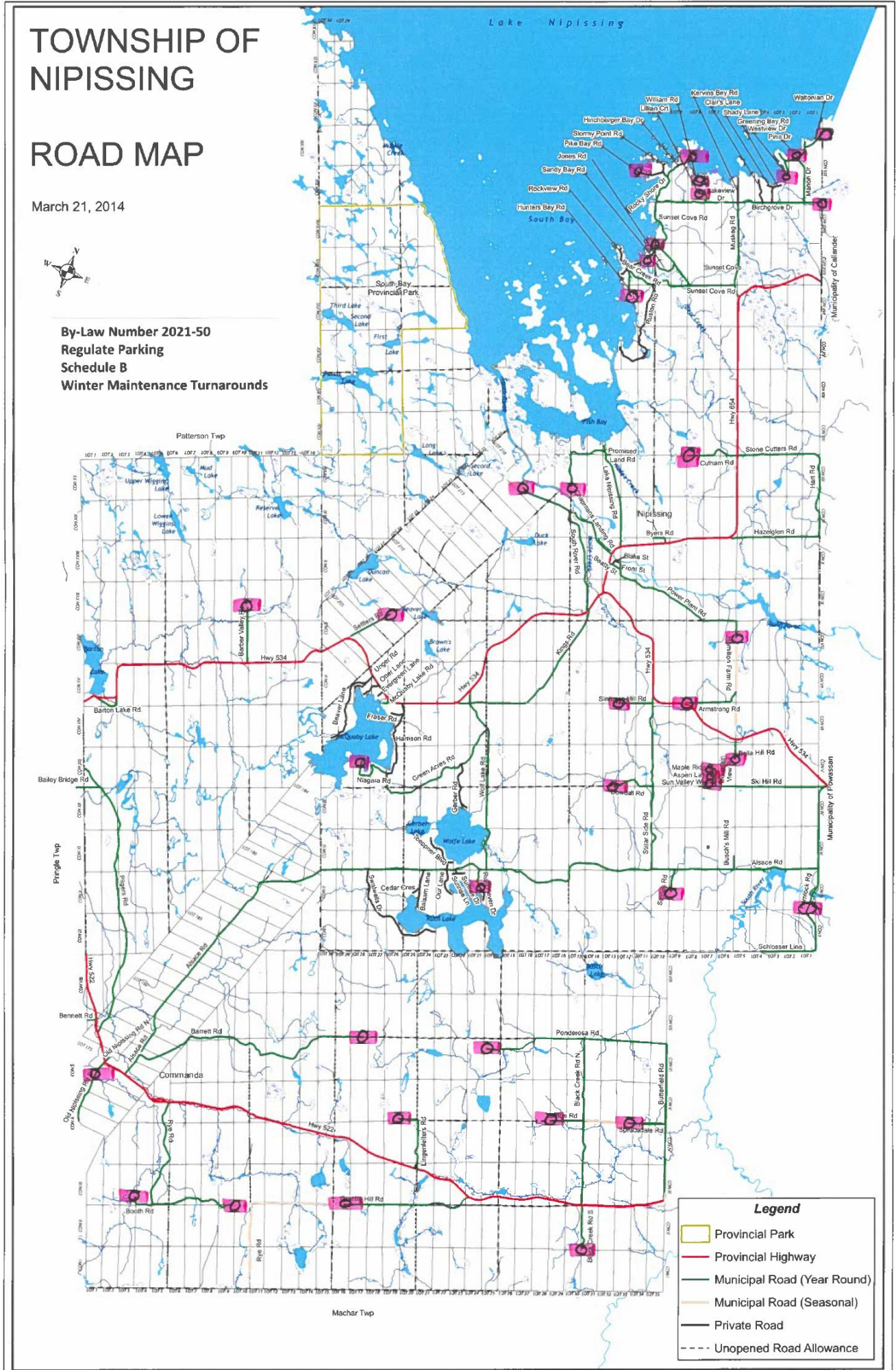
By-Law Number 2021-50
Schedule "B"

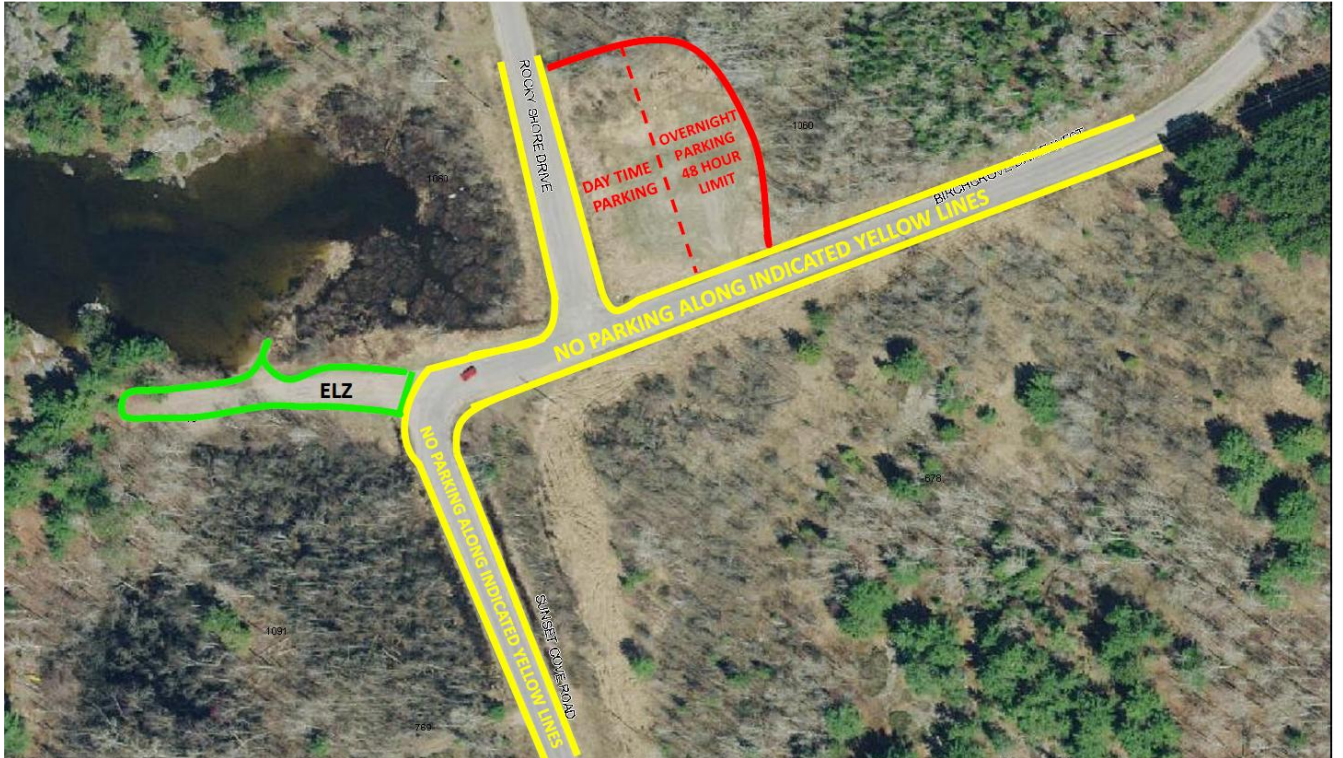
THIS IS SCHEDULE "B" TO BY-LAW NUMBER 2021-50

THE CORPORATION OF THE TOWNSHIP OF NIPISSING

THE DESIGNATION OF WINTER MAINTENANCE TURNAROUNDS IN THE FOLLOWING AREAS:

As marked on the map below.





Reference Illustration #1



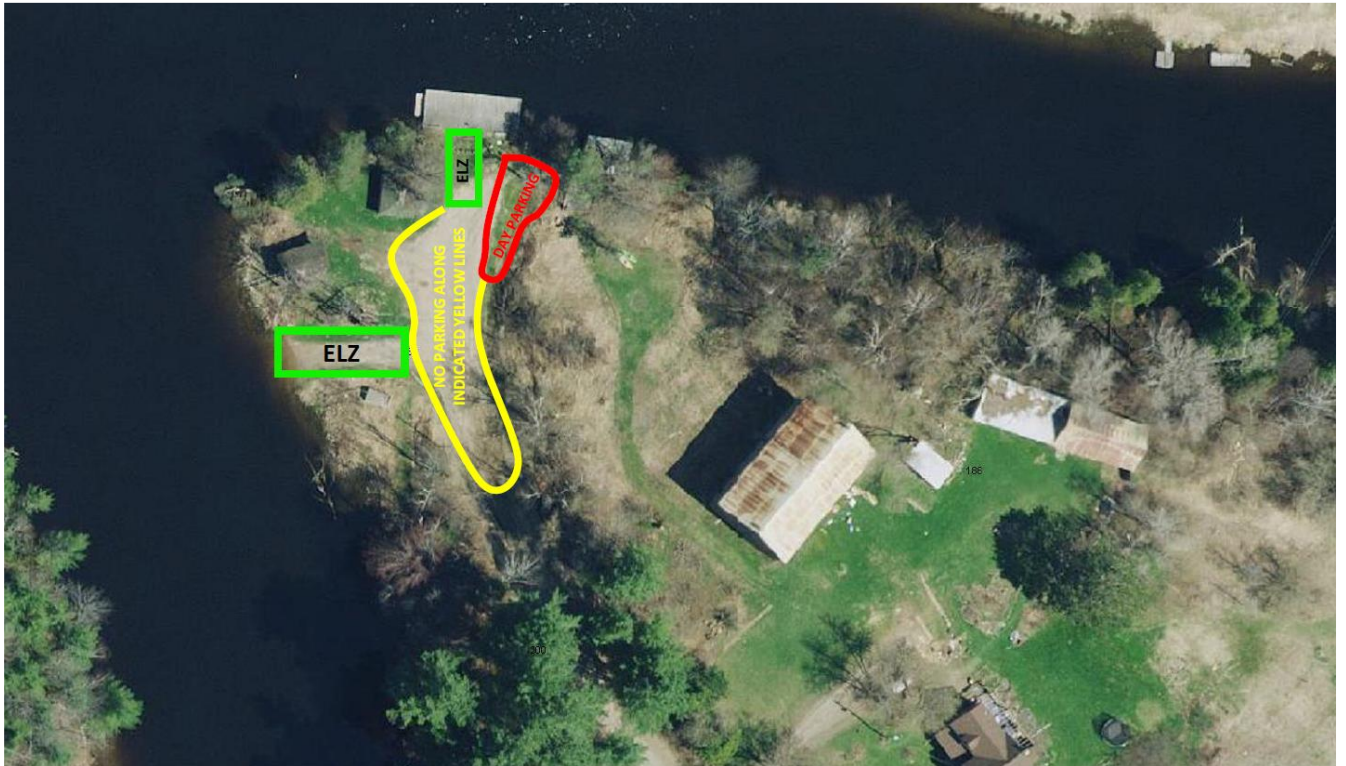
Reference Illustration #2



Reference Illustration #3



Reference Illustration #4



Reference Illustration #5



Reference Illustration #6



Reference Illustration #7



Reference Illustration #8



Reference Illustration #9



Reference Illustration #10

By-Law Number 2021-50
Schedule "C"

THIS IS SCHEDULE "C" TO BY-LAW NUMBER 2021-50

THE CORPORATION OF THE TOWNSHIP OF NIPISSING

Penalties – Part 7

Set Fines Part II

Provincial Offences Act

Item	Short Form Wording	Provision creating or defining offence	Voluntary Payment Payable within 7 days	Set Fine
1	Park opposite direction of traffic	2.1(i)	\$20.00	\$30.00
2	Park more than .30 m (12") from right limit of roadway	2.1(i)	\$20.00	\$30.00
3	Park improper angle parking	2.1(ii)	\$20.00	\$30.00
4	Park to interfere with traffic	2.2	\$20.00	\$30.00
5	Park as to obstruct or within 3 metres of a public or private driveway	2.2(i)	\$20.00	\$30.00
6	Park within intersection	2.2(ii)	\$20.00	\$30.00
7	Park on bridge or approach to	2.2(iii)	\$25.00	\$35.00
8	Park on roadway in excess of 48 hours	2.2(iv)	\$20.00	\$30.00
9	Park on roadway side of any vehicle stopped or parked at edge of roadway	2.2(v)	\$20.00	\$30.00
10	Park to prevent removal of previously parked vehicle	2.2(vi)	\$20.00	\$30.00
11	Park on Municipal property	2.2(vii)	\$20.00	\$30.00
12	Park on highway posted no parking	2.2(viii)	\$20.00	\$30.00
13	Park in designated/signed Winter Maintenance Turnarounds	2.4	\$45.00	\$55.00
14	Park in Time Limited Parking Areas longer than permitted	2.5	\$20.00	\$30.00

Note: The penalty provision for the offences indicated above is section 7 of By-Law Number 2021-50, a certified copy of which has been filed.