

CITY OF ST. THOMAS

BY-LAW NO. 45-89

A BY-LAW TO REVISE AND CONSOLIDATE
CERTAIN BY-LAWS REGULATING TRAFFIC
AND THE PARKING OF MOTOR VEHICLES.

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CITY OF ST. THOMAS

BY-LAW NO. 45-89

A By-Law to revise and consolidate
certain by-laws regulating traffic
and the parking of motor vehicles.

THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. THOMAS ENACTS AS
FOLLOWS:

PART "A"

DEFINITIONS

1. In this By-Law:

(a) "AUTHORIZED SIGN" means any sign or device placed or erected on a highway or on a designated fire route under the authority of this By-law and the City's Director of Public Works & Engineering, for the purpose of regulating, warning or guiding traffic.

(b) "BICYCLE" is a vehicle as defined under The Highway Traffic Act.

(c) "BOULEVARD" shall be construed to mean that portion of every highway within the limits of the City of St. Thomas which is not used as a sidewalk, road shoulder or a travelled roadway. (B/L 74-93)

(d) "BUS STOP" means a part of a Highway designated as a point at which buses stop to take on or let off passengers.

(e) "CITY" means The Corporation of the City of St. Thomas.

(f) "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 Highways.

(g) "CORNER" with reference to a highway intersection means the point of intersection of the prolongation of the lateral curb lines or in the absence of curbs the prolongation of the edges of the roadways.

(h) "CORPORATION" means The Corporation of the City of St. Thomas.

(i) "COUNCIL" means the Council of the Corporation of the City of St. Thomas.

(j) "CROSSWALK" means,

(i) 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

(ii) 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.

(k) "CURBLINE" means, where the curb is constructed, the line thereof, where no curb is constructed "curb line" shall be construed as meaning the edge of the travelled portion of the highway.

(l) "DESIGNATED FIRE ROUTE" or "FIRE ROUTE" means any part of a private roadway designated as a fire route under the authority of this by-law.

(m) "DESIGNATED PARKING SPACE" or "DESIGNATED DISABLED PERSON PARKING SPACE" means a parking space located on any public highway in the City of St. Thomas or on a City owned or operated parking lot, or on any property owned or occupied by the municipality or any local board thereof designated for parking of vehicles, and marked by an official sign indicating such space to be for the sole use of vehicles displaying a disabled

person parking permit. (B/L 82-90)

(n) "DIRECTOR OF PUBLIC WORKS AND ENGINEERING" means the person appointed to that position from time to time by the Council of the City, or his designated representative.

(n1) "DISABLED PERSON PARKING PERMIT" means a disabled person parking permit issued under the Highway Traffic Act or a permit, number plate or other marker or device issued by another jurisdiction and recognized under the Highway Traffic Act. (B/L 82-90)

(o) "DRIVEWAY" means improved land on a highway which provides vehicular access from the roadway to a laneway or a parking area on adjacent land.

(p) "GROSS WEIGHT" means the combined weight of vehicle and load.

(q) NOT IN USE AT THIS TIME. (B/L 82-90)

(r) "HANDICAPPED PERSON" an individual who has been issued a disabled person parking permit by the province of Ontario and who has met the requirements of the Highway Traffic Act. (B/L 82-90)

(s) NOT IN USE AT THIS TIME (B/L 82-90)

(t) "HEAVY TRUCK" means any commercial motor vehicle which has a rated gross vehicle weight exceeding 4,535.92 kilograms (10,000 pounds) according to the current permit or vehicle registration which has been issued under the Highway Traffic Act, or its foreign equivalent for such vehicle, regardless of the actual weight of such vehicles, but does not include a vehicle operated by or on behalf of the Corporation or a school bus which is in the course of transporting children or mentally retarded adults to and from school.

(u) "HIGHWAY" includes a common and public Highway, Street, Avenue, Parkway, Driveway, Square, Place, Bridge, Viaduct or Tressle designed and intended for, or used by, the general public for the passage of vehicles.

(v) "HOLIDAY" includes Sunday, New Years Day, Good Friday, Easter Monday, Victoria Day, Dominion Day, the day proclaimed as a Civic holiday by the Corporation, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, the Day proclaimed as the Birthday or day fixed by proclamation of the Governor General for the celebration of the birthday of the reigning sovereign, and any day appointed by proclamation of the Governor General or the Lieutenant-Governor-in-Council as a public holiday or for a general fast or thanksgiving and the next following day when any such holiday falls on a Sunday, and any day appointed by proclamation of City Council.

(w) "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.

(x) "LANEWAY" means improved land adjacent to the highway which provides access from the highway to a parking area on adjacent land.

(y) "LOADING ZONE" means the part of a highway set apart for the exclusive purpose of parking a vehicle to load or unload the same.

(z) "LOCAL BOARD" means a school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or parts thereof.

(aa) "METERED PARKING SPACE" means a parking space for which a meter or other mechanical device is provided or any space adjacent to which a parking meter or other mechanical device is located.

(bb) "MOTOR VEHICLE" includes an automobile, motorcycle, motor-assisted bicycle 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 a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine.

- (cc) "M.T.O." means the Ministry of Transportation of the Province of Ontario.
- (dd) "MUNICIPALITY" means the Corporation of the City of St. Thomas.
- (ee) "OFFICER" means either a member of the St. Thomas Police Force or any other person authorized by Council and charged with the enforcement of this By-Law.
- (ff) "OFFICIAL SIGN" means a sign approved by the Ministry of Transportation and Communications.
- (gg) "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.
- (hh) "PARKING METER" means a device that shall indicate thereon the length of time during which a vehicle may be parked which shall have as a part thereof a receptacle for receiving and storing coins, a slot or place in which such coins may be deposited, a timing mechanism to indicate the passage of the interval of time during which the parking is permissible and which shall also display a signal when said interval of time shall have elapsed.
- (ii) "PARKING METER COVER" means a hood, bag or other covering for a parking meter that is placed over a parking meter by an authorized official to indicate that a parking meter is not to be used.
- (jj) "POLICE OFFICER" means a member of the Police Force of the City of St. Thomas.
- (kk) "PRIVATE ROADWAY" means any private road, lane, ramp or other means of vehicular access to or egress from a building or structure and it may include part of a parking lot.
- (ll) "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 roadway collectively.
- (mm) "SIDEWALK" includes all such parts of a highway as are set aside by the Corporation for use of pedestrians or use by the general public for the passage of pedestrians.
- (nn) "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.
- (oo) "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 constable or other police officer or of a traffic control sign or signal.
- (pp) "TIME" means that where any expression of time occurs or where any hour or other period of time is stated, the time 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.
- (qq) "TRAFFIC CONTROL SIGNAL" means any device, manually, electrically or mechanically operated for the regulation or control of traffic.
- (rr) "U-TURN" means the turning of a vehicle within a roadway so as to proceed in the opposite direction.
- (ss) "VEHICLE" includes a motor vehicle, trailer, traction engine, farm tractor, motorcycle, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle, the cars of electric or steam railways running only upon rails.
- (tt) "PEDESTRIAN" includes a person with a physical disability requiring a personal mobility device and a child in a baby carriage. (B/L 54-2005)

ABBREVIATIONS

2. In the Schedules to this By-Law the following abbreviations and symbols stand for the words respectively set forth opposite thereto as follows:

- (a) Ave. - Avenue
- Blvd. - Boulevard
- Pl. - Place
- St. - Street
- Cres. - Crescent
- Ct. - Court
- Dr. - Drive
- Rd. - Road

- (b) mm - Millimetre
- cm - Centimetre
- m - Metre
- km/h - Kilometres Per Hour
- kg - Kilograms

- (c) A.M. - Ante Meridian
- P.M. - Post Meridian

DISTANCES

3. Where a distance is used in this By-Law as part of a prohibition of parking or stopping within a specified distance of an object, structure, land or a part of a highway, such distance shall be measured;

- (a) from the projection of the nearest curblines or edge of roadway in the direction stated unless it is specifically stated otherwise, and
- (b) along the curb or edge of the roadway to a point in such curb or edge of roadway opposite such object, structure, land or part of a highway, unless the context otherwise requires, and
- (c) from such object, structure, land, or part of a highway in all directions, and
- (d) all distances/dimensions are measured in the metric measurement of metres or as otherwise indicated.

INTERPRETATION - GENERAL

4. In this By-Law,

- (a) words purporting the singular number or the masculine gender only include more persons, parties or things of the same kind than one and females, as well as males, and the converse.
- (b) a word interpreted in the singular number has a corresponding meaning when used in the plural.
- (c) "May" shall be construed as permissive.
- (d) "Shall" shall be construed as imperative.

PART "B" - GENERAL TRAFFIC

APPLICATION

5. This Part applies to all highways under the jurisdiction of the Corporation of the City of St. Thomas.

AUTHORITY TO ENFORCE THIS PART

6. This Part may be enforced by a police officer or municipal law enforcement officer appointed

by the Council or by any person or class of persons designated pursuant to the Provincial Offences Act as a provincial offences officer for the purposes of all or any of the offences under this Part.

AUTHORITY TO IMPLEMENT TEMPORARY PROVISIONS

7. (1) The Director of Public Works and Engineering and/or Chief of Police are hereby given authority as the occasion arises and when required in order to assist in the care of moving traffic, to set apart and indicate or designate on highways in the City space or spaces for the parking of a vehicle or vehicles by causing lines to be painted, signs to be erected or otherwise upon the pavement, curbs or surface of the roadway or immediately adjacent thereto, or on the highway or highways or portions of highways, as a temporary provision for the restriction of parking on highways or portions of highways and to make such other temporary provision for directing the traffic as may be necessary.
- (2) Such temporary changes shall not be effective after the next subsequent Council Meeting unless confirmed by resolution of the Council at such Meeting, which resolution shall stipulate the length of time such change(s) shall be in effect.

PART SUBJECT TO THE HIGHWAY TRAFFIC ACT

8. The provisions of this Part are subject to the provisions of The Highway Traffic Act.

DISPLAYING FOR SALE

9. No person shall park any vehicle on any highway for the purpose of displaying the same for sale.

EMERGENCY FIRE REGULATIONS

10. No driver of any vehicle shall drive his vehicle within 150 metres of any building which is on fire; nor shall he drive his vehicle over or across any line of a hose laid by the Fire Department, and at the directive of the Fire Chief, the Police Department shall place signs on the highway on which the building on fire is situated, and any adjoining highways which may be deemed necessary for the purpose, closing such parts of highways to traffic until the fire is out, and no driver of any vehicle shall pass such sign or approach nearer to the fire than such sign.

EXEMPTION OF MUNICIPAL VEHICLES

11. Sections 19 to 28 and Section 33 of this By-Law do not apply to vehicles of the Corporation where such vehicles are actually engaged in the performance of cleaning, maintenance, repair, construction, snow removal or other work on any highway.

FUNERALS AND PARADES

12. No person shall drive any vehicle, except emergency vehicles, between the vehicles in any duly authorized parade or funeral procession on any highway, provided the vehicles in such parade or procession are properly designated.

INTERFERENCE WITH SIGNS AND PARKING METERS

13. No person shall alter, deface, remove or destroy any sign erected by the City or any pavement lines or other marks for guiding the parking of vehicles or the regulations of traffic, or deface, injure, tamper with, open, wilfully break, destroy or impair the usefulness of any parking meter, and no person shall alter, interfere with, or change the position of any such sign, line or other mark or parking meter, unless he has been duly authorized to do so.

OBEDIENCE TO PARKING METERS, SIGNS, TRAFFIC REGULATIONS AND SIGNALS

14. It shall be the duty of all persons using the highways to observe the directions indicated by all permanent or temporary signs parking meters, traffic regulations and signals erected or placed for the purpose of regulating or directing traffic.

PLAYING ON PAVEMENTS

15. No person shall:
- (a) engage in any game or sports activity upon a roadway or sidewalk, and no person upon roller skates, in-line skates or sleigh, toboggan, express wagon or riding in by means of any coaster, skateboard, toy vehicle or similar device shall go upon any roadway or sidewalk without due care and attention, and without reasonable consideration for others using the highway or sidewalk.
 - (b) either in person or by permitting others without lawful authority conduct any activity which interferes with public travel or use of any sidewalk or highway. (B/L 145-95)

PROHIBITION OF REPAIRING, WASHING, WAXING OR GREASING OF VEHICLES

16. No person shall make use of any roadway for the purpose of washing, waxing, greasing or repairing any vehicle, except such emergency repairs as are necessary to enable the vehicle to be removed from the highway, and disabled vehicles shall be removed or caused to be removed from the highway by the driver or owner without delay.

RULES OF THE ROAD NOT PROVIDED FOR IN THE HIGHWAY TRAFFIC ACT

17. No person shall, either by himself or by permitting others without lawful authority, operate a motor vehicle or bicycle within, upon, across or along any sidewalk, path or boulevard except:
- (a) a motorized wheelchair shall be permitted;
 - (b) at a driveway;
 - (c) a bicycle with a wheel or wheels less than 510 mm in diameter with a tire size of 510 mm X 45 mm. (B/L 92-95)

UNAUTHORIZED SIGNS

18. No person shall place, maintain or display on any highway, any unauthorized device which is an imitation of, or purports to be, or resembles any official sign or signal, or which purports to direct parking or the movement of traffic or the actions of operators of vehicles. Any such device shall be deemed a public nuisance and any Police or other Officer authorized to enforce this By-Law, may remove the same without notice.

REGULATED PARKING

GENERAL PARKING REGULATIONS

19. No person shall stop or park a vehicle:
- (a) on any sidewalk, crosswalk or boulevard;
 - (b) in front of or within 1 metre of any lane, driveway or alley entrance;
 - (c) except at points where parking is otherwise designated, with the right hand wheels of the vehicle at a greater distance from the curbline than 0.3 of a metre, or in winter, subject to Paragraph 5 of this section, as nearly within such distance as the conditions of the highway permit;
 - (d) on the roadway side of a vehicle stopped or parked at the edge or curb of a highway;
 - (e) at the edge or curb on the left side of the roadway having regard to the direction such vehicle was proceeding except where parking is permitted on the left-hand side of the roadway of a highway designated for one-way traffic;
 - (f) in such position as to obstruct traffic;
 - (g) within 8 metres of any Fire Hall on the side of the highway on which the Fire Hall is located or within 30 metres of such Fire Hall on the opposite side of the roadway;
 - (h) on any street within 9 metres of the production of the curbline of any intersecting street except where such intersection is visibly and lawfully designated as a "Bus Stop" at

which intersection all vehicles shall be parked in accordance with the instructions set out on the designating sign or signs;

- (i) on any bridge, subway and/or any approach thereto;
- (j) within 3 metres of the point of the curblin e which is nearest any fire hydrant;
- (k) within 2 metres of the space on the same side of the highway directly in front of the entrance to church, hospital, hotel, theatre, hall or other public building where large numbers of people assemble, except while actually taking on or discharging passengers, other than a bus, in a bus stop, or other than a taxi-cab in a taxi-cab stand, when any such stop or stand has been officially designated and appropriately signed.
- (l) within 15 metres of an intersection with Signal Light Traffic Control System installed.
- (m) within 15 metres of the nearest rail of a level Railway Crossing.
- (n) in a position or place that prevents or is likely to prevent the removal of any vehicle already parked on the highway.

PARKING OF HEAVY TRUCKS AND BUSES

20. (1) No person shall park a heavy truck, or a bus, or a school bus, or allow a heavy truck, or a bus, or a school bus to stand on any highway in any residential zone, or on any highway in any commercial zone.
- (2) The provisions of subsection 1 of this section do not apply to prohibit the parking or standing of any heavy truck upon a highway in any residential zone or in any commercial zone, while the operator thereof is actually engaged in the delivery of goods or services to any premises within any such zone, or to prohibit the parking or standing of any bus or school bus upon a highway in any residential zone or in any commercial zone, while the operator thereof is actually engaged in the embarking or disembarking of passengers within any such zone.

SPECIFIC PARKING REGULATIONS

21. When appropriate signs have been erected and are on display,
- (a) no person shall park a vehicle between 8:30 a.m. and 4:30 p.m. upon the side of the street adjacent to any school property;
 - (b) no person shall park a commercial motor vehicle or allow a commercial motor vehicle to stand at any time, in any of the following places:

TALBOT STREET - SOUTH SIDE - FROM PRINCESS AVENUE TO MOORE STREET

- (c) No person shall stop a vehicle between 8:00 a.m. and 9:00 a.m. or between 3:00 p.m. and 4:00 p.m., Monday to Friday, upon the side of the street adjacent to any school. (B/L 52-2004)

SPECIAL PARKING

22. No person shall park any vehicle or allow any vehicle to stand,
- (a) on the south side of Wellington Street between the westerly limit of the Court House sidewalk and a point 15 metres west of the said westerly limit of the Court House sidewalk except Court House officials;

MAXIMUM PARKING TIME LIMITS

23. (1) No person shall park or allow to stand a non-commercial motor vehicle for a longer period than five (5) hours upon any part of any Highway in the City of St. Thomas between the hours of 6:00 a.m. to 12:00 midnight. (B/L 26-95)
- (2) No person shall park or allow to stand a commercial motor vehicle for a longer period than two (2) hours upon any part of any Highway in the City of St. Thomas.

OVERNIGHT PARKING ON CITY STREETS

24. (1) Notwithstanding any other provisions of this Part, no person shall park a vehicle or allow to stand a vehicle upon any part of any street in the City of St. Thomas between the hours of 3 o'clock a.m. and 5 o'clock a.m. from November 15th to March 15th of the following year. (B/L 99-95)
- (2) Section 24.(1) shall not apply to vehicles provided the owner of such vehicle has obtained an Overnight Parking Permit from the Director of Public Works and Engineering and has the same affixed to the left rear window of said vehicle. Such permit shall be issued upon payment of an annual fee of FIFTY DOLLARS (\$50.00) for each such vehicle. (B/L 99-95)

PARKING ON ONE-WAY STREETS

25. Where a street has been designated pursuant to this by-law as a one-way street and parking is permitted on both sides of such one-way street, no person shall park a vehicle on the left hand side of such street unless the left hand wheels of the vehicle are not more than 0.3 of a metre from the curb line, or in winter, as nearly within the distance as the conditions of the highway permit. (B/L 115-89)

NO STOPPING

26. Where authorized signs are erected and are on display 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 I to this By-Law during the prohibited times or days set out in Column 4 of the said Schedule.

NO PARKING

27. Where authorized signs are erected and are on display no person shall park a vehicle on any highway at the side and between the limits set out respectively in Columns 1, 2 and 3 of Schedule II to this By-Law during the prohibited times or days set out in Column 4 of the said Schedule.

RESTRICTED PARKING

28. Where authorized signs are erected and are on display or where approved parking meter stickers are affixed to parking meters, no person shall park a vehicle on any highway at the side and between the limits set out respectively in Columns 1, 2 and 3 of Schedule III to this By-Law during the times or days set out in Column 4 of the said Schedule for a longer period than that set out in Column 5 of the said Schedule. (B/L 150-97)

TRAFFIC REGULATIONS

THROUGH HIGHWAYS AND STOP SIGNS

29. (1) The highways set out in Column 1 of Schedule IV to this By-Law, between the limits set out in Column 2 of said Schedule, are, except as provided in subsection 3 of this section, hereby designated as Through Highways.
- (2) The intersections set out in Column 1 of Schedule IVA to this By-Law are designated as intersections where Stop Signs shall be erected at the locations shown in Column 2 of said Schedule IVA.
- (3) The designation in subsection 1 of this section, of a highway or part of a highway as a Through Highway shall not include any intersection thereon where the road intersected is a King's Highway or where traffic control signals are installed.

YIELD SIGNS

30. The intersections set out in Column 1 of Schedule V to this By-Law are designated as intersections where yield right-of-way signs shall be erected at the locations shown in Column 2 of said Schedule.

DESIGNATED ONE-WAY STREETS

31. (1) The highways set out in Column 1 of Schedule VI to this By-Law between the limits set

out in Column 2 of the said Schedule are hereby designated for one-way traffic only in the direction set out in Column 3 of the said Schedule.

- (2) Each designation made by Subsection 1 of Schedule VI shall be effective upon the erection of authorized signs.

MAXIMUM SPEEDS

32. The 50 km maximum speed shall not apply when any highway or portion of a highway set out in Column 1 and 2 of Schedule VII is marked in compliance with the regulations of The Highway Traffic Act, the maximum rate of speed thereon shall be the rate of speed set out opposite thereto in Column 3 as set out in Schedule VII of this By-Law.

U-TURNS

33. When authorized signs have been erected and are on display, no person shall make a U-Turn on any highway set out in Column 1 between the limits set out in Column 2 of Schedule VIII of this By-Law.

PROHIBITED TURNS

34. Where appropriate signs are erected and are on display no vehicle in any intersection or portion of highway set out in Column 1 of Schedule IX to this By-Law proceeding in the direction or emerging from a property set out in Column 2 of the said Schedule, shall be turned in the direction set out in Column 3 of the said Schedule, during the times or days set out in Column 4 of the said Schedule.

BLOCKING OF SIGNALIZED INTERSECTIONS

35. (1) No driver or operator of a vehicle, when approaching a green signal light at an intersection, shall enter the intersection unless traffic in front of him is moving in a manner that would reasonably lead him to believe he can clear the intersection before the signal light turns red.
- (2) Subsection 1 of this section does not apply to the driver or operator of a vehicle who enters an intersection for the purpose of turning to the right or left into an intersecting highway and signals his intentions to make such turn prior to entering the intersection.

PERMITTED MOVEMENTS

36. Where authorized signs are erected and are on display, a person operating a vehicle in any intersection or portion of highway set out in Column 1 of Schedule IX-2 to this By-Law proceeding in the direction or emerging from a property set out in Column 2 of the said Schedule, shall proceed only in the direction set out in Column 3 of the said Schedule, during the times or days set out in Column 4 of the said Schedule.

LOADING AND UNLOADING ZONES

37. Where authorized signs are erected and are on display no person shall park a vehicle or allow a vehicle to stand anytime except while actually engaging in loading or unloading on any highway between the limits set out respectively in Column 1 and Column 2 of Schedule X to this By-Law during the time or days set out in Column 3 of the said Schedule for a longer period than that set out in Column 4 of the said Schedule.

LOAD LIMITS, OVERLOAD AND DIMENSIONS

38. (1) Subject to subsections 5, 6 and 7 of this section, during the months of March and April, no person shall operate or draw a commercial motor vehicle or trailer, other than a public vehicle or a vehicle referred to in subsection 2 of this section upon any designated highway in the City of St. Thomas where the weight upon an axle exceeds 5000kg.
- (2) Subject to subsections 5, 6 and 7 of this section during, the months of March and April,
- (a) no two axle tank-truck, which is used exclusively for the transportation of liquid or

- gaseous heating fuel,
- (b) no two axle truck used exclusively for the transportation of livestock feed and,
- (c) no vehicle transporting live poultry,

shall be operated upon any designated highway in the City of St. Thomas where the weight upon an axle exceeds 7500 kg.

(3) Subject to subsections 5, 6 and 7 of this section, during the months of March and April, no vehicle having a carrying capacity in excess of 1000 kg, other than a motor vehicle or trailer shall be operated upon any designated highway in the City of St. Thomas where the weight upon any mm in the width of a tire exceeds 5 kg.

(4) Subsections 1, 2 and 3 of this section do not apply to,

- (a) those portions of highway listed in Column 1 of Schedule XI between the limits as shown in Column 2.
- (b) vehicles operated by or on behalf of the City of St. Thomas where such vehicles are engaged in highway maintenance, including the carriage and application of abrasives or chemicals to the highway, the stockpiling of abrasives or chemicals for use on a highway or the removal of snow from the Highway.
- (c) vehicles used exclusively for the transportation of milk.
- (d) fire apparatus.
- (e) vehicles operated by or on behalf of a municipality transporting waste, or
- (f) Public Utility emergency vehicles.

(5) The Director of Public Works and Engineering may, upon application in writing, grant a permit for the moving of heavy vehicles, loads, objects or structures in excess of the dimensional limits and weight limits as set out in the Highway Traffic Act.

(6) The permit may be a general or may limit the time and the particular Highway that might be used, and may contain conditions relating to the protection of persons and property from injury or damage and may require a Bond or security sufficient to cover the cost of repairing any possible damage to the Highway.

(7) The owner, operator or mover of a heavy vehicle, load, object or structure in respect of which a permit is granted under this section is nevertheless responsible for all damages that may be caused to the Highway.

(8) Where authorized signs are erected and are on display, no person shall operate a vehicle, or combination of vehicles, or any class thereof, having an unloaded weight of at least 4.6 metric tonnes, upon any highway between the limits set out respectively in Column 1 and 2 of Schedule XIA to this By-Law. (B/L 142-98)

WEIGHT OF VEHICLES OVER BRIDGES

39. No person shall operate a vehicle, or combination of vehicles, or any class thereof, whether empty or loaded, over any bridge designated in Schedule XIB when a notice of the maximum weight permitted, legibly printed, is posted in a conspicuous place at each end of the bridge. Within Schedule XIB, Column 1 shall show the Name of the Bridge, Column 2 shall show the Location, Column 3 shall show the Weight Limit and Column 4 shall show the Year of Appraisal. (B/L 107-2004)

BUS STOPS

- 40. (1) No person operating a bus over any highway in the City of St. Thomas shall take on or discharge passengers except on the right hand side of the bus and at a point authorized as a "Bus Stop". (B/L 115-89)
- (2) When an authorized Bus Stop Sign is on display, no person shall stand a vehicle any closer than 15 meters before the said sign.

PROVISIONS FOR TAXI-CAB STANDS

- 41. (1) Taxi-cab Stands shall be permitted on streets, exclusive of Talbot Street. For each parking space designated as a taxi-cab stand, the owner/operator shall pay the Treasurer of the

Corporation an annual rental charge as determined by Council for each taxi-cab stand, subject to the right of the Corporation to terminate such rental upon thirty (30) days' notice in writing delivered to the owner/operator by Registered Post at his last known address, and no person shall park a vehicle, other than a taxi-cab waiting for hire or engagement, at any stand designated as a Taxi-cab Stand by Council.

- (2) Stands for Taxi-cabs are hereby authorized and assigned on the highways, at the side and at the locations set out respectively in Columns 1, 2 and 3 of Schedule XII of this By-Law for the number of Taxi-cabs permitted as set out in Column 4 of said Schedule and for use between the hours set out in Column 5 of the said Schedule.

SCHOOL BUS LOADING ZONES

42. (1) The highways or portions of highways set out in Column 1 of Schedule XIII to this By-Law on the side set out in Column 2 of the said Schedule between the limits set out in Column 3 of the said Schedule and at the school or institution set out in Column 4 of the said Schedule are hereby designated as School Bus Loading Zones.
- (2) Each of the designations referred to in Schedule XIII shall not become effective until the highways or portions thereof are marked to comply with the Regulations made under The Highway Traffic Act.
- (3) When a School Bus Loading Zone has been established and signs have been erected and are on display, no person operating a School Bus shall park the bus in the vicinity of a school except within a School Bus Loading Zone.

COMMUNITY SAFETY ZONES

43. (1) The highways or portions of highways set out in Column 1 of Schedule XIII A to this By-Law between the limits set out in Column 2 of the said Schedule are hereby designated as Community Safety Zones.
- (2) Each of the designations referred to in Schedule XIII A shall not become effective until the highways or portions thereof are marked to comply with the Regulations made under The Highway Traffic Act.

PROVISIONS FOR PARKING METERS

PARKING TIMES

44. No driver of a vehicle shall park such vehicle in a parking meter zone between the hours of 9:00 a.m. and 6:00 p.m., Mondays to Saturdays inclusive, except on Fridays between 9:00 a.m. and 9:00 p.m. and, except when such days are legally and lawfully proclaimed holidays, unless the driver of such vehicle deposits in the parking meter provided for the parking space the sums as indicated in Columns 1 and 2 of Schedule XIV and activates the meter.

MAXIMUM PARKING LIMIT ON METER

45. (1) No driver of a vehicle shall allow such vehicle to remain parked for a longer period than that for which payment has been made in the form of coins deposited in the parking meter or meters, provided, however, that this shall not prevent the driver of the vehicle from using the unexpired time remaining in the meter from its previous use without depositing a coin therein.
- (2) No driver of a vehicle shall allow such vehicle to remain in a parking space for a longer period than the maximum time permitted on the parking meter.

PARKING METER COINAGE

46. (1) No person shall deposit or cause to be deposited in any parking meter any slug or other substitute for coinage of the Dominion of Canada or the United States of America.
- (2) No driver of a vehicle shall park such vehicle in such a manner that it is not wholly within an area designated as a parking space, and if the vehicle is of such length as to prevent it

from being parked within one parking space, then the person parking same shall make the necessary deposit of coins in the parking meter for the adjoining parking space.

PARKING PROCEDURES AT METER

47. No driver of a vehicle shall park such vehicle in a parking space unless the front and rear of such vehicle is alongside or as close as is practicable to the parking meter provided for such space.

PERMIT PARKING AT METERS

48. The depositing of coins in parking meters shall not apply for the parking of any commercial vehicle, public service vehicle, or publicly-owned vehicle in any metered parking space, or for the parking of any other vehicle in any metered parking space, or for the parking of any other vehicle in any metered parking space on Municipal Parking Lots only, provided that, in each case, there shall be visibly attached to such vehicle a currently valid parking permit issued by the Director of Public Works and Engineering of the City of St. Thomas permitting parking in a metered parking space as aforesaid without depositing coins in a parking meter.

PARKING METER LOCATIONS

49. The following highways or parts of highways set out in Column 1 of Schedule XV of this By-Law are designated as parking meter zones between the limits set out in Column 2 of Schedule XV.

PARKING METER RATES

50. The Parking Meter Rates, as set out in Column 2 of Schedule XIV of this By-Law for the type of Parking Meter set out in Column 1 shall be the parking rates for on-street parking as approved by Council.

PRIVATE, PUBLIC AND COMMERCIAL PARKING PERMITS AND FEES

51. (1) The Director of Environmental Services of the City of St. Thomas, is authorized to issue a permit to any person or company applying for same, upon payment of the fee set forth in Schedule XVII, permitting such person or company, during the currency of such permit, to park their motor vehicle for a period not exceeding the maximum time permitted, upon any highway in any metered parking space or reserved parking space thereon, and in no other parking space, without depositing coins in any parking meter or machine established for use in connection with such space, provided such permit, during the time of such parking, is visibly attached to such vehicle.
- (2) Permits allowing the parking of motor vehicles or any class or classes thereof on the highways or parts thereof designated in Schedule XV of this by-law may be purchased on application to the Director of Environmental Services upon the payment of the fee set forth in (1) above for the parking location designated on the permit and not otherwise and subject to availability of space designated for permit parking.
- (3) All permits shall commence on the 1st day of January in each year, or on such later date in each year that corresponds to the date of purchase thereof, and all permits shall expire on the 31st day of December in each year.
- (4) Any permit may be cancelled at any time on authority of the Director of Environmental Services and in the event of cancellation a refund shall be made equal to the current monthly permit fee times the number of months and part month remaining in the unexpired portion of the permit period.
- (5) All Parking Permits, as issued by the Director of Environmental Services for the City of St. Thomas, shall be displayed prominently in the front windshield of the motor vehicle.
- (6) No person shall park a motor vehicle without a valid permit being displayed, as issued by the Director of Environmental Services, between the hours of 7:00 a.m. and 5:00 p.m., Monday to Friday during the school year (September 1 to June 30, inclusive) in any of the following places:

GLADSTONE AVENUE – NORTH SIDE – FROM ELGIN STREET TO HINCKS STREET,
WITHIN THE BOULEVARD AREA. (B/L 50-2004)

COMMERCIAL AND PUBLICLY OWNED VEHICLES IN PARKING SPACES WITH
PARKING METERS

52. (1) Sections 44, 45 and 46 shall not apply to private vehicles, commercial vehicles, or (B/L 8-93) service vehicles provided the owner of such vehicle has obtained a Universal Parking Meter Permit from the Director or Public Works and Engineering and has the same affixed to the windshield of said vehicle. Such permit shall only be valid in any on street or off street metered parking space with the exception of the parking metered spaces located on Talbot Street. Such permit shall be issued upon payment of an annual fee of Three Hundred and Sixty-Five Dollars (\$365.00) for each such vehicle.
- (2) Sections 44, 45 and 46 shall not apply to publicly-owned vehicles provided the owner of such vehicle has obtained a Parking Meter Permit from the Director of Public Works and Engineering and has the same affixed to the windshield of said vehicle. Such permit shall be issued upon payment of an annual fee of One Hundred Dollars (\$100.00) for each such vehicle.

SPECIAL PARKING PERMIT/FEES FOR METER

53. When, for any purpose, a permit is lawfully secured for the occupation of a part of the highway for any period of time longer than that which a vehicle is authorized to occupy it in accordance with this By-Law and where such occupation obstructs or prevents the use or the safe use of any metered parking space, the person securing such permit will pay to the City Treasurer, for the period that such space is so occupied, the following fee:
- Five Dollars (\$5.00) per day or any fraction thereof, or Twenty-five Dollars (\$25.00) per week.

TRANSFER FEE FOR PARKING PERMIT

54. For the transfer of a permit issued pursuant to the provisions of the preceding sections 48, 51 and 52, a fee of TWO DOLLARS (\$2.00) shall be payable to the City Treasurer.

PART "C" - PARKING OF VEHICLES ON MUNICIPAL PARKING LOTS

PARKING ON MUNICIPAL PARKING LOTS

55. (1) No person shall park a vehicle on a municipal parking lot where parking spaces are clearly designated in such a manner as to occupy more than one parking space or project beyond such parking space into the travelled portion of such lot.
- (2) No person shall leave a commercial vehicle parked or standing in any parking area owned or leased by the City for such purposes for any period of time in excess of ninety (90) minutes.
- (3) Subject to subsection 4, no person shall park a vehicle in any parking area owned or leased by the City for public parking purposes for any period in excess of twenty-four (24) hours.
- (4) Where a sign, erected in any area in a Municipal Parking Lot, reserves parking in such area, or indicates that parking is permitted only with a permit, no person shall park a vehicle in such area, unless a valid permit for such municipal parking lot, issued by the Director of Public Works and Engineering, is visibly displayed through the windshield to a person outside the vehicle.
- (5) (Repealed by By-Law 115-89)

DESIGNATION OF MUNICIPAL PARKING LOTS

56. The lands acquired or established for the parking of vehicles, and any buildings and structures acquired or erected for or in connection with the parking of vehicles thereon, shall be deemed

to be a highway for the purposes of The Municipal Act and applies to such land, buildings and structures set out in Schedule XVI to this By-Law and designated as Municipal Parking Lots under the names set out in Column 2 of said Schedule, and operating during the times and days as set out in Columns 3 and 4 of said Schedule. (B/L 83-2001)

PARKING RATES FOR MUNICIPAL PARKING LOTS

57. The parking rates for the Municipal Parking Lots as set out in Column 1 of Schedule XVII of this by-law shall be the rates as approved by Council and are set out in Columns 3 and 4 of said Schedule.

PARKING METER COINAGE

58. (1) No person shall deposit or cause to be deposited in any parking meter any slug or other substitute for coinage of the Dominion of Canada or the United States of America.
- (2) No driver of a vehicle shall park such vehicle in such a manner that it is not wholly within any area designated as a parking space, and if the vehicle is of such length as to prevent it from being parked within one parking space, then the person parking same shall make the necessary deposit of coins in the parking meter for the adjoining parking space.

PERMIT PARKING AT METERS

59. The depositing of coins in parking meters shall not apply for the parking of any commercial vehicles, public service vehicle, or publicly-owned vehicle in any metered parking space or for the parking of any other vehicle in any metered parking space on Municipal Parking Lots only, provided that, in each case, there shall be visibly attached to such vehicle a currently valid parking permit issued by the Director of Public Works and Engineering of the City of St. Thomas permitting parking in a metered parking space as aforesaid without depositing coins in a parking meter.

PRIVATE, PUBLIC AND COMMERCIAL PARKING PERMITS

60. (1) The Director of Public Works and Engineering of the City of St. Thomas is authorized to issue a permit to any person or company applying for same, upon payment of the fee set forth in Schedule XVII, permitting such person or company, during the currency of such permit, to park their motor vehicle for a period not exceeding the maximum time permitted, upon any Municipal Parking Lot in any metered parking space, without depositing coins in any parking meter or machine established for use in connection with such space, provided such permit, during the time of such parking, is visibly attached to such vehicle.
- (2) Permits allowing the parking of motor vehicles, or any class or classes thereof, on any municipal parking lot designated in Schedule XVI of this by-law, may be purchased on application to the Director of Public Works and Engineering upon the payment of the fee set forth in subsection 1 for the parking location designated on the permit and not otherwise and subject to availability of space designated for permit parking.
- (3) All permits shall commence on the 1st day of January in each year, or on such later date in each year that corresponds to the date of purchase thereof, and all permits shall expire on the 31st day of December in each year.
- (4) Any permit may be cancelled at any time by the Director of Public Works and Engineering and in the event of cancellation a refund shall be made equal to the current monthly permit fee times the number of months and part month remaining in the unexpired portion of the permit period.

PART "D" - PARKING ON PROPERTY OF MUNICIPALITY OR LOCAL BOARD

DEFINITIONS

61. In this Part, "owner" when used in relation to property means,
- (a) the registered owner of the property,

- (b) 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,
- (c) the spouse of a person described in paragraph (a) or (b),
- (d) where the property is included in a description registered under the Condominium Act, the board of directors of the condominium corporation,
- (e) a person authorized in writing by the property owner as defined in paragraph (c) or (d) to act on the owner's behalf for requesting the enforcement of a by-law passed under this paragraph.

PROHIBITED PARKING

62. When authorized signs are erected and are on display or where approved parking meter stickers are affixed to parking meters (B/L 150-97), no person shall park or leave a vehicle:
- (a) except in compliance with all signs and instructions,
 - (b) where vehicle spaces are clearly designated, in such a manner as to occupy more than one parking space or project beyond such parking space into the travelled portion of any parking lot,
 - (c) in any location upon any property, other than an area designated for parking of vehicles,
 - (d) subject to (e), for any period in excess of twenty-four hours,
 - (e) where such vehicle is a commercial vehicle, for any period of time in excess of ninety (90) minutes,
 - (f) in a parking space designated for handicapped, unless the vehicle is designated by permit as a Handicapped Vehicle and is being operated by a handicapped person or for carrying a handicapped person.

ERECTION AND MAINTENANCE OF AUTHORIZED SIGNS

63. The Director of Public Works and Engineering shall be responsible for directing the erection and maintenance of authorized signs and for the removal of authorized signs where a sign ceased to be required.

INTERFERENCE OR OBSTRUCTION WITH AUTHORIZED SIGNS

64. No person shall move, remove or interfere with any authorized sign or obstruct a view of an authorized sign.

UNAUTHORIZED SIGNS

65. No person shall erect or maintain any sign upon any property owned or occupied by the municipality or any local board thereof, which may conflict or be confused with an authorized sign.

PART "E" - FIRE ROUTES

FIRE ROUTE DESIGNATIONS

66. Each private roadway in respect of which an agreement with The Corporation of the City of St. Thomas in Schedule XVIII is entered into by the owner of the roadway and along which authorized signs are erected, is hereby designated as a fire route.

PROHIBITED PARKING

67. Where authorized signs are erected and are on display, no person shall park a vehicle along a fire route.

ERECTION AND MAINTENANCE OF AUTHORIZED SIGNS

68. The Director of Public Works and Engineering shall be responsible for directing the erection and maintenance of authorized signs along private roadways designated as fire routes and for the removal of authorized signs where a private roadway ceases to be a fire route.

INTERFERENCE OR OBSTRUCTION WITH AUTHORIZED SIGNS

69. No person shall move, remove or interfere with an authorized sign along a fire route or obstruct a view of an authorized sign along a fire route.

UNAUTHORIZED SIGNS

70. (1) No person shall erect or maintain along a fire route any sign which may conflict or be confused with an authorized sign.
- (2) No person shall erect or maintain an authorized sign, or facsimile thereof, along any private roadway whether a fire route or not, except under the authority of this by-law.

PART "F" - PARKING FOR HANDICAPPED

71. NOT IN USE AT THIS TIME (B/L 82-90)

DISABLED PERSON PARKING - PRIVATE PROPERTY

72. Each private disabled person parking space in respect of which an agreement with The Corporation of the City of St. Thomas in Schedule XIX is entered into by the owner of the disabled person parking space as shown in Schedule XIX and where authorized signs are erected, is hereby designated as a Disabled Person parking space as required under Section 73. of this by-law. (B/L 115-93)

PROHIBITED PARKING

73. No person or organization shall park a vehicle in a designated disabled person parking space unless a currently valid disabled person parking permit has been issued to that person, organization or to a passenger being picked up or transported in the vehicle and such permit is displayed on or in the vehicle in accordance with the requirements of the Highway Traffic Act. (B/L 82-90)

OTHER PERMITS

74. Vehicles displaying currently valid permits, number plates or other markers and devices bearing the international symbol of access for the disabled and issued by other jurisdictions are entitled to the same privileges as vehicles displaying disabled person parking permits issued by the Province of Ontario. (B/L 82-90)

PART "G" - PAYMENT OF PENALTIES OUT OF COURT

PROVISIONS FOR PENALTIES

75. (1) In this section:
- (a) "any provision of this by-law" means any provision of this by-law for the contravention of which the Municipal Act permits a procedure for the voluntary payment of penalties out of court,
 - (b) "parking infraction" means any unlawful parking, standing or stopping of a vehicle that constitutes an offence. (B/L 193-98)
- (2) (Repealed by By-Law 193-98)
- (3) (Repealed by By-Law 115-89)

METHOD OF PAYING VOLUNTARY PENALTY

76. An early penalty payment out of court may be made on or before the date specified on the parking infraction notice by a cheque or money order payable to the Corporation sent by prepaid mail to an address or post office indicated on the parking infraction notice and on such payment being made, no further proceedings will be taken.

DEFAULT IN PAYING VOLUNTARY PENALTY

77. If default is made in paying a penalty out of court in accordance with this Part, any fine imposed under this by-law for the contravention thereof shall be recoverable under the Provincial Offences Act, all the provisions of which shall apply.

PART "H" - GENERAL PROVISIONS

GENERAL PENALTY

78. Every person who contravenes a section of this By-Law is guilty of an offence and subject to a penalty as provided for under the Provincial Offences Act. (B/L 193-98)

ILLEGALLY PARKED VEHICLES

79. Where a vehicle has been left parked, stopped or left standing in contravention of this by-law the owner of the vehicle, notwithstanding that he 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 the fine prescribed for the offence 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.

REMOVAL OF VEHICLES

80. A constable or an officer appointed for the carrying out of the provisions of The Highway Traffic Act, upon discovery of any vehicle parked 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 Section 52 of The Mechanic's Lien Act.

AUTHORITY TO ENFORCE THIS BY-LAW

81. Any member of the City Police Force is authorized to enforce the provisions of this by-law. Any other officer appointed by the Council of the City of St. Thomas to enforce municipal by-laws, is authorized to enforce all the non-moving violations of this by-law.

EXCESS COINS IN PARKING METERS

82. Where a person deposits one or more coins in a parking meter in excess of that required for the parking time allowed by the meter, no change shall be remitted and no increase in parking time shall be allowed.

EXECUTIVE ACTS AUTHORIZED

83. The Mayor and the Administration are hereby authorized to do all things and the Mayor and City Clerk are hereby authorized to execute on behalf and under the seal of the Corporation any document necessary to give effect to this by-law.

SCHEDULES ADOPTED

84. 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 entry or entries across therefrom, and not otherwise.

HEADINGS NOT PART OF BY-LAW

85. The headings in the body of this by-law form no part of the by-law but are inserted for convenience of reference only.

DEVIATION FROM FORMS

86. Where a form or words or expressions are prescribed in any Schedule to this by-law, deviations therefrom not affecting the substance or calculated to mislead do not vitiate them.

CONFLICT WITH HIGHWAY TRAFFIC ACT

87. In the event of conflict between the provisions of this by-law and the Highway Traffic Act, the provisions of the Act prevail.

REPEAL

88. (1) Subject to subsection 2, the following by-laws and any amendments thereto are repealed:

By-Law 120-79
By-Law 113-84
By-Law 114-84
By-Law 101-81
By-Law 104-84

(2)The by-laws repealed by subsection 1 continue to apply in respect to offenses committed under such by-laws prior to September 1st, 1989 and the prosecution of the same.

EFFECTIVE DATE OF THIS BY-LAW

89. This by-law shall come into force on September 1st, 1989.

READ a First and Second time this 18th day of April, 1989.

READ a Third time and finally passed this 18th day of April, 1989.

Peter J. Leack
CITY CLERK

Stephen J. Peters
MAYOR

(Original Signed)

(seal)