

THE CORPORATION OF THE MUNICIPALITY OF WHITESTONE

BY-LAW NO. 29-2003

**Being a By-Law to regulate traffic and to govern and control the parking of vehicles
in the Municipality of Whitestone**

Whereas the Municipal Act, 2001 Revised, authorizes municipalities to pass by-laws for regulating traffic on highways, prohibiting of unauthorized parking on private or municipal property, for standing, parking or stopping of motor vehicles, for the owners and drivers of motor vehicles on any highway or part thereof under the jurisdiction of the municipality or other parking facility the public has access to and for regulating and controlling the use including the use for the purposes, of untravelled portions of highways;

And whereas the said act provides that fines may be charged for offences created by vehicles left parked, stopped or standing;

And whereas The Highways Traffic Act R.S.O. 1990, c.H.8, as amended provides for the regulating of heavy trucks and penalties;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WHITESTONE ENACTS AS FOLLOWS;

1. Definitions:

- 1.1 “authorized sign” means any sign, or marking on a roadway, curb or sidewalk or other device placed or erected on a highways under the authority of this by-law for the purpose of regulating, warning or guiding traffics.
- 1.2 “boulevard” means all parts of a highway save and except and roadway, shoulder or sidewalk.
- 1.3 “fire route” means a public and private roadway, lane, driveway or parking lot aisle, not less than 3 metres wide, designated by this by-law as fire routes.
- 1.4 “heavy truck” means a commercial motor vehicle for carriage of goods having a weight when unloaded, of 2.72 tonnes or more, or when loaded of 4.54 tonnes or more, but does not include a passenger vehicle, ambulance or a vehicle of a police, fire or public works department.

- 1.5 “highway” means a common public highway and includes any bridge, trestle, viaduct or other surface forming part of the highway and, except as otherwise provided, includes a portion of a highway.
- 1.6 “intersection” means the area embraced within the prolongation or connection of the lateral curb lines or, of 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.
- 1.7 “motor vehicle” includes an automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of The Highway Traffic Act.
- 1.8 “occupant” means:
- a) the tenant of private property or part thereof whose consent to permit parking on private property shall extend only to the control of the land or part thereof of which he/she are the tenant and any parking spaces allotted to him under their lease or agreement.
 - a) the spouse of a tenant.
 - b) a person, a municipality or a local thereof, having an interest in the property under an easement or right of way granted to or expropriated by the person, municipality or local boards whose consent to permit parking on private property shall extend only to that part of the property that is subject to the easement right of way.
 - c) a person authorized in writing by an occupant as defined in clauses (1) (2) or (3) of this section to act on the occupant’s behalf for requesting the enforcement of this by-law.
- 1.9 “official sign” means a authorized sign approved by the Ministry of Transport of Ontario.
- 1.10 “owner” when used in relation to property means:
- a) the registered owner of the property.
 - b) the spouse of the person described in clause (1).

- c) A person authorized in writing by the property owner as described in clauses (1) or (2) of this section to act on the owner's behalf for requesting the enforcement of the by-law.

- 1.11 "park or parking" when prohibited, means the standing of a vehicle whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

- 1.12 "parking infraction notice," means a notice authorized by the Provincial Offence Act.

- 1.13 "Police Officer" includes an officer appointed for carrying out the provisions of the Highway Traffic Act.

- 1.14 "private roadway" means any private roadway, private driveway, lane, ramp or other means to or egresses from a property, and building or structure and it may include part of a parking lot.

- 1.15 "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 the entire roadway collectively.

- 1.16 "schedule" means a schedule referred to in this by-law and forming part of the by-law.

- 1.17 "shoulder" means that part of the highway immediately adjacent to the roadway and having a surface, which has been improved with asphalt, concrete or gravel.

- 1.18 "stand or standing" when prohibited means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.

- 1.19 "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 sign or signal.

- 1.20 “Municipality” means The Corporation of the Municipality of Whitestone.
- 1.21 “vehicle” means a motor vehicle, trailer, traction vehicle, farm tractor, road building machine, snowmobile and any vehicle drawn, propelled or driven by any kind of power.
- 1.22 “maximum truck length” means the length of all motor vehicle not to exceed 13 metres.

2. Application and General Requirements

- 2.1 This by-law applies to all highways under the jurisdiction of the Municipality of Whitestone.
- 2.2 The Schedules referred to in this by-law shall form part of this by-law and each entry in a column of such a schedule shall be read in conjunction with the entries across there from and not otherwise.
- 2.3 Where any expression of time occurs or where any hour or other period of time is stated in this by-law or on a sign erected pursuant to this by-law, the time is 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.
- 2.4 The provisions of this by-law shall not apply to ambulances, police and fire vehicles, and motor vehicles actually engaged in works undertaken for the municipality.
- 2.5 No person shall place, maintain or display upon or in view of any highway, any sign, 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 device.
- 2.6 The Public Works Superintendent is authorized to place or erect and to maintain such authorized signs and traffic control signals as are required to give effect to the provisions of the safety or convenience of the public.

Part A – Parking Provisions

3. General parking and stopping requirements:
- 3.1 General Provisions:

3.1.1 Method of Parking – Parallel –Two Way Traffic

- a) No person shall park or stop any vehicle on any highway or portion thereof except as follows:
 - (i) where there is a raised curb, on the right side of the roadway with the right front and rear wheels having regard to the direction in which the such vehicle was proceeding parallel to and not more than 30 centimeters out from such curb.
 - (ii) where there is a rolled curb or no curb with the right front and rear wheels parallel to and as near to the right of the roadway as is practical.
- b) The provisions of subsection (a) do not apply where angle parking is permitted or to parking or stopping a vehicle on the left side of the roadway or a highway designed for one-way traffic.

3.1.2. Method of Parking – Parallel – One Way Traffic

- (a) Where a highway is designated for one – way traffic and parking is permitted on the left side of such highway no person shall park or stop any vehicle on the left side of the highway or portion thereof except as follows:
 - (i) where there is a raised curb, on the roadway with the left front and the rear wheels, having regard to the direction in which such vehicle is proceeding, parallel to and not more than 30 centimeters out from such curb;
 - (ii) where there is a rolled curb or no curb, with the left front and rear wheels having regard to the direction, in which such vehicle was proceeding, parallel to and as practical.

3.2 Parking Prohibited in Specified Places – Signs not Required:

No person shall park any vehicle on any highway:

- 3.2.1 in front of or within 2 metres of the intersection of a private roadway, or within 60 centimeters of a driveway on all Municipal roads;

- 3.2.2 within 3 metres of a point on the curb or edge of the roadway nearest to any fire hydrant;
- 3.2.3 within 9 metres of any intersecting roadway;
- 3.2.4 within 15 metres of any level crossing of a railway;
- 3.2.5 for the purpose of displaying the vehicle for sale;
- 3.2.6 for the purpose of washing, greasing or repairing the vehicle, except for such repairs as have been necessitated by an emergency;
- 3.2.7 along side the tracks of any railway;
- 3.2.8 in such a position as will prevent the removal under its own power of any other vehicle;
- 3.2.9 so as to obstruct a crosswalk;
- 3.2.10 so as to interfere with the movement of traffic;
- 3.2.11 on a highway within 152 metres of fire fighting apparatus where said apparatus is actually engaged in fighting a fire, or when if directed by a member of the Police of Fire Department;
- 3.2.12 on a bridge;
- 3.2.13 on a boulevard.

3.3 Parking Prohibited in Specified Places Where Signs are on Display:

- 3.3.1 No person shall park any vehicle on a highway:
 - a) within 30 metres of an intersection controlled by traffic control signals;
 - b) within a turning basin at the end of a cul-de-sac;
 - c) within 15 metres of the termination of a cul-de-sac;

3.4 Parking Restrictions and Prohibitions on Certain Highways:

- 3.4.1 Where authorized signs are on display indicating that parking is prohibited, no person shall park a vehicle on any highway at the side and between the limits set out in columns 1, 2 and 3 of Schedule I during the prohibited times or days set out in column 4 of said schedule.
- 3.4.2 Nothing in this section shall be deemed to permit parking at any location where or at any time when parking is prohibited.

3.5 Parking on Private or Municipal Property:

- 3.5.1 No person shall park or leave a motor vehicle:
- a) on private property without consent of the owner or occupant of the property;
 - b) 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.
- 3.5.2 Any vehicle parked or left contrary to this by – law may be removed and/or impounded at its owner’s expense subject to the limiting provisions of the by – law;
- 3.5.3 A vehicle shall be deemed to have been removed if a towing vehicle has been summoned to remove it by a person authorized to enforce this by – law.
- 3.5.4 Where an owner or occupant of property affected by this by – law has posted signs stating conditions on which a motor vehicle maybe 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 prohibition shall be deemed to have been parked or left without consent.
- 3.5.6 A Police Officer or Municipal Law Enforcement Officer, in respect of a particular property to enforce this by –law shall be deemed to have the written authority of the owner or occupant of the property to enforce this by – law and such officers are not required to receive a written complaint before enforcing this by – law.

3.6 Parking on Untravelled Portions of Highways:

- 3.6.1 No person shall park or leave any vehicle upon any portion of an untravelled highway for a period exceeding seventy-two (72) hours.
- 3.6.2 Vehicles parked or left on contravention of this section may, by order of a Police Officer or Municipal Enforcement Officer, be removed and impounded at the expense of the owner thereof.

3.7 Physically Handicapped Parking:

- 3.7.1 Every owner and operator of a parking lot or of a parking facility to which the public has access may designate parking spaces for the exclusive use of a motor vehicle operated by a handicapped person, or a motor vehicle carrying a physically handicapped person in respect of which a permit has been issued and properly displayed
- 3.7.2 No person shall park, store or leave standing, a motor vehicle in a designated handicapped parking space unless handicapped permits is properly displayed on the vehicle.

4.0 Specific Stopping and Standing Requirements

4.1 Stopping Prohibited in Specified Places - Signs not Required

No person shall park any vehicle on a highway;

- 4.1.1 on or over a sidewalk or footpath;
- 4.1.2 alongside or across the highway from any excavation or obstruction in the roadway when the free flow of traffic would thereby be impeded;
- 4.1.3 on the roadway side of any stopped vehicle;
- 4.1.4 upon any bridge or elevated structure or within any tunnel or underpass;

4.2 Stopping Restrictions and Prohibitions on Certain Highways:

- 4.2.1 Where authorized signs are on display indicating that stopping is prohibited, no person shall stop a vehicle on any highway at the side and between the limits set out respectively in columns 1, 2 and 3 of Schedule II during the prohibited times or days set out in column 4 of said schedule.

4.3 Standing Restrictions and Prohibitions on Certain Highways:

4.3.1 Where authorized signs are on display indicating that standing is prohibited, no person shall stand a vehicle on any highway at the side and between the limits set out respectively in columns 1, 2 and 3 of Schedule III during the times of days set out in column 4 of the said schedule.

4.4 Fire Routes

4.4.1 There will be no parking, stopping or standing on any public and private roadways, lanes, driveways and parking lots aisles at the side and between the limits set out respectively in columns 1, 2 and 3 of Schedule IV hereto authorized and assigned as Fire Routes during the times or days set out in column 4 of the said schedule.

5 Snow Removal:

5.1 In order to facilitate the process of snow removal from highways and municipal properties, no person shall park any vehicle on any highway or parking of unauthorized vehicles on municipal properties as per schedule IX, under the jurisdiction of the Municipality at any time from November 1st of each year to April 15th of the following year.

6 Penalty Provisions for Parking Infractions:

6.1 A Police Officer or Municipal Law Enforcement Officer upon discovery of any vehicle parked, stopped or left standing in contravention of the provision of Part A of the By-Law, may attach a Parking Infraction Notice to the vehicle.

6.2 Every person who contravenes the provisions of Part A of the By-Law upon conviction is guilty of an offence and is liable to a fine as provided for pursuant to the Provincial Offences Act for each offence, exclusive of costs.

6.3 A Police Officer or Municipal Law Enforcement Officer, upon discovery of any motor vehicle parked or left standing in contravention of the By-Law, may cause it to be moved to be moved 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 Mechanics Lien Act.

- 6.4 Any vehicle parked or left standing on any highway for a period exceeding 72 hours shall be considered to be abandoned, upon discovery of such abandonment, a Police Officer or Municipal Law Enforcement Officer may cause it to be moved 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 a manner provided by the relevant provisions of The Mechanics Lien Act.

Part B – TRAFFIC PROVISIONS

7. General Traffic Provisions:

- 7.1 No person shall drive a motor vehicle upon a sidewalk or footpath on a highway except for the purpose of directly crossing the sidewalk or footpath.
- 7.2 No person shall drive a motor vehicle over a raised curb except at a place where there is a ramp or rolled curb.

8.0 Pedestrian's Rights and Duties

- 8.1 Except where traffic control signals are in operation or where traffic is being controlled by a police officer, a pedestrian crossing a highway at a place other than a pedestrian crossover shall yield the right-of-way to all vehicles upon the roadway, but nothing in the section shall relieve the driver of a vehicle from the obligation of taking all due care to avoid an accident.
- 8.2 No person shall play or take part in any game or sport upon a roadway; no person upon roller skates, or riding in or by any means of any coasting device shall go upon a roadway except for the purpose of crossing the roadway, and when so crossing such person shall have the rights and be subject to the obligations of pedestrian.

9.0 Heavy Traffic

- 9.1 Except as provided in subsection (b) when authorized signs to that effect are displayed, no person shall move, drive or operate a heavy truck on any highway at the side and between the limits set out respectively in columns 1, 2 and 3 of Schedule V during the prohibited times or days set out in column 4 of the said schedule.
- 9.2 Subsection (a) shall not apply to any vehicle actually engaged in making a delivery to or a collection from premises which cannot be reached except by way of a highway or 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 in so far as is unavoidable in getting to and from such premises.

- 9.3 The maximum weight per axle that may be transported on any highway under the jurisdiction of the Municipality during the period from the 21st day of March to the 15th day of May inclusive in each and every year, shall be 5 tonnes, or at any other time deemed necessary by the Road Superintendent for the preservation of the road system.

10.0 Maximum Truck Length

- 10.1 When authorized signs to that effect are displayed, no person shall move, drive or operate a maximum truck length on any highway at the side and between limits set out respectively in columns 1, 2 and 3 of Schedule VI during the prohibited times or days set out in column 4 of the said schedule.

11.0 Speed Limits

- 11.1 When any road or portion of road and location set out in column 1 and 2 respectively of Schedule VII has been marked to comply with the regulations of the Highway Traffic Act, the maximum rate of speed thereon shall be the prescribed maximum rate of speed set out opposite thereto in column 3 of said schedule.

12.0 Stop Signs

- 12.1 The intersections set out in column 1 of Schedule VIII and where stop signs shall be erected at the locations shown in column 2.

13.0 Enforcement

- 13.1 Part A of this by-law shall be enforced by any Police Officer and any officer appointed by the Ministry of Transportation Officer, the Road Superintendent and the By-Law Enforcement Officer and Part B of this by-law shall be enforced by any Police Officer and any officer appointed by the Ministry of Transportation Officer.

14.0 Penalty Provision for Traffic Infractions:

- 14.1 Every person who contravenes any provision or part of this by-law, upon conviction is guilty of an offence and is liable to a fine as provided for pursuant to The Provincial Offence Act for each offence, exclusive of costs.

14.2 Every person who contravenes Highway Act Chap. 8 upon conviction is guilty of an offence and shall be subject to the penalties provided in the Highway Traffic Act R.S.O. 1990 as amended, and all such penalties shall be recoverable under the Provincial Offences Act.

15.0 By-laws 78-10, 80-21, 85-16, 97-17, and 08-2003 are hereby repealed.

16.0 This by-law shall come into force and effect upon final passage thereof.

Read a First and Second time this 12th day of November, 2003.

Reeve Bill Church

CAO-Clerk Liliane Nolan

Read a Third time and **Passed, Signed and Sealed** this 12th day of November, 2003.

Reeve Bill Church

CAO-Clerk Liliane Nolan

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SCHEDULE I (Parking Restrictions and Prohibitions on Certain Highways)

Column 1 – Highway 4 - Times	Column 2 – Side	Column 3 – Between	Column
William Street	both sides	Hagerman, Con. B Lot 61 off Hwy #124	anytime

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SCHEDULE II (Stopping Restrictions and Prohibitions on Certain Highways)

Column 1 – Highway 4 – Times	Column 2 – Side	Column 3 – Between	Column
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SCHEDULE III (Standing Restrictions and Prohibitions on Certain Highways)

Column 1 – Highway 4 - Times	Column 2 – Side	Column 3 – Between	Column
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SCHEDULE IV (Fire Routes)

Column 1 – Highway 4 - Times	Column 2 – Side	Column 3 – Between	Column
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SCHEDULE V (Heavy Trucks Prohibited)

Column 1 – Highway 4 - Times	Column 2 – Side	Column 3 – Between	Column
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Schedule VI – Maximum Truck Length

Column 1 – Highway 4 – Times	Column 2 – Side	Column 3 – Between	Column
Nelson Clelland Road	both sides	Croft, Con. 13 to 14, Lots 30 to 35 off Hwy. #520	anytime

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Schedule VII – Maximum Rate of Speed

Column 1 Road or Portion of Road Rate of	Column 2 Location	Column 3 Maximum Speed
CANNING Road Lair,	Hagerman Con. 6 and 7 Lots 26 thru 30 off Balsam Road	50 K.P.H. to Fox Unassumed – No Maintenance by Municipality to end of road.
FARLEYS Road	Hagerman Con. B, Lots 49 and 50, Con. 10 and 11 Lots 26 thru 30 off Hwy. 124	50 K.P.H.
GREY OWL Road	McKellar/Hagerman boundary road off Hwy. #124	40 K.P.H.
MAPLE ISLAND Road	McKenzie, Con. 1 to 3, Lots 1 to 5, Ferrie, Con. 3 to 7,	50 K.P.H. to Con. 5, Lot

MOORE Drive	Hagerman Con. B Lot 59, off Hwy 124	40 K.P.H.
WHITESTONE LAKE Road	Hagerman, Con.14 Lots 33 thru 35 off Hwy 520	50 K.P.H.

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Schedule VIII – Stop Signs

Column 1 – Intersection

Column 2 – Stop Streets

Balsam Road and Laucks Road	- on Laucks facing westbound traffic
Balsam Road and Irwins Road	- on Irwins facing eastbound traffic
Canning Road and Balsam Road traffic	- on Balsam Road facing westbound
Canning Road and Balsam Road southbound traffic	- on Canning Road facing
Bears Paw and Canning Road traffic	- on Bears Paw facing southbound
Dobson Road and Farleys Road traffic	- on Dobson Road facing northbound
East Townline and Boundary Spur Road northbound traffic	- on East Townline facing
East Townline and Boundary Spur Road southbound traffic	- on East Townline facing
Boundary Spur Road and East Townline Road	- on Boundary Spur Road facing westbound traffic
Boundary Spur Road and East Townline Road	- on Boundary Spur Road facing eastbound traffic
East Townline and Quinns Road	- on Quinns Road facing eastbound

traffic

Ladds Road and Maple Island Road
traffic

- on Ladds Road facing eastbound

Ladds Road and Maple Ridge Road

- on Maple Ridge Road facing
southbound
traffic

Pugsleys Road and Farleys Road
southbound traffic

- on Pugsleys Road facing

Shawanaga Lake Road and Lorimer
eastbound
Lake Road

- on Shawanaga Lake Road facing
traffic

Shakell Road and Grey Owl Road
traffic

- on Shakell Road facing southbound

Whitestone Lake Road and

- on Whitestone Lake Road facing
northbound
traffic

Concession 14, Lot 32

Concession 14, Lot 32 and

- on Concession 14, Lot 32 facing
westbound
traffic

Whitestone Lake Road

WasWashKesh Road and Maxwells Road
westbound traffic

- on Maxwells Road facing

Indian Narrows Road and WahWashKesh Road

- on Indian Narrows Road facing
eastbound traffic

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SCHEDULE IX (Municipal Parking Lots)

Dunchurch Community Centre

Whitestone & Fire Rescue Station 2

Maple Island Community Hall

Municipal Public Works Garage

Municipal Office Complex including Whitestone & Fire Rescue Station 1

Pavilion

Whitestone-Hagerman Memorial Public Library