



**BY- LAW NUMBER 2018-**

**A By-law of The Corporation of the City of Barrie to amend By-law 2007-209 to allow overnight parking on Christmas Day, boxing Day and New Year's Day while continuing to prohibit overnight parking on remaining days between December 1<sup>st</sup> and March 31<sup>st</sup> each year.**

**WHEREAS** Section 8 of the *Municipal Act*, 2001, provides that the powers of the municipality, under the act shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

**AND WHEREAS** Section 9 of the *Municipal Act* 2001, S.O. 2001, c. 25 ("the *Municipal Act*, 2001"), provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

**AND WHEREAS** Section 10 (2) of the *Municipal Act*, 2001, provides that a single-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

**AND WHEREAS** the Council of The Corporation of the City of Barrie on the 24<sup>th</sup> day of September, 2007 passed By-law 2007-209 to prohibit overnight parking;

**NOW THEREFORE**, the Council of The Corporation of the City of Barrie hereby enacts as follows:

**1. DEFINITIONS**

- 1.1 "Barrie Police Services" means the police force established by the City of Barrie in accordance with the Police Services Act, R.S.O., C. P. 15;
- 1.2 "City" means The Corporation of the City of Barrie;
- 1.3 "Commissioner" means the Commissioner of Community Services for the City of Barrie, or his authorized designate;
- 1.4 "Designated Snow Route" means those highways or parts of a highway which are designated by official signs in accordance with Schedule "B" to this By-law;
- 1.5 "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;
- 1.6 "Highway Traffic Act" means the Ontario Highway Traffic Act, R.S.O. 1990, c. H.8 as amended;
- 1.7 "may" shall be construed as permissive;
- 1.8 "motor vehicle" includes an automobile, motorcycle, trailer, and any other vehicle propelled or driven otherwise than by muscular power;
- 1.9 "Municipal Law Enforcement Officer" means a person appointed by the Council of The Corporation of the City of Barrie to enforce municipal by-laws.
- 1.20 "official sign" means any permanent sign or roadway, curb or sidewalk marking or other device placed or erected on a highway under the authority of this By-law and specified in the Ontario Traffic Manual or the Act or otherwise approved by Council of the City of Barrie for the purpose of regulating, warning and guiding traffic;
- 1.21 "park" or "parking" when prohibited means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;

- 1.22 "police officer" means a chief of police or any other police officer, but does not include a special constable, a First Nations Constable, a municipal law enforcement officer or an auxiliary member of a police force;
- 1.23 "shall" shall be construed as imperative;
- 1.24 "snow lift sign" means any temporary sign or roadway, curb or sidewalk marking or other device placed or erected on a highway under the authority of this By-law for the purpose of notifying the public of an upcoming snow removal activity; and
- 1.25 "snow removal activity" means the work associated with the scheduled removal of snow and/or ice, or the clearing of snow;
- 1.26 "Winter Maintenance Event" means a period of time after March 31 and before December 1 during which the General Manager of Community Operations, or his designate, in his or her sole discretion, declares that he/she anticipates weather that is likely to require snow plowing, sanding, salting, direct liquid application, snow removal or other winter maintenance operations."

## **2. INTERPRETATION**

- 2.1 In this By-law:
  - a) Words importing 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) "Motor vehicle", when used as part of a prohibition of parking or stopping, includes any part thereof; and
  - d) "Subsection" when used without reference to another section, refers to a subsection contained in the same section in which the phrase is used.
- 2.2 It is declared that if any section, subsection or part or parts thereof be declared by any court of law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.
- 2.3 The Schedules referred to in this By-law shall form part of this By-law.

## **3. STANDARD TIME AND DAYLIGHT SAVING TIME**

- 3.1 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, provided however, if what is known as "daylight saving time" has been generally adopted in the City of Barrie for any period of the year, under any statute, order-in-council, by-law, resolution or proclamation, whether the same is effective in law or not, such time shall be the time referred to during such period in any reference to time in this By-law.

## **4. GENERAL REGULATIONS**

- 4.1 No person shall park a motor vehicle or permit a motor vehicle to remain parked on any highway so as to interfere in any manner with the work of:
  - a) Removing snow or ice; or
  - b) Clearing of snow.
- 4.2 No person shall park a motor vehicle or permit a motor vehicle to remain parked, on any highway between the hours of 12:01 a.m. and 7:00 a.m., from December 1<sup>st</sup> of one year to March 31<sup>st</sup> of the following year.
- 4.3 Notwithstanding the provisions of Section 4(1) and 4 (2), a winter maintenance event may be declared at any time by the General Manager of Community Services, or his designate.
- 4.4 Where a winter maintenance event has been declared no person shall park a motor vehicle or permit a motor vehicle to remain parked on any highway between the hours of 12:01 a.m. and 7:00 a.m."

- 4.5 Notwithstanding section 4(2), parking a motor vehicle shall be permitted on any highway between the hours of 12:01 am (midnight) to 7:00 am on:
- i) December 25<sup>th</sup> (Christmas Day) of each year;
  - ii) December 26<sup>th</sup> (Boxing Day) of each year; and
  - iii) January 1<sup>st</sup> (New Year's Day) of each year.
- 4.6 Should a winter maintenance event be declared, section 4(5) shall not apply and all provisions set out in section 4(1) and 4(2) shall remain in effect.
- 5. PARKING PROHIBITED – DOWNTOWN BUSINESS IMPROVEMENT AREA BOUNDARIES - SCHEDULE "A"**
- 5.1 The area shaded on the map attached as Schedule "A" hereto is deemed to be the Downtown Barrie Business Improvement Area Boundaries for the purpose of this By-law.
- 5.2 Section 4 (2) of this By-law does not apply to highways located within the Downtown Barrie Business Improvement Area Boundaries.
- 5.3 No person shall park a motor vehicle or permit a motor vehicle to remain parked, on any highway between the hours of 3:00 a.m. and 6:00 a.m., from December 1<sup>st</sup> of one year to March 31<sup>st</sup> of the following year, in the area designated within the area set out in Schedule "A" to this By-law.
- 5.4 Notwithstanding the provisions of Section 5(3), a winter maintenance event may be declared at any time by the General Manager of Community Services, or his designate.
- 5.5 Where a winter maintenance event has been declared no person shall park a motor vehicle or permit a vehicle to remain parked on any highway between the hours of 3:00 a.m. and 6:00 a.m. in the area designated in Schedule "A" to this By-law."
- 5.6 Notwithstanding section 5(3), parking a motor vehicle shall be permitted within the Downtown Business Improvement Area as defined in Schedule "A" to this by-law, on any highway between the hours of 3:00 am and 6:00 am on:
- i) December 25<sup>th</sup> (Christmas Day) of each year;
  - ii) December 26<sup>th</sup> (Boxing Day) of each year; and
  - iii) January 1<sup>st</sup> (New Year's Day) of each year.
- 5.7 Should a winter maintenance event be declared, section 5(6) shall not apply and all provisions set out in section 5(3) shall remain in effect.
- 6. DESIGNATED SNOW ROUTES - SCHEDULE "B"**
- 6.1 Highways identified in bold on the map attached as Schedule "B" hereto are deemed to be Designated Snow Routes for the purpose of this By-law.
- 6.2 The Commissioner is authorized to erect snow lift signs to facilitate the removal of snow, ice or debris from a highway.
- 6.3 Snow lift signs shall be erected at least eight (8) hours before the snow removal activity commences, and shall be removed after the termination of the activity.
- 6.4 Notwithstanding Sections 4 (2) and 5 (3), when official snow lift signs have been erected in accordance with Section 6 (3), and are on display, no person shall park a motor vehicle or permit a motor vehicle to remain parked on any highway deemed to be a Designated Snow Route as set out in Schedule "B" to this By-law at any time, from December 1<sup>st</sup> of one year to March 31<sup>st</sup> of the following year.
- 7. ERECTION OF TRAFFIC SIGNS AND SIGNALS**
- 7.1 The Commissioner is hereby authorized and directed to erect and maintain such signs, traffic control signals, markings, barricades, traffic control devices and other structures, plant and equipment as are required to give effect to this By-law and as are required to regulate, direct, warn or guide traffic for the safety or convenience of the public, the effective delivery of winter control services, or the

proper and safe performance of some vital function of the City relating to winter control.

- 7.2 When official signs have been erected or notice has otherwise been given under subsection (1) hereof and Sections 6 (2) and (3), every person shall obey the instructions or directions on any sign so erected.

## **8. DEFACING SIGNS AND TRAFFIC CONTROL SIGNALS**

- 8.1 No person shall move, remove, deface or in any manner interfere with any authorized or official sign, traffic control signal, marking or other traffic control device placed, erected or maintained under this By-law.
- 8.2 No person shall place, maintain or display upon or in view of any highway any sign, signal, marking or device which purports to be or is an imitation of or resembles an official sign or traffic control signal or which conceals from view or interferes with the effectiveness of an official sign or traffic control signal.

## **9. OFFENCES AND FINES**

- 9.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence.
- 9.2 Every person who is convicted of an offence is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33 as amended.

## **10. VEHICLES SUBJECT TO REMOVAL WHEN ILLEGALLY PARKED**

- 10.1 In addition to any other penalties provided by this By-law, upon discovery of any vehicle parked on any highway in contravention of any provision of this By-law, a police officer or a municipal by-law enforcement officer may cause such vehicle to be moved or taken to and placed or stored in a suitable place, without notice.
- 10.2 All costs and charges incurred for removing, taking away and storing a motor vehicle pursuant to Subsection (1) of this Section, shall be a lien upon the motor vehicle, which lien may be enforced in the manner prescribed by Section 4 of the *Repair and Storage Liens Act*, R.S.O. 1990, Chapter R.25, as amended.

## **11. ENFORCEMENT**

- 11.1 This By-law shall be enforced by Police Officers of the Barrie Police Services and the Municipal By-Law Enforcement Officers of the City of Barrie.
- 11.2 Police Officers and Municipal By-Law Enforcement Officers are exempt from complying with the provisions of this By-law while actively engaged in its enforcement or the parts thereof that they have been appointed to enforce when no suitable parking is available.
- 11.3 This By-law shall not, if compliance therewith would be impracticable, apply to vehicles actually engaged in works undertaken for or on behalf of any municipal Corporation.

## **12. APPLICATION OF BY-LAW**

- 12.1 This By-law applies to all highways under the jurisdiction of the City of Barrie.

## **13. BY-LAW SUBJECT TO THE HIGHWAY TRAFFIC ACT**

- 13.1 The provisions of this By-law are subject to the provisions of the *Highway Traffic Act*.

## **14. SHORT TITLE**

- 14.1 This By-law shall be known as the "Overnight Parking By-law".

## **15. FORMER BY-LAWS REPEALED**

- 15.1 By-law 2251 and all amending by-laws thereto are hereby repealed.

## **16. TRANSITION**

- 16.1 The repeal of the By-laws referred to in Section 15 shall not affect any offence previously committed under the provisions of By-law 2251 or any penalty incurred in respect thereof or any investigative procedure thereunder.

**17. BY-LAW IN FORCE**

17.1 This By-law shall come into force and take effect immediately upon passing.

**READ** a first and second time this 1<sup>st</sup> day of October, 2018.

**READ** a third time and finally passed this 1<sup>st</sup> day of October, 2018.

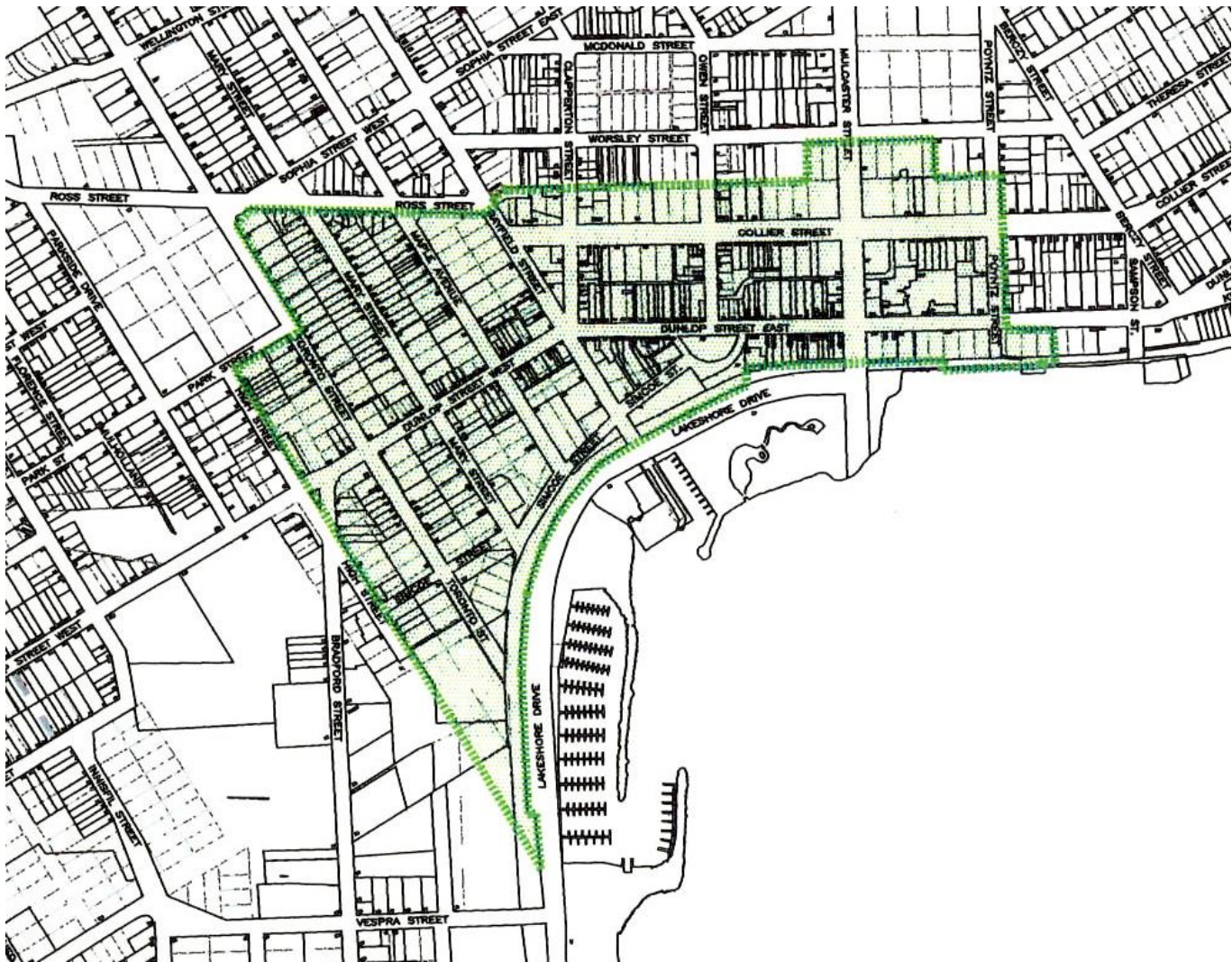
**THE CORPORATION OF THE CITY OF BARRIE**

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**MAYOR – J.R. LEHMAN**

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**CITY CLERK – WENDY COOKE**

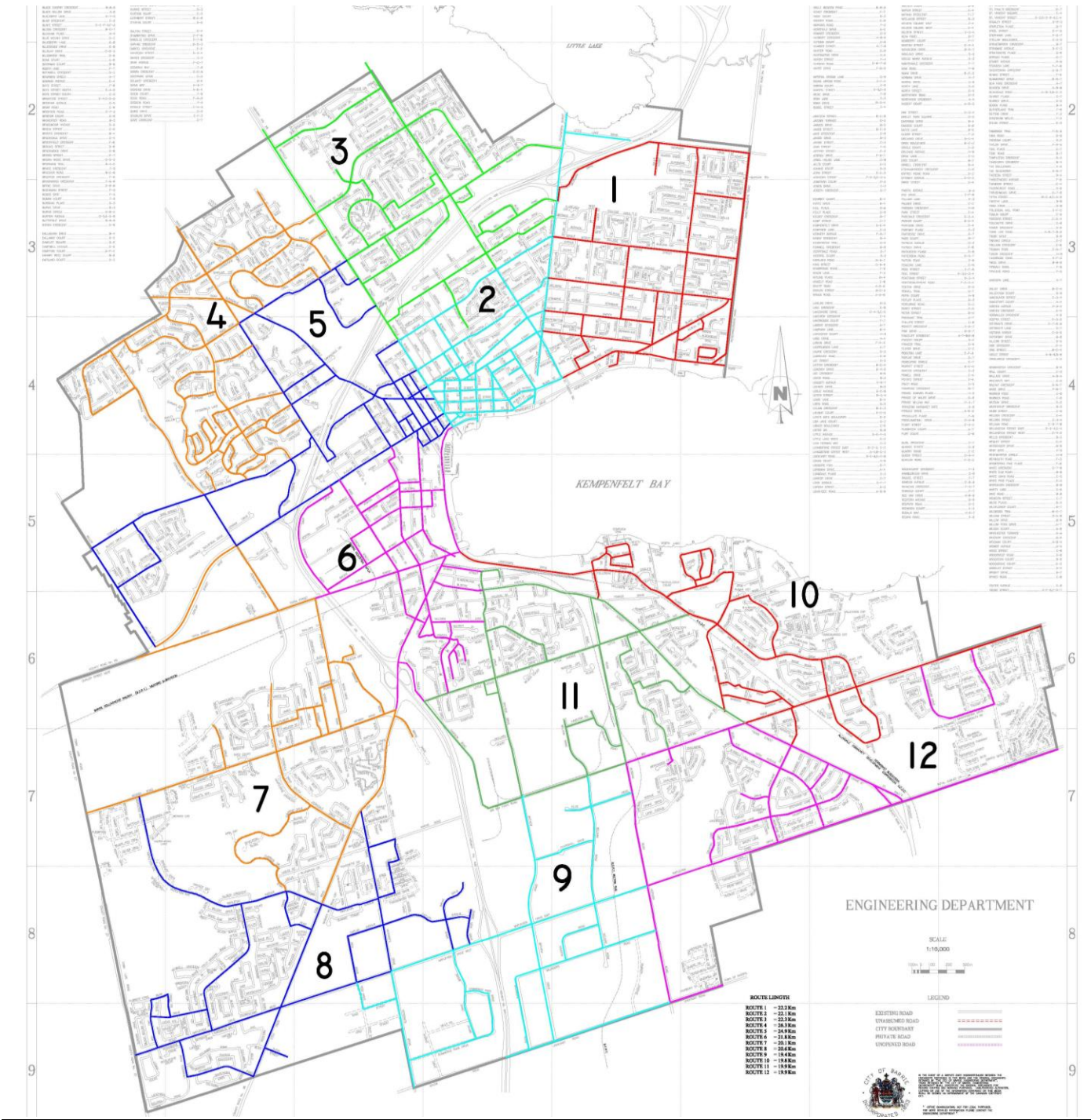
SCHEDULE “A” TO BY-LAW 2007-209

DOWNTOWN BARRIE BUSINESS IMPROVEMENT AREA BOUNDARIES





SCHEDULE "B" TO BY-LAW 2007-209  
DESIGNATED SNOW ROUTES



AMENDMENTS TO BY-LAW 2007-209 OVERNIGHT PARKING

By-law 2007-209	Original By-law	07-G-491 amended by resolution 07-A-341
By-law 2008-169	Sections 4(2), 5(3) and 6(4) – deleting April 30 <sup>th</sup> and replacing to April 15 <sup>th</sup>	08-G-432
By-law 2011-041	Section 4(2), 5(3) and 6(4) – deleting November 1 <sup>st</sup> of one year and April 15 <sup>th</sup> - replacing with December 1 <sup>st</sup> of one year to March 31 <sup>st</sup> of the following year	11-G-068
By-law 2011-123	Section 4 (3)(4) and 5(4)(5)	11-G-241