



THE CORPORATION OF THE TOWN OF PENETANGUISHENE

BY-LAW 2022-02

Being a By-law to Consolidate the Traffic/Parking and Use of Highways Regulations and to Repeal By-law No. 2012-23 and All Amendments to the Same

WHEREAS pursuant to section 9 of the Municipal Act, 2001 S.O. 2001, chapter 25 a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS pursuant to section 8. (1) of the Municipal Act, 2001 S.O. 2001, chapter 25 the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS pursuant to section 27 (1) of the Municipal Act, 2001 S.O. 2001, chapter 25 a municipality has the authority to pass by-laws in respect of a highway within its jurisdiction;

AND WHEREAS Council passed By-law 2012-23, being a By-law to Consolidate the Traffic/Parking and Use of Highways Regulations within the Town of Penetanguishene on the 28th day of March 2012;

AND WHEREAS housekeeping amendments are required attached hereto;

AND WHEREAS Council has passed amendments to By-law 2012-23 under By-laws 2012-33, 2012-40, 2012-40, 2012-49, 2013-02, 2013-29, 2013-41, 2013-87, 2013-93, 2014-07, 2015-41, 2015-76, 2016-47, 2016-65, 2017-18, 2019-26;

AND WHEREAS Council deems it expedient to consolidate By-law 2010-51, as amended into one consolidated by-law.

NOW THEREFORE the Council of The Corporation of the Town of Penetanguishene hereby enacts as follows:

1. (1) This By-law shall be known and may be cited as the Traffic/Parking and Use of Highways By-law of The Corporation of the Town of Penetanguishene, hereinafter referred to as this By-law.

**PART 1
DEFINITIONS**

2. For the purposes of this By-law,

“Bicycle” includes a tricycle, a unicycle and a power-assisted bicycle but does not include a motor-assisted bicycle;

“Bicycle Lane” means:

- (1) A portion of a roadway that has been designated by pavement markings or signage for the preferential or exclusive use of cyclists, or
- (2) A portion of a roadway that has been designated for the exclusive use of cyclists by signage and a physical or marked buffer.

“Boulevard” means:

- (1) that portion of a highway, between the Town property line and the curb, not normally used or intended for pedestrian or vehicular traffic, but does not include the sidewalk;
- (2) any centre median strip or island separating two (2) roadways.

“Coaster” means a child’s foot operated vehicle consisting of a narrow board mounted between two wheels tandem with an upright steering handle attached to the front wheel;

“Commercial Motor Vehicle” means a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, buses and tractors used for hauling purposes on the highways.

“Construction” means anything done in the erection, installation, extension or material alteration, demolition or repair of a building and includes the installation of building units fabricated or moved elsewhere and the installation of swimming pools;

“Corner” means the point of intersection of curbs or edges of the travelled portion of the highway;

“Crosswalk” means:

- (1) that part of a highway at an intersection that is included within the connections of the lateral lines of the sidewalks on opposite sides of the

highway measured from the curbs, or, in the absence of curbs, from the edges of the roadway; or

- (2) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface;
- (3) but excludes pedestrians crossovers.

“Curb line” means the line of the curb, or where no curb is constructed, the edge of the travelled portion of the highway;

“Designated school crossing” means a crosswalk which is established and specifically designated by signs to facilitate the crossing of a highway by school children under the supervision of a school crossing guard or by way of electronic signals;

“Director” means the Director of Public Works of the Town of Penetanguishene or such person as may be designated to carry out his duties under this By-law;

“Disabled person” means any person who has:

- (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a personal mobility device or other remedial appliance or device,
- (b) a condition of mental impairment or a developmental disability,
- (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- (d) a mental disorder, or
- (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*

“Disabled person identifying marker” means a marker consisting of the international symbol for the disabled person, issued in connection with a permit by the Ministry of Transportation (Ontario);

“Disabled person sign” is a sign consisting of the international symbol for the disabled to be used for the purpose of designating parking spaces for the sole use of vehicles operated by or conveying disabled persons;

“Drainage course” means any stream, swale, depression in the ground, culvert or gutter located between two adjoining pieces of property intended for channeling runoff;

“Fire Chief” means the Fire Chief of the Town of Penetanguishene or such person as may be designated to carry out his duties under this By-law;

“Fire route” means any portion of or roadway of a public or private roadway designated by the Fire Chief;

“Heavy vehicle” means any commercial motor vehicle having a net (empty) weight in excess of four thousand five hundred (4,500) kilograms (9,925 pounds), but does not include any utility, ambulances, buses, fire apparatus, vehicles owned by or operated by the Town of Penetanguishene, County of Simcoe, Ministry of Transportation, Ministry of Health, Ministry of Correctional Services, or Ontario Provincial Police;

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

“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 highway crosses the other;

“Large vehicle” means any vehicle having a net (empty) weight greater than three thousand one hundred (3,100) kilograms (6,834 pounds) or a height exceeding 2.2 metres (7.2 ft.) including any attached equipment;

“Lot” shall mean a parcel of land that may be legally conveyed;

“Ministry” means the Minister and/or Ministry of Transportation;

“Motor assisted bicycle” means a bicycle:

- (1) fitted with pedals which are operable at all times to propel the bicycle;
- (2) weighing not more than fifty-five (55) kilograms (120 pounds);
- (3) which has no hand or foot operated clutch or gearbox driven by the motor and transferring power to the driven wheel;
- (4) having an attached motor driven by electricity or having a piston displacement of not more than fifty (50) cubic centimetres (3 cubic inches);

- (5) which does not have sufficient power to enable the bicycle to attain a speed greater than fifty (50) kilometres per hour (30 miles per hour) on level ground within a distance of two (2) kilometres (1.25 miles) from a standing start.

“Motorcycle” means a self-propelled vehicle having a seat or saddle for the use of the driver and designed to travel on not more than three (3) wheels in contact with the ground and includes a motor scooter, but does not include a motor assisted bicycle;

“Motorized snow vehicle” means a self-propelled vehicle designed to be driven primarily on snow;

“Motor vehicle” includes an automobile, a motorcycle, a motor-assisted bicycle unless otherwise indicated in the Highway Traffic Act, as amended, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine;

“Municipal lot permit” is a pass to park a motor vehicle within a designated municipal parking lot for the specified duration;

“Municipal parking lot” shall mean land or structures which have been set apart, designated or established by the Town alone or in partnership for the parking of motor vehicles;

“Occupant” when used in relation to property means:

- (1) the tenant of the property or part thereof whose consent shall extend only to the control of land of which he is tenant and any parking spaces allotted to him under his lease or tenancy agreement;
- (2) the spouse, of a tenant;
- (3) a person or The Corporation of the Town of Penetanguishene, or a local board thereof, having an interest in the property under an easement or right of way granted to or expropriated by the person, the Corporation or local board whose consent shall extend only to the part of the property that is subject to the easement or right of way; or
- (4) a person authorized by an occupant as defined in subsection (1), (2) or (3), to act on the occupant’s behalf for requesting the enforcement of this by-law.

“One way roadway” means a highway upon which vehicular traffic is limited to movement in one direction;

“Owner” when used in relation to property means:

- (1) the registered owner of the property;
- (2) the registered owner of a condominium unit, whose consent shall extend only to the control of the unit of which he is owner and any parking spaces allotted to him by the condominium corporation or reserved for his exclusive use in the declaration or description of the property;
- (3) the spouse of a person described in subsection (1) or (2);
- (4) where the property is included in a description registered under the Condominium Act, the board of directors of the condominium corporation;
- (5) a person authorized by the property owner as defined in subsection (1), (2), (3) or (4) to act on the owner's behalf for requesting the enforcement of this by-law.

“Owner of the abutting land” means the person in actual possession of such land and includes an occupant or a tenant in possession of the property;

“Parking lot space” means a portion of the surface of a parking lot normally designated by lines painted or marked on the surface of the parking lot for the parking of a vehicle;

“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;

“Parking Permit” means a permit approved by the Town of Penetanguishene that is displayed in a vehicle and authorizes parking in specific areas;

“Parkland” means any and all land owned by or made available by lease, agreement or otherwise to the Town that:

- (1) has been or hereafter set apart, designated or established by the Town as public parkland, including the water areas and shoreline of such property; or,
- (2) is maintained by the Town as a boulevard, median, landscaped buffer area or walkway.

“Parking space” means:

- (1) a portion of the surface of the travelled portion of the highway or of the shoulder forming part of a highway, designated by suitable markings, the use of which for parking vehicles designated for angle or parallel parking only; and
- (2) on private property an area designated by suitable markings, the use of which for parking vehicles may be designated for angle or parallel parking only.

“Pedestrian” means a person walking and/or standing and includes a person in a personal mobility device;

“Pedestrian crossover” means any portion of a roadway, designated by by-law of a municipality, at an intersection or elsewhere, distinctly indicated for pedestrian crossing by signs on the highway and lines or other markings on the surface of the roadway as prescribed by the regulations;

“Permit” means a permit issued by the Ministry of Transportation to any person who meets the requirements of the Highway Traffic Act and the regulations, consisting of, except when the permit is a CVOR cab card, of a vehicle portion and a plate portion;

“Personal Mobility Device” means a motorized wheel chair or similar vehicle specifically designed for transportation of the physically handicapped and that is not classified under any other vehicle definition as outlined by the Ministry of Transportation;

“Private property” is property other than that owned by the municipality, but shall include property owned by public authorities;

“Private roadway” includes a lane, ramp, or other means of vehicular access to or egress from private property;

“Public parking lot” is an open area other than a street or highway, used for the temporary parking of motor vehicles, to which the public has access, whether on payment of a fee or otherwise;

“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 all of the roadways collectively;

“Roller skates” means a skate boot with a set of wheels attached for the purpose of riding on a surface and shall include roller blades;

“School bus” means a bus used for the transportation of children to and from school that;

- (1) bears on the rear thereof the words “Do not pass when signals flashing”;
- (2) is equipped with two (2) red signal lights on the rear thereof and two (2) red signal lights on the front thereof;
- (3) is painted chrome yellow with black lettering and trim.

“School days” means any Monday to Friday inclusive, between 8:00 a.m. and 5:00 p.m. when school is in session;

“Shoulder” means the area adjacent to a roadway where there is no curb, but does not include a sidewalk;

“Sidewalk” means an improved portion of a highway between the curb line and the adjacent property line, intended for use by pedestrians;

“Sign” shall include any sign or other device erected or placed on a highway, private or municipal property for the purpose of regulating or guiding traffic;

“Sight triangle” means the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each point being six (6) metres from the point of intersection of the street lines, (measured along the street lines). Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines;

“Skateboard” means any device self-propelled by the operator, and consisting of a frame or board and wheels and without mechanical steering or brakes;

“Solid waste disposal enclosure” means a temporary and portable enclosure for the purpose of holding waste for collection;

“Spouse” means or includes a person cohabiting for a specified period of time with another person in a relationship similar to a conjugal relationship;

“Structure” means any and all structures, lighting, headwalls, parking areas and shelters;

“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;

“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;

“Tow away zone sign” means signage depicting an area designated by this By-law where a vehicle may be towed away forthwith;

“Town” means The Corporation of the Town of Penetanguishene;

“Toy vehicle” means a child’s self propelled or battery operated miniature version of a vehicle;

“Traffic signal or traffic control signal” means any device manually, electrically or mechanically operated for the regulation of traffic or pedestrians;

“Unauthorized motor vehicle” is a vehicle that does not have affixed thereto current identification issued and displayed in accordance with the provisions of this By-law;

“Unlicensed motor vehicle” is a vehicle meeting the requirements of the Highway Traffic Act and the regulations that does not have affixed to it a numbered plate issued by the Ministry of Transportation or which does not have evidence of current validation of the permit;

“U-turn” means to turn a vehicle within a roadway so as to proceed in the opposite direction;

“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, but does not include a motorized snow vehicle or a street car;

“Vehicle weight” means the weight of the vehicle itself, as set out in the manufacturer’s specifications;

WORD USAGE

3. (1) As used in this By-law, words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; and the singular number includes the plural and the plural the singular.
- (2) The headings and subheadings used in this By-law shall not form a part of the by-law but shall be deemed to be inserted for convenience of reference only.

EXPRESSION OF TIME

4. (1) Where, in this By-law, any expression of time occurs or when any hour or other point of time is stated, the time referred to or intended shall be reckoned as standard time except in periods when daylight saving time is declared to be in effect, then, during such periods, the time referred to or intended shall be reckoned as daylight saving time.

INTERPRETATION

5. (1) Where there is any conflict between the provisions of this By-law and the provisions of the Highway Traffic Act, as amended, the provisions of the Highway Traffic Act, as amended, shall prevail.
- (2) Where words and phrases used in this By-law are defined in the Highway Traffic Act, as amended, but not defined in this By-law, the definition of the Highway Traffic Act, as amended, shall apply to such words and phrases.

PART II USE OF HIGHWAYS

6. (1) No person shall drive a vehicle except a personal mobility device or a bicycle with all wheels less than fifty (50) centimetres (20 inches) in diameter upon any sidewalk except for the purpose of directly crossing a sidewalk.
- (2) No person upon a skateboard, shall go upon a highway.
- (3) No person upon roller skates or riding in or by means of any, sleigh, cart, wagon, coaster, toy vehicle or similar device shall go upon a roadway except for the purpose of directly crossing a roadway.
7. (1) No person other than a person so authorized under this By-law shall place, maintain or display upon or in view of any road, any sign, signal, marking, or other device which purports to be or is an imitation of or resembles a traffic control sign or traffic signal with the exception of signage regulating motorized snow vehicle trails, or which conceals from view or interferes with the effectiveness of a traffic control sign or traffic signal; and
- (2) Where an emergency arises making it desirable to temporarily prohibit parking on certain streets the Director of Public Works or a police officer and their authorized representatives are hereby authorized to direct that "Emergency No Parking" signs be erected. The Director of Public Works or the police and their authorized representatives shall direct the removal of these signs when, in their opinion, the emergency has ceased.

OCCUPANCY OF HIGHWAY

CONSTRUCTION OR REPAIR

8. (1) No person shall commence construction or repair of an entrance culvert or any work over, on, under or adjacent to any highway unless and until a permit has been obtained for such purpose from the Director of Public Works and until signs, barricades and other safety measures have been provided, and, if necessary, until alternative traffic routes have been established in accordance with the provisions of subsection (8).
- (2) Notwithstanding the provisions of subsection 6, if the work to be undertaken is required immediately for public health, safety or welfare reasons, an application to the Director of Public Works shall be made within the first four (4) hours of the first working day after the date of commencement of the work.
- (3) The applicant shall notify the Director of Public Works in writing immediately when the work undertaken has been completed.

OCCUPANCY OF HIGHWAY – SOCIAL EVENT AND/OR PARADE

- (4) No person shall conduct a social event and/or parade which is likely to require the temporary closing, obstruction or encumbering of part or all of such highway until such approvals have been obtained for such purpose from the Director of Public Works and until signs, barricades and other safety measures have been provided, and, if necessary, until alternative traffic routes have been established in accordance with the provisions of subsection (8) as required by Director of Public Works.
- (5) All applications required under subsections (4) above shall be made on the forms provided by the Community Development Coordinator and shall be made at least sixty (60) days before the date of commencement of the work. The application shall be accompanied by such other supportive materials as may be required. The costs incurred by the Town to implement social event and/or parade temporary road closures shall be recorded as part of the Town's in-kind contribution to the event.
- (6) If the work to be undertaken necessitates a temporary highway closure, the Director of Public Works shall take such steps as are reasonable and necessary to advise and accommodate all persons who will be affected by the temporary closure of the highway.

OCCUPANCY OF HIGHWAY – GENERAL PROVISIONS

- (7) Every person before carrying out any work under on any highway shall provide proof of insurance in an amount as required by the Town against all damages or claims for damage against the Town that may arise as a result of the work.
- (8) When approval has been issued, the applicant shall, during the course of the work or social event:

 - (a) maintain a reasonable safe alternate route for vehicular and pedestrian traffic;
 - (b) provide and maintain reasonable local access routes for all property owners or occupants whose access will be affected by the proposed works;
 - (c) supply, erect and maintain at his own expense all barricades, signs, covers, lights, flagmen and other safety warning devices as may be required by the Director of Public Works to protect the vehicular and pedestrian traffic;
 - (d) provide and maintain pedestrian traffic routes which are separated from vehicular traffic and the project site in a manner satisfactory to the Director of Public Works.
- (9) Where an applicant fails to comply with any of the provisions of subsection 8, the Director of Public Works may perform the works necessary to effect compliance with this section and all costs and expenses incurred thereby shall be borne by the applicant.
- (10) If the works or social event to be undertaken cannot be completed by the application date, the applicant shall make an application to the Director of Public Works for an extension of time and the application shall be made at least five (5) working days prior to the expiry date set out in the permit.
- (11) No applicant shall remove, relocate, conceal from view or interfere with any traffic signs, safety barricades, guide rails, post and wire delineation in the course of carrying out the work or social event. If an applicant requires temporary removal or relocation of any of the above, he shall request the Director of Public Works to carry out such work and all costs thereby incurred shall be borne by the applicant.

- (12) All work to be undertaken under an application issued under this section shall be carried out in compliance with the terms and conditions which are satisfactory to the Director of Public Works.
- (13)a) When a hazardous condition arises during the course of the work or social event undertaken by the applicant, the applicant shall immediately notify the Director of Public Works and any affected utility company of the condition.
- b) When a hazardous condition arises during the course of the work or social event undertaken by the applicant, the Director of Public Works may order the road closed and/or the work halted or other appropriate remedial action to be taken.
- (14)a) Upon completion of the work or social event, the applicant shall restore the highway affected by the work to the condition acceptable to the Director of Public Works and shall guarantee the workmanship on all the restoration work within the limits of the road allowance for a period of twenty-four (24) months from the substantial completion of the work.
- b) Notwithstanding the provisions of subsection (14)(a), the restoration of the highway may be carried out by the Town and the applicant shall reimburse the Town for the costs of the restoration.
- (15) The applicant shall be responsible for all damages to all existing services when such damages arise out of the work undertaken by the applicant.
- (16) Work performed by the Town under this section shall not relieve the applicant or his agents, servants or workmen from any responsibility or any liability arising out of the performance of the work under the application.
- (17) Every person who uses a highway or portion of a highway which has been closed to traffic under this section does so at his own risk and the municipality is not liable for any damages sustained by reason of the person using the highway or portion thereof so closed to traffic.
- (18) The Director of Public Works or a Police Officer may stop any work or social event being performed on or under any highway without a application issued under this section.
- (19) No person shall without lawful authority use a highway or portion thereof closed to traffic and protected pursuant to this section.
- (20) No person shall remove or deface any barricade, device, detour sign or notice placed on any highway or portion thereof under this section.

OBSTRUCTION OF HIGHWAYS, DITCHES, AND CULVERTS

9. (1) No person shall obstruct, encumber, or foul any highway under the jurisdiction of the Town by any means whatsoever without the approval of the Director of Public Works.
 - (2) Without limiting the generality of subsection (1), the obstruction or fouling of a highway includes:
 - (a) the depositing of snow or ice on a roadway;
 - (b) the depositing of equipment and solid waste disposal enclosures on a highway;
 - (c) the depositing of construction or landscaping materials on a highway;
 - (d) sodding, landscaping, or improving a highway;
 - (e) planting trees or shrubbery on a highway without first obtaining written approval from the Town;
 - (f) maintaining any object which is protruding, sharp or dangerous in any way or which may otherwise injure pedestrians.
 - (3) Without first entering into an encroachment agreement with Council, no person shall erect any building, fence or other structure on a municipal road allowance.
 - (4) No person shall place or permit snow to accumulate on any corner lot above the grade of the road with a height exceeding 0.7 metres (2.3 ft.) within a sight triangle, or in the area of the municipal road allowance adjacent to a sight triangle.
 - (5) No person shall plant, place, grow, nurture or permit vegetation including trees, shrubs, or hedges above the grade of the road with a height exceeding 0.7 metres (2.3 ft.), in the area of the municipal road allowance adjacent to a sight triangle.
 - (6) No vegetation, including trees, shrubs, or hedges, shall be allowed adjacent to a sight triangle which poses a hazard to street traffic by impeding the sight lines.
10. (1) No person shall obstruct a ditch, culvert, or boulevard which is upon a Town highway.

- (2) No person shall fill in the road ditches or drainage courses nor permit the same to be filled without the approval of the Director of Public Works.
 - (3) No person shall deposit or cause to be deposited ice or snow on a boulevard that is not adjoining their property, including but not limited to the snow pushed or deposited across a roadway.
11. (1) No person shall throw, place, deposit or permit to be blown or escape from premises occupied by him or dropped from any vehicle, paper, hand-bills, garbage, ashes, rubbish, tires, appliances, soil, construction material, the carcass of any animal, or any other refuse or waste material on any highway in the Town.
- (2) Any person employing or using vehicles in making excavations for building purposes, and in conveying earth, rubbish or other material from such excavations or from any other place along the public highways of the Town, or in any operation involving the passage of such vehicles to and from any site, whether for building purposes or otherwise, shall at once remove from the pavements and sidewalks, or from any public place where the same may be deposited, all earth, rubbish or other material that may fall from the wheels of or from such trucks, graders or loaders, and shall employ and keep employed a sufficient number of sweepers or workmen or use such means as may be necessary to keep all such pavements and sidewalks in a clean condition and free from earth or other material.
12. (1) No person shall willfully damage, or being the owner of land abutting a highway, permit damage of any sort to any highway.
13. (1) No person shall permit water to be discharged from a pipe or hose on the person's property:
- (a) over or across a sidewalk; or
 - (b) directly onto a roadway.
14. (1) The Director of Public Works and/or designate may give to any person found to have obstructed, fouled, or damaged a highway contrary to the provisions of this By-law, a notice in writing delivered by hand or posted on the obstruction, requiring the repair of such highway or removal from such highway any and all refuse, articles or materials.
- (2) In the event that such person does not comply with the direction in the said notice, the Town may perform the work, or cause it to be done, and the cost thereof may be recovered from such person by court action, or the same may be recovered in like manner as municipal taxes.

PEDESTRIANS

15. (1) No pedestrian shall interfere with traffic at street intersections.

PEDESTRIAN CROSSOVERS

16. (1) The highway or portions of highways set out in Column 1 of Schedule "A" of this By-law at the locations named in Column 2 of the said Schedule are designated as pedestrian crossovers.
- (2) Each of the designations referred to in Schedule "A" shall not become effective unless and until the highways or portions thereof affected are marked to comply with the provisions of the Highway Traffic Act and the regulations thereunder.

SALE OF GOODS ON A HIGHWAY

17. (1) No person shall sell or offer for sale any goods if the place of offering or sale is on a highway without first obtaining a license from the Town.

PART III

TRAFFIC REGULATIONS

ONE-WAY TRAFFIC

18. (1) The highways set out in Column 1 of Schedule "B" of this By-law between the limits set out in Column 2 and Column 3 of said Schedule are hereby designated for one-way traffic only in the direction set out in Column 4 of the said Schedule when signs indicating the direction of traffic have been erected and displayed at every intersection where movement in the opposite direction is prohibited.

U-TURNS

19. (1) Where signs to that effect are displayed, no person operating a vehicle shall make a U-turn on any highway or portion of a highway set out in Column 1 of Schedule "C" of this By-law between the limits set out in Column 2 and Column 3 of the said Schedule.

STOP SIGNS

20. (1) The intersections on highways set out in Column 1 of Schedule "D" of this By-law are designated as intersections where stop signs shall be erected facing traffic in the direction as set out in Column 2 of said Schedule.

YIELD SIGNS

21. (1) The intersections on the highways set out in Column 1 of Schedule "E" of this By-law are designated as intersections where yield right-of-way signs shall be erected facing traffic in the direction set out in Column 2 of said Schedule.

DESIGNATED TURNING LANES

22. (1) Where signs to that effect are displayed, the highways set out in Column 1 of Schedule "F" of this By-law having been divided into clearly marked lanes for traffic, the lane identified in Column 2 is hereby designated only for turns in the direction indicated in Column 4 made by vehicles proceeding in the direction specified in Column 3 and the driver of each vehicle shall turn only in the direction indicated on the signs.

PROHIBITED TURNS

23. (1) Where signs to that effect are displayed, a person operating a vehicle in the intersection or portion of the highway set out in Column 1 of Schedule "G" of this By-law proceeding in the direction set out in Column 2 of said Schedule, shall not turn such vehicle in the direction set out in Column 3 of said Schedule during the times or days set out in Column 4 of the said Schedule.
- (2) Every driver or operator of a vehicle shall obey the instructions or directions indicated on any sign erected in accordance with the schedules of this By-law.

BUS AND SCHOOL BUS LOADING ZONES

24. (1) The highways or portions of highways set out in Column 1 of Schedule "H" of this By-law on the side of the street as set out in Column 2 of the said Schedule between the limits set out in Column 3 of the said Schedule and for class of bus set out in Column 4 of the said Schedule are hereby designated as bus or school bus loading zones.
- (2) Each of the designations referred to in Schedule "H" shall not become effective unless and until the highways or portions thereof affected are marked to comply with the provisions of the Highway Traffic Act, as amended, and the regulations thereunder.

COMMUNITY SAFETY ZONES

25. (1) Where signs to that effect are displayed, the highway or portion of highways set out in Column 1 of Schedule "I" of this By-law, between the

limits set out in Column 2 and Column 3 of the said Schedule during the times and days set out in Column 4 of the said Schedule are hereby designated as Community Safety Zones.

RATE OF SPEED

26. (1) No person shall operate a motor vehicle where signs to that effect are displayed on the highway or portion of a highway or Town owned park set out in Column 1 of Schedule "J" of this By-law between the limits set out in Column 2 of the said Schedule during the times and days set out in Column 4 of the said Schedule, over the maximum rate of speed in kilometres per hour set out in Column 3 of the said Schedule.

HEAVY VEHICLES

27. (1) No person shall drive, move or operate a heavy vehicle on any highway or part thereof, as set out in Schedule "K" of this By-law. The provisions of this section shall not apply to heavy vehicles providing a service, making a delivery to, or a collection from a bona-fide destination which cannot be reached via any highway or highways upon which heavy vehicles are permitted.
- (2) Notwithstanding subsection (1), a heavy vehicle may drive, move or operate on Robert Street West for attending at, or returning from, any fueling depot for the purpose of re-fueling the said vehicle.

SEASONAL LOAD RESTRICTIONS

28. (1) The roads set out in Column 1 of Schedule "L" of this By-law, within the limits set out in Column 2 of the said Schedule, shall have a reduced load designation applied in accordance with the Highway Traffic Act for the time period set out in Column 3 of the said Schedule.
- (2) That the Director of Public Works or designate may in any year, at his discretion, extend or lessen the load restriction periods.
- (3) In the event of subsection (2), the Director of Public Works shall provide notice by removing/amending signage from the effected roadway. Notice shall also be provided for in the form of a notice distributed to local media, on the Town website or in such other means as may be determined by the Director.

**PART IV
PARKING, STOPPING AND STANDING**

METHOD OF PARKING

29. (1) No person shall park any vehicle on any highway or portion thereof, other than a one-way street or highway or where angle parking is permitted except as follows:
- (a) Where there is a raised curb or rolled curb, parking shall be limited to the right side of the roadway, having regard to the direction which the vehicle had been proceeding, and with its right front and rear wheels or runners parallel to and distant respectively not more than fifteen (15) centimetres (6 inches) from such curb.
 - (b) Where there is no curb or rolled curb, parking shall be limited to the right side of the roadway having regard to the direction which the vehicle had been proceeding, and with its right front and right rear wheels or runners parallel to and near to the right hand limit of the highway as is practical without parking on the sidewalk or boulevard.
- (2) When parking on a one-way street, where permitted, no person shall park a vehicle other than in the direction designated for vehicular traffic and;
- (a) With the left front and left rear wheels or runners parallel to and distant respectively not more than fifteen (15) centimetres (6 inches) from the curb or in the absence of a curb as near to the left-hand limit of the highway as is practical without parking on the sidewalk or boulevard; or
 - (b) With the right front and right rear wheels or runners parallel to and distant respectively not more than fifteen (15) centimetres (6 inches) from the curb or in the absence of a curb as near to the right hand limit of the highway as is practical without parking on the sidewalk or boulevard.
- (3) (a) Angle parking is permitted on the highways or portion of highways set out in Column 1 of Schedule "M" of this By-law, on the side set out in Column 2 and between the limits set out in Column 3 and Column 4 of the said Schedule.
- (b) Where angle parking is permitted on a highway, no person shall park any vehicle except as at an angle of forty-five degrees (45) with reference to the curb or boundary of the roadway and having regard to the direction which the vehicle had been proceeding on the side of the highway adjacent to the angle parking zone.

PARKING PROHIBITED IN CERTAIN PLACES ON A HIGHWAY

30. (1) Unless specifically permitted by other provisions of this By-law, no person shall park any vehicle:
- (a) on any portion of a sidewalk in a manner that would obstruct the sidewalk;
 - (b) within three (3) metres (10 ft.) of a point on the curb or edge of roadway opposite any fire hydrant in any direction;
 - (c) in front of any portion of a public or private driveway or laneway;
 - (d) within one (1) metre (3.2 ft.) of a private driveway;
 - (e) within an intersection or within nine (9) metres (30 ft.) of an intersection;
 - (f) on any roadway having an overall width of less than six (6) metres (20 ft.);
 - (g) in such a manner as to obstruct traffic;
 - (h) on any portion of a boulevard;
 - (i) on any highway for a period longer than twelve (12) hours, subject to compliance with subsection (2);
 - (j) in such a position as will prevent the convenient removal of any other vehicle previously parked or left standing;
 - (k) on any portion of a crosswalk or pedestrian crossover;
 - (l) where parking spaces are designated by lines painted on the roadway, except within the area designated as a parking space;
 - (m) for the purpose of repairing vehicles except in cases of emergency.
- (2) No person shall park a vehicle on any highway between the hours of one (1) a.m and seven (7) a.m. between November 1st in any year until April 1st of the following year.

PARKING OR STOPPING PROHIBITED IN SPECIFIED PLACES WHERE SIGNS ARE DISPLAYED:

31. (1) Where signs to that effect are displayed, no person shall park any vehicle on any highway:
- (a) within fifteen (15) metres (50 feet) of an intersection;
 - (b) within fifteen (15) metres (50 feet) of an intersection controlled by traffic signals;
- (2) Where signs to that effect are displayed, no person shall stop any vehicle on any highway:
- (a) within fifteen (15) metres (50 feet) of an intersection;
 - (b) within fifteen (15) metres (50 feet) of an intersection controlled by traffic signals;

PARKING OR STANDING INTERFERING WITH SNOW REMOVAL AND DURING WINTER SEASON

32. (1) Notwithstanding any other provision of this By-law which permits the parking of vehicles on highways, no person shall park or stand a vehicle on a highway in such a manner as to interfere with the clearing of snow from the highway.

PARKING OF LARGE VEHICLES IN RESIDENTIAL ZONES

33. (1) No person shall park a large vehicle, or detached trailer on any highway in any residential zone unless it is at a time being used to make a delivery or to provide a service.

PARKING OF UNLICENSED MOTOR VEHICLES

34. (1) No person shall park an unlicensed motor vehicle on a highway.

PARKING ON PRIVATE PROPERTY

35. (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 a public authority or any local board without the consent of the public authority or local board, as the case maybe;
 - (c) If a parking space has been designated by lines painted on the surface of parking area on private property, no person shall park any vehicle in such a manner that is not wholly within the area designated as a parking lot space.
- (2) Where signs have been posted, 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 prohibitions shall be deemed to have been parked or left without consent.
- (3) (a) If it is alleged in a proceeding that this section has been contravened, the oral or written evidence of an enforcement official is receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated therein in respect of:
- (i) the ownership or occupancy of the property;
 - (ii) the absence of the consent of the owner or occupant;
 - (iii) whether any person is an owner under subsection (5) of the definition of "owner" or an occupant under subsection (4) of the definition of "occupant" in Section 2;
- (b) A document offered as evidence under subsection (3)(a) shall be admitted without notice under the Evidence Act.

FIRE ROUTES

36. (1) Following designation of fire routes by the Fire Chief and notice under the Fire Protection and Prevention Act S.O. 1997, as amended.
- a) the owner of a property shall erect signs marking private roadways thereon as fire routes;
 - b) before erecting signs as required, the owner of a property shall obtain direction from and the approval of the Fire Chief or the persons designated by him to give such direction and approval, for all such signs, the wording thereon and the location thereof;
 - c) each private roadway which is located on a property of which the municipal address or location is listed in Schedule "N" of this By-law

hereto and attached drawing and beside or near which there are signs marking it as a fire route is hereby designated as a fire route;

- d) the owner of a property upon which there is a private roadway that has been designated as a fire route:
 - (i) shall maintain the signs marking it as a fire route; and
 - (ii) shall keep such private roadway:
 - in good repair;
 - clear of snow and ice;
 - free of all obstructions.
- e) no person shall park or leave a vehicle at any time on or along any part of a private roadway designated as a fire route.

BARRIER FREE PARKING REGULATIONS

37. Provision of parking spaces for use by disabled persons

- (1) Every owner or operator of a public parking area shall provide designated parking spaces for the exclusive use of vehicles operated by or conveying physically disabled persons, upon which vehicles shall be properly displayed a disabled person identifying marker as provided for in this by-law. The minimum number of designated parking spaces which must be provided shall be calculated in accordance with the following table:

Parking Requirements to Serve Disabled Persons

Capacity of Public Parking Area (# of parking spaces)	Number of Designated Parking Spaces to be Provided
1-19	1 minimum
20-200	2 minimum
200-400	3 minimum
For each additional 400 thereof	1 minimum to a maximum of 20 or part thereof

Requirements for required parking spaces

- (2) (a) Every owner or operator shall ensure that the designated parking spaces as required shall be:

- (i) 3.5 metres in width between the painted lines (as per Provincial van standard currently in use)
- (ii) 5.5 metres minimum in length (as per Provincial van standard currently in use)
- (iii) configured to include a minimum 1.5 metre aisle (including the painted lines) adjacent to one or both sides and/or to the rear of the parking space for access purposes
- (iv) hard surfaced;
- (v) level to the extent possible given the surrounding grades. Level is deemed to be a minimum grade of 2% to facilitate drainage as per the Town's Engineering standard.
- (vi) located so as to be readily accessible to disabled persons, whether via ramps, depressed curbs or other means and, where the public parking area is intended to serve a particular building or complex, located within easy access of said building or complex;
- (vii) kept free from obstructions, kept clear of snow, ice and slush, and be otherwise maintained to the same standards as all other parking spaces in the same public parking area;
- (viii) the painted lines shall be a minimum of 2" in width unless otherwise permitted by the Town.

Signs

- (3) (a) The disabled permit signs referred to in this by-law shall conform with the Ontario Regulation made under the Highway Traffic Act, as amended and shall be in English and in French.
- (b) A disabled permit sign shall be mounted on a permanent post, or affixed to a wall or structure located within three (3) metres and adjacent to the designated parking space as close as practicable to the point marking the midpoint in width of the parking space and shall not be located so as to block vehicular or other access to the designated parking space.
- (c) Where such parking space is parallel, a disabled permit sign shall be mounted on a permanent post, or affixed to a wall or structure located within three (3) metres and adjacent to the designated parking space as close as practicable to the point marking the midpoint in length of the parking space and shall not be located so as to block vehicular or other access to the designated parking space.

- (d) Every owner or operator of each public parking area in which signs are located pursuant to this by-law shall be responsible for the procurement, installation and maintenance of said signs, and for ensuring that said signs conform with the Ontario Regulations made under the Highway Traffic Act, as amended.

Use of Parking Spaces

- (4) (a) No person shall park a vehicle in a designated parking space in a public area or on a highway or portion of a highway as set out in Schedule "O" of this by-law, unless a valid disabled person identifying marker is properly displayed upon the vehicle and is accompanied by or picking up a disabled person.
- (b) No public parking area owner or operator shall authorize any person to park a vehicle which does not properly display a valid disabled person identifying marker in a designated parking space.
- (5) The implementation of the disabled parking standards set out in this Section shall take place as follows:
 - (i) configuration of parking at the time of site plan approval and/or any change in use, redevelopment or site works that require Town approval;
 - (ii) line painting at the time of the repainting;
 - (iii) signage upon replacement of existing signage or January 1, 2012 whichever is the latter
- (6) In the event of a conflict between the disabled parking standards in this section and any other Town by-law, this By-law shall prevail.
- (7) In the event of a conflict between the disabled parking standards in this section and any Provincial standard under the HTA or AODA, the higher standard shall prevail.

NO PARKING

- 38. (1) Where signs to that effect are displayed, no person shall park a vehicle on any highway, Town owned park or private property between the limits set out respectively in Column 1 and 2 of Schedule "P" of this By-law.

NO STOPPING

39. (1) Where signs to that effect are displayed, no person shall stop a vehicle on any highway at the side and between the limits set out respectively in Columns 1 and 2 of Schedule "Q" of this By-law.

TIME LIMIT PARKING

40. (1) Where signs to that effect are displayed, no person shall park a vehicle on any highway or private property set out in Column 1 of Schedule "R" of this By-law, on the side set out in Column 2, between the limits set out in Column 3 and Column 4 of the said Schedule during the times or days set out in Column 5 of the said Schedule for a longer period than set out in Column 6 of the said Schedule.

NO STANDING

41. (1) Where signs to that effect are displayed, no person shall stand a vehicle on any highway between the limits set out respectively in Columns 1 and Column 2 of Schedule "S" of this By-law during the prohibited times or days set out in Column 3 of the said Schedule.

TOW AWAY ZONES

42. (1) The highways set out in Column 1 at the side and between the limits set out in Column 2 and 3 of Schedule "T" of this By-law are hereby designated as tow-away zones.
- (2) Nothing in the provisions of subsection (1) of this section shall preclude an officer or designate from causing to be removed a vehicle found obstructing traffic or snow clearing on a highway, boulevard, sidewalk or municipal parking lot not designated as a tow-away zone.

LOADING AND UNLOADING

43. (1) Where signs to that effect are displayed, no person shall park a vehicle on any highway or private property set out in Column 1 of Schedule "U" of this by-law, on the side set out in Column 2, between the limits set out in Column 3 and Column 4 of the said Schedule during the times or days set out in Column 5 except for the purpose of loading or unloading merchandise or passengers.
- (2) Vehicles shall be loaded or unloaded from the side and be parked within fifteen (15) centimetres (6") of the curb. Vehicles may be backed up to the curb if no side access to the vehicle is available.

MUNICIPAL PARKING LOTS

Prohibitions

44. (1) Unless otherwise specified in this By-law, no person shall park a vehicle in a municipally owned, leased and/or controlled parking lot between the hours of 1:00 a.m. to 8:00 a.m.
- (a) Persons may make a request in writing for parking in a municipally owned, leased and/or controlled parking lot overnight. Permission is granted by the Director of Public Works.
- (2) No person shall park or leave any vehicle in or on any part of a municipal parking lot where, by means of one (1) or more signs, it is indicated that such parking or leaving is not authorized.
- (3) No person shall park an unlicensed motor vehicle in or on any part of a municipal parking lot.
- (4) If a parking space has been designated by lines painted on the surface of the municipal parking lot, no person shall park any vehicle in such a manner that is not wholly within the area designated as a parking lot space with the exception of emergency personnel vehicles.
- (5) No person shall use any municipal parking lot:
- (a) for the purpose of parking a vehicle while repairs are being made to such vehicle, unless such repairs are of an emergency nature and are required to be made so that the vehicle can be moved from the municipal parking lot;
- (b) for the purpose of storing or keeping a vehicle or vehicles;
- (c) for any purpose other than parking purposes unless permission to do so is granted by the Town.

DESIGNATED PARKING

45. (1) Where signs to that effect are displayed, no person shall park a vehicle on any municipal parking lot or private property set out in Column 1 of Schedule "V" of this By-law at the location set out in Column 2 of the Schedule except the person(s) set out in Column 3 of the said Schedule.
- (2) That the person(s) designated in Column 3 of Schedule "V" of this By-law shall be exempt from the requirements of Section 45, Subsection (2) of this By-law.

TOWN DOCK PARKING AREA

46. (1) No person shall park a vehicle except for the purpose of loading and unloading for a maximum of fifteen (15) minutes along the area in front of all docks in the area commonly known as the Town docks as shown on Schedule "W" to this By-law.
- (2) No person shall park a vehicle overnight on any paved portion of the parking lot in the area known commonly as the Town docks as shown on Schedule "W" to this By-law.

LAUNCHING RAMP PARKING LOT

47. (1) That the land being part of the Town Dock, being shown as area "B" on Schedule "X" to this By-law, is hereby established as a paid parking lot during the months April through October and to be known as the "Launching Ramp Parking Lot."
- (2) No person shall park a vehicle at any time in the areas shown as Area "A" and Area "D" on Schedule "X" to this By-law.
- (3) No person shall park a vehicle at any time during the months April through October in the area shown as Area "B" on Schedule "X" to this By-law unless the appropriate fee as per the Composite Fee Schedule as approved by Council has been paid to the attendants.
- (4) No person shall park a vehicle for more than one (1) hour in the area shown as Area "C" on Schedule "X" to this By-law.
- (5) No person shall launch any type of vessel at any time in the area shown as Area "E" on Schedule "X" to this By-law unless the appropriate fee as per the Composite Fee Schedule as approved by Council has been paid to the attendants.
- (6) No person shall launch any type of vessel at any time in the area shown as Area "F" on Schedule "X" to this By-law.

PENETANGUISHENE MEMORIAL COMMUNITY CENTRE PARKING AREA

48. (1) That the land being part of the Penetanguishene Memorial Community Centre Parking Lot as shown as Area "C" on Schedule "Y" to this By-law, is hereby designated as employee parking for the sole use of the Arena Employees, or a contractor of the Town.

- (2) No person shall park a vehicle at any time in the designated staff parking area, as outlined as Area "C" on Schedule "Y" to this By-law, unless such person is employed by the Corporation of The Town of Penetanguishene as an Arena employee, or contractor of the Town.
- (3) That the land being part of the Penetanguishene Memorial Community Centre Parking Lot as shown as Area "D" on Schedule "Y" to this By-law, is hereby designated as a bus parking zone for the sole use of buses.
- (4) No person shall park a vehicle at any time in the bus parking zone, as outlined as Area "D" on Schedule "Y" to this By-law, unless such person is operating a bus for the purpose of transporting or picking up passengers that are utilizing the Penetanguishene Memorial Community Centre.
- (5) No person shall park a vehicle at anytime, upon any laneway within the limits of the Penetanguishene Memorial Community Centre Parking Lot.
- (6) No person shall park a vehicle at any time in Area "E" as outlined on Schedule "Y" to this By-law.
- (7) No person shall park within twenty (20) feet of any fire exit from the Penetanguishene Memorial Community Centre.

PERMIT PARKING

- 49. (1) Where signs regarding Permit Parking have been erected and are on display, no person shall park a vehicle in any parking area or on any portion of any highway or private property listed in Schedule "Z" attached hereto and forming part of this By-law without displaying a Parking Permit.
- (2) Where a Parking Permit has been obtained under this By-law, no person shall fail to comply with the terms and conditions of the said permit.

PART V PENALTIES

- 50. (1) Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.
- 51. (1) If compliance therewith would be impractical, the provisions of the sections and subsections of this by-law shall not apply to ambulances, Police and Fire Department vehicles and any vehicles while actually engaged in works undertaken for or on behalf of The Corporation of the Town of

Penetanguishene, the County of Simcoe, the federal or provincial government, or any utility.

52. (1) Where a Certificate of Offence has been issued under Part II of the Provincial Offences Act, R.S.O. 1990, as amended, alleging that the provisions of this by-law have been contravened, the person charged may voluntarily pay a penalty to The Corporation of the Town of Penetanguishene, within seven (7) days from the date of the alleged contravention, and such payment shall be accepted in full satisfaction of the fine, and no further proceedings shall be taken.
53. (1) Where a vehicle has been left parked, stopped or left standing in contravention of this by-law, the owner of the vehicle, even though the owner was not the driver of the vehicle at the time of the contravention of the by-law, is guilty of an offence and is liable to a fine in accordance with the provisions of the Provincial Offences Act, unless at the time of the offence the vehicle was in the possession of some person other than the owner without the owner's consent.
54. (1) A police officer, police cadet, municipal law enforcement officer or other person appointed by Council to enforce by-laws or the Highway Traffic Act, as amended, upon discovery of any vehicle parked or standing in contravention of this 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 thereof, if any, are a lien upon the vehicle which may be enforced in the manner provided by the Repair and Storage Liens Act.

PART VI ADMINISTRATION AND ENFORCEMENT

55. (1) A police officer, police cadet, municipal law enforcement officer or other person appointed by Council to enforce by-laws and shall include all persons authorized to enforce the Highway Traffic Act, as amended, are hereby vested with the authority of administering and enforcing the provisions of this by-law.

PART VII SCHEDULES

56. (1) Schedules AA, A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y and Z attached shall form part of this By-law.

PART VIII VALIDITY AND SEVERABILITY

57. (1) Every provision of this By-law is declared to be severable from the remainder of the by-law and if any provision of this by-law shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder thereof.
58. (1) By-laws 2012-23, 2012-33, 2012-40, 2012-49, 2013-02, 2013-29, 2013-41, 2013-87, 2013-93, 2014-07, 2015-41, 2015-76, 2016-47, 2016-65, 2017-18, 2019-16 are hereby repealed in their entirety.

**PART IX
EFFECTIVE DATE**

59. (1) This By-law shall come into full force and effect upon receipt of the approval of the set fine schedules as issued by the Regional Senior Judge of the Ontario Court of Justice, Central East Region.

BY-LAW read a first, second and third time and finally passed by Council on the 12th day of January, 2022.



MAYOR Doug Leroux



CLERK Stacey Cooper



