

This is an office consolidation of By-Law No. 004-19 and amendments thereto. For accurate reference you should consult the original by-laws that are retained by the Clerk

BY-LAW NUMBER 004-19

- of -

THE CORPORATION OF THE COUNTY OF BRANT (As amended by By-law 48-23, 43-24, 69-24, 64-25, 109-25, 19-26, 47-26 & 79-26)

To regulate parking

WHEREAS section 10 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a single-tier municipality may pass bylaws with respect to any public assets of the municipality acquired for the purpose of exercising its authority under this or any other Act;

AND WHEREAS section 63 of the Municipal Act, 2001, S.O. 2001, c. 25, provides that if a municipality passes a by-law for prohibiting or regulating the stopping, standing or parking of a vehicle on or near a highway, it may provide for the removal and impounding or restraining and immobilizing of any vehicle stopped, standing or parked on or near a highway in contravention of the by-law, may at any reasonable time, enter upon land near a highway for that purpose and that subsection 170 (15) of the *Highway Traffic Act* applies with necessary modifications;

AND WHEREAS section 100 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a local municipality may, in respect of land not owned or occupied by the municipality that is used as a parking lot, regulate or prohibit the parking or leaving of motor vehicles on that land without the consent of the owner of the land if a sign is erected at each entrance to the land clearly indicating the regulation or prohibition;

AND WHEREAS section 101 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that if a municipality passes a by-law regulating or prohibiting the parking or leaving of a vehicle on land, it may provide for the removal and impounding or restraining and immobilizing of any vehicle, at the vehicle owner's expense, parked or left in contravention of the by-law and subsection 170 (15) of the *Highway Traffic Act* applies with necessary modifications to the by-law;

AND WHEREAS section 102 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that if a municipality passes a by-law for establishing a system of accessible parking, the sole manner of identifying vehicles shall be an accessible parking permit issued and displayed in accordance with the *Highway Traffic Act* and the regulations made under it and further may require the owners or operators of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, to provide designated parking spaces for vehicles displaying an accessible parking permit and if it does so, the local municipality shall prescribe the conditions of use of the accessible parking permit, shall prohibit the improper use of the permit and may provide for the removal and impounding of any vehicle, at its owner's expense, parked or left contrary to the by-law;

AND WHEREAS section 102.1 of the Municipal Act 2001, S.O. 2001, c.25, as amended authorizes a municipality to require a person to pay an administrative penalty for a contravention of any by-laws respecting the parking, standing or stopping of vehicles.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT HEREBY ENACTS as follows:

DEFINITIONS

1. For the purposes of this bylaw:
 - (a) **Administrative Penalty System By-law** – means any By-law passed by the County to implement administrative penalties related to parking or stopping of vehicles and general by-law enforcement as amended from time to time.
 - (b) **Administrative Penalty** – means monetary penalties as defined under the County of Brant Administrative Penalty System By-law and set out in Schedule “A” of the Administrative Penalty By-law as amended.
 - (c) **Apron** - means the area of the *boulevard* in a residential zone consisting of an asphalt, concrete or gravel surface leading from the travelled portion of the *highway* to private property but does not include the portion of the *driveway* on private property. (By-law 48-23)
 - (d) **Boulevard**- means that portion of the road allowance lying between the adjacent property line and the edge of the travelled portion of the *highway* or the edge of the *shoulder* where such exists, furthest from the travelled portion of the *highway*.
 - (e) **County** – means the Corporation of the County of Brant.
 - (f) **Council** – means the Municipal Council of the Corporation of the County of Brant.
 - (g) **Crosswalk** – means any portion of a *roadway* at an *intersection* or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
 - (h) **Curb** – means a structure composed of concrete or other suitable material erected to define the edge of a *roadway*.
 - (i) **Director** - means the Director of Road Operations for the *County* and includes their designate or successor.
 - (j) **Driveway** – means the designated area on private property adjacent to the *boulevard* used primarily for vehicular parking.
 - (k) **Electric Vehicle** – a battery electric vehicle that runs only on a battery and electric drive train, or a plug-in hybrid electric vehicle that runs on a battery and an electric drive train, and also uses an internal combustion engine.
 - (l) **Electric Vehicle Charging Station** – means a publicly or privately-owned parking space that provides access to equipment that supplies a source of electricity for charging electric vehicles.

- (m) **Entrance** – means improved land on a *highway* which provides vehicular access from the *roadway* to a laneway or parking area on adjacent land.
- (n) **Heavy Truck** – a *vehicle* or combination of *vehicles*, having a weight when unloaded of 4.5 metric tonnes (4,500 kilograms or more), but does not include a passenger vehicle, an ambulance, a transit bus on its assigned route or a vehicle of the Police or Fire Departments.
- (o) **Highway** – includes a common and public highway, street, avenue, parkway, apron, 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.
- (p) **Intersection** – means the area embraced within the prolongation or the connection of the lateral *curb* lines or, if none, then the lateral boundary lines of two or more *highways* that join one another at an angle, whether or not one *highway* crosses the other.
- (q) **Loading Zone** – means a part of the *highway* set apart for the exclusive use of *vehicles* to load or unload.
- (r) **Motor Vehicle** – means a motor vehicle as defined in the *Highway Traffic Act, R.S.O. 1990*, as amended, and includes an automobile, a motorcycle, a motor assisted bicycle unless otherwise indicated in this Act, 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
- (s) **Municipal Law Enforcement Officer** – means a person appointed by the *County* pursuant to the Police Services Act as amended for the purpose of enforcing the provisions of this by-law.
- (t) **Municipal Parking Lot** – means a parking lot owned or operated by the *County* and described in Schedule 10.
- (u) **Oversized Motor Vehicle** – any *motor vehicle* or connected *vehicles* regardless of intended use, which has more than two axles or four tires, but does not include rear-dual pick-up trucks or a heavy truck.
- (v) **Park, Parked 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.
- (w) **Parking Control Device** – means any *sign*, signal or other *roadway*, pavement, *curb* or *sidewalk* marking, or any other device erected or placed under the authority of this by-law for the purpose of warning, regulating, guiding or directing the *parking* of *vehicles*.
- (x) **Person** – includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.
- (y) **Police Officer** – means a Police Officer as defined in the *Police Services Act, R.S.O. 1990*, as amended.
- (z) **Residential Area** – a geographical zone or district primarily occupied by private homes and dwellings, rather than commercial or industrial buildings. This includes, (but not limited

to), suburban neighborhoods with single family homes, urban districts with apartments and rural villages just to name a few.

- (aa) **Roadway** – means that 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 roadways collectively.
- (bb) **Shoulder** – means that part of the *highway* immediately adjacent to the travelled portion of the *roadway* and having a surface which has been improved for the use of *vehicles* with asphalt, concrete or gravel.
- (cc) **Sidewalk** – means that portion of the road allowance between the *curb* lines or the lateral lines of the *roadway* and the adjacent property lines, specifically designed and constructed for the use of pedestrians.
- (dd) **Sign** – means a sign placed or erected under the authority of this by-law for the purpose of regulating *parking, stopping or standing*.
- (ee) **Significant Weather Event** – means an approaching or occurring weather hazard with the potential to pose a significant danger to users of the highways within a municipality; (By-law 43-24)
- (ff) **Traffic Control Signal** – means that part of a traffic control signal system that consists of one set of no less than three coloured lenses, red, amber and green, mounted on a frame and commonly referred to as a signal head and includes a bicycle traffic control signal.
- (gg) **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.
- (hh) **Pedestrian Crossover** - Any portion of a roadway, distinctly indicated for pedestrian crossing by signs, pavement markings or other devices, and prescribed as a pedestrian crossover in accordance with the *Highway Traffic Act, R.S.O. 1998, c. H8*, and its regulations, including Ontario Regulation 402/15 (Pedestrian Crossovers);
- (ii) **Pedestrian Signal** – A traffic control signal located at a point along a roadway that is not at an intersection, which is activated to control vehicular traffic and facilitate the crossing of pedestrians, and which displays signal indications in accordance with the *Highway Traffic Act, R.S.O. 1990, c. H.8*, and its regulations;
- (jj) **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 *traffic control signal* or *sign*.
- (kk) **Supervisor** - means the Supervisor of Enforcement and Regulatory Services and includes their designate or successor.
- (ll) **Trailer** – means a *vehicle* that is designed to be drawn upon a *highway* by a *vehicle*.
- (mm) **Unlicensed Vehicle** means a *vehicle* that does not have a current validated permit displayed in the prescribed manner, number plates issued in accordance with the

regulations showing the number of the permit issued for the *vehicle* and, if required, does not have displayed evidence of the current validation of the permit affixed in the prescribed manner, all as required pursuant to the *Highway Traffic Act, R.S.O. 1990* and Regulations, as amended. (By-law 48-23)

(nn) **Vehicle** – means a *motor vehicle* as defined in the *Highway Traffic Act, R.S.O. 1990*, as amended, and 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.

(oo) **Weather Hazard** – means the weather hazards determined by Environment Canada as meeting the criteria for the issuance of an alert under its Public Weather Alerting Program. (By-law 43-24)

ENFORCEMENT

2. *Municipal Law Enforcement Officers and Police Officers* are authorized to enforce the provisions of this By-law.

APPOINTMENT OF MUNICIPAL LAW ENFORCEMENT OFFICERS

3. *Council*, by by-law, may appoint or employ such *persons* as may be deemed necessary as *Municipal Law Enforcement Officers* for the purpose of enforcing this by-law.

OBEDIENCE TO SIGNS

4. No *person* shall park in a manner that fails to comply with any and all *parking control devices* erected under the provisions of this bylaw.

EXEMPTION

- 4.1 Relief from certain provisions of this By-law may be granted for a film project carried on in accordance with an approved and valid Film Permit or Film Location Agreement issued under the County of Brant Film Policy

GENERAL PARKING AND STOPPING REGULATIONS

5. No *person* shall *park* or *stop* any *vehicle* on any *highway* except:
 - (a) on the right-hand side of the *highway*, having regard to the direction in which the *vehicle* was travelling, and
 - (b) with the right front and rear wheels parallel to, and not more than 0.15 metres from the *curb* where there is a raised *curb* or where there is no *curb* or a rolled *curb*, with the right front and rear wheels parallel to and as near to the right hand limit of the *highway* as is practicable without *stopping* or *parking* over a *sidewalk* or footpath or over any part of the *highway* where grass has grown or which is not intended for the use of *vehicles*.
 - (c) This section shall not apply where angle *parking* is marked by *signs* or lines on the pavement, to indicate that the area may be used for *parking vehicles* at an angle, nor to prevent the *parking* or *stopping* of a *vehicle* on the left-hand side of a *highway* designated for one-way traffic, where such *parking* is not otherwise prohibited.

6. No *person* shall *park* a *vehicle* on a *highway* marked by *signs* or lines on the pavement, to indicate that the area may be used for *parking vehicles* at an angle to the edge of the *roadway* except, between the *signs* or within the lined area, and on the right hand side of the *highway* having reference to the direction in which the *vehicle* has been travelling and so that:
- (a) the travelled portion of the *highway* is to the rear of the *vehicle*, and
 - (b) in the case where the area is not clearly marked into parking spaces, so that the line formed to the left hand side of the *vehicle* intersects the pavement edge line at an angle of not less than 40 degrees, and not greater than 50 degrees.
7. In the case of an area on the *highway* or within a *municipal parking lot* that is clearly marked into parking spaces, no *person* shall *park* a *vehicle* except within a parking space, so that no part of the *vehicle* encroaches on a contiguous parking space.
8. No *person* shall *park* a *vehicle* on a *highway* except when necessary to avoid conflict with other traffic or in compliance with a *traffic control signal*, *sign* or device or the direction of a *Police Officer*,
- (a) In such manner as to obstruct;
 - i. a *sidewalk*;
 - ii. a *crosswalk*;
 - iii. within one point five (1.5) metres of an *entrance* on the highway to, or from, a private road or lane, or land contiguous to the *highway*; (By-law 48-23)
 - iv. traffic, road repairs, maintenance or snow removal. (By-law 48-23)
 - (b) within three (3) metres of a point in the edge of the *roadway* and nearest a fire hydrant;
 - (c) on or within one hundred (100) metres of a bridge over, under or across which the *highway* passes;
 - (d) within six (6) metres of a point at the edge of the *roadway* and the nearest point of a public entrance to;
 - i. a hotel as defined in the *Hotel Fire Safety Act*, or
 - ii. a place where film, as defined in the *Film Classification Act, 2005*, is exhibited and where the place is open to the public, or
 - iii. a public hall as defined in the *Public Halls Act*, while the hall is open to the public;
 - (e) subject to clause (f), within nine (9) metres of an *intersection* on the *highway*;
 - (f) where there is a *traffic control signal* installed at an *intersection* on the *highway*, within fifteen (15) metres of the *intersection*;
 - (g) within fifteen (15) metres of the nearest rail of a level railway crossing;
 - (h) in a position or place that prevents or is likely to prevent the removal of any *vehicle* already *parked* on the *highway*;
 - (i) for a longer period of time than twenty-four hours;
 - (j) on a *boulevard*, except where it has been improved under lawful authority with asphalt,

concrete or gravel, for the purpose of accommodating the *parking* of *vehicles* and the *vehicle* is *parked* in compliance with this By-law; (By-law 48-23)

(k) if the *vehicle* is an *unlicensed vehicle*;

(l) Within 30 metres of approaching and departing types of pedestrian crossovers and mid-block pedestrian signals;

Apron Parking Prohibitions (By-law 48-23)

8.1 No *person* shall *park* a *vehicle* on an *apron* in such a manner as to:

(a) have any tire off of the *apron* or be on the landscaped, hardscaped or grassy portion of the *boulevard*;

(b) overhang any part of the *sidewalk* or *roadway* or curb line;

(c) not be parallel to the *roadway*;

(d) be contrary to the direction of traffic.

8.2 No *person* shall park a vehicle on an *apron* which is shared or abuts another *apron*.

8.3 No *person* shall *park* a vehicle on an *apron* without the consent of the owner or occupant.

9. No *person* shall *park* any *vehicle* upon a highway in such a manner or under such conditions as to leave available less than four (4) metres of the width of the *roadway* for free movement of vehicular traffic.

10. No *person* shall *park* an *oversized motor vehicle* on a highway for a period longer than two (2) consecutive hours.

10.1 No *person* shall *park* a *heavy truck* in a *residential area*.

11. No *person* shall *park* a *trailer* at any time that is not attached to a *motor vehicle* on any *highway* or within any *municipal parking lot*.

11.1 No *person* shall park a vehicle in an *electric vehicle charging station* that is identified by a sign unless the vehicle is an *electric vehicle* and the vehicle is attached to the station's charging equipment.

STOPPING AND PARKING RESTRICTIONS AND PROHIBITIONS ON CERTAIN ROADS

12. Where a *sign* to that effect is displayed, no *person* shall *stop* a *vehicle* on a *highway*, near the *entrance* way to a fire hall, on the sides and between the limits as set out in Schedule 1 to this by-law.

13. Where a *sign* to that effect is displayed, no *person* shall *stop* a *vehicle* on any *highway* on the side and between the limits and during the prohibited days and times all as set out in Schedule 2 to this By-law.

14. Where a *sign* to that effect is displayed, no *person* shall *park* a *vehicle* on any *highway*, at any time, on the side and between the limits as set out in Schedule 3 to this By-law.

15. Where a *sign* to that effect is displayed no *person* shall *park* a *vehicle* on any *highway* on the side and between the limits and during the prohibited days and times all as set out in Schedule 4 and Schedule 5 to this By-law.
16. Where a *sign* to that effect is displayed, no *person* shall *park* a *vehicle* on any *highway* for a longer period of time on the side, between the limits and during the prohibited days and times all as set out in Schedule 6 to this By-law. For the purposes this section, where a *person* permits a *vehicle* to remain *parked* for subsequent increments of the specified time permitted, each increment shall constitute a separate offence
17. Despite the provisions of Section 16, any *person* displaying an *Accessible Parking Permit* in accordance with the requirements of the *Highway Traffic Act, R.S.O. 1990*, as amended, is exempt from the time limited restrictions set out in Schedule 6.
18. Where a *sign* to that effect is displayed no *person* shall *stop* a *vehicle* or permit a *vehicle* to remain *stopped*, other than a school bus, in an area designated as a school bus loading zone as set out in Schedule 7.
19. No person shall park a vehicle or permit a vehicle to remain parked on the highways or portions of the highways, during any *significant weather event*.

For the purposes of this section, a *significant weather event* shall commence upon public notice by the *Director* that the parking of vehicles on all roads are prohibited to accommodate road operations and shall remain in effect until public notices is issued by the Director announcing the end of the *significant weather event*.

The *Director*, or his or her designate, shall ensure that public notice of a *significant weather event* or an extension or cancellation thereof is given in at least two (2) of the following means:

- a) The issuance of a media advisory;
- b) Posting on the County internet site;
- c) Posting through the County of Brant official social media channels; or
- d) Any other means of giving notices that has a reasonable likelihood of coming to the attention of *persons* who are affected. (By-law 43-24)

LOADING ZONES

20. Where a *sign* to that effect is displayed, no *person* shall *stop* or *park* any *vehicle* other than a commercial *motor vehicle* engaged in the loading or unloading of cargo, in any *Loading Zone*, during the restricted period or for a longer period of time, as set out in Schedule 9.

MUNICIPAL PARKING LOTS

21. Where a *sign* to that effect is displayed, no *person* shall *park* a *vehicle* within any *municipal parking lot*, for a longer period of time than is permitted, during the restricted days and times, all as indicated in Schedule 11. Despite the provisions of this section, any *person* displaying an *Accessible Parking Permit* in accordance with the requirements of the *Highway Traffic Act, R.S.O. 1990*, as amended, is exempt from the time limited restrictions set out in Schedule 11.

22. Despite the provisions of Section 21, no *person* shall *park* an *oversized motor vehicle* within a *municipal parking lot*, for a period of time exceeding two (2) consecutive hours. Despite the provisions of this section, any *person* displaying an *Accessible Parking Permit* in accordance with the requirements of the *Highway Traffic Act, R.S.O. 1990*, as amended, is exempt from the time limited restrictions in this section.
23. For the purposes of Section 21 and 22, where a *person* permits a *vehicle* to remain *parked* for subsequent increments of the specified time permitted, each increment shall constitute a separate offence.

UNAUTHORIZED PARKING ON MUNICIPAL PROPERTY

24. *Municipal Property* means any real property owned or leased by the *County* but does not include a *municipal parking lot*.
25. No *person* shall *park* a *vehicle* on *municipal property* without the consent of the *County*.

ACCESSIBLE PARKING

26. In this part:
- (a) *Accessible Parking Space* means a *parking* space signed in accordance with Regulation 581 of the *Highway Traffic Act, R.S.O. 1990*, as amended.
 - (b) *Accessible Parking Permit* – means an Accessible Parking Permit as described in the *Highway Traffic Act, R.S.O. 1990* and the regulations as amended.
27. No *person* shall *park* a *vehicle* in an *Accessible Parking Space*, unless a valid *Accessible Parking Permit* has been displayed in accordance with the requirements of Regulation 581 of the *Highway Traffic Act, R.S.O. 1990*, as amended. For greater certainty, the determination regarding when an *Accessible Parking Permit* is not valid will be made in accordance with the requirements of Regulation 581 of the *Highway Traffic Act, R.S.O., 1990*, as amended.

FIRE ROUTES

28. In this part:
- (a) *Authorized Emergency Vehicle* – means fire department *vehicles*, police *vehicles*, ambulances, and any other *vehicles* of utility companies that are required for control of any emergency at the properties designated in Schedule 13 of this By-law.
 - (b) *Fire Route* – means a private *roadway*, lane, ramp or other means of vehicular access to a building required to be constructed and maintained pursuant to Section 2.5.1.1 (1) of the *Ontario Fire Code, O. Reg 213/07* as amended.
 - (c) *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.
29. For the purpose of this By-law, the *private roadways*, at the locations as indicated in Schedule 13, are designated as *fire routes* by this by-law. All designated *fire routes* shall be indicated by official *fire route signs* erected and maintained by the property owner, consistent with standards contained within the Ontario Traffic Manual.

30. Where a *sign* to that effect is posted, no *person* shall *park* a *vehicle*, except an *authorized emergency vehicle*, within a *fire route*, at the locations indicated in Schedule 13.

PARKING PERMITS

31. Relief from certain provisions of this by-law may be granted through the issuance of a *County* parking permit by the *Supervisor* in accordance with the conditions detailed in Schedule 14 parking permit applications and by submitting the prescribed fees as set out in the *County Fees and Charges By-law*. (By-law 48-23)
32. The areas as set out in Schedule 15 are designated as *Municipal Permit Only Parking Areas*.
- (a) For the purpose of this section a *Municipal Permit Only Parking Area* is an area where *parking* is permitted only under the authority of a parking permit issued by the *Supervisor*.
 - (b) Where a *sign* to that effect is posted, no *person* shall *park* a *vehicle* in a *Municipal Permit Only Parking Area* without a *County* parking permit.

PARKING ON PRIVATE PARKING LOT

33. In this part:

- (a) **Owner** means the registered owner of the property or where the property is included in a description registered under the Condominium Act, the Board of Managers of the Condominium Corporation and includes any *person* authorized in writing by the Owner.
 - (b) **Private Parking Permit** – means a permit issued by the *Owner* of a *Private Parking Lot* in a form approved by the *Supervisor* that identifies a *Motor Vehicle* which is authorized by said *Owner* to *park* on the *Private Parking Lot*.
 - (c) **Private Parking Lot** – means a parking lot that is listed in Schedule 16, that is not owned or occupied by the *County*, where the *owner* has authorized the *County* to regulate or prohibit the *parking* or leaving of *motor vehicles* on that land without the consent of the *owner* of the land.
 - (d) **Private Permit Parking Lot** means a *Private Parking Lot* where *parking* is only permitted for *Motor Vehicles* identified on a *Private Parking Permit*.
 - (e) **Suitable Sign** means a *sign* which complies with such standards respecting size, shape, colour, content, mounting position and location as are established or approved of from time to time by the *Supervisor*.
34. No *person* shall *park* a *motor vehicle* in a *Private Permit Parking Lot* without a *Private Parking Permit* authorizing the *parking* of the *vehicle*.
35. Where a *Suitable Sign* is erected at each *entrance* to a *private parking lot* clearly indicating *parking* regulations or prohibitions, no *person* shall *park* any *motor vehicle* contrary to the posted regulation or prohibition.
36. Where a *sign* is erected on the *Private Parking Lot* specifying conditions on which a *motor vehicle* may be *parked* or left on the *Private Parking Lot* or regulating or prohibiting the *parking* or leaving

of a *motor vehicle* on the *Private Parking Lot*, a *motor vehicle* parked or left on the *Private Parking Lot* contrary to the conditions or prohibition shall be deemed to have been *parked* or left without consent.

37. If it is alleged in a proceeding that this section of the bylaw has been contravened, the oral or written evidence of a *Police Officer*, Police Cadet or *Municipal Law Enforcement Officer* is receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated in it in respect of,

- (a) the ownership or occupancy of the land;
- (b) the absence of the consent of the owner or occupant; and
- (c) whether any *person* is an occupant or is an owner.

and written evidence shall be admitted without notice under the *Evidence Act*.

AUTHORITY TO ERECT TEMPORARY SIGNS

38. The *Director* is hereby authorized to temporarily prohibit *parking* or *stopping* on such *highways* and *municipal parking lots* and during such days and times as deemed necessary in the interest of the safety or convenience of the public, the proper movement of traffic, or the proper and safe performance of a *County* operation and may erect or cause to be erected temporary *parking control devices* for that purpose.

39. The *Director* is hereby authorized to temporarily annul any existing *parking* or *stopping* regulation normally in force and effect under the provisions of this bylaw on such *highways* and *municipal parking lots* and during such days and times as deemed necessary in the interest of the safety or convenience of the public, the proper movement of traffic, or the proper and safe performance of a *County* operation and may erect or cause to be erected any temporary *parking control devices* or cover or cause to be removed or covered any *parking control device* for that purpose .

PENALTY

40. Any *person* who contravenes a provision of this By-law, is guilty of an offence and when issued a Penalty Notice in accordance with the *Administrative Penalty By-law*, is liable to pay the early payment or penalty amount as set out in Schedule "A" and administrative fees as set out in Schedule "C" of the *Administrative Penalty System By-law*.

41. A *Police Officer*, Police Cadet, *Municipal Law Enforcement Officer*, or an Officer appointed for carrying out the provisions of the *Highway Traffic Act, R.S.O. 1990*, as amended, upon discovery of any *vehicle parked* or *stopped* in contravention of the provisions of this by-law, may issue a Penalty Notice pursuant to the *Administrative Penalty System By-law*.

42. Where a *vehicle* has been left *parked*, *stopped* or *standing* in contravention of this by-law, the owner of the *vehicle* is guilty of an offence, even though the owner was not the driver of the *vehicle* at the time of the contravention of the by-law, and is liable to the applicable fees as set out in the *Administrative Penalty System By-law* and Schedules.

43. Where a *vehicle* has been left *parked*, *stopped* or *standing* on or near a *highway* in contravention of this bylaw, it may be removed, impounded, restrained and immobilized at the *vehicle* owner's expense and subsection 170 (15) of the *Highway Traffic Act, R.S.O. 1990*, as amended, applies

with necessary modifications. The *County* may, at any reasonable time, enter upon land for this purpose.

44. Where a *motor vehicle* has been *parked* or left in contravention of this Bylaw, on land not owned or occupied by the *County* that is used as a parking lot, it may be removed, impounded, restrained and immobilized at the vehicle owner's expense, and subsection 170 (15) of the *Highway Traffic Act, R.S.O. 1990*, as amended, applies with necessary modifications to the by-law. The *County* may, at any reasonable time, enter upon land for this purpose.
45. Parking restrictions shall not, if compliance thereof would be impractical, apply to *vehicles* utilized by the *County* or the Brant County O.P.P. while such *vehicles* are engaged in their official capacity.

GENERAL

46. The Schedules referred to in this by-law shall form a part of this by-law and each entry in a column of such a schedule shall be read in conjunction with all entries across there from, and not otherwise.
47. In the Schedules referred to in this by-law, the abbreviations contained therein, shall be interpreted as follows:

N-North
S-South
E-East
W-West
NE- Northeast
NW-Northwest
SE-Southeast
SW-Southwest
#-Number
Hwy-Highway

48. In this by-law:
- (a) words importing the singular number or the masculine gender include more persons, parties, or things of the same kind 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.
49. Where a distance is used in the by-law as part of a prohibition of *parking* or *stopping* within a specified distance of an object, structure, land or part of a *highway*, such distance shall be measured:
- (a) along the *curb* or edge of the *roadway* from 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
 - (b) from such object, structure, land or part of a *highway* in all directions;
 - (c) when in reference to an *intersection* or *highway*, shall mean from the prolongation of the closest *curb* line or boundary line of the *intersecting highway*.

50. Whenever certain hours are named herein they shall mean standard time or daylight savings time whichever is in current use in the *County*.
51. The various prohibitions of this by-law are cumulative and not mutually self-exclusive.
52. If it is declared that if any section, subsection or part or parts be declared by any Court of Law to be illegal or ultra vires, such part or parts shall be deemed to be severable and all parts are declared to be separate and independent and enacted as such.
53. The short title of this Bylaw shall be the "Parking Bylaw".
54. That *County* Bylaw 164-01 and any amendments to said Bylaw are repealed upon a resolution of *Council* following receipt of Provincial approval of set fines in respect to this by-law.

READ a first and second time, this 22nd day of January, 2019.

READ a third time and finally passed in Council, this 22nd day of January, 2019.

THE CORPORATION OF THE COUNTY OF BRANT

David Bailey, Mayor

Alysha Dyjach, Clerk