

The Corporation of the Town of South Bruce Peninsula

By-Law Number 16-2023

Being a By-Law to Regulate Paid Parking

Whereas Section 9 of the *Municipal Act, 2001 S.O. 2001 c.25* provides that Section 8 and 11 of the *Municipal Act, 2001* shall be interpreted broadly so as to confirm broad authority on the Town to enable it to govern its affairs as the Council considers appropriate, and to have the Town's ability to respond to Municipal issues;

And whereas Section 11(3) 1 of the *Municipal Act, 2001 S.O 2001, c. 25*, as amended, authorizes municipalities to pass by-laws regarding highways including parking and traffic on highways;

And whereas Section 27(1) of the *Municipal Act, 2001 S.O 2001, c. 25*, as may be amended from time to time, provides that except as otherwise provided in this Act, a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway;

And whereas Section 426(1) of the *Municipal Act, 2001 S.O 2001, c. 25*, as may be amended from time to time, provides for the prohibition of hindering and obstructing or attempting to hinder and obstruct any person who is exercising or performing a duty under the *Municipal Act, 2001* or any by-law passed under the *Municipal Act, 2001*;

And whereas the Town has identified certain areas within the Town where parking is to be regulated under a Paid Parking program.

Now therefore the Council of the Corporation of the Town of South Bruce Peninsula enacts as follows:

Section 1: Definitions

"Authorized Sign" means any sign or roadway, curb or sidewalk marking or device, placed or erected anywhere, under the authority of Council for the purpose of regulating, warning or guiding traffic and includes the indication of the requirement to pay for parking.

"Bus" means a large motor vehicle designed to carry multiple passengers from one place to another along a fixed route according to a schedule. A bus is designed with multiple seats and typically will carry more passengers than a regular passenger vehicle.

"Clerk" means the Clerk for the Town of South Bruce Peninsula or any person designated by the Clerk to have authority under this by-law.

“**Council**” when used herein shall mean the Council of the Corporation of the Town of South Bruce Peninsula.

“**Employee**” shall mean those persons who work for businesses in the Sauble Beach Downtown Core Area.

“**Hinder**” shall mean to create difficulties, impede, block, limit the ability for someone to do something, stop or slow progress or tasks or get in the way. For greater certainty, the terms obstruct and interfere shall hold the same meaning for the purposes of this by-law.

“**Impending Conviction**” shall mean the second stage of a parking infraction and shall indicate failure to pay.

“**Officer**” means a person appointed by Council to enforce this by-law and may include a Municipal Law Enforcement Officer and a Provincial Offences Officer.

“**Paid Parking**” means the requirement to pay for parking in the zones described herein.

“**Paid Parking Machine or Other Means of Payment Provided by the Town**” means a machine or other method (including paying by phone or internet) which will record payment for time parked. A Paid Parking Machine shall mean and include any other method of payment and vice versa.

“**Paid Parking Zone**” means any area designated for Paid Parking.

“**Paid Fee**” means a fee set out in the Town’s Fee By-Law.

“**Paid Parking Permit**” shall mean the approval given for paying for a parking space and shall include any pass issued.

“**Parking Infraction Notice**” shall mean a notice violation.

“**Required Paid Parking Time**” shall mean on every day of the week from June 1 to Labour Day inclusive and between the hours of 8:00 am to 5:00 pm.

“**Residents/Property Owner**” shall mean a person who lives in or owns property in the Town of South Bruce Peninsula.

“**Sauble Beach Downtown Core Area**” shall mean that area west of Sauble Falls/Southampton Parkway, north of Main Street and south of Second Street N.

“**Seasonal Parking Pass**” shall mean a pass which is issued and shall be used for the calendar year in which the pass is purchased.

“Vehicle” includes a motor vehicle, off road vehicle, trailer, traction engine, farm tractor, road-building machine, wagon and any vehicle drawn, propelled or driven by any kind of power, including muscular and animal power.

Section 2: Paid Parking

- 2.1 The areas and times described in Schedule “A” attached hereto forming part of this by-law are designated as Paid Parking Zones.
- 2.2 The location of Paid Parking machines is described in Schedule “B” attached hereto and forming part of this by-law.
- 2.3 Who may cancel a Paid Parking infraction and under what circumstances a Paid Parking infraction may be cancelled is outlined in Schedule “C” attached hereto and forming part of this by-law.
- 2.4 No person shall park in a Paid Parking Zone as described in this by-law, except in accordance with this by-law and during the Required Paid Parking Time.
- 2.5 No person shall park in a Paid Parking Zone shown in Schedule “A” or otherwise defined by an authorized sign, during the Required Paid Parking Times as provided herein without paying for a Paid Parking Permit by using a Paid Parking Machine or other means of payment provided by the Town or purchasing a Seasonal Parking Pass.
- 2.6 Two parking spaces within the Paid Parking Zone on Lakeshore Blvd N in front of the tennis courts will be designated for the use of the tennis players. Tennis players must be actively engaged in playing tennis to occupy the parking spaces. No parking fee will apply when the parking spaces are occupied by tennis players actively engaged in playing tennis.
- 2.7 Parking spaces within the Paid Parking Zone on Second Avenue North will be designated for the use of bus loading and unloading. Buses must be actively engaged in loading or unloading to occupy the parking spaces. No parking fee will apply when the parking spaces are occupied by buses actively engaged in loading and unloading.
- 2.8 Where parking spaces within the Paid Parking Zone are designated for motorcycle parking, all parking fees will apply.
- 2.9 Parking spaces within the Paid Parking Zone on Lakeshore Blvd N will be designated for food service delivery. Parking fees will apply when the parking spaces are occupied by food service delivery vehicles actively engaged in food delivery. Food service delivery vehicles must be adequately licensed by the Town of South Bruce Peninsula in order to use these parking spaces.

- 2.10 Notwithstanding those areas included in Schedule “A” attached hereto and forming part of this by-law and described as Paid Parking Zones, any area where an authorized sign is erected will be considered to be a Paid Parking Zone and all provisions of this by-law shall apply whether or not said area is contained in Schedule “A” to this by-law.
- 2.11 Notwithstanding those areas included in Schedule “B” attached hereto and forming part of this by-law and described as Location of Paid Parking Machines, machines may be moved, removed, rendered out of service and added, in the sole discretion of the Town and said moving, removing, rendering out of service and addition shall not in any way negate any provisions contained in this by-law.

Section 3: Paid Parking Permits

- 3.1 Paid Parking Permits may be issued by the Town of South Bruce Peninsula to allow a permit holder to park for a period of time, in an authorized area.
- 3.2 No person shall park in a permit parking space without a permit.
- 3.3 No person shall park a vehicle or allow it to remain parked when the payment for the parking permit has not been paid.
- 3.4 Upon the expiration of a Paid Parking time the person responsible for the vehicle must obtain from a Paid Parking Machine or other means of payment provided by the Town, further time should they wish to remain parked in the Paid Parking Zone.
- 3.5 No person shall park in designated Accessibility parking spaces within the Paid Parking Zone without obtaining a Paid Parking Permit.
- 3.6 No person shall park in a designated motorcycle parking space within the Paid Parking Zone without obtaining a Paid Parking Permit.
- 3.7 There will be no refund of any fee paid to purchase a Paid Parking Permit.
- 3.8 Paid Parking Permits will not be provided free of charge to any person or organization without the express permission of Council which may be given by resolution.
- 3.9 Notwithstanding the provisions in Section 3.8, Paid Parking Permits will be issued annually free of charge to the Huron Feathers Church, the St. Peters by the Lake Anglican Church and the Holy Family Church and said permits will be used by church patrons only and only while attending church services.

Section 4: Seasonal Parking Pass

- 4.1 The Town of South Bruce Peninsula will allow one vehicle per Seasonal Parking Pass.
- 4.2 The Town reserves the right to charge fees for Seasonal Parking Passes subject to inclusion of fees within the Town Fee By-Law.
- 4.3 The Town reserves the right to charge different fees for residents/property owners, non-residents/non-property owners and employees, subject to inclusion of fees within the Town Fee By-Law.
 - 4.4.1 Seasonal Parking Passes for residents/property owners will be issued by the Town subject to verification of resident/property ownership status as defined herein and confirmation of the vehicle being owned by the property owner/resident (Ontario issued ownership or equivalent).
 - 4.4.2 Seasonal Parking Passes for employees will be issued by the Town subject to:
 - 4.4.2.1 verification of employment status, to the satisfaction of the Clerk, at a business located in the Sauble Beach Downtown Core Area;
 - 4.4.2.2 verification that the business does not have any or does not have adequate parking to accommodate its employees;
 - 4.4.2.3 the understanding that the employees are encouraged not to occupy prime parking spaces, which should be preserved for customers and Sauble Beach patrons; and
 - 4.4.2.4 any other provisions which may be felt to be required.
- 4.5 Resident, property owners and employees who are disabled, as defined in the *Accessibility for Ontarians with Disabilities Act, 2005* and require the assistance of a support person will be permitted to purchase a Seasonal Parking Pass for residents/property owners or for employees, as the case may be, for the vehicle belonging to the support person, subject to the provision of all documentation to the satisfaction of the Town.
- 4.6 There will be no refund of any fee paid to purchase a Seasonal Parking Pass.
- 4.7 Seasonal Parking Passes are non-transferrable except in the circumstance described in section 4.8.
- 4.8 Where the original licence plate has been returned to Service Ontario and a new licence plate has been issued, a Seasonal Parking Pass issued to the original licence plate may be transferred to the new licence plate only if all paperwork to the satisfaction of the Town is provided to the Town.

Section 5: Provisions

- 5.1 An Officer designated by the Town of South Bruce Peninsula who finds a vehicle parked in contravention of this by-law shall serve the owner or driver of the vehicle with a Parking Infraction Notice indicating:
 - 5.1.1 The permit number and concise description of the vehicle, and
 - 5.1.2 The offense alleged, and
 - 5.1.3 The date, time and place of the alleged offense, and
 - 5.1.4 The owner or driver of the vehicle may attend or send payment to the location specified on the back of the notice.
- 5.2 The issuing Officer may serve the Parking Infraction Notice:
 - 5.2.1 On the owner of the vehicle, by affixing the notice to the vehicle in a conspicuous place at the time of the alleged infraction, or by delivering it to the owner of the vehicle at the time of the alleged infraction, or
 - 5.2.2 On the driver of the vehicle, by delivering the notice to the driver personally at the time of the alleged infraction.
- 5.3 A person receiving a Parking Infraction Notice may pay the set fine indicated on the Parking Infraction Notice within the prescribed time and no further action will be taken.
- 5.4 If the payment indicated on the Parking Infraction Notice is not received in the prescribed time as outlined on the back of the Parking Infraction Notice, an administration fee as prescribed in the Town's Fee By-Law will be added to the payment amount indicated on the Parking Infraction Notice and notice will be mailed to the owner of the vehicle. The owner of the vehicle will be given 30 days to make payment to the Town of South Bruce Peninsula. This is called the Impending Conviction stage.
 - 5.5.1 If the payment for the Impending Conviction is not received in the timeline set out in Section 5.4 of this by-law, the Town of South Bruce Peninsula will add a court administration fee of \$16.00 to the Parking Infraction Notice in addition to the Impending Conviction administrative fee and forward the Parking Infraction Notice to the Ontario Provincial Court of Justice. The owner of the vehicle is then responsible to pay the fee as set by the Ontario Provincial Court of Justice.
 - 5.5.2 It shall be hereby understood that should the Ontario Provincial Court of Justice request that the court administration fee be of a different amount than outlined in Section 5.5.1 herein, the court administration fee required by the Ontario Provincial Court of Justice will be charged.

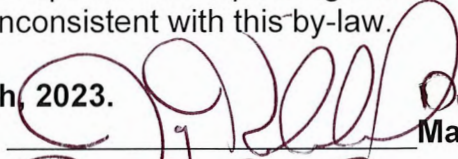
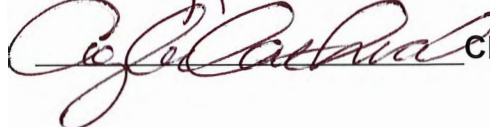
Section 6: Enforcement and Penalties

- 6.1 The provisions of this by-law will be enforced by Officers as appointed by Council from time to time.
- 6.2.1 No person(s) shall obstruct, hinder or otherwise interfere with an Officer in the performance of the Officer's duties, right, functions, exercise of powers or authority under this by-law.
- 6.2.2 No person(s) shall attempt to obstruct, hinder or otherwise attempt to interfere with an Officer in the performance of the Officer's duties, right, functions, exercise of powers or authority under this by-law.
- 6.3 Where an Officer has reasonable grounds to believe that an offence under this by-law has been committed by a person(s), the Officer may require the name, address and proof of identity of the person(s), and the person(s) shall supply the required information.
- 6.4 Every person who violates a provision of this by-law is guilty of an offence and upon conviction is liable to the penalty provided in Section 61 of the Provincial Offences Act R.S.O. 1990 Chapter 33 as amended from time to time.

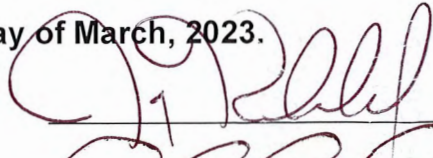
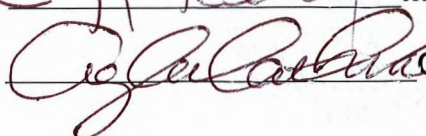
Section 7: Force and Effect

- 7.1 This by-law shall come into full force and effect upon the final passing thereof and shall supersede and rescind any by-law inconsistent with this by-law.

Read a first and second time this 7th day of March, 2023.


Deputy Mayor

Clerk

Read a third time and finally passed this 21st day of March, 2023.


Deputy Mayor

Clerk

Schedule "A" By-Law Number 16-2023

Paid Parking Zones

Item #	Column 1 Highway	Column 2 Side or Sides	Column 3 From/To	Column 4 Time or day(s)
1	First Street North	South Side	Third Ave North to Sauble Falls Parkway	8 am to 5 pm
2	Second Ave North	East Side	121 Second Ave North to Sixth Street North	8 am to 5 pm
3	Fourth Street North	Both Sides	Lakeshore Blvd North to Second Ave North	8 am to 5 pm
4	Fourth Street North	South Side	Second Ave North to Sauble Falls Parkway	8 am to 5 pm
5	Fifth Street North	North Side	Lakeshore Blvd North to Second Ave North	8 am to 5 pm
6	Fifth Street North	South Side	Second Ave North to Sauble Falls Parkway	8 am to 5 pm
7	Third Avenue North	East Side	Fourth Street North to Sixth Street North	8 am to 5 pm
8	Third Avenue North	West Side	Sixth Street North to Ninth Street North	8 am to 5 pm
9	Lakeshore Blvd North	West Side	111 Lakeshore Blvd North to 1133 Lakeshore Blvd North	8 am to 5 pm
10	Lakeshore Blvd North	East Side	First Street North to Paisley Lane	8 am to 5 pm
11	Sixth Street North	Both Sides	Lakeshore Blvd N to Second Avenue North	8 am to 5 pm
12	Sauble Falls Road	South Side	Lakeshore Blvd North West on Sauble Falls Road for 167.6m (Groves Point)	8 am to 5 pm
13	Sixth Street North	South Side	Second Avenue North to Sauble Falls Parkway	8 am to 5 pm
14	Second Ave North	East Side	Lot 2 beginning 53.7 m north from Main Street thence North for 36.7m	8 am to 5 pm
15	Second Ave North	West Side	Lot 3 from First Street North on Second Ave North for 31.7m	8 am to 5 pm
16	Sauble Falls Road	South East Side	Lot 4 from Poechman Lane to King Edward Avenue	8 am to 5 pm
17	Third Avenue North	East Side	Main Street to Third Street North	8 am to 5 pm
18	Third Street North	South Side	Third Avenue North to Lakeshore Blvd North	8 am to 5 pm
19	7 Southampton Parkway	Entire Property	Lot 5 Plan 435 Pt Lot 16 Pt Lot 34 Lot 35	8 am to 5 pm

20	Third Avenue South	West Side	Main Street to Sixth Street South	8 am to 5 pm
21	605 Main Street	Entire Property	Lot 7 Plan 429 Lot 22 to 25	8 am to 5 pm
22	Second Ave North	East Side	Sixth Street North to Sauble Falls Road	8 am to 5 pm
23	Second Ave South	East Side	Second Street South to Sixth Street South	8 am to 5 pm

Schedule "B" By-Law 16-2023

Location of Paid Parking Machines

Machine Number	Machine Location
South Bruce 1	Lakeshore Blvd N and Sauble Falls Road (Groves Point)
South Bruce 2	151 Lakeshore Blvd N
South Bruce 3	Crowd Inn
South Bruce 4	6 th Street North and Lakeshore Blvd N
South Bruce 5	Essex Street and Lakeshore Blvd North
South Bruce 6	Lakeshore Blvd N and King Edward

Schedule “C” By-Law Number 16-2023

Reason for Cancelling a Parking Infraction Notice for Paid Parking

1. If a Paid Parking Permit was purchased and an infraction occurred, the violator must submit the Parking Infraction Notice with a written explanation clearly outlining the reason for the cancellation request.
2. The items as outlined in section one (1) above must be submitted to the Clerk for review and possible cancellation.
3. The Clerk will render a decision on a case-by-case basis.
4. Unless extenuating circumstances exist, in the sole discretion of the Clerk, the Clerk will not cancel a Parking Infraction Notice if the violator took more than 15-minutes from the time they arrived in the parking space to purchase a parking permit.

Schedule “D” By-Law Number 16-2023

Proof of Identity and Residence/Property Ownership

The following is prescribed as the proof of identity and residence that a person may present for the purposes of purchasing a resident Seasonal Parking Pass. The document must be valid and current (within the calendar year). You will be required to provide one document which shows proof of residence or property ownership in the Town of South Bruce Peninsula. Below is a list of documents which can be presented as proof of residence and/or property ownership.

- A lease or tenancy agreement
- An Ontario driver's licence
- An Ontario Photo Card
- An Ontario motor vehicle permit (vehicle portion)
- A cancelled personalized cheque
- A mortgage statement, lease or rental agreement relating to property in Ontario
- An insurance policy or insurance statement
- A loan agreement or other financial agreement with a financial institution
- A document issued or certified by a court in Ontario
- Any other document from the government of Canada, Ontario or a municipality in Ontario or from an agency of such a government
- Any document from a Band Council in Ontario established under the *Indian Act* (Canada)
- An income tax assessment notice
- A Child Tax Benefit Statement
- A Statement of Employment Insurance Benefits Paid T4E
- A Statement of Old Age Security T4A (OAS)
- A Statement of Canada Pension Plan Benefits T4A (P)
- A Canada Pension Plan Statement of Contributions
- A Statement of Direct Deposit for Ontario Works
- A Statement of Direct Deposit for Ontario Disability Support Program
- A Workplace Safety and Insurance Board Statement of Benefits T5007
- A property tax assessment
- A credit card statement, bank account statement, or RRSP, RRIF, RHOSP or T5 statement
- A CNIB Card or a card from another registered charitable organization that provides services to persons with disabilities
- A document showing residence at a long-term care home under the *Long-Term Care Homes Act, 2007*, issued by the Administrator for the home
- A utility bill for hydro, water, gas, telephone or cable TV or a bill from a public utilities commission