

**THE CORPORATION OF THE TOWNSHIP OF PELEE
BY-LAW 2011-29**

BEING A BY-LAW to provide for the governing and regulating of parking within the Township of Pelee.

WHEREAS Section 11 (3) paragraph 1 of the Municipal Act, 2001, S. c-25 authorizes a municipality to pass by-law respecting highways including parking and traffic on highways;

NOWHEREFORE the Council of the Corporation of the Township of Pelee;

HEREBY enacts as follows:

The Council of the Corporation of the Township of Pelee enacts the following as By-Law;

1. DEFINITIONS

IN THIS BY-LAW:

1. **“Authorized Emergency Vehicle”** includes vehicles of the Fire Department, Police Department, ambulances, any other emergency vehicles of the Federal or Provincial government, Municipal Departments and/or of public or private utilities;
2. **“Authorized Sign”** means any sign or other device placed or erected on a highway under the authority of this By-Law for the purpose of regulating, warning or guiding traffic;
3. **“By-Law Enforcement Officer”** means a member of the Ontario Provincial Police or a Provincial Offences Officer duly appointed by the Corporation from time to time;
4. **“Commercial vehicle”** means a vehicle used for commercial purposes on highways;
5. **“Corporation”** means the Corporation of the Township of Pelee;
6. **“Council”** means the Council for the Corporation of the Township of Pelee;
7. **“Driver”** means a person who is in charge of a vehicle on a highway;
8. **“Highway”**, includes a common and public highway, street, avenue, driveway, or bridge and any part of which is intended or used by the general public for the passage of vehicles, and includes the area between the lateral property lines thereof;
9. **“Highway Traffic Act”** means the *Highway Traffic Act, R.S.O. 1990, Chapter H.8*, as amended and the regulations thereto;

10. **“Intersection”** means the area embraced within lateral boundary lines of two or more highways that join one another at an angle, whether or not one highway crosses the other;
11. **“Park”, Parked or “Parking”**, means the standing or stopping 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;
12. **“Person”** includes every natural person, firm, partnership, association, or corporation;
13. **“Provincial Offences Act”** means the **Provincial Offences Act, R.S.O. 1990, Chapter P.33**, as amended, and the regulations thereto;
14. **“Superintendent”** means the Superintendent of Municipal Operations in charge of Public Works for the Township of Pelee or his/her designee;
15. **“Township”** means the geographic area comprising the Township of Pelee;
16. **“Traffic control device”** means any sign, signal-light traffic control signal, marking, or device, placed or erected by the authority of Council for the purposes of regulating, warning or guiding traffic;
17. **“Vehicle”** includes an automobile, motorcycle, commercial vehicle, trailer, travel trailer, motor assisted bicycle, recreational vehicle, and motor home, and any other vehicle propelled or driven otherwise than by muscular power, does not include a snow vehicle, farm equipment,;

2. AUTHORIZED SIGNS AND TRAFFIC CONTROL DEVICES

- a) The Superintendent is hereby authorized to place or erect, and to maintain such authorized signs and traffic control devices as may be required to regulate or prohibit traffic on highways in the Township.
- b) No person shall place maintain or display upon any highway signal, marking or device which purports to be or is an imitation of or resembles any traffic control device, or which conceals from view or interferes with the effectiveness of a sign or traffic control device erected or placed pursuant to the provisions of this by-law.
- c) No person shall willfully move, alter, deface, obstruct the view of or otherwise interfere with any sign or traffic control device erected or placed pursuant to the provisions of this by-law

3. BY-LAW ENFORCEMENT OFFICER TO ENFORCE BY-LAW

1. By-Law Enforcement Officer shall have the authority to enforce the provisions of this By-Law.
2. Every person shall promptly obey all signals given by a by-law enforcement officer or by a traffic control device.
3. Authorized Emergency vehicles, shall be exempt from the provisions of this by-law while deployed in the performance of their respective duties.

4. PARKING PROHIBITED

- (1) No person shall park or stop a vehicle or any other object in any of the following locations:
 - (a) In front of a public or private driveway;
 - (b) Within an intersection;
 - (c) On any bridge or the approaches thereto;
 - (d) On any street in such a manner as to obstruct traffic;
 - (e) In such a position as will prevent the convenient removal of any other vehicle previously parked or standing; or
 - (f) On any highway for an uninterrupted period of three consecutive days or more;
 - (g) In any area of a highway designated as a "no parking" area and where signs or other traffic control devices have been erected to identify the "no parking" area.
- (2) No person shall park an unlicensed vehicle on any highway.
- (3) No person shall park or stop any vehicle or object on any property of the corporation except in designated parking areas
- (4) No person shall park or stop any vehicle or object on any parking lot owned by the Corporation except within the hours when parking is permitted as specified on the sign in each respective parking lot.
- (5) No person shall park or stop a vehicle on any bridge or any approach thereto.
- (6) No person shall park or stand a vehicle or object on any highway, parts of highways or sides of highways in the Township, in any manner which may restrict, impede, obstruct or prevent the complete snow-plowing, sanding or the performance of any other work deemed necessary by the roads department from December 1st to and including March 31st.

5. PENALTIES

1. Any person who contravenes any of the provision of this By-Law is guilty of an offence, and on conviction is liable to a penalty of not less than Five Thousand Dollars (\$5000.00), exclusive of costs, and all such penalties shall be recoverable under the provisions of *the Provincial Offences Act*.

- (1) The owner of a vehicle shall be liable for the penalties provided for any contravention of this By-Law, unless at the time of the contravention the vehicle was in the possession of some person other than the owner or his chauffeur, without the owner's consent, at which time the driver of a vehicle not being the owner shall be liable for the penalties provided for any such contravention.
- (2) Where a vehicle is parked in contravention of the parking provisions of this By-Law, the by-law enforcement officer, so finding the vehicle shall issue, complete and sign a certificate of parking infraction and a Parking Infraction Notice (PIN) indicating the set fine for the infraction, and the voluntary payment amount if any, and shall serve the PIN upon the owner of the vehicle by affixing the PIN to the vehicle in a conspicuous place at the time of the alleged infraction, or by delivering it personally to the person having the care or control of the vehicle at the time of the alleged infraction
- (3) Notwithstanding the foregoing provision in respect to fines for parking infractions, any person may voluntarily pay out of court in the manner indicated on the back of the P.I.N., the amount indicated opposite the parking infraction on the front of the P.I.N. in column headed "by-law payment" within seven (7) days of the time such P.I.N. was issued (exclusively of Saturdays, Sundays and Public Holidays), and then no further proceedings shall be taken under this by-law or under the *Provincial Offences Act* in respect of the parking infraction alleged in the P.I.N.
- (4) The defendant may, within fifteen (15) days after the service of the parking infraction notice (P.I.N.), plead not guilty by signing the not guilty plea on the P.I.N., and thereafter the Clerk of the Court shall give notice of trial pursuant to *The Provincial Offences Act*.
- (5) The form and wording of the PIN adopted for use in the Township is set out in Schedule "A" to this by-law.

6. Powers of Officer to Remove Vehicle

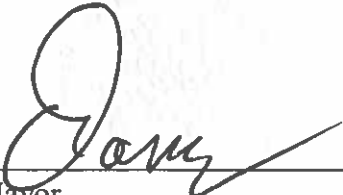
A By-law Enforcement Officer may cause any vehicle or object that is parked or stopped in contravention of this by-law to be removed and impounded, at the owners expense, and subsection 170(15) of the Highway Traffic Act will apply, with necessary modifications.

7. Illegally Parked Vehicles-Owner's Liability

In accordance with *Section 428 of the Municipal Act, R.S.O. 2001*, 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, notwithstanding that the owner was not the driver of the vehicle at the time of the contravention of the By-Law, and is liable to the fine prescribed for the offence unless, at the time of the offence that vehicle was in the possession of some person other than the owner without the owner's consent.

This by-law shall take effect on the final passing of thereof.

READ THREE TIMES AND FINALLY PASSED in open Council this 6th day of June, 2011.



Mayor



CAO/Clerk/Treasurer

TOWNSHIP OF PELEE ISLAND

BY-LAW 2011-29

Part II Provincial Offences Act

Being a By-law to regulate vehicular traffic within the Township of Pelee

ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
	Short form wording	Provision Creating or Defining the Offence	Voluntary payment within 7 days	Set Fine \$
1.	Parking in front of public or private driveway	4 (1) (a)	20.00	30.00
2.	Parking within an intersection	4 (1) (b)	20.00	30.00
3.	Parking on a bridge or causeway or the approaches thereto	4 (1) (c)	20.00	30.00
4.	Parking in such a manner as to obstruct traffic	4 (1) (d)	20.00	30.00
5.	Parking in such a manner as to prevent removal of another vehicle previously parked or standing	4 (1) (e)	20.00	30.00
6.	Parking on a roadway for an unreasonable time having regard for the traffic requirements of such roadway	4 (1) (f)	20.00	30.00
7.	Parking unlicensed vehicle on road	4 (2)	20.00	30.00
8.	Parking or stopping vehicle on municipal property	4 (3)	20.00	30.00
9.	Parking or stopping vehicle on bridge	4 (5)	20.00	30.00
10.	Parking or stopping vehicle impeding winter maintenance	4 (6)	20.00	30.00
	NOTE: the general penalty provision for the offences listed above is section 5 of by-law 2011-29, a certified copy of which has been filed.			

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

80 DUNDAS STREET, 10th FLOOR, UNIT L
LONDON, ONTARIO N6A 6A8



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'OUEST

80, RUE DUNDAS, 10^e ÉTAGE, UNITÉ L
LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3138

RECEIVED

MAR 15 2013

TOWNSHIP OF PELEE

March 12, 2013

Katrina DiGiovanni
Administrative Assistant
Township of Pelee
1045 West Shore Road
Pelee Island, ON
NOR 1M0

Dear Ms. DiGiovanni:

**Re: Set Fines - Provincial Offences Act - Part II
By-law Number 2011-29 of the Township of Pelee**

Enclosed herewith is the Order, and the schedule of set fines for the above referenced By-Law, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded copies of the Order and the schedule of set fines to the Provincial Offences Court in Windsor, together with a certified copy of the By-law.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Kathleen E. McGowan'.

Kathleen E. McGowan
Regional Senior Justice
West Region

Enclosures
/jg

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART II

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2011-29, of the Township of Pelee, attached hereto are the set fines for those offences. This Order is to take effect March 12, 2013.

Dated at London this 13th day of March 2013.



Kathleen E. McGowan
Regional Senior Justice
West Region

TOWNSHIP OF PELEE

BY-LAW 2011-29

Part II Provincial Offences Act

Being a By-law to regulate vehicular traffic within the Township of Pelee

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3.	Parking on a bridge or causeway or the approaches thereto	4 (1) (c)	20.00	30.00
4.	Parking in such a manner as to obstruct traffic	4 (1) (d)	20.00	30.00
5.	Parking in such a manner as to prevent removal of another vehicle previously parked or standing	4 (1) (e)	20.00	30.00
6.	Parking on a roadway for an uninterrupted period of three consecutive days or more	4 (1) (f)	20.00	30.00
7.	Parking unlicensed vehicle on road	4 (2)	20.00	30.00
8.	Parking or stopping vehicle on municipal property	4 (3)	20.00	30.00
9.	Parking or stopping vehicle on bridge	4 (5)	20.00	30.00
10.	Parking or stopping vehicle impeding winter maintenance	4 (6)	20.00	30.00
	NOTE: the general penalty provision for the offences listed above is section 5 of by-law 2011-29, a certified copy of which has been filed.			

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BY-LAW 2011-29

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