



By-Law 79-99

of The Corporation of the City of Oshawa

being a By-law to consolidate, repeal and replace the by-laws that regulate TRAFFIC and PARKING on HIGHWAYS, in PARKING LOTS and PARKADES, on MUNICIPAL PROPERTY under the jurisdiction of the CITY and on PRIVATE PROPERTY.

Recitals

1. CITY By-law Number 115-82 is the most recent by-law that regulates TRAFFIC and PARKING on HIGHWAYS, in PARKING LOTS, and PARKADES, on MUNICIPAL PROPERTY under the jurisdiction of the CITY and on PRIVATE PROPERTY. CITY By-law Number 94-90 is the most recent by-law that regulates ACCESSIBLE PERSON PARKING PERMITS, authorizes the creation of DESIGNATED PARKING SPACES on HIGHWAYS, on MUNICIPAL PROPERTY under the jurisdiction of the CITY and on PRIVATE PROPERTY.
2. Amending by-laws have since been enacted from time to time by the Council of the CITY changing the TRAFFIC and PARKING regulations on the HIGHWAYS, PARKING LOTS and PARKADES, on MUNICIPAL PROPERTY under its jurisdiction, and on PRIVATE PROPERTY.
3. In order to obtain greater efficiency in the administration of TRAFFIC and PARKING regulations it is considered expedient to again consolidate all TRAFFIC and PARKING by-laws currently in effect. This by-law is intended to consolidate existing regulations and to repeal predecessor by-laws.

THEREFORE, IT IS ENACTED as a by-law of The Corporation of the City of Oshawa, through its Council, as follows:

ARTICLE 1.0: INTERPRETATION

- 1.1 Short Title: This by-law may be cited as the "Traffic and Parking By-law".

- 1.2 Schedules: The Schedules referred to in this by-law form an integral part of it. Each entry in a column of a Schedule is to be read in conjunction with the entry or entries across from it.
- 1.3 Severability: If any provision or part of a provision of this by-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.
- 1.4 Time: Where any expression of time occurs, the time referred to is intended to be the system of time keeping in force in the municipality at the time of application of the by-law. For example, during the month of December, the time is expressed in standard time, however, during the month of July, the time is expressed in daylight saving time.
- 1.5 Gender: It is not the intention of this by-law to offend members of any gender group. Accordingly, an effort has been made to utilize the neuter gender wherever possible. However, all words and personal pronouns relating to words contained in this by-law must be read and construed as incorporating the correct gender of the person referred to in each case.
- 1.6 Number: All words in this by-law must be read and construed as incorporating the singular or the plural in any case, as applicable.
- 1.7 Headings: Article, section and paragraph headings are inserted solely for ease of reference.
- 1.8 Legislation: Unless otherwise indicated, all references to Provincial Legislation in this by-law are references to the Revised Statutes of Ontario, 1990, as amended from time to time, including successor legislation. Similarly, all references to Provincial Regulations in this by-law are references to the Revised Regulations of Ontario, 1990, as amended, including successor regulations. Titles of Provincial Statutes are printed in italics. All references to City by-laws in this by-law are references to those by-laws, as amended from time to time, including successor by-laws.

- 1.9 Entire or Partial References: References to nouns in this by-law may be interpreted as references to the entire thing or to any portion of it, regardless of whether parts or portions are referred to or not, as the context allows.

ARTICLE 2.0: DEFINITIONS

- 2.1 Where the words in this by-law are printed in capital letters, they are used as defined in the lettered paragraphs of this article. Words printed in regular case should be read in the context of their ordinary, everyday meanings.
- (a) "AISLE" means an unobstructed and maintained surfaced area of a PARKING LOT or PARKADE immediately adjacent to PARKING SPACES, ordinarily used to provide vehicular ingress and egress.
 - (b) "AUTHORIZED SIGN" means any sign or other device as illustrated in Schedule XXIII, which is not an OFFICIAL SIGN, and which has been placed or erected on a HIGHWAY, MUNICIPAL PROPERTY or PRIVATE PROPERTY under the authority of this by-law.
 - (c) "BOULEVARD" means the part of the HIGHWAY, between the property line and the edge of the travelled ROADWAY. A BOULEVARD may or may not contain a SIDEWALK or DRIVEWAY.
 - (d) "BUS STOP" means a part of a HIGHWAY designated by an AUTHORIZED SIGN where buses will STOP to take on or discharge passengers.
 - (e) "CHIEF OF POLICE" means the Chief of Police of the Durham Regional Police Service, or its' designate.
 - (f) "CITY" means The Corporation of the City of Oshawa.
 - (g) "COMMERCIAL MOTOR VEHICLE" means a VEHICLE ordinarily engaged in carrying goods, wares, merchandise, passengers or other commodities in a business undertaking.
 - (h) "COMMISSIONER" means the Commissioner responsible for public works or transportation services in the CITY, or the Commissioner's designate, and

for the purposes of paragraphs 3.1 (b), (b1) and (b2), includes the Director, Works & Transportation Services and the Director, Municipal Law Enforcement and Licensing Services.

- (i) “COMMUNITY SAFETY ZONE” means a part of a HIGHWAY which is designated by OFFICIAL SIGNS as a community safety zone pursuant to the *Highway Traffic Amendment Act (Community Safety Zones), 1998*, being areas where public safety is of special concern, as identified by the CITY, and where fines imposed upon conviction of a moving violation, are increased.
- (j) “CONTROL DEVICE” means any device, together with its’ means of support, erected for the purpose of controlling and regulating TRAFFIC and the PARKING or STOPPING of any VEHICLE.
- (k) “CONTROL DEVICE COVER” means a covering for a CONTROL DEVICE that has been authorized by the COMMISSIONER or CHIEF OF POLICE.
- (l) “ACCESSIBLE PERSON PARKING PERMIT” means a permit issued under the Highway Traffic Act, or a similar permit, number plate or other marker or device bearing the international symbol of access for the disabled and lawfully issued by another jurisdiction.
- (m) “ACCESSIBLE PERSON PARKING SPACE” means a PARKING SPACE provided under this by-law in accordance with the Technical Standards annexed as Schedule XXII to this by-law, and identified by an OFFICIAL SIGN for the exclusive use of a VEHICLE displaying an ACCESSIBLE PERSON PARKING PERMIT in accordance with the requirements of *the Highway Traffic Act*.
- (n) “DRIVEWAY” means the part of a HIGHWAY that has been improved to provide vehicular access between the ROADWAY and a PRIVATE ROADWAY or to adjacent land.
- (o) “EMERGENCY VEHICLE” means an ambulance, fire department vehicle, or police vehicle.

- (p) "FEE" means cash, or any legal substitute for cash which has been approved for use by the COMMISSIONER.
- (q) "FIRE ROUTE" means a PRIVATE ROADWAY designated as a fire route by an AUTHORIZED SIGN.
- (r) "FOOTPATH" means a path, located on MUNICIPAL PROPERTY or on a HIGHWAY intended for use by pedestrians and VEHICLES, excluding MOTOR VEHICLES.
- (s) "HEAVY VEHICLE" means a COMMERCIAL MOTOR VEHICLE which, unloaded weighs 3,000 kilograms or more, or, loaded weighs 5,000 kilograms or more. Further, any ROAD-BUILDING MACHINE, regardless of its weight, is considered a HEAVY VEHICLE. The following, regardless of weight, are excluded from the definition while being operated on official business: an EMERGENCY VEHICLE, a SCHOOL PURPOSES VEHICLE or any MOTOR VEHICLE operated by or on behalf of a municipality. Passenger VEHICLES, regardless of weight, are also excluded.
- (t) "HIGHWAY" includes a common and public HIGHWAY, street, avenue, parkway, DRIVEWAY, square, place, bridge, viaduct or trestle, any part of which is used or intended for use by the general public for the passage of VEHICLES, and includes the entire area between its lateral property lines. Without limitation, HIGHWAY includes unassumed and unopened road allowances.
- (u) "HOLIDAY" includes Sundays, New Year's Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Christmas Day, Boxing Day, and any day appointed by proclamation of the Governor General or the Lieutenant Governor as a public holiday, and when any holiday falls on a Sunday, the day next following is a holiday instead of that day.
- (v) "LEASE PARKING PERMIT" means a permit issued by the CITY for the identification of a LEASE PARKING VEHICLE.
- (w) "LEASE PARKING VEHICLE" means a VEHICLE displaying, in a prescribed

location, a valid and current LEASE PARKING PERMIT.

- (x) "LOADING ZONE" means part of a HIGHWAY designated by an OFFICIAL SIGN, where a COMMERCIAL MOTOR VEHICLE may be stopped for the purpose of loading or unloading materials or persons.
- (y) "MUNICIPAL PROPERTY" means property OWNED or OCCUPIED by the CITY or any board or commission of the CITY.
- (z) "OCCUPANT" means:
 - (1) a person with care and control of property;
 - (2) the spouse of the person in (1);
 - (3) a person with an interest in the property granted by easement or right of way;
 - (4) a person authorized in writing by a person described in (1); (2) or (3) above to act on that person's behalf to enforce or request the enforcement of this by-law; and,

OCCUPIED has a corresponding meaning when describing property.

- (aa) "OFFICIAL SIGN" means a sign pursuant to either the Highway Traffic Act or the Manuals of Uniform Traffic Control Devices of Ontario and of Canada.
- (bb) "OWNER" means:
 - (1) a person with legal title to property,
 - (2) the spouse of the person in (1),
 - (3) a person authorized in writing by the legal title holder to act on his or her behalf to enforce or to request the enforcement of this by-law.

OWNED has a corresponding meaning when describing property.

- (cc) "PARKADE" means any CITY owned structure, including its associated land, which is used for the PARKING of VEHICLES.

- (dd) "PARKING ATTENDANT" means a person employed or authorized by the CITY to control and regulate PARKING in a PARKADE or PARKING LOT.
- (ee) "PARKING CONTROL CARD" means a card issued by the CITY to the OWNER or operator of a LEASE PARKING VEHICLE to enable ingress to and egress from a PARKADE or PARKING LOT which is controlled by a CONTROL DEVICE.
- (ff) "PARKING LOT" means CITY owned lands used for the PARKING of VEHICLES.
- (gg) "PARKING PERMIT" means a permit issued by the COMMISSIONER which allows PARKING in a designated area during a time period when PARKING may otherwise be prohibited.
- (hh) "PARKING SPACE" means an area designated by signs, painted lines, curbs or other markings, for the purpose of PARKING a VEHICLE either on a HIGHWAY or within a PARKING LOT or a PARKADE, on PRIVATE PROPERTY or on MUNICIPAL PROPERTY.
- (hh1) PERMIT includes an ACCESSIBLE PERSON PARKING PERMIT, a LEASE PARKING PERMIT, a PARKING PERMIT and a TEMPORARY PARKING PERMIT.
- (hh2) "POWER-ASSISTED BICYCLE" means a bicycle that,
- (1) is a power-assisted bicycle as defined in subsection 2 (1) of the Motor Vehicle Safety Regulations made under the *Motor Vehicle Safety Act (Canada)*,
 - (2) bears a label affixed by the manufacturer in compliance with the definition referred to in clause (1)
 - (3) has affixed to it pedals that are operable, and
 - (4) is capable of being propelled solely by muscular power. (68-2014)
- (ii) "PRIVATE PROPERTY" means property on which one or more signs have been erected by or on behalf of the OWNER or OCCUPANT prohibiting trespassing or PARKING or restricting PARKING in any manner.

- (jj) "PRIVATE ROADWAY" means any road, laneway, ramp or other means of vehicular access to, or egress from, any land, building or structure, exclusive of a DRIVEWAY. Without limitation, a PRIVATE ROADWAY may include part of a PARKING LOT.
- (kk) "SCHOOL BUS LOADING ZONE" means a part of a HIGHWAY designated by OFFICIAL SIGNS as an area reserved for SCHOOL PURPOSE VEHICLES, in accordance with regulations made under the Highway Traffic Act.
- (ll) "SCHOOL PURPOSE VEHICLE" means,
- (1) a "school bus" as defined in the Highway Traffic Act; or
 - (2) a passenger vehicle used for hire, operated by or under contract with a school board or other authority in charge of a school, including VEHICLES which are used as transportation service providers to disabled persons.
- (mm) "SIDEWALK" means those portions of a HIGHWAY set apart and improved for the use of pedestrians and VEHICLES, excluding MOTOR VEHICLES.
- (nn) "SNOW CLEARING VEHICLE" means a VEHICLE equipped to clear or plow snow or ice or to salt or sand the HIGHWAY.
- (oo) "TAXICAB STAND" means a part of a HIGHWAY designated by an OFFICIAL SIGN where taxicabs will STOP to take on or discharge passengers or STAND to await future passengers.
- (pp) "TEMPORARY PARKING PERMIT" means a permit issued by the COMMISSIONER which allows PARKING in a designated area during a time period when PARKING may otherwise be prohibited in the following circumstances:
- (1) parking for out-of-town delegates to attend conventions or other community events; or

- (2) during construction or maintenance activities which preclude access to other lawful parking areas.
- (qq) "THROUGH HIGHWAY" means a HIGHWAY or part of a HIGHWAY designated as such and every intersecting HIGHWAY shall be marked by a stop sign, or yield right-of-way sign or TRAFFIC CONTROL SIGNAL in compliance with the regulations of the Highway Traffic Act, except that a THROUGH HIGHWAY shall not include any INTERSECTION where the intersecting HIGHWAY is a Regional Road.
- (rr) "TRAFFIC" means a VEHICLE or other conveyance, or a person, whether or not they are in or on a VEHICLE or other conveyance, and are using any portion of a HIGHWAY.
- (ss) "TRAFFIC CONTROL SIGNAL" means a signal device for the regulation or control of TRAFFIC.
- (tt) "U-TURN" means the turning of a VEHICLE one hundred and eighty degrees, within a HIGHWAY, positioning that VEHICLE to proceed in the opposite direction.
- (uu) "VENDING VEHICLE" means a VEHICLE over 120 kilograms in weight, from which goods, wares, merchandise, produce, food or other edible substances or beverages are sold or offered for sale.
- (vv) "VETERANS LICENCE PLATE" means a licence plate issued by the Ministry of Transportation of Ontario to a vehicle owned by a Veteran.
- 2.2 (a) The following definitions are incorporated from the *Highway Traffic Act*:
- (1) CONVICTION;
 - (2) CROSSWALK;
 - (3) DRIVER;
 - (4) INTERSECTION;

- (5) MEDIAN STRIP;
- (6) MOTOR VEHICLE;
- (7) OFFICIAL SIGN;
- (8) PARK/PARKING;
- (9) PEDESTRIAN CROSS OVER;
- (10) ROAD-BUILDING MACHINE;
- (11) ROADWAY;
- (12) STAND/STANDING;
- (13) STOP/STOPPING; and
- (14) VEHICLE.

(b) The following definitions are incorporated from the *Motorized Snow Vehicles Act*:

- (1) MOTORIZED SNOW VEHICLE; and
- (2) SERVICED ROADWAY.

(c) The following definitions are incorporated from the *Provincial Offences Act*:

- (1) PROVINCIAL OFFENCES OFFICER;
- (2) PARKING INFRACTION NOTICE.

ARTICLE 3.0: DUTIES AND AUTHORITIES

3.1 COMMISSIONER: The COMMISSIONER is authorized on any HIGHWAY or MUNICIPAL PROPERTY as required to give effect to the provisions of this by-law, to:

- (a) erect, place, maintain, or display AUTHORIZED SIGNS, OFFICIAL SIGNS, CONTROL DEVICES and CONTROL DEVICE COVERS whether on a

permanent or temporary basis;

(b) issue TEMPORARY PARKING PERMITS;

(b1) issue PARKING PERMITS;

(b2) prescribe the conditions under which TEMPORARY PARKING PERMITS and PARKING PERMITS may be issued pursuant to paragraphs 3.2(b) and 3.1 (b1).

(b3) without limiting paragraphs 3.1(b.1) and (b.2), to prescribe:

(a) a list of persons providing home health care services within the territorial limits of the CITY for which exemptions under this By-law may be prescribed;

(b) the provisions of this By-law from which such persons may be exempt; and

(c) the conditions under which such persons may enjoy such exemptions; and”

(c) approve the design and installation of TRAFFIC CONTROL SIGNALS.

3.2.1 CHIEF OF POLICE: The CHIEF OF POLICE is authorized on any HIGHWAY to erect, place, maintain, or display AUTHORIZED SIGNS, OFFICIAL SIGNS, CONTROL DEVICES or CONTROL DEVICE COVERS, on a temporary basis.

3.3 It is the opinion of Council of the CITY that the delegations in this By-law to the CHIEF OF POLICE and to the COMMISSIONER are of a minor nature. In forming this opinion, Council has had regard to the number of people, the size of geographic area and the time period affected by the exercise of each delegated power.

3.4 The CITY’s Commissioner of Community Services is authorized to pass a by-law to amend any of Schedules I, II, III, IV, VIII, XII, XIII, XIV, XV, XVI, XIX and XXIII of this By-law, in a form satisfactory to the City Solicitor.

- 3.5 In exercising the authority contained in Section 3.4 of this By-law, the CITY's Commissioner of Community Services shall have regard to public safety and the efficient and effective movement of traffic in his or her sole discretion.
- 3.6 The CITY's Commissioner of Community Services is authorized to pass a by-law to amend Schedule XXV of this By-law, in a form satisfactory to the City Solicitor, concerning designated bicycle lanes and in exercising this authority, the location of the designated bicycle lane must be approved by Council.

ARTICLE 4.0: GENERAL PARKING, STOPPING, AND OTHER REGULATIONS

- 4.1 Angle PARKING: Notwithstanding any other provision of this by-law, where an OFFICIAL SIGN to that effect is displayed, angle PARKING is permitted on HIGHWAYS and on MUNICIPAL PROPERTY.
- 4.2 PARKING at 90 Degrees: Where angle PARKING is permitted on a HIGHWAY, and a PARKING SPACE is not delineated or indicated by lines, no person shall STOP or PARK any VEHICLE except at an angle of 90 degrees from the curb or edge of the ROADWAY.
- 4.3 PARKING within space: Subject to section 4.4, no person shall park any VEHICLE in such a manner so that it:
- (a) is not completely within a PARKING SPACE;
 - (b) occupies more than one PARKING SPACE; or
 - (c) obstructs an AISLE.
- 4.4 PARKING long or wide VEHICLES: Where a VEHICLE is of a length or width so that it is impossible to PARK it within one PARKING SPACE, the DRIVER may also utilize adjoining PARKING SPACES provided that the necessary FEE is paid for the use of each of the PARKING SPACES.
- 4.5 Signs: No person shall place, erect, maintain, or display on any HIGHWAY any sign, marking or device that purports to be, or is an imitation of, or resembles an AUTHORIZED SIGN, an OFFICIAL SIGN, a CONTROL DEVICE or a CONTROL

DEVICE COVER, without the express consent of the COMMISSIONER.

- 4.6 Prohibition of MOTOR VEHICLES on SIDEWALK/ FOOTPATH: No person, other than a designate of the COMMISSIONER carrying out its duties, shall operate a MOTOR VEHICLE on a SIDEWALK or FOOTPATH except for the purpose of directly crossing the SIDEWALK or FOOTPATH at a DRIVEWAY.
- 4.7 Crossing Curbs: No person shall drive a MOTOR VEHICLE over any raised curb on any HIGHWAY.
- 4.8 MOTORIZED SNOW VEHICLES: No person shall operate a MOTORIZED SNOW VEHICLE on any HIGHWAY located between Lake Ontario and the south property line of Conlin Road. No person shall operate a MOTORIZED SNOW VEHICLE on any SERVICED ROADWAY in that area of Oshawa located between the south limit of Conlin Road and Coates Road.
- 4.9 Right-side-of-Road PARKING where Curb: Where PARKING is permitted on the right-hand side of the ROADWAY, and where there is a curb, no person shall PARK or STOP a VEHICLE unless that VEHICLE is facing its legal direction of travel and that VEHICLE'S wheels are parallel to, and not more than 15 centimetres out from, that curb.
- 4.10 Right-side-of-Road PARKING without Curb: Where PARKING is permitted on the right-hand side of the ROADWAY, and where there is no curb, no person shall PARK or STOP a VEHICLE unless that VEHICLE is facing its legal direction of travel and that VEHICLE'S right front and rear wheels are parallel to, and not more than 15 centimetres out from the right-hand limit of the ROADWAY.
- 4.11 Left-side-of-Road PARKING where Curb: Where PARKING is permitted on the left-hand side of the ROADWAY on a one-way HIGHWAY, and there is a curb, no person shall PARK or STOP a VEHICLE unless that VEHICLE is facing its legal direction of travel and that VEHICLE'S left front and rear wheels are parallel to, and not more than 15 centimetres out from, that curb.
- 4.12 Left-side-of-Road PARKING without Curb: Where PARKING is permitted on the left-hand side of the ROADWAY on a one-way HIGHWAY, and there is no curb, no

person shall PARK or STOP any VEHICLE on the left-hand side of the ROADWAY unless that VEHICLE is facing its legal direction of travel and that VEHICLE'S left front and rear wheels are parallel to, and not more than 15 centimetres out from the left-hand limit of the ROADWAY.

- 4.13 Exemption: Sections 4.9 through 4.12, inclusive, do not apply where angle PARKING is permitted pursuant to Sections 4.1 and 4.2.
- 4.14 STOPPING on SIDEWALK: No person shall STOP a VEHICLE in such a manner that any part of the VEHICLE is on or over a SIDEWALK.
- 4.15 STOPPING in INTERSECTION/CROSSWALK: No person shall STOP a VEHICLE on a HIGHWAY in such a manner that any part of the VEHICLE is within an INTERSECTION or CROSSWALK.
- 4.16 STOPPING near CROSSWALK: No person shall STOP a VEHICLE on a HIGHWAY within 10 metres of a CROSSWALK.
- 4.17 Interference with TRAFFIC: No person shall STOP a VEHICLE on a HIGHWAY in such a manner as to interfere with the movement of TRAFFIC.
- 4.18 Interference with Snow Clearing: No person shall STOP a VEHICLE on a HIGHWAY in such a manner as to interfere with the clearing of snow or the application of sand or salt to the HIGHWAY. For clarity, and without limitation, if a SNOW CLEARING VEHICLE must change its course to avoid a stopped VEHICLE, or is prevented from entering an area it would otherwise have entered to clear or plow snow or ice because of a stopped VEHICLE, that VEHICLE is deemed to be interfering with the clearing of snow or the application of sand or salt to the HIGHWAY.
- 4.19 Interference with HIGHWAY Cleaning: No person shall STOP a VEHICLE on a HIGHWAY in such a manner as to interfere with HIGHWAY cleaning operations. For clarity, and without limitation, if a highway cleaning vehicle must change its course to avoid a stopped VEHICLE, or is prevented from entering an area it would otherwise have entered to clean a HIGHWAY because of a stopped VEHICLE, that VEHICLE is deemed to be interfering with HIGHWAY cleaning operations.

- 4.20 STOPPED alongside other VEHICLE: No person shall STOP a VEHICLE on a ROADWAY alongside of any other stopped VEHICLE.
- 4.21 STOPPING on Bridges/Tunnels: No person shall STOP a VEHICLE on a HIGHWAY upon any bridge or elevated structure or within any tunnel or underpass.
- 4.22 STOPPING on/Adjacent to MEDIAN STRIP: No person shall STOP a VEHICLE on a HIGHWAY on any MEDIAN STRIP or adjacent to either side or the ends of a MEDIAN STRIP.
- 4.23 Blocking TRAFFIC: No person shall STOP a VEHICLE alongside or across a HIGHWAY beside an excavation or another obstruction in the ROADWAY in such a manner that the free flow of TRAFFIC around the obstacle or excavation would be impeded.
- 4.24 STOPPING near PEDESTRIAN CROSSOVER: Where an OFFICIAL SIGN to that effect is displayed, no person shall on any HIGHWAY stop any VEHICLE within 30 metres in advance of, or 15 metres beyond a PEDESTRIAN CROSSOVER, on either side of the HIGHWAY, measured in the direction of travel of VEHICLES on the HIGHWAY.
- 4.25 STOPPING within School Areas: Where an OFFICIAL SIGN to that effect is displayed, no person shall STOP a VEHICLE on a HIGHWAY any time or between the hours and on the days set out on the OFFICIAL SIGN, on either side of a HIGHWAY that is immediately adjacent to a school.
- 4.26 STOPPING near School Crossings: Where an OFFICIAL SIGN to that effect is displayed, no person shall STOP a VEHICLE on a HIGHWAY any time or between the hours and on the days set out on the OFFICIAL SIGN, on either side of a HIGHWAY, within 30 metres in advance of, and 15 metres beyond, a school crossing indicated by an OFFICIAL SIGN, measured in the direction of travel of VEHICLES on the HIGHWAY.
- 4.27 VENDING VEHICLES: No person who is selling or offering for sale, goods or produce from a VENDING VEHICLE, shall PARK the VEHICLE or permit the VEHICLE to remain PARKED on a HIGHWAY, PARKING LOT or PARKADE,

without prior written consent of the COMMISSIONER or if the VENDING VEHICLE holds a license pursuant to Schedule "L" of Licensing By-law 120-2005.

- 4.28 BOULEVARD PARKING: No person shall PARK a VEHICLE on a HIGHWAY in such a manner that any part of the VEHICLE is on or over the BOULEVARD, unless:
- (a) the BOULEVARD has been improved by the CITY for the purpose of PARKING and OFFICIAL SIGNS indicate same, or
 - (b) the BOULEVARD has been leased to private interests for PARKING purposes.
- 4.29 PARKING near DRIVEWAY: No person shall PARK a VEHICLE on a HIGHWAY in front of or within 2 metres of a DRIVEWAY.
- 4.30 Obstructing a DRIVEWAY: No person shall PARK a VEHICLE on a HIGHWAY opposite a DRIVEWAY in a manner which obstructs, or is likely to obstruct, other VEHICLES in the use of a DRIVEWAY.
- 4.31 PARKING near Fire Hydrant: No person shall PARK a VEHICLE on a HIGHWAY within 3 metres of a point on the curb or edge of the ROADWAY adjacent to a fire hydrant.
- 4.32 PARKING near INTERSECTION: No person shall PARK a VEHICLE on a HIGHWAY within 10 metres of an INTERSECTION, or where OFFICIAL SIGNS to that effect are displayed, within a distance of up to 30 metres of an INTERSECTION.
- 4.33 VEHICLES for Sale: No person shall PARK a VEHICLE on a HIGHWAY or in a PARKING LOT, PARKADE or other MUNICIPAL PROPERTY for the purpose of displaying the VEHICLE for sale.
- 4.34 Repairs/Maintenance: No person shall PARK a VEHICLE on a HIGHWAY or in a PARKING LOT, PARKADE or other MUNICIPAL PROPERTY for the purpose of washing, greasing or repairing the VEHICLE, except for repairs necessitated by an emergency.

- 4.35 PARKING near Railway: No person shall PARK a VEHICLE on a HIGHWAY:
- (a) within a distance of 30 metres in advance of, or 15 metres beyond the nearest rail of any level crossing of a railway, on both sides of a HIGHWAY, measured in the direction of travel of VEHICLES on the HIGHWAY;
 - (b) within a distance of 4 metres of the tracks of a railway, where the tracks run on and are parallel to the ROADWAY.
- 4.36 Interference with Other Parked Vehicles: No person shall PARK a VEHICLE on a HIGHWAY in a manner that prevents (or is likely to prevent) the removal of other parked VEHICLES.
- 4.37 General Time Limit: No person shall PARK a VEHICLE on a HIGHWAY:
- (a) for a period longer than 3 hours, unless an OFFICIAL SIGN is displayed which indicates otherwise; or unless the VEHICLE is a VENDING VEHICLE that holds a license pursuant to Schedule "L" of Licensing By-law 120-2005
 - (b) for a period longer than 24 hours when the VEHICLE displays a valid ACCESSIBLE PERSON PARKING PERMIT, unless an OFFICIAL SIGN is displayed which indicates otherwise.
- 4.38 Seasonal Offence: Notwithstanding Section 4.37, no person shall PARK a VEHICLE on any HIGHWAY between the hours of 3:00 a.m. and 6:00 a.m., during the time period from December 1st of any year to April 1st of the following year.
- 4.39 HIGHWAY Repairs: Notwithstanding any other provision of this by-law, no person shall PARK a VEHICLE on any HIGHWAY that has been temporarily closed for the construction, repair, or improvement of that HIGHWAY.
- 4.40 PARKING Near Public Use Buildings: Where an OFFICIAL SIGN to that effect is displayed, no person shall PARK any VEHICLE within 6 metres, in either direction, of a point located at the edge of the ROADWAY that is nearest to a public entrance to or exit from any building or enclosed space in which persons may be expected to congregate in large numbers. Buildings of this sort include, without limitation:

- (a) a hotel as defined in the *Hotel Fire Safety Act*;
- (b) a theatre as defined in the *Theatres Act*; and
- (c) a public hall as defined in the *Public Halls Act*.

- 4.41 PARKING Near Fire Hall: Where an OFFICIAL SIGN to that effect is displayed, no person shall PARK any VEHICLE on either side of a HIGHWAY that is immediately adjacent to property on which a Fire Hall is located, or within a distance of 30 metres from that property.
- 4.42 PARKING near Parks: Where an OFFICIAL SIGN to that effect is displayed, no person shall park any VEHICLE on either side of a HIGHWAY that is immediately adjacent to a park or playground.
- 4.43 PARKING near Dead End: Where an OFFICIAL SIGN to that effect is displayed, no person shall PARK any VEHICLE within 15 metres of the end of the ROADWAY on a dead end HIGHWAY.
- 4.44 PARKING on Narrow ROADWAY: Where an OFFICIAL SIGN to that effect is displayed, no person shall PARK any VEHICLE on the ROADWAY, where the ROADWAY width is 6 metres or less.
- 4.45 PARKING Certain COMMERCIAL MOTOR VEHICLES: No person shall PARK a COMMERCIAL MOTOR VEHICLE which exceeds 2.6 metres in width or 7 metres in length or is a HEAVY VEHICLE, on any HIGHWAY, except in an industrial area or in a signed commercial LOADING ZONE.
- 4.46 PARKING prohibited when CONTROL DEVICE covered: No person shall, unless authorized by the COMMISSIONER, PARK a VEHICLE or permit a VEHICLE to remain PARKED in a PARKING SPACE if the CONTROL DEVICE controlling that PARKING SPACE has been covered by a CONTROL DEVICE COVER to indicate that it is reserved or not to be used.
- 4.47 FEES for PARKING: Where in this by-law a rate is stipulated for the privilege of PARKING for a given time period in a PARKING SPACE, no person shall PARK a VEHICLE or permit a vehicle to be PARKED in the PARKING SPACE unless the

fee has been paid for that period or any portion of that period, and the period shall be as measured by the CONTROL DEVICE controlling such PARKING SPACE.

- 4.48 Counterfeit: No person shall deposit, or cause to be deposited, in any CONTROL DEVICE, any slug, device or other substitute for coins of the Dominion of Canada and the United States of America, except that a PARKING CONTROL CARD, a valid credit card or debit card or a FEE may be used in a CONTROL DEVICE where that use has been authorized by the COMMISSIONER.
- 4.49 Evidence: For the purpose of determining violations of the use of a CONTROL DEVICE, the fact that the CONTROL DEVICE or information provided on the ticket stub issued by the CONTROL DEVICE and displayed in the prescribed location indicates that the VEHICLE is unlawfully PARKED is prima facie evidence that the VEHICLE is unlawfully PARKED.
- 4.50 Designated Bicycle Lanes: The HIGHWAYS set out in Column 1 of Schedule XXV to the by-law, having been divided into clearly marked lanes for traffic between the limits set out in Column II of the said Schedule, the said lanes indicated in Column III of the said Schedule are hereby reserved for the use of bicycles and power-assisted bicycles as defined in the *Highway Traffic Act*.
- 4.51 Notwithstanding anything in this By-law, no person shall permit a VEHICLE to which the PERMIT relates to be PARKED, STANDING or STOPPED in the circumstances to which the PERMIT relates except when the PERMIT is displayed in the manner prescribed on the PERMIT or, where no manner of display is prescribed on the PERMIT, except when the PERMIT is placed immediately under the front windshield of the VEHICLE and displayed in a manner so as to be completely visible and legible from a position that is immediately adjacent to the exterior of the driver's side of the VEHICLE.

ARTICLE 5.0: STOPPING RESTRICTIONS AND PROHIBITIONS ON CERTAIN HIGHWAYS

- 5.1 STOPPING HIGHWAYS where Prohibited: Where an OFFICIAL SIGN to that effect is displayed, 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,

during the prohibited times or days set out in Column 4.

ARTICLE 6.0: PARKING RESTRICTIONS AND PROHIBITIONS ON CERTAIN HIGHWAYS

- 6.1 PARKING on HIGHWAYS where Prohibited: Where an OFFICIAL SIGN to that effect is displayed, 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, during the prohibited times or days set out in Column 4.
- 6.2 Posted Time Restrictions: Where an OFFICIAL SIGN to that effect is displayed, 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, during the times or days set out in Column 4, for a longer period than that set out in Column 5.

ARTICLE 7.0: STANDING RESTRICTIONS AND PROHIBITIONS ON CERTAIN HIGHWAYS

- 7.1 STANDING on HIGHWAY where Prohibited: Where an OFFICIAL SIGN to that effect is displayed, no person shall STAND a VEHICLE on any HIGHWAY at the side and between the limits set out respectively in Columns 1, 2 and 3 of Schedule IV, during the times or days set out in Column 4.

ARTICLE 8.0: PARKING REGULATIONS ON MUNICIPAL AND PRIVATE PROPERTY

- 8.1 PARK on PRIVATE PROPERTY Without Consent: No person shall PARK any VEHICLE on PRIVATE PROPERTY without consent of the OWNER or OCCUPANT of the property.
- 8.2 Complaints: The OWNER of a VEHICLE PARKED on PRIVATE PROPERTY is not liable to any penalty or to have the VEHICLE removed from such property or impounded except upon the written complaint of the OWNER or OCCUPANT of the property given to a PROVINCIAL OFFENCES OFFICER enforcing the provisions of this by-law.
- 8.3 PARKING in FIRE ROUTE: No person shall PARK or leave any VEHICLE along any FIRE ROUTE.

- 8.4 PARK on MUNICIPAL PROPERTY Without Consent: No person shall PARK any VEHICLE on MUNICIPAL PROPERTY without consent of the municipality.
- 8.5 Deemed Lack of Consent: Where one or more signs have been posted on PRIVATE PROPERTY or MUNICIPAL PROPERTY, stating conditions under which a VEHICLE may be PARKED on the property, or prohibiting the PARKING of a VEHICLE on the property, a VEHICLE PARKED on the property contrary to the conditions or the prohibition is deemed to have been PARKED without consent.

ARTICLE 9.0: PAID PARKING - PARKING LOTS, PARKADES

- 9.1 Designated PARKING LOTS and PARKADES: The lands described in Columns 1 and 2 of Schedules V and VI of this by-law are hereby designated as PARKING LOTS or PARKADES, respectively, within the meaning of this by-law.
- 9.2 Controls: The COMMISSIONER is authorized to erect, maintain and operate a CONTROL DEVICE, or post a PARKING ATTENDANT for the purpose of controlling and regulating PARKING in a PARKING LOT or PARKADE. The method of controlling and regulating PARKING in the PARKING LOT or PARKADE is set out and described in Column 6 of Schedules V and VI of this by-law.
- 9.3 Control Cards: The use of a PARKING CONTROL CARD in conjunction with a current LEASE PARKING PERMIT, for the purpose of providing ingress to and egress from a PARKING LOT or PARKADE controlled by a CONTROL DEVICE or PARKING ATTENDANT, is authorized.
- 9.4 FEES and Time Limits - PARKING LOTS: Where a CONTROL DEVICE has been erected, or a PARKING ATTENDANT posted, no person shall PARK any VEHICLE in a PARKING SPACE in any PARKING LOT during the days and the hours set out in Column 3 of Schedule V, up to the maximum length of time set out under Column 5 unless a FEE is paid in accordance with the rate set out in Column 4 or by inserting a valid PARKING CONTROL CARD.
- 9.5 PARKING LOT 52 Exemption: No PERSON who parks a VEHICLE in the PARKING LOT described as Parking Lot 52 in Column 2 of Schedule V of this

by-law shall be required to comply with section 9.4 of this by-law if the VEHICLE is parked for less than 30 consecutive minutes.

- 9.6 Entering PARKADE: Where a PARKING ATTENDANT has been posted or a CONTROL DEVICE has been erected, a driver upon entering a PARKADE shall use a valid PARKING CONTROL CARD or obtain a ticket upon which shall be indicated the date and hour of entry. Where a fee is to be charged for PARKING, it shall be calculated on the basis of the information shown on the ticket or registered through the CONTROL DEVICE. In the event that a ticket is not issued, and a valid PARKING CONTROL CARD has not been used, Section 9.7 shall apply.
- 9.7 Fees and Time Limits - PARKADES: No person shall PARK any VEHICLE in a PARKING SPACE in any PARKADE during the days and hours set out in Column 3 of Schedule VI without using a valid PARKING CONTROL CARD or depositing or paying on exiting the FEE in accordance with the rate set out in Column 4, or for a longer period than that set out in Column 5.
- 9.8 No Ticket: If a driver cannot produce a ticket on exiting, the fee for PARKING shall be calculated from the time that the PARKING ATTENDANT commenced duty, unless the VEHICLE was previously observed by the PARKING ATTENDANT. In those circumstances, fees will be calculated from the time the VEHICLE was first observed in accordance with the rate set out in Column 4 of Schedule VI.
- 9.9 Lease PARKING: Lease PARKING fees shall be as established from time to time by the CITY and shall apply to PARKING LOTS and PARKADES which are designated for this purpose.
- 9.10 Exemptions for LEASE PARKING VEHICLES: A LEASE PARKING VEHICLE displaying, in the prescribed location, a valid LEASE PARKING PERMIT, while parked in a PARKING SPACE in a PARKING LOT or PARKADE, shall not be required to comply with Sections 4.47, 9.4 or 9.6 of this by-law.
- 9.11 Exemptions for VETERANS LICENCE PLATE: A vehicle with a VETERANS LICENCE PLATE while parked in a PARKING SPACE in a PARKING LOT or PARKADE, shall not be required to comply with Sections 4.47, 9.4, 9.6 of 10.2 of this by-law.

ARTICLE 10.0: PAID PARKING - ON-STREET

- 10.1 Authorization: The erection, maintenance and operation of a CONTROL DEVICE on the HIGHWAY at the side and between the limits set out respectively in Columns 1, 2 and 3 of Schedule VII for the purpose of controlling and regulating PARKING, and the designation of PARKING SPACES in connection with those CONTROL DEVICES, is authorized.
- 10.2 FEES and Time Limits: Where a CONTROL DEVICE has been erected under the authority of section 10.1, and notwithstanding any other provision of this by-law, no person shall PARK any VEHICLE in a PARKING SPACE during the days and hours set out in Column 4 of Schedule VII, unless the CONTROL DEVICE controlling that PARKING SPACE is used, and a FEE is paid in accordance with the rate set out in Column 5, or for a longer period than that set out in Column 6.

ARTICLE 11.0: LOADING ZONES

- 11.1 Prohibition from PARKING in posted LOADING ZONES: Where an OFFICIAL SIGN to that effect is displayed, no person shall STOP, STAND, or PARK any VEHICLE, other than a COMMERCIAL MOTOR VEHICLE, in a LOADING ZONE on any HIGHWAY between the limits set out respectively in Columns 1, 2 and 3 of Schedule VIII or during the times or days set out in Column 4. It shall be lawful, however, for the DRIVER of a VEHICLE to STOP in a LOADING ZONE while actually engaged in loading or unloading passengers so long as such STOPPING does not interfere with any COMMERCIAL MOTOR VEHICLE about to enter or attempting to use that LOADING ZONE.

ARTICLE 12.0: TAXICAB STANDS

- 12.1 Prohibition: Where an OFFICIAL SIGN to that effect is displayed, no person shall, other than a taxicab waiting for hire or engagement, STOP or PARK a VEHICLE or permit a VEHICLE to remain STOPPED or PARKED in a TAXICAB STAND, on any HIGHWAY between the limits set out respectively in Columns 1, 2 and 3 of Schedule IX or during the times or days set out in Column 4.
- 12.2 Queuing: No person, when operating a taxicab and when arriving at a TAXICAB STAND which is not already fully occupied, shall fail to STAND a taxicab to the rear

of another VEHICLE already occupying the TAXICAB STAND.

- 12.3 Progression Through Queue: When a VEHICLE leaves a TAXICAB STAND, no person shall fail to cause their respective taxicab to be moved forward so that every taxicab shall, in succession, fill the place which was previously occupied by the taxicab moved forward in accordance with this section.

ARTICLE 13.0: ONE-WAY HIGHWAYS

- 13.1 HIGHWAY Designation: The HIGHWAYS set out in Column 1 of Schedule X to this by-law between the limits set out in Column 2, during the times or days set out in Column 3, are designated for one-way vehicular TRAFFIC in the direction set out in Column 4.
- 13.2 Lane Designation: Where an OFFICIAL SIGN to that effect is displayed, the HIGHWAY set out in Column 1 of Schedule XI, between the limits set out in Column 2 and divided into lanes as indicated in Column 3, during the times or days set out in Column 4, are designated for vehicular TRAFFIC moving in the particular direction set out in Column 5.

ARTICLE 14.0: TURNING MOVEMENTS

- 14.1 Prohibition: Where an OFFICIAL SIGN to that effect is displayed, no person operating a VEHICLE on any HIGHWAY set out in Column 1 of Schedule XII proceeding in the direction set out in Column 2, shall turn the VEHICLE in the direction set out in Column 3 during the times or days set out in Column 4.
- 14.2 U-Turn Prohibited: Where an OFFICIAL SIGN to that effect is displayed, no person operating a VEHICLE shall at any time make a U-TURN at the locations set out in Column 1 of Schedule XIII while travelling in the direction set out in Column 2, during the times and days set out in Column 3.

ARTICLE 15.0: THROUGH HIGHWAYS

15.1 Designation: The HIGHWAYS set out in Column 1 of Schedule XIV between the limits set out in Column 2, are designated as THROUGH HIGHWAYS for the purposes of the *Highway Traffic Act*.

ARTICLE 16.0: STOP SIGNS

16.1 Authorization: The erection of stop signs is authorized at each of the INTERSECTIONS set out in Column 1 of Schedule XV, facing TRAFFIC as set out in Column 2.

ARTICLE 17.0: YIELD RIGHT-OF-WAY SIGNS

17.1 Authorization: The erection of yield right-of-way signs is authorized at each of the INTERSECTIONS set out in Column 1 of Schedule XVI, facing TRAFFIC as set out in Column 2.

ARTICLE 18.0: SPEED ZONES

18.1 Maximum Speeds Posted: Where an OFFICIAL SIGN to that effect has been posted on a HIGHWAY set out in Column 1 of Schedule XVII, between the limits set out in Columns 2 and 3, the maximum rate of speed on the HIGHWAY shall be the rate of speed prescribed in Column 4.

ARTICLE 19.0: PEDESTRIAN CROSSOVERS

19.1 Authorization: The establishment of PEDESTRIAN CROSSOVERS is authorized on HIGHWAYS set out in Column 1 of Schedule XVIII, at the locations set out in Column 2 and shall be indicated as such in the manner prescribed by the regulations made under the *Highway Traffic Act*.

ARTICLE 20.0: HEAVY VEHICLES PROHIBITED

20.1 Prohibition: Where an OFFICIAL SIGN to that effect is displayed, HEAVY VEHICLES are prohibited on the HIGHWAYS set out in Column I of Schedule XIX between the limits set out in Column 2, during the times or days set out in Column 3, except this does not extend to the use of a HIGHWAY for deliveries to, or

removals from, any premises abutting the HIGHWAY or to a privately-owned VEHICLE driven to, or from, its OWNER's residence.

- 20.2 Reduced Load Restrictions: Where an OFFICIAL SIGN to that effect is displayed, and subject to Section 110 of the *Highway Traffic Act*, no person shall operate or draw any VEHICLE on that HIGHWAY having a weight which is in contravention of Section 122 of the Highway Traffic Act.

ARTICLE 21.0: BUS STOP AND SCHOOL BUS LOADING ZONES

- 21.1 BUS STOPS: A BUS STOP is established wherever an AUTHORIZED SIGN to that effect is displayed.
- 21.2 No STOPPING in BUS STOP: No person shall STOP any VEHICLE other than a bus, in a designated BUS STOP, except that the DRIVER of a passenger VEHICLE may, other than at locations identified as no STOPPING in Schedule I, temporarily STOP in a BUS STOP for the purpose of, and while actually engaged in, loading or unloading passengers, provided that STOPPING in this manner does not interfere with any bus about to enter or attempting to use the BUS STOP.
- 21.3 No STANDING near BUS STOP: Where an OFFICIAL SIGN to that effect is displayed, no person shall STAND any VEHICLE (other than a bus) within a distance of 18 metres in advance of or 30 metres beyond any area on a HIGHWAY designated as a BUS STOP.
- 21.4 SCHOOL BUS LOADING ZONES: SCHOOL BUS LOADING ZONES are established where OFFICIAL SIGNS to that effect are displayed.
- 21.5 No STOPPING in SCHOOL BUS LOADING ZONE: No person shall STOP any VEHICLE other than a SCHOOL PURPOSE VEHICLE in a SCHOOL BUS LOADING ZONE.

ARTICLE 22.0: COMMUNITY SAFETY ZONES

- 22.1 Designation: COMMUNITY SAFETY ZONES are established where an OFFICIAL SIGN to that effect has been posted on any HIGHWAY set out in Column 1 of Schedule XX, between the limits set out in Column 2, during the time of day set

out in Column 3, and the days/months set out in Column 4.

**ARTICLE 23.0: ACCESSIBLE PERSONS PARKING and ACCESSIBLE PERSON
PARKING SPACES**

- 23.1 Designation: ACCESSIBLE PERSON PARKING SPACES are established where an OFFICIAL SIGN to that effect has been displayed.
- 23.2 Authorization: The COMMISSIONER is authorized, as required in the COMMISSIONER's discretion to establish, designate and maintain ACCESSIBLE PERSON PARKING SPACES.
- 23.3 Prohibition: No person shall PARK, STAND or STOP a VEHICLE in an ACCESSIBLE PERSON PARKING SPACE, unless a valid ACCESSIBLE PERSON PARKING PERMIT is displayed in accordance with the requirements of the *Highway Traffic Act*.
- 23.4 Exemptions: ACCESSIBLE PERSONS PARKING PERMITS: A VEHICLE displaying a valid ACCESSIBLE PERSON PARKING PERMIT in a PARKING SPACE shall not be required to comply with:
- (a) section 4.37(a), provided that a 24 hour maximum time period shall not be exceeded; section 9.4 (fees) of this By-law when in a PARKING SPACE located in a PARKING LOT, except this exemption shall not apply to the time limits set out in Schedule V and shall not apply to any person leasing parking by the month; or
 - (b) SECTION 9.4 (FEES) OF THIS By-law when in a PARKING SPACE located in a PARKING LOT except this exemption shall not apply to the time limits set out in Schedule V and shall not apply to any person leasing parking by the month; or
 - (c) section 10.2 (fees) of this By-law when in a PARKING SPACE located on a HIGHWAY, except this exemption shall not apply to the time limits set out in Schedule VII. (By-law 16-2000)

- 23.5 Increased Fees Prohibited: No person, who owns or operates a parking lot or parkade, shall require a driver of a VEHICLE which displays an ACCESSIBLE PERSONS PARKING PERMIT, to pay an amount which is greater than the FEE paid by other users of the same parking lot or parkade.
- 23.6 Requirement to provide ACCESSIBLE PERSON PARKING SPACES: No person, who owns or operates a parking lot, parkade or other parking facility reserved for use for temporary parking of VEHICLES by the public, or visitors to the property (not including employee or resident parking areas), shall fail to provide ACCESSIBLE PERSON PARKING SPACES in accordance with the list below.

TABLE

Number of Automobile Parking Spaces	Number of Designated Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 and over	20 plus 1 for each 100 over 1000

- 23.7 Exception: The requirements of Section 23.6 shall not apply to parking facilities,

parking lots or parkades located in or on any lot, except medical centres, medical clinics and any parking facility reserved for use for temporary parking of VEHICLES by the public, or visitors to the property (not including employee or resident parking areas), and a FEE is charged, within that part of the City of Oshawa described in article 39.10.1 of City of Oshawa Zoning By-law no. 60-94, as amended, further described in Schedule "D" of that by-law.

- 23.8 Technical Standards: Notwithstanding any other provision of this article, no person who creates an ACCESSIBLE PERSON PARKING SPACE shall fail to ensure that it meets the Technical Standards prescribed by Schedule XXII.

ARTICLE 24.0: ENFORCEMENT AND PENALTIES

- 24.1 Enforcement: The provisions of this by-law may be enforced by a PROVINCIAL OFFENCES OFFICER.
- 24.2 Offences Created: Subject to subsections 24.2.1, 24.2.2 and 24.4.3, each person who contravenes a provision of this by-law is guilty of an offence and upon CONVICTION, is liable to the penalties provided for in the Provincial Offences Act. For the purposes of this article, a separate violation shall be deemed to have been committed for each and every day during which any such violation continues, and conviction in respect of a violation shall not operate as a bar to further prosecution if such violation continues. (63-2020)
- 24.2.1 Designation re: Administrative Penalties: Subsection 24.2.2 Schedule XXIV and the parts of this By-law to which that Schedule relates are designated as parts of this By-law to which the City's system established by the City's Parking Administrative Penalty System By-law applies.
- 24.2.2 Penalties Created: Each person who permits a vehicle to be PARKED, STOPPED or STANDING contrary to a part of this By-law that is designated pursuant to subsection 24.2.1 and each owner of that VEHICLE are, when given a Penalty Notice in accordance with the City's Parking Administrative Penalty System By-law, liable to pay to the City an administrative penalty in the amount specified in Schedule XXIV to this By-law for each day or part of a day on which the contravention continues.
- 24.2.3 Tiered and Escalating Penalties: If a person receives a Penalty Notice in accordance with the City's Parking Administrative Penalty System By-law for a parking offence within the last ninety (90) calendar days, the person shall be liable to pay to the City a tier one (1) administrative penalty amount for that offence as specified in Schedule XXIV to the By-law. If a person receives an additional Penalty Notice for the same parking offence within ninety (90)

calendar days or less from the date of the Penalty Notice containing a tier one (1) administrative penalty amount, the person shall be liable to pay to the City a tier two (2) administrative penalty amount for that offence as specified in Schedule XXIV to the By-law. If the person receives a subsequent Penalty Notice for the same parking offence within ninety (90) calendar days or less from the date of the Penalty Notice containing a tier two (2) administrative penalty amount, the person shall be liable to pay to the City a tier three (3) administrative penalty amount for that offence as specified in Schedule XXIV to the By-law. If the person receives any subsequent Penalty Notices for the same parking offence within ninety (90) calendar days or less from the date of the Penalty Notice containing a tier three (3) administrative penalty amount, the person shall be liable to pay to the City a tier three (3) administrative penalty amount for that offence as specified in Schedule XXIV to this By-law. (63-2020)

- 24.3 Towing: A PROVINCIAL OFFENCES OFFICER appointed for the carrying out of the provisions of this by-law may, upon observing any VEHICLE PARKED, STOPPED or STANDING in contravention of this by-law, cause it to be moved or taken away and stored in a suitable place. Towing may occur in addition to any other enforcement mechanism. All costs and charges for removing, taking away and storage, shall be a lien upon the VEHICLE, which may be enforced in the

manner provided by the *Repair and Storage Liens Act*.

- 24.4 Voluntary Early Payment Allowance: Subject to subsections 24.2.1 and 24.2.2, the OWNER or operator of any VEHICLE for which a PARKING INFRACTION NOTICE has been issued alleging a contravention of any of the provisions of this by-law may make an early payment out of court in the amount set out on the PARKING INFRACTION NOTICE, by remitting the payment to the appropriate authority in accordance with the instructions on the PARKING INFRACTION NOTICE within the time limit stipulated.
- 24.5 Owner's Responsibility: Where a VEHICLE has been left PARKED, STOPPED or left STANDING in contravention of this by-law, the owner of the VEHICLE, notwithstanding that the owner was not the operator of the VEHICLE at the time of the contravention of this 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.

ARTICLE 25.0: APPLICATION

- 25.1 Exemptions: If compliance would be impracticable, Sections 4, 5, 6, 7, 8.4, 9, 10, 11, 12, 13, 14, 20, 21 or 23 of this by-law shall not apply to:
- (a) EMERGENCY VEHICLES;
 - (b) VEHICLES while engaged in works undertaken for or on behalf of any municipal corporation; or
 - (c) VEHICLES engaged in activities identified on a Road Occupancy Permit or a Special Events Permit issued under authority of a By-law of the CITY.
- 25.2 Exemption: If compliance would be impracticable, Sections 4.2, 4.3, 4.4, 4.9, 4.10, 4.11, 4.12, 4.17, 4.18, 4.19, 4.29, 4.43, 4.47, 6, 7.1, and 10.2 of this by-law shall not apply to VEHICLES while forming part of a funeral procession for as long as may reasonably be required for the purpose of the funeral.
- 25.3 TEMPORARY PARKING PERMITS: When used in accordance with the terms and conditions of its issue, a TEMPORARY PARKING PERMIT provides exemption

from those portions of this by-law referenced on the permit, to whom or which it was issued.

- 25.3.1 Home Health Care Services: Persons prescribed in paragraph 3.1(b.3)(a) as providing health care services within the territorial limits of the CITY are, subject to the conditions prescribed in paragraph 3.1(b.3)(c), exempt from sections 4.37, 4.38, 6.2, 9.4 and 10.2; and
- 25.4 Parking Permit: When used in accordance with the terms and conditions of its issue, a PARKING PERMIT provides exemption from those portions of this By-law referenced on the permit, to whom or which it was issued.
- 25.5 Effective Date: This by-law shall come into force and take effect on the date that it is approved by the Council of the Regional Municipality of Durham, excepting those regulating on-street STOPPING, PARKING and STANDING and PARKING LOTS, and PARKADES which shall come into force on the date that it is approved by the Council of the City of Oshawa and, where applicable, subject to the date that the Chief Judge of the Ontario Court (Provincial Division) approves set fines for PARKING infractions under this by-law, and where applicable when signs and/or devices to that effect are erected or displayed.

ARTICLE 26.0: REPEALS

- 26.1 By-law 115-82 and all subsequent by-laws which amended it are repealed.
- 26.2 By-law 192-70 is repealed.
- 26.3 By-law 94-90 and all subsequent by-laws which amended it are repealed.

By-law read a first, second and third time and finally passed this twenty-sixth day of July, 1999.

By-law 79-99 was signed by the Mayor and Acting Deputy City Clerk on July 26, 1999.

By-law 79-99 was approved by the Region of Durham October 6, 1999.

By-law 79-99 is amended by adding, Schedule "A" to Schedule XXIV, March 1, 2011.

By-law 79-99 is amended by adding, Schedule "A" to Schedule XXIV, June 22, 2020.