

## BYLAW 106 - 2006

### **Being A Bylaw Of The Summer Village Of Sunrise Beach To Regulate And Control The Parking Of Vehicles Within The Boundaries Of The Summer Village**

**WHEREAS** under the provisions of the Traffic Safety Act, RSA 2000 and amendments thereto a Council of a municipality may pass bylaws with regard to the regulation and control of vehicle parking;

**AND WHEREAS** the Council of the Summer Village of Sunrise Beach deems it necessary and convenient to enact a bylaw regulating the parking of vehicles on highways and other areas within the boundaries of the Summer Village;

**NOW THEREFORE** the Council for the Summer Village of Sunrise Beach duly assembled, enacts as follows:

**TITLE:** This Bylaw shall be cited as the "Parking Bylaw".

**DEFINITIONS:** In this bylaw, the following shall mean:

1. "Commercial Vehicle" means any motor vehicle, trailer or truck tractor exceeding a maximum allowable weight of 3,900 kilograms used for the purpose of conducting a business activity but does not include any motor vehicle, trailer or truck tractor operated by or on behalf of the Summer Village;
2. "Council" means the Council of the Summer Village of Sunrise Beach;
3. "Driver" or "Operator" means a person who drives or is in actual physical control of a vehicle;
4. "Heavy Vehicle" means a vehicle, with or without load, or a vehicle with a trailer attached exceeding any one of the following:
  - i. 10.7 meters in length;
  - ii. A maximum allowable weight of 3,900 kilograms
5. "Highway" means a highway as defined in Section 1(p) of the Traffic Safety Act;
6. "Motor Vehicle" means motor vehicle as defined in Section 1(x) of the Traffic Safety Act;
7. "Municipal Administrator" means the Chief Administrative Officer as appointed by Council;
8. "Owner" includes any person renting a motor vehicle or having the exclusive use thereof under a lease or otherwise for a period of more than 30 days;
9. "Park" when prohibited, means allowing a vehicle (whether occupied or not) to remain standing in one place, except:
  - i. when standing temporarily for the purpose of and while actually engaged in loading or unloading passengers, or
  - ii. when standing in obedience to a peace officer or traffic control device;
10. "Peace Officer" means a member of the Royal Canadian Mounted Police or a By-law Enforcement Officer;
11. "Pedestrian" means a person afoot or a person in or on a mobility aid;

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12. "Roadway" means that part of a highway intended for use by vehicular traffic.
13. "Summer Village" shall mean the Summer Village of Sunrise Beach;
14. "Traffic Control Device" means any sign, signal, marking or device placed, marked or erected under the authority of this By-law for the purpose of regulating, warning or guiding traffic.
15. "Trailer" means a vehicle so designed that it
  - i. May be attached to or drawn by a motor vehicle or tractor, and;
  - ii. Is intended to transport property or persons,and includes any vehicle defined by provincial regulation as a trailer but does not include machinery or equipment solely used in the construction or maintenance of highways;
16. "Truck" means a vehicle designed primarily for the transportation of property or equipment and shall include a truck that is designed primarily for the drawing of another vehicle or trailer and that is not designed to carry any load other than part of the weight of the vehicle drawn;
17. "Vehicle" means a device in, on or by which a person or thing may be transported or drawn on a highway. This shall include but not be limited to a vehicle so designed that it may be attached to or drawn by a motor vehicle to be moved from one point to another and which may provide living accommodation for or otherwise be used by one or more persons.
18. "Violation Tag" means a ticket or similar document issued by the Summer Village pursuant to the *Municipal Government Act*, R.S.A. 2000 and amendments thereto.

#### **PROHIBITIONS:**

1. No owner or operator of a Commercial or Heavy Vehicle shall park or permit the Commercial or Heavy Vehicle to be parked in any area within the Summer Village except on private property owned by the owner or operator of the vehicle or where written permission has been given by the owner of the private property.
2. The provisions of Section 1 shall not prohibit Commercial or Heavy Vehicles from parking in any area of the Summer Village for the purpose of loading or unloading passengers or goods to or from a premises within the Summer Village, provided that the Commercial or Heavy Vehicle shall have all front and rear hazard lights illuminated.
3. No person shall permit a vehicle to stand unattended upon any grade or slope without first having:
  - i. effectively set the vehicle's brakes, and
  - ii. turned the front wheels to the nearest edge of roadway in such a manner as to impede any movement of the vehicle.

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4. No person shall leave a vehicle unattended on a highway if the vehicle has been placed on a jack or a similar device and
  - i. one or more wheels have been removed from the vehicle, or
  - ii. part of the vehicle is raised.
5. No person shall drive, park, or stop any vehicle upon any highway in such a manner as to block, obstruct, impede or hinder traffic thereon. Where the obstruction is unavoidable due to mechanical failure of the vehicle, the operator will not be in breach of this section provided the operator promptly takes measures to clear the vehicle from the highway.
6. No person shall park any vehicle upon any land owned by the Summer Village which the said Summer Village uses or permits to be used as a playground, recreation area, public park or for utility purposes except on such areas that the Municipal Administrator or designated employee may designate by a Traffic Control Device for vehicle parking.
7. No person shall park a truck trailer unit on any highway in the municipality whether a trailer unit is attached to it or not.
8. A) No person shall park on a highway a vehicle or a trailer used for the conveyance of flammable liquid or explosive material.  
  
B) No person shall park on a highway a vehicle or trailer used for the conveyance of flammable liquid or explosive or other contents dangerous to human safety nearer than 22.2 meters to a substantial building likely to contain persons or valuable goods, and it shall have a warning notice clearly displayed.
9. Where a person parks his vehicle contrary to any of the aforementioned provision and said contravention is hazardous to life, limb or property, or it interferes with repair or maintenance of highways, a Peace Officer may require the vehicle to be removed and stored. The owner of said vehicle shall be required to pay, in addition to the fine, towing and storage fees before his vehicle is recovered.
10. Council may, at its discretion, impose and lift a ban for vehicles exceeding a load weight of 910 kilograms.
11. No person shall park or stand any motor vehicle on any highway for a period of more than seventy two (72) hours after which it may be considered to be abandoned.

### **PENALTIES**

1. A traffic tag shall be deemed to be sufficiently served:
  - i. if served personally on the accused, or
  - ii. if mailed to the address of the registered owner of the vehicle concerned; or to the person concerned, or
  - iii. if attached to or left upon the vehicle in respect of which the offense is alleged to have been committed.
2. Each Peace Officer and Bylaw Enforcement Officer is hereby charged with the duty of enforcing the provisions of this Bylaw.
3. Any person who commits a breach of any of the provisions of this Bylaw shall, upon summary conviction before a judge, be liable to a fine not exceeding \$2500.00 exclusive

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of costs and in case of non-payment of the fine and cost imposed, to imprisonment of a period not exceeding six months.

4. Not withstanding Sections VIII.3, any person contravening this By-law may avoid summary conviction by the voluntary payment of a specified penalty as outlined in Schedule "A" of this By-law within the time stated thereon.

Bylaw 68-1999 shall be rescinded on passing of this Bylaw.

This By-law for the Summer Village of Sunrise Beach and shall come into full force and effect on the date of its final passing.

READ A FIRST TIME THIS 4th day of December 2006.

READ A SECOND TIME THIS 15<sup>th</sup> day of January 2007.

READ A THIRD AND FINAL TIME THIS \_\_\_\_day of \_\_\_\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Administrator

Signed On: \_\_\_\_\_

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**SCHEDULE "A"**

Bylaw Section	First Offence	Second Offence	
1.	50.00	100.00	
3.	50.00	100.00	Plus costs
4	50.00	100.00	Plus costs
5.	50.00	100.00	Plus costs
6.	100.00	200.00	Plus costs
7	50.00	100.00	Plus costs
8.	50.00	100.00	Plus costs
9.	100.00	200.00	
11.	50.00	100.00	Plus costs to remove