

BY-LAW 31-2004

A by-law of the Township of Russell regulating traffic and parking on highways

OFFICE CONSOLIDATION

THIS CONSOLIDATED BYLAW WAS LAST UPDATED: APRIL 20, 2020.

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Office Consolidation of By-law 31-2004 as amended by the following approved by-laws: 32-2004, 39-2004, 55-2004, 23A-2005, 31-2005, 40-2005, 70-2006, 20-2007, 74-2008, 86-2008, 117-2008, 118-2008, 119-2008, 33-2009, 62-2009, 102-2009, 51-2010, 58-2010, 66-2010, 20-2011, 41-2011, 69-2011, 72-2011, 67-2012, 43-2013, 57-2013, 72-2013, 82-2013, 13-2014, 2015-10, 2015-81, 2015-82, 2016-011, 2016-043, 2016-062, 2016-110, 2017-070, 2017-090, 2018-028, 2018-029, 2018-070, 2018-106, 2018-138, 2018-154, 2019-008, 2019-009, 2019-0010, 2019-030, 2019-118, 2019-119, 2019-130, 2019-146, 2020-048



**CORPORATION OF THE TOWNSHIP OF RUSSELL**

**BY-LAW No. 31-2004**

BEING a By-law for the purpose of regulating traffic and parking on the highways within the Township of Russell;

WHEREAS provision is made in the *Municipal Act*, S.O. 2001, Chapter M.25, Sections 11, 41, 42, 49, 63, 100, 101, 102, 170, 425, 426 & 439 and amendments thereto, for the purpose of allowing a municipal corporation to regulate and control traffic and parking on highways under its jurisdiction on municipal or private property;

NOW, THEREFORE THE COUNCIL FOR THE CORPORATION OF THE TOWNSHIP OF RUSSELL ENACTS AS FOLLOWS:

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## 1. DEFINITIONS

A by-law of the Corporation of the Township of Russell regulating traffic and parking on highways.

*In this By-law:*

**“Authorized Vehicle”** means

- a) a vehicle owned or operated by the Township provided that the vehicle is performing a service related to the operation.
- b) a vehicle owned or operated by a Public Utility provided that the vehicle is carrying out utility service.
- c) any vehicle authorized by the Township of Russell and
- d) any vehicle that falls within the definition of an emergency vehicle as defined in the Highway Traffic Act.

**“Bicycle”** includes a tricycle and a unicycle but does not include a motor-assisted bicycle.

**“Boulevard”** means the area between the travelled portion of the highway and limit of the highway right of way, but does not include a gravel shoulder.

**“Bus”** means a motor vehicle designed for carrying ten (10) or more passengers and used for the transportation of persons and includes a school bus. *(amended by bylaw 57-2013)*

**“Chief of Police”** means the officer in charge of any detachment of the Ontario Provincial Police either providing police services to an area municipality by agreement, or other wise having jurisdiction in the municipality.

**“Commercial Motor Vehicle”** means a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, buses and tractors used for hauling purposes on the highways.  
*(amended by bylaw 57-2013)*

**“Corner”** with reference to a highway intersection means the point of intersection of the prolongation of the lateral curb lines or in the absence of curbs the prolongation of the edges of the roadways.

**“Corporation”** means the Corporation of the Township of Russell.

**“Crosswalk”** means:

- a) that part of a highway at an intersection that is included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the roadway; or
- b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface.

**“Cul de sac”** means the area at the end of a closed ended street designated for vehicles to turn around and may include a decorative center island.

**“Curb”** means the edge of the travelled portion of the highway.

**“Disability Parking Permit”** means,

- a) a disable person parking permit issued under the *Highway Traffic Act*; or
- b) a permit, number plate or other number or device issued by another jurisdiction and recognized under the *Highway Traffic Act*.

**“Driveway”** means a part of a highway improved to provide vehicular access from the roadway to a lane way or a parking area on adjacent land.

**“Farm Tractor”** means a self-propelled vehicle designed and used primarily as a farm implement for drawing ploughs, mowing-machines and other implements of husbandry and not designed or used for carrying a load.

**“Gross Weight”** means the combined weight of vehicle and load.

**“Heavy Trucks”** means a motor vehicle having a carrying capacity in excess of 2 tonnes and any vehicle having a gross weight in excess of 4.5 tonnes, but does not include an ambulance or a school vehicle.

**“Highway”** includes a common and public highway, street, avenue, parkway, driveway, 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.

**“Highway, One-Way”** means a highway upon which the movement of vehicular traffic is limited to one direction.

**“Highway Traffic Act”** means the *Ontario Traffic Act*, R.S.O. 1990, C.H. 8, as amended;

**“Holiday”** includes Sunday, New Year's Day, January 2nd, Good Friday, Easter Monday, Victoria Day, the Day proclaimed as a Civic holiday by the Corporation, Labour Day, Canada Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, the Day proclaimed as the Birthday or day fixed by proclamation of the Governor General for the celebration of the birthday of the reigning sovereign, and any day appointed by proclamation of the Governor General or the Lieutenant-Governor-in-Council as a public holiday or for a general fast or thanksgiving, and the next following day when any such holiday, except Remembrance Day, falls on a Sunday.

**“Intersection”** means the travelled portion of a highway embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more highways which join one another at an angle, whether or not one highway crosses the other.

**“Laneway”** means improved land adjacent to the highway which provides access from the highway to a parking area on adjacent land.

**“Loading Zone”** means the part of a highway, private property or property of the Corporation, set apart for the exclusive purpose of parking a vehicle to load or unload.

**“Mobile Canteen”** includes all vehicles of any kind in or from which any food or other edible substance or any beverage is offered for sale or sold.

**“Motor Assisted Bicycle”** means a bicycle,

- (a) that is fitted with pedals, which are operable at all times, to propel the bicycle;
- (b) that weighs not more than fifty-five (55) kilograms;
- (c) that has no hand or foot operated clutch or gearbox driven by the motor and transferring power to the driven wheel;
- (d) that has an attached motor driven by electricity or having a piston displacement of not more than fifty (50) cubic centimetres; and
- (e) that does not have sufficient power to enable the bicycle to attain a speed greater than fifty (50) kilometres per hour on level ground within a distance of two (2) kilometres from a standing start;

**“Motorcycle”** means a self-propelled vehicle having a seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, and includes a motor scooter but does not include a motor-assisted bicycle.

**“Motor Vehicle”** includes an automobile, motorcycle, motor-assisted bicycle unless otherwise indicated in the *Highway Traffic Act*, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a streetcar or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-

propelled implement of husbandry or road-building machine within the meaning of the *Highway Traffic Act*.

**“Municipal Law Enforcement Officer”** means a peace officer for the purpose of enforcing municipal By-laws, as set out in the *Police Services Act*, and shall include a By-law Enforcement Officer.

**“Park or Parking”** when prohibited means the standing of a vehicle, whether occupied or not.

**“Parking Space”** means that part of the surface of the roadway, private property or Township’s property designated for the purpose of vehicle parking.

**“Peace Officer”** means a Municipal Law Enforcement Officer for the purpose of enforcing this By-law.

**“Pedestrian”** means

- a) a person on foot;
- c) a person in a wheeled chair or baby carriage, or
- d) a child in a carriage, stroller or play vehicle

**“Pedestrian Crosswalk”** means any portion of a roadway, designated by By-law, at an intersection or elsewhere, distinctly indicated for pedestrian crossing by signs on the highway and lines or other markings on the surface of the roadway as prescribed by regulations.

**“Physically Disabled Passenger Vehicle”** means a motor vehicle that,

- a) meets the requirements for a “physically-disabled-passenger vehicle” as prescribed in R.S.O. 1990, Regulation 629 under the *Highway Traffic Act*; or
- b) is regularly used for transporting a physically disabled person;

**“Physically Disabled Permit”** means

- a) a disabled person parking permit issued under the *Highway Traffic Act*, or
- b) a permit, number plate or other number or device issued by another jurisdiction and recognized under the *Highway Traffic Act*.

**“Physically-Disabled-Person”** means an individual who has been issued and holds a valid disabled person parking permit under the *Highway Traffic Act*.

**“Police Force”** means any detachment of the Ontario Provincial Police providing police services to an area municipality by agreement or otherwise having jurisdiction in the municipality.

**“Police Officer”**, **“Constable”** or **“Special Constable”** means a person so appointed by the Commissioner as per the *Police Service Act* and **“Constable”** includes a municipal by-law enforcement officer appointed pursuant to subsection 15(1) of the *Police Services Act*.

**“Police Vehicle”** means a vehicle owned or operated by the Police Commission of an area municipality, the Ontario Provincial Police or the Royal Canadian Mounted Police.

**“Public Parking Area”** means an open area or structure, other than a street, used by the public at the invitation of the owner for the temporary parking of more than four (4) passenger vehicles whether free, for compensation, or as an accommodation for clients, customers or visitors.

**“Public Vehicle”** means a motor vehicle operated on a highway by, for or on behalf of any person for the transportation for compensation of passengers, or passengers and express freight that might be carried in a passenger vehicle, but does not include the cars of electric or steam railways running only on rails, taxicabs, nor motor vehicles operated solely within the corporate limits of one urban municipality.

**“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 of the roadways collectively.

**“Roadway, Lane”** means a highway which has been divided into separate lanes for vehicular traffic which lanes are indicated by lines or other markings on the surface of the roadway or in any other manner.

**“School Bus”** means a bus that

- a) ~~is a motor vehicle designated for carrying ten (10) or more passengers~~
- b) ~~has a carrying capacity in excess of one (1) tonne or has a gross weight in excess of four and one half (4.5) tonnes displays on the front and rear thereof the words “School Bus” and on the rear thereof the words “do not pass when signals flashing”.~~

*(removed in its entirety and replaced by “Bus” under bylaw 57-2013)*

**“Shoulder”** means that part of the highway immediately adjacent to the roadway and having a surface which has been improved for the use of vehicles with asphalt, concrete or gravel.

**“Sidewalk”** means those parts of a highway set aside by the Corporation of the Township of Russell for the use of pedestrians.

**“Sign, Authorized”** means any sign or roadway, curb or sidewalk marking 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.

**“Sign, Official”** means a sign approved by the Ministry of Transportation and Communications of Ontario.

**“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.

**“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 constable or other Police Officer or of a traffic control sign or signal.

**“Through Highway”** means any highway or part of a highway so designated by this by-law and every such highway shall be marked by a stop sign or yield right-of-way sign in compliance with the regulations of the Ministry of Transportation of Ontario;

**“Traffic”** includes pedestrians, animals which are ridden, led or herded, vehicles, and other conveyances either singly or together while using a highway for the purposes of travel.

**“Traffic Control Device”** means any sign, signal or other roadway, 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 traffic.

**“Traffic Control Signal”** means any device operated manually, electrically, mechanically or electronically for the regulation or control of traffic.

**“Traffic, One-Way”** means movement by vehicles upon a highway in one direction only.

**“Trailer”** means a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, a mobile home, another motor vehicle, or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn.

**“Truck Route”** means a truck route established by Section 35 of this By-law.

**“U-Turn”** means the turning of a vehicle within the highway so as to proceed in the opposite direction to that in which the vehicle was travelling immediately prior to making the turn.

**“Vehicle”** 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 the cars of electric or steam railways running only upon rails.

**Vending Vehicle** includes all vehicles of any kind in or from which goods, produce, food or beverage are offered for sale or sold.

## **INTERPRETATION – GENERAL**

### **2. (1) In this By-law:**

- (a) words importing the singular number or the masculine gender only, include more persons, parties or things of the same kind than one and female 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
- (e) Where a measurement of length is provided in imperial measure and in brackets, in all cases the metric standard shall take precedence.
- (f) “vehicle” when used as part of a prohibition of parking or stopping, includes any part thereof; and
- (g) “subsection” when used without reference to another section, refers to a subsection contained in the same section in which the phrase is used.

### **(2) In the Schedules to this by-law, the following abbreviations, definitions and symbols stand for the words respectively set forth opposite thereto as follows:**

- (a) Ave. - Avenue  
Blvd. - Boulevard  
Ct. - Court  
Cres. - Crescent  
Dr. - Drive  
Gdns. - Garden  
Hts. - Heights  
Hwy. - Highway  
Pl. - Place  
Priv. - Private  
Rd. - Road  
Sq. - Square  
St. - Street  
Terr. - Terrace
- (b) cm - centimetre  
m - metre  
km - kilometre  
km/h - kilometre per hour
- (c) N. - North  
S. - South

- E. - East
- W. - West
- (d) a.m. - Ante Meridian
- p.m. - Post Meridian
- (e) Twp. - Township
- Con. - Concession
- (f) B.F. - Broken Front
- O.F. - Ottawa Front
- R.F. - Rideau Front
- (g) Mon. - Monday
- Tues. - Tuesday
- Wed. - Wednesday
- Thurs. - Thursday
- Fri. - Friday
- Sat. - Saturday
- Sun. - Sunday

- (3) Where a distance is used in this by-law as part of a prohibition of parking or stopping within a specified distance of an object, structure, land or a 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 point in the curb or edge of roadway in all directions.
- (4) The various prohibitions of this by-law are cumulative and not mutually self-exclusive.
- (5) It is declared that if any section, subsection or part of parts thereof be declared by any court of law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.
- (6) Municipal Law Enforcement Office and Municipal By-law Enforcement Officer have similar meanings.
- (7) The Schedules referred to in this by-law shall form part of this by-law and each entry in a column of such a Schedule shall be read in conjunction with the entry or entries across therefrom, and not otherwise.

**STANDARD TIME AND DAYLING SAVING TIME**

- 3. Where any expression of time occurs or where any hour or other period of time is stated, the time referred to shall be standard time, provided however, if what is known as “daylight saving time” has been generally adopted in the Township of Russell for any period of the year, under any statute, order-in-council, by-law, resolution or proclamation, whether the same is effective in law or not, such time shall be the time referred to during such period in any reference to time in this by-law.

***PART “A”***

**RULES OF THE ROAD**

**Part I**

## **SPECIAL CIRCUMSTANCES**

### **REGULATIONS**

4. (1) If the Chief of Police, Fire Chief, Director of Public Works, Municipal Law Enforcement Officer is of the opinion that for some temporary period to ensure the safety of the public, the proper movement of traffic, the parking of vehicles, or the proper and safe performance of some vital function of the Corporation, or an area municipality, special regulations are required for the movement, parking or stopping of vehicles on a highway under the jurisdiction of the Corporation, such person is authorized to make special regulations to prohibit or regulate the movement, parking or stopping of vehicles on such highway during such times and days as such person deems proper and necessary and such person shall erect official signs or otherwise give reasonable notice to indicate such special regulations.
- (2) When official or authorized hereof, signs have been erected or notice has otherwise been given under Subsection 4.(1), every person shall obey the instructions or directions on any sign so erected and the sign is deemed to have been erected pursuant to the section that normally regulates or prohibits the matter and the appropriate Schedule is deemed to have been amended to implement the regulations and those provisions apply to any act or failure to act contrary to the special regulations made pursuant this section 4.

## **Part II**

### **PARKING AND STOPPING**

#### **GENERAL REGULATIONS**

5. (1) Subject to Subsection (2) and (3) no person shall park or stop any vehicle or permit a vehicle to remain parked or stopped on any highway except as follows:
  - (a) where there is a raised curb, on the right side of the travelled portion of the highway, having regard to the direction in which the vehicle was travelling, with its right front and rear wheels parallel to and not more than fifteen (15 cm) centimetres (5.9") away from such curb; or
  - (b) where there is no curb or a rolled curb, on the right side of the highway having regard to the direction in which the vehicle was travelling, with the right front and rear wheels parallel to and as near to the right hand limit of the highway and is practicable without stopping over any part of a highway which is landscaped or which is not intended for the use of vehicles.
- (2) Subject to Subsection (3) where parking is permitted on the left side of a highway designated for one-way traffic, a person may park or stop any vehicle or permit a vehicle to remain parked or stopped on the left side of a highway designated for one-way traffic kept as follows:
  - (a) where there is raised curb, on the left side of the travelled portion of the highway having regard to the direction in which the vehicle was travelling, with its left front and rear wheels parallel to and more than fifteen (15 cm) centimetres (5.9") away from such curb; or
  - (b) where there is no curb or a rolled curb, on the left of the highway having regard to the direction in which the vehicle was travelling, with the left front and rear wheels parallel to an as near to the left hand limit of the highway as is practicable without stopping over any part of a highway that is landscaped or which is not intended for use

of vehicles.

- (3) Subsections (1) and (2) do not apply where angle parking is permitted under this by-law.

### **PARKING PROHIBITED WITH SIGNS**

6. When official signs have been erected, no person shall park a vehicle or permit a vehicle to remain parked on any highway within prohibited parking zone:
  - (a) in front of or within eight (8) metres of a lot on which there is a fire hall, on the side of the highway on which the fire hall is located;
  - (b) on the opposite side of a highway from that on which a fire hall is located and within thirty (30) metres of the projected lot lines of the lot on which such firehall is located;
  - (c) within fifteen (15) metres of an intersection;
  - (d) within thirty (30) metres of an intersection controlled by a traffic control signal;
  - (e) within thirty (30) metres of the approach side of a crosswalk that is controlled by a traffic control signal and not located at an intersection;
  - (f) within fifteen (15) metres of the leaving side of a crosswalk that is controlled by a traffic control signal and not located at an intersection;
  - (g) so as to interfere with the formation of a funeral procession; or
  - (h) within fifteen (15) metres of the end of the roadway on a dead end highway.

### **PARKING PROHIBITED WITHOUT SIGNS**

7. No person shall park a vehicle or permit a vehicle to remain parked on any highway:
  - a) within nine (9 m) metres (30 feet) of an intersection;
  - b) within three (3 m) metres (10 feet) of a fire hydrant;
  - c) in front of or within one and one-half (1.5m) metres (5 feet) of a laneway or driveway;
  - d) so as to obstruct a vehicle in the use of any laneway or driveway;
  - e) in such a position that will prevent the convenient removal of any other vehicle previously parked or standing;
  - f) for the purpose of displaying the vehicle for sale;
  - g) for the purpose of greasing, or repairing the vehicle except for such repairs as have been necessitated by an emergency;
  - h) for the purpose of stripping or partially stripping the vehicle except for such stripping as have been necessitated by an emergency on the roadway where the roadway width is six (6m) metres (19.7 feet) or less;
  - i) on a driveway within one (1m) metre (3.3 feet) of a sidewalk or footpath, or if there is no sidewalk or footpath, within two (2m) metres (6.6 feet) of the roadway;
  - j) upon a bridge;
  - k) in such a position/manner to obstruct traffic;
  - l) in front of the main entrance to, or any emergency exit from any hotel, hospital, nursing home, theatre auditorium or other building or enclosed space in which persons may be expected to congregate in large numbers; or
  - m) in contravention of any traffic control device.
  - n) for a period exceeding three hours at any time or any highway excepting between the hours of 5 p.m. and midnight.

### **PARKING REGULATIONS - HIGHWAY CLEARING, SNOW REMOVAL AND HIGHWAY CLEANING**

8. No person shall park a vehicle or permit a vehicle to remain parked on any highway so as to interfere in any manner with the work of:
  - a) removing snow or ice;

- b) clearing of snow or;
- c) cleaning operations, including sweeping

**PARKING PROHIBITED - SPECIFIED TIMES AND PLACES - SIGNS - SCHEDULE "I"**

9. When official signs have been erected, no person shall park a vehicle or permit a vehicle to remain parked on any highway at the side and between the limits set out respectively in Columns 1, 2 and 3 of Schedule "I" in this By-law during the times or days set out in Column 4 of Schedule "I".

**STOPPING PROHIBITED IN SPECIFIED PLACES - NO SIGNS**

10. (1) The parts of the highway,
- (a) that are within fifteen (15m) metres (49.2 feet) of the approach side of a school crosswalk designated by markings and authorized school crosswalk signs; and
  - (b) that are within fifteen (15m) metres (49.2 feet) of the leaving side of a school crosswalk designated by markings and authorized school crosswalk signs, are hereby established as a school crosswalk zone.
- (2) No person shall stop a vehicle or permit a vehicle to remain stopped on any highway:
- (a) on or partly on or over a sidewalk or footpath;
  - (b) within an intersection or crosswalk;
  - (c) adjacent to or across from any excavation or obstruction in the roadway when the free flow of traffic would thereby be impeded;
  - (d) on the roadway side of any stopped or parked vehicle;
  - (e) upon any bridge
  - (f) within thirty (30 m) metres (98.4 feet) of the approach side of the nearest rail of any level crossing of a railway; or
  - (g) within fifteen (15 m) metres (49.2 feet) of the leaving side of the nearest rail of any level crossing of a railway.
  - (h) between the hours of 7:00 am and 5:00 pm within a school crossing zone.

**STOPPING PROHIBITED WITH SIGNS**

11. When official signs have been erected, no person shall stop a vehicle or permit a vehicle to remain stopped on any highway,
- (a) on either side of a highway adjacent to a school, park or playground between the hours of 7:00 a.m. and 7:00 p.m. or;
  - (b) within a pedestrian crossover zone; or
  - (c) within the turning basin of a cul de sac.

## **STOPPING PROHIBITED IN SPECIFIED PLACES - SIGNS - SCHEDULE "II"**

- 12.** (1) When official signs have been erected, no person shall stop a vehicle or permit a vehicle to remain stopped on any highway, at the side and between the limits set out respectively in columns 1, 2 and 3 of Schedule " II " to this By-law during the times or days set out in column 4 of Schedule " II ".
- (2) The provisions of Section 11. and Subsection 12.(1) of this By-law do not apply to prevent the stopping of a motor vehicle for the purpose of and while actually engaged in receiving or discharging a physically disabled person provided that such motor vehicle has a valid physically disabled parking permit displayed upon its dashboard or on the sun visor in accordance with the provisions of the *Highway Traffic Act*.

## **PARKING, STANDING AND STOPPING EXEMPTIONS - FUNERAL CORTEGES**

- 13.** The provisions of this By-law relating to parking, standing and stopping do not apply to prevent the parking, standing or stopping of passenger motor vehicles forming part of any funeral cortege, provided that all such vehicles are parked or stopped on only one side of a highway at one time.

## **MAXIMUM PARKING LIMIT**

- 14.** (1) When official signs have been erected, no person shall park a vehicle or permit a vehicle to remain parked on a highway at the side and between the limits set out respectively in columns 1, 2 and 3 of Schedule " III " to this By-law during the times or days set out in column 4 of the said Schedule for a longer period of time than is set out in column 5 of the said Schedule "III".
- (2) Subject to the other provisions of this By-law, no person shall park a vehicle or permit a vehicle to remain parked on a highway for a period of time longer than three (3) hours between 7:00 a.m. of one day and 7:00 p.m. of the same day.
- (3) No person shall park a vehicle or permit a vehicle to remain parked on a highway within one (1) hour from the time of its removal from a part of highway referred to in Subsections (1) and (2) within three hundred (300 m) meters (984.2 feet) of such part of highway.
- (4) Subject to subsections (5), no person shall park a vehicle exceeding six and one-half (6.5) metres in length or a school bus or permit a vehicle exceeding six and one-half (6.5) metres in length or school bus to remain parked on a highway at any time between 9:00 p.m. of one day and 7:00 a.m. of the next following day.
- (5) Subject to the other provisions of this by-law, the provisions of subsection (4) shall not apply to vehicles exceeding six and one-half (6.5) metres in length or school buses parked on designated truck routes established pursuant to subsection 35 (2) of this by-law and set out in Schedule "XXI".
- (6) Subject to subsection (7), no person shall park a vehicle or permit a vehicle to remain parked on a highway at any time between 1:00 a.m. and 7:00 a.m. from November 1 to April 1 inclusive.
- (7) The Roads Superintendent or Chief By-law Enforcement Officer may
- (a) suspend the operation of Subsection (6), provided that in his opinion, the fall or accumulation of snow, ice or snow, ice or rain is such as not to unduly interfere with the snow and ice removal functions, regular highway maintenance or the proper use and movement of vehicles on the highway; or
- (b) reinstate the operation of Subsection (6).

(8) **Special Exemption Permits**

The prohibition with respect to times set out for restricted parking in Subsection (6) of this section shall not apply where a special exemption permit for overnight winter parking prohibition has been issued and the special exemption permit is visibly displayed in the front windshield of any vehicle.

Prior to the issuance of a special exemption permit by the Municipal Law Enforcement Officer, the Municipal Law Enforcement Officer shall be satisfied that:

The special exemption permit will apply only to residential areas for the purpose of holding special private events, receptions or other gatherings;

The special exemption permit shall be limited to only those persons attending such private event, reception or gathering;

The special exemption permit shall be valid for one day only during the period from November 1st to April 1st;

The special exemption permit shall enable any person attending such an event to park on the highway in compliance with this By-law in proximity to the area in which the event is being held between the restricted hours of 1:00 a.m. to 7:00 a.m.

The application for a special exemption permit shall be signed by the person requesting such permit and shall indicate the date of the event, the name, address and telephone number of the person in charge of the event, the number of vehicles expected at the event, and the location of the event.

No person shall park a vehicle or permit a vehicle to remain parked on a highway at any time between 1:00 a.m. and 7:00 a.m. from November 1st to April 1st with a special exemption permit that has expired.

**ANGLE PARKING – SCHEDULE “IV”**

15. (1) Where an angle parking space is designated by lines or other markings on the roadway, or otherwise, no person shall stop, stand or park a vehicle or permit a vehicle to remain parked or standing therein entirely within the area so designated as a parking space.
- (2) Where angle parking is permitted on a highway, no person shall stop, stand or park a vehicle or permit a vehicle to remain parked or standing except at the angle designated by signs or markings on the roadway.
- (3) Where angle parking on a highway other than at an angle of 90 degrees to the curb or edge of roadway is permitted, no person shall park a vehicle or permit a vehicle to remain parked on such highway except with the front end of the vehicle at the curb or edge of the roadway.
- (4) No person shall park a vehicle or permit a vehicle to remain parked at an angle on a highway except on the highways, at the side and between the limits set out respectively in columns 1, 2 and 3 of Schedule “IV” to the by-law.

**PART III**

**ZONES**

**LOADING ZONES – SCHEDULE “V”**

- 16. (1) The parts of highways at the side having the length and between the limits set out respectively in columns 1, 2, 3 and 4 of Schedule “V” are hereby established as loading zones during the times or days set out in Column 5 of the said Schedule “V”.
- (2) When authorized signs have been erected, no person shall park or stop a vehicle or permit a vehicle to remain parked or stopped in a loading zone except for the purpose of, and while actually engaged in, loading thereon or unloading therefrom, passengers, freight or merchandise.

**BUS ZONES**

- 17. (1) The Township hereby authorizes the establishment of bus stops on highways. A bus stop shall be deemed to have been established when an authorized sign or marker has been erected.
- (2) The parts of the highway,
  - (a) that are within thirty-four (34) metres of a bus stop on the approach side thereof, and
  - (b) that are within eighteen (18) metres of a bus stop on the leaving side thereof, are hereby established as bus zones.
- (3) No person shall stop a vehicle or permit a vehicle to remain stopped in a bus zone.
- (4) This section does not apply to a public transit motor vehicle.

**BUS TIME POINT ZONE – SCHEDULE “VI”**

- 18. (1) The parts of highways at the side and between the limits set out respectively in Columns 1, 2 and 3 of Schedule “VI” are hereby established as bus time point zones during the times or days set out in Column 4 of the said Schedule “VI”.
- (2) When authorized signs have been erected, no person shall park or stop a vehicle or permit a vehicle to remain parked or stopped in a bus time point zone other than a public transit motor vehicle.

**SCHOOL BUS LOADING ZONES – SCHEDULE “VII”**

- 19. (1) The parts of highways at the side and between the limits set out respectively in columns 1, 2 and 3 of Schedule “VII” are hereby established as school bus loading zones for use during the times or days set out in Column 4 of the Schedule “VII”.
- (2) When authorized signs have been erected, no person shall park or stop a vehicle or permit a vehicle to remain parked or stopped in a school bus loading zone other than a school bus.

**PART IV**

**TRAFFIC MOVEMENTS AND LANES**

**THROUGH HIGHWAYS - SCHEDULE “VIII”**

- 20. (1) The highways set out in Column 1 of Schedule “VIII” to this by-law between the limits set out in Column 2 of the Schedule “VIII”, except as

provided in subsection (2) hereof, are hereby designated as through highways for the purpose of the *Highway Traffic Act*.

- (2) The designation in subsection (1) hereof of a highway or part of a highway as a through highway shall not include any intersection thereon where the highway intersected is a King's Highway or where traffic control signals are installed.

#### **STOP SIGNS AT INTERSECTIONS – SCHEDULE “IX”**

21. The Township shall erect stop signs at the intersections set out in Column 1 of Schedule “IX” of this by-law facing traffic proceeding in the direction set out in Column 2 of the said Schedule “IX” on the highway or part of highway set out in Column 3 of the said Schedule “IX”.

#### **TRAFFIC CONTROL SIGNALS – SCHEDULE “X”**

22. The Township shall erect and operate traffic control signals at the intersections and locations named and described in Schedule “X” to this by-law, subject to the provisions of subsections 144(31) and 144(32) of the Highway Traffic Act.

#### **PEDETRIAN SIGNALS – SCHEDULE “XI”**

23. The Township shall erect and operate pedestrian signals on the parts of highways set out in Column 1 of Schedule “XI” of this by-law at the locations set out in Column 2 of the said Schedule “XI”.

#### **INTERSECTION PEDESTRIAN SIGNALS – SCHEDULE “XII”**

24. The Township shall erect and operate a combination of stop signs and traffic control signals at the intersections and locations set out in Column 1 of Schedule “XII” if this by-law with the stop controls facing traffic proceeding in the direction set out in Column 2 of the said Schedule “XII” and the traffic control signals facing traffic proceeding in the direction set out in Column 3 of the said Schedule “XII”.

#### **YIELD SIGNS AT INTERSECTIONS – SCHEDULE “XIII”**

25. The Township shall erect yield right-of-way signs at each of the intersections set out in Column 1 of Schedule “XIII” to this by-law for the control of traffic entering the intersection in the direction set out in Column 3 of the said Schedule “XIII” and from the highway set out in Column 3 of the said Schedule “XIII”.

#### **U-TURNS**

26. Where a U-turn is not otherwise prohibited under this by-law or the *Highway Traffic Act*, no person shall make such a turn when it cannot be made in safety or without interfering with other traffic.

#### **PROHIBITED MOVEMENTS – SCHEDULE “XIV”**

27. When official or authorized signs as required by the *Highway Traffic Act* have been erected, no person shall drive a vehicle in any intersection, or part of a highway or on property, set out in Column 1 of Schedule “XIV” to this by-law proceeding in the direction or emerging from a property in the direction set out in Column 2 of the Schedule “XIV”, and turn or proceed in the direction set out in Column 3 of the said Schedule “XIV” during the times or days set out in Column 4 of the said Schedule “XIV”, other than vehicles set out as exceptions in Column 4 of the said Schedule “XIV”.

## **ONE-WAY HIGHWAYS – SCHEDULE “XV”**

28. The highways set out in Column 1 of Schedule “XV” to this by-law between the limits set out in Column 2 of the said Schedule “XV” during the times or days set out in Column 3 of the said Schedule “XV” are established as one-day highways for the passing of vehicles only in the direction set out in Column 4 of the Schedule “XV”.

## **TRAFFIC CIRCLES**

29. No person shall drive any animal or vehicle otherwise than in a counter clockwise direction in any traffic circle.

## **RESERVED BICYCLE LANES – SCHEDULE “XVI”**

30. (1) Despite the provisions of paragraphs 57(1)(a) and 57(2)(a), the lanes set out in Column 5 of Schedule “XVI” on the highway set out in Column 1 of the said Schedule “XVI” between the limits set out in Column 2 of said Schedule “XVI” are hereby established as reserved bicycle lanes for bicycles travelling in the direction indicated in Column 3 of the said Schedule “XVI” during the times or days set out in Column 4 of the said Schedule “XVI”.
- (2) When authorized signs have been erected, no person shall:
- (a) drive or permit to be driven any vehicle, other than a bicycle, on any lane or part of lane established as a reserved bicycle lane under subsection (1) hereof; or
  - (b) stop or permit to remain stopped any vehicle, other than a bicycle, on any lane or part of lane established as a reserved bicycle lane under subsection (1) hereof.
- (3) Subsection (2) shall not apply to prevent:
- (a) a vehicle making a right-hand turn, or a left-hand turn from a one-way highway, provided the vehicle does not enter the reserved bicycle lane at a point farther from the point of making the right-hand turn or left-hand turn than the distance set out in Column 5 of Schedule “XVI” opposite such reserved bicycle lane;
  - (b) the stopping of a motor vehicle for the purpose of and while actually engaged in receiving or discharging a physically disabled person, provided that:
    - (i) such motor vehicle shall not be stopped in a lane in such a manner as to interfere with the movement of a bicycle, and
    - (ii) such motor vehicle has a valid disability parking permit displayed upon its dashboard or on the sun visor in accordance with the provisions of the *Highway Traffic Act*; or
  - (c) a vehicle pulled over for emergency purposes or repairs.

## **PART V**

### **SPEED REGULATIONS**

## **INCREASED AND DECREASED SPEED LIMITS – SCHEDULE “XVII”**

31. When any highway set out in Column 1 of Schedule “XVII” to this by-law, between the limits set out in Column 2 of the said Schedule “XVII”, is marked in compliance with the regulations under the *Highway Traffic Act*, the maximum rate of speed on such highway or part of highway shall be the rate of speed set out in Column 3 of the said Schedule “XVII”.

## **DECREASED SPEED LIMITS IN PARKS – SCHEDULE “XVIII”**

32. When signs have been erected at the vehicular entrances to the public park or recreation areas, set out in Column 1 of Schedule “XVIII”, the maximum rate of speed in such public park or recreation areas shall be the rate of speed set out in Column 2 of the said Schedule “XVIII”.

## **DECREASED SPEED LIMITS ON BRIDGES – SCHEDULE “XIX”**

33. When signs have been erected, no person shall drive, move or operate any vehicle on a bridge or part of bridge set out in Column 1 of Schedule “XIX” at a greater rate of speed than the rate of speed set out in Column 2 of the said Schedule “XIX” of the said Schedule “XIX” during the times or days set out in Column 3 of the said Schedule “XIX”.

## **DECREASED SPEED LIMITS ADJACENT TO SCHOOLS – SCHEDULE “XX”**

34. When any highway set out in Column 1 of Schedule “XX” to this by-law, between the limits set out in Column 2 of the said Schedule “XX”, is marked in compliance with the regulations under the *Highway Traffic Act*, the maximum rate of speed on such highway or part of highway shall be the rate of speed set out in Column 2 of the said Schedule “XX” during the time or days set out in Column 3 of the said Schedule “XX”.

## **PART VI**

### **HEAVY TRAFFIC**

#### **HEAVY TRUCKS PROHIBITED – SCHEDULE “XXI”**

35. (1) Subject to subsection (2), no person shall drive or cause to be driven any heavy truck on any highway or part of a highway under the jurisdiction of the Township of Russell.
- (2) Subsection (1) shall not prevent the operation of any heavy truck on a highway set out in Column 1 of Schedule “XXI” of this by-law between the limits set out in column 2 of said Schedule “XXI” and during the times or days set out in Column 3 of the said Schedule “XXI”, which highways or part of highways are referred to as truck routes.

- (3) Despite subsection (2), a time restriction on a truck route shall not apply to prevent the operation of any heavy truck owned by the Township or a private contractor working for the Township.

## **DEVIATIONS FROM TRUCK ROUTES**

- 36.** (1) Subject to subsections (2) and (3), Section 35 shall not apply to prevent the deviation from a truck route for the following purposes:
- (a) deliveries by a heavy truck to premises not abutting a truck route;
  - (b) the performance of services requiring a heavy truck at premises not abutting a truck route;
  - (c) a heavy truck proceeding to or from a garage or other premises not abutting a truck route for the purpose of housing, storing or repairing such heavy truck or
  - (d) the performance of public works by the Corporation or a local board hereof.
- (2) Every such deviation shall be made from the point on a truck route nearest by highway distance to the premises or location of performance of services referred to in subsection (1).
- (3) When successive deliveries are to be made in an area bounded by truck routes, after the last such delivery, the heavy truck shall be driven to the nearest truck route.

## **HEAVY TRUCKS, TRAILERS AND BUSES**

- 37.** ~~No person shall park any heavy truck, trailer or bus or permit any of them to be parked on any highway within the Municipality for any continuous period of time exceed three (3) hours.~~

*(removed in its entirety under by-law 31-2004 and replaced by the following)*

- (1) No person shall park any heavy truck, trailer or permit any of them to be parked on any highway within the Municipality for any continuous period of time exceeding three (3) hours.
- (a) No person shall park or permit to remain parked on any highway within the municipality, a trailer that has a total length of nine (9) meters or more, and that is not attached to a vehicle. *(by-law 2019-119)*
- (2) No person shall park a bus or permit a bus to be parked on any highway within the Municipality for a continuous period of time exceeding three (3) hours from Monday to Friday, between 8am to 4pm.
- (3) No bus shall be parked on any highway within the Municipality between the hours of 4 pm and 8 am.
- (4) No person shall park or permit to be parked a bus on any highway within the Municipality on Saturday or Sunday at any time or during school holidays.
- A. No vehicle or combination of vehicles or any class thereof, whether empty or loaded, shall be operated over the bridges as listed in schedule XXIV attached where:
- i) In the case of a single vehicle, the gross weight exceeds 14 tonnes.
  - ii) In the case of combination of two vehicles, the gross weight exceeds 14 tonnes.
  - iii) In the case of a combination of three vehicles, the gross weight exceeds 14 tonnes. *(added by bylaw 2018-028)*

- B. No vehicle or combination of vehicles or any class thereof, whether empty or loaded, shall be operated over the bridges as listed in schedule XXV attached where:
- i) In the case of a single vehicle, the gross weight exceeds 20 tonnes.
  - ii) In the case of combination of two vehicles, the gross weight exceeds 20 tonnes.
  - iii) In the case of a combination of three vehicles, the gross weight exceeds 20 tonnes. *(added by bylaw 2018-028)*

### **RESTRICTED LOADS ON HIGHWAYS**

38. (1) When official signs have been erected and are on display, the provisions of Section 122 of the *Highway Traffic Act* shall extend and apply to all highways, in the Township of Russell from the first day of March to the fifteenth day of May in each and every year.
- (2) Despite subsection (1), the Chief By-law Official or Road Superintendent hereby authorized to erect the official signs either before or after the first day of March and to remove the official signs either before or after the fifteenth day of May in each and every year in response to extraordinary weather conditions.

### **HEAVY LOADS – SPECIAL PERMITS**

39. The Chief By-law Enforcement Officer and Road Superintendent are hereby authorized to grant a permit to exempt a heavy truck from axle weight restriction specified in Section 122 of the *Highway Traffic Act* on a highway under the jurisdiction of the Township during the period that official signs are erected pursuant to Section 38.

## **PART VII**

### **DRIVING AND RELATED RULES**

#### **EMERGING FROM LANES**

40. The driver or operator of a vehicle emerging from a driveway, laneway, lot or building onto a highway shall, upon driving onto a sidewalk, yield the right-of-way to pedestrians upon such sidewalk.

#### **BARRICADED HIGHWAYS**

41. No person shall drive, operate or park a vehicle or permit a vehicle to remain parked on any part of a highway barricaded and marked by signs showing that its use is prohibited or restricted for a specified time.

#### **COASTING ON ROADWAY**

42. No person shall coast on a roadway, whether on a sleigh, skateboard, roller skate, roller blade, inline skate, cart, children's wagon or toboggan.

#### **TRAFFIC CONTROL AT FIRES**

43. (1) No person shall drive or park a vehicle other than a Peace Officer or fire service vehicle on any highway within ninety (90m) meters (295.3 feet) of a fire, fire apparatus or fire-fighting equipment, except as directed by a Peace Officer, Police Officer or Officer of the Fire Department.
- (2) Unless directed by a Peace Officer, Police Officer or Fire Department, no person shall drive a vehicle over a fire hose on any highway.

## **TRAFFIC CONTROL AT A COLLISION SCENE**

- 44.** (1) No person shall make or convey an offer of services of a tow truck while that person is within one hundred (100) metres of,
- (a) the scene of a collision or apparent collision; or
  - (b) a vehicle involved in a collision, on a highway.
- (2) No person shall park a tow truck or permit a tow truck to remain parked on a highway within one hundred (100) metres of,
- (a) the scene of a collision or apparent collision; or
  - (b) a vehicle involved in a collision.
- (3) Subsections (1) and (2) shall not apply to a person who is at the scene of a collision at the request of a Constable, a Municipal Law Enforcement Officer, a person engaged in highway maintenance, or a person involved in the collision.

## **EMERGENCY AND SPECIAL REGULATIONS**

- 45.** Notwithstanding any provisions of this By-law to the contrary, a Police Officer, Peace Officer, Municipal Law Enforcement Officer or other person designated may, during any emergency or special circumstance, by the erection of appropriate signs or signals, prohibit or regulate the movement of vehicles on any highway or part of a highway and no person shall drive or operate a vehicle in contravention of any such sign or signal.

## **FUNERAL AND OTHER PROCESSIONS**

- 46.** (1) No person shall, except under the direction of a Police Officer, drive or operate a vehicle on a highway between vehicles comprising a funeral cortege or other procession recognizable as such by the display of pennants or other identifying insignia while the vehicles in such procession are in motion.
- (2) No person shall drive a vehicle in a funeral cortege or other procession on a highway except as near to the right-hand edge of the roadway as is practicable and follow the vehicle ahead as close as is practicable and safe.

## **VEHICLES CROSSING SIDEWALKS, BOULEVARDS AND CURBS**

- 47.** (1) No person shall drive a vehicle, or ride upon a skateboard, in-line skates or roller skate, on a sidewalk except for the purpose of directly crossing the sidewalk.
- (2) No person shall drive a vehicle over a raised curb or sidewalk except at a place where there is a ramp, rolled curb depressed curb.
- (3) Subsections (1) and (2) shall not apply to wheelchairs, baby carriages, children's tricycles, children's wagons or handcarts used for vending.
- (4) Subsection (1) shall not apply to prevent the driving of bicycles on the sidewalks.

- (5) Despite the provisions of subsections (4), a person driving a bicycle on a sidewalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.
- (6) Nothing in this section relieve the pedestrian from the obligation of taking all due care to avoid a collision.

#### **BOARDING AND ALIGHTING FROM MOVING VEHICLES**

48. No person shall board or alight from any vehicle while such vehicle is in motion.

#### **COMMUNITY SAFETY ZONE – SCHEDULE “XXII”**

49. When signs have been erected on a highway or part of a highway to indicate the “Community Safety Zone”, it shall be in effect between the limits set out in Columns 1, 2 and 3 of Schedule “XXII” to this by-law during the times or days set out in Column 4 of Schedule “XXII”.

#### **OBEDIENCE TO POLICE OFFICERS, SIGNS AND TRAFFIC CONTROL SIGNALS**

50. Despite any provisions of this by-law, every person shall promptly obey all signals given by a traffic control signal, traffic control device or an authorized or official sign and all directions given by a Police Officer, Peace Officer, or other designated person.

#### **MUNICIPAL VEHICLES PERFORMING WORK ON HIGHWAYS – EXEMPTION**

51. The provisions of Part V and the provisions of Section 47 do not apply to municipal vehicles owned or operated by or on behalf of the Township while such vehicles are engaged in the performance of cleaning, clearing, maintenance, repair, construction or other work on any highway.

#### **EMERGENCY VEHICLES – EXEMPTION**

52. Parts I, II, III and VI and Section 41, 43, 46 and 47 shall not, in the case of emergency, apply to ambulances or police, fire or Township’s vehicles.

#### **DISABILITY PARKING PERMIT - EXEMPTIONS**

53. (1) Despite the provisions of Sections 9, and subsections 14 (1) and 14 (2) of this by-law, no person shall park a vehicle displaying a valid disability parking permit upon its dashboard or on the sun visor in accordance with the provisions of the *Highway Traffic Act* or permit such a vehicle to remain parked for a period of time longer than four (4) hours.
- (2) The provisions respecting the display of a valid physically disabled permit referred to in subsection 12 (2) and paragraph 30 (3) (b) of this by-law shall be deemed to be satisfied in the case of a physically disabled person being received by a motor vehicle displaying a valid disability parking permit upon its dashboard or on the sun visor in accordance with the provisions of the *Highway Traffic Act*.

### **PART VIII**

### **PEDESTRIANS**

## **PEDESTRIAN TO YIELD TO VEHICULAR TRAFFIC**

54. Except where traffic control signals are in operation or where traffic is being controlled by a constable, no pedestrian shall cross a highway without yielding the right-of-way to all vehicles upon the roadway, but nothing in this section shall relieve the driver of a vehicle from the obligation of taking all due care to avoid a collision.

## **PEDESTRIANS PROHIBITED ON ROADWAY**

55. Except for the purpose of crossing a roadway, where there is a sidewalk that is reasonably passable on one side or on both sides of a roadway, no person shall walk on the roadway.

## **PEDESTRIAN BARRIERS**

56. No person shall go over or under a pedestrian barrier installed on a sidewalk, or at any other location within a highway.

## **PLAYING ON ROADWAY PROHIBITED**

57. (1) No person shall play or take part in any game or sport upon a roadway.
- (2) Where there are sidewalks, no person on or riding in or by means of any children's wagon, toboggan, or similar device shall go upon a roadway, except for the purpose of crossing it, and when so crossing, such person shall have the rights and be subject to the obligations of pedestrian.

## **PART IX**

### **BICYCLES**

## **58. REGULATIONS**

- (1) A person driving a bicycle upon a roadway shall;
- (a) drive as near the right - hand side of the roadway as practicable; and
  - (b) exercise due care when passing a parked, stopped or standing vehicle or one proceeding in the same direction.
- (2) A person driving a bicycle upon a highway designated for one-way traffic shall;
- (a) drive as near the right - hand or left - hand side of the roadway as practicable.
  - (b) exercise due care when passing a parked, stopped or standing vehicle or one proceeding in the same direction.
- (3) persons driving bicycles upon a roadway shall do so in a single file.
- (4) no person driving a bicycle upon a highway shall carry any package, bundle or article which prevents the rider from keeping both hands on the handle

bars or interferes with the normal operation of the bicycle.

- (5) no person shall place a bicycle upon a highway except in such a manner as to cause the least possible obstruction to pedestrian or vehicular traffic.

## **PART X**

### **SIGNS**

#### **ERECTION OF SIGNS, TRAFFIC CONTROL SIGNALS, ETC.**

59. The Roads Superintendent/Chief By-law Enforcement Officer or any other person acting under his/her authority is hereby authorized and directed to erect and maintain such signs, traffic control signals, markings, barricades, traffic control devices and other structures, plant and equipment as are required to give effect to this By-law and as are required to regulate, direct, warn or guide pedestrian and vehicular traffic for the safety and convenience of the public.

#### **SIGNS BY POLICE**

60. The Chief of Police or designated may erect, place and maintain such official and authorized signs as are required to give effect to the provisions of this by-law.

#### **CONFLICTING PRIVATE SIGNS**

61. No person shall place, maintain or display upon, any highway, any sign, signal, marking or device which,
  - (a) conceals a traffic control device, traffic control signal, from view,
  - (b) interferes with the effectiveness of a traffic control device, traffic control signal,
  - (c) purports to be or is an imitation of or resembles any official or authorized sign, traffic control signal or traffic control device.

#### **DEFACING SIGNS AND TRAFFIC CONTROL SIGNALS**

62. No person shall move, remove, deface or in any manner interfere with any authorized or official signs, traffic control signals, markings or other traffic control devices placed, erected or maintained under this By-law.

#### **FRESHLY PAINTED LINES ON ROADWAY**

63.
  - (1) No person shall drive any vehicle over any markings on the roadway where markers are in place to indicate that the marking material has been freshly applied.
  - (2) No person shall drive any vehicle onto or over any marker placed on the roadway.

## **PART XI**

### **PENALTIES**

## **OFFENCES AND FINES**

- 64.** (1) Every person who contravenes or causes or permits any contravention of any of the provisions of Part “A” of this By-law is guilty of an offence
- (2) Every person who is convicted of an offence is liable to a fine as provided for in the Provincial Offences Act.
- (3) Any person who is issued a parking infraction notice for alleged violation of Section 9 or subsections 12 (1), 14(1), 14(2), 30(2) or paragraphs 11 (a), 11 (b) or 11 (c) of this by-law because a valid disability parking permit was not displayed and who within thirty (30) days (exclusive of Saturdays, Sundays and Public Holidays) from the date of issue of the parking infraction notice obtains a valid disability parking permit, upon presentation of the said notice and the said permit at the office of the issuer of the said notice, shall not be required to pay the penalty for the alleged violation of the provisions of the said notice.

## **VEHICLES SUBJECT TO REMOVAL WHEN ILLEGALLY PARKED**

- 65.** In addition to any other penalties provided by this by- law, upon discovery of any vehicle parked, stopped or standing on any highway in contravention of the provisions of this By-law, a Police Officer, police cadet, Municipal Law Enforcement Officer or an officer appointed for the purpose of carrying out the provisions of this By-law, may cause such vehicle to be moved or taken to and placed or stored in a suitable place and all costs and charges for the removing, care and storage thereof, if any, are a lien upon the vehicle being released and may be enforced in the manner provided by the *Repair and Storage Liens Act*.

## **LIABILITY OF OWNER**

- 66.** (1) The owner of a vehicle that is parked, stopped or left standing in contravention of this By-law is guilty of an offence unless the owner proves to the satisfaction of the court that at the time of the offence, the vehicle was in the possession of another person without the owner's consent, expressed or implied.
- (2) The owner of a vehicle shall incur 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 and the driver or operator of a vehicle not being the owner shall also incur the penalties provided for any such contravention.

## **PART XII**

### **APPLICATION AND ADMINISTRATION**

#### **ENFORCEMENT**

- 67.** (1) This By-law shall be enforced by the Municipal Law Enforcement Officers of the Corporation.
- (2) The Municipal Law Enforcement Officers are exempt from complying with the provisions of this By-law while actively engaged in its enforcement or the parts thereof that they have been appointed to enforce when no suitable parking is available.

- (3) No person shall obstruct, hinder or interfere with the Municipal Law Enforcement Officer in the performance of his duties.

#### **APPLICATION OF BY-LAW**

68. This By-law applies to all highways under the jurisdiction of the Corporation.

#### **EMERGENCY VEHICLES - EXEMPTION**

69. Part "A" of this By-law shall not, in case of emergency, apply to ambulances, police, fire, emergency measures department vehicles and municipal law enforcement vehicles in the performance of their duties.

#### **ORDER PROHIBITING**

70. In addition to the imposing of a fine or other remedy, a court of competent jurisdiction may upon conviction of an offence under this By-law, issue an order prohibiting the continuation or repetition of the violation by the person convicted.

#### **CONDITIONS OF USE OF DISABILITY PARKING PERMIT**

71. (1) A displayed disability parking permit shall not be valid when the motor vehicle in or on which it is displayed is not actually used for the purpose of transporting a physically disabled person.  
  
(2) No person other than the person to whom it was issued, or a person conveying the person to whom it was issued, or a person conveying a disabled person for a corporation or organization that provides transportation services primarily to disabled persons and has been issued a permit, shall use or display a disability parking permit to enjoy the privileges or avoid the restrictions set out in subsection (1) hereof, subsection 12 (2), paragraph 30(3)(c) or Section 52 of this by-law.

#### **BY-LAW SUBJECT TO THE *HIGHWAY TRAFFIC ACT*,**

72. The provisions of this By-law are subject to the provisions of the *Highway Traffic Act*.

### ***PART "B"***

#### **PARKING - PRIVATE PROPERTY AND PROPERTY OF THE CORPORATION**

##### **DEFINITIONS**

73. **In this part:**

- (a) **"owner", when used in relation to property, means,**
  - (i) the registered owner of the property,
  - (ii) the registered owner of a condominium unit whose consent shall

extend only to the control of the unit of which he is owner and any parking spaces allotted to him by the condominium corporation or reserved for his exclusive use in the declaration or description of the property

- (iii) the spouse of a person described in Subsection (i) or (ii), hereof
  - (iv) where the property is included in description registered under *The Condominium Act*, the board of directors of the condominium corporation,
  - (v) a person authorized in writing by the property owner as defined in Subsections (i), (ii), (iii), (iv) hereof to act on the owner's behalf for requesting the enforcement of this part of this By-law.
- (b) **"occupant" means,**
- i) the tenant of the property or part thereof whose consent shall extend only to the control of the land of which he is tenant and any parking spaces allotted to him under his lease or tenancy agreement,
  - (ii) the spouse of a tenant,
  - (iii) a person or a municipality, or a local board thereof having an interest in the property under an easement or right of way granted to or, local board whose consent shall extend only to the part of the property that is subject to the easement or right of way,
  - (iv) a person authorized in writing by an occupant as defined in subparagraph (i), (ii) or (iii) hereof to act on the occupant's behalf for requesting the enforcement of this part of the By-law.

## GENERAL REGULATIONS

74. (1) The driver of a motor vehicle, not being the owner, is also liable to any penalty, under this part of the by-law, and the owner of a motor vehicle is also liable to such a penalty unless at the time the offence was committed, the motor vehicle was in the possession of a person other than the owner, without the owner's consent;
- (2) Subject to Subsection (4), the driver or owner of a motor vehicle parked or left on private property is not liable to any penalty or to have the motor vehicle removed from such property or impounded under this part of the By-law, except upon the written complaint of the owner or occupant of the property given to a Constable or Officer appointed for the carrying out of the provisions of this part of the By-law;
- (3) Where an owner or occupant of property affected by this part of the By-law has posted signs stating conditions on which a motor vehicle may be parked or left on the property or prohibiting the parking or leaving of a motor vehicle on the property, a motor vehicle parked or left on the property contrary to such conditions or prohibition shall be deemed to have been parked or left without consent;
- (4) If it is alleged in a proceeding that a provision of Part "B" of this By-law has been contravened, the oral or written evidence as proof, in the absence of evidence to the contrary of the facts stated therein, in respect of,
- (a) the ownership of occupancy of the property;
  - (b) the absence of the consent of the owner or occupant; or
  - (c) whether any person is an owner or an occupant as defined in Section 73;

- (5) A document offered as evidence under Subsection 4 shall be admitted without notice under the *Evidence Act*.
75. No person shall park or leave any motor vehicle on private property without the consent of the owner or occupant of the property.
76. Whenever a motor vehicle is parked or left on private property without the express authority of the owner or occupant of such property, a Police Officer, Police Cadet, Municipal Law Enforcement Officer or an officer appointed for the carrying out of the provisions of subsection 170 (15) of the *Highway Traffic Act*, upon the written complaint of the owner or occupant of the property, may cause the said motor vehicle to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, shall be paid by the owner of the said motor vehicle and such costs and charges shall be a lien upon the said motor vehicle which may be enforced in the manner provided by the *Repair and Storage Liens Act*.
77. No person shall park or leave any motor vehicle on property of the Corporation where parking is by sign designated as an area in which parking is prohibited.
78. No person shall park or leave any motor vehicle on property of the Corporation where an area is by sign designated as reserved, unless the area is reserved for such person or class of persons.
79. No person shall park or leave any motor vehicle on property of the Corporation where parking is by sign regulated by time limits for a longer period of time than that set out ~~on the sign~~ in Schedule XXIII. *4 July 2005, By-law 31-2005, s.1.*
80. No person shall park or stop a motor vehicle or permit a motor vehicle to remain parked or stopped on the property of the Corporation in an area designated by sign as a loading zone, except for the purpose of and while actually engaged in loading thereon or unloading therefrom, passengers freight or merchandise.

#### **OFFENCES AND FINES**

81. (1) Every person who contravenes any of the provisions of Part “B” of this by-law is guilty of an offence.
- (2) Every person who is convicted of an offence is liable to a fine as provided for in the *Provincial Offences Act*.
82. Whenever a motor vehicle is parked or left in an unauthorized area on property of the Corporation and is in contravention of any provisions of Part “B” of this By-law, a Police Officer, police cadet, Municipal Law Enforcement Officer or an officer appointed for the carrying out of the provisions of subsection 170(15) of the *Highway Traffic Act*, upon the written complaint of an authorized employee of the Corporation shall cause the said motor vehicle to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, shall be paid by the owner of the said motor vehicle and such costs and charges shall be a lien upon the said motor vehicle, which may be enforced in the manner provided by the *Repair and Storage Liens Act*, R.S.O. 1990, Chapter R.25, as amended.

#### **PART “B” OF BY-LAW IN FORCE**

83. Part “B” of this By-law does not apply to motor vehicles that do not have a number plate issued by an authority having jurisdiction to require registration of motor vehicles displayed on it at the time was committed.

## PART “C”

### PARKING REQUIRED FOR THE PHYSICALLY DISABLED

- 84.** Every owner and operator of a public parking area shall provide reserved parking spaces for the exclusive use of physically disable persons, or persons conveying physically disable persons, to park their motor vehicles, in at least the amount prescribed by the following table:

TOTAL NUMBER OF PARKING SPACES IN PARKING AREA	BARRIER-FREE PARKING SPACES REQUIRED (minimum)
1-19	1
20-99	2
100-199	3
200-299	4
300-399	5
400-499	6
Over 500	7

(amended by By-law 2019-130)

### **PARKING SPACE REQUIREMENTS**

- 85.** Parking space requirements must be in conformity with the Township of Russell zoning by-law in effect. (amended by By-law 2019-130)

### **AUTHORIZED SIGNS**

- 86.** (1) Authorized signs for parking spaces for the physically disabled shall comply with the signs described under Section 11 of the *Ontario Regulation 581* made under the *Highway Traffic Act*.
- (2) The public parking area owner and operator shall be jointly responsible for the procurement and installation of the authorized signs referred to in paragraph 85(f).
- (3) The public parking area owner and operator shall be jointly responsible:
- (a) for the maintenance of authorized signs referred to in subsection (1).  
(amended by By-law 2019-130)

- (4) Upon the request of the owner or operator of a public parking area, the Township shall provide the authorized signs referred to in subsection (1) hereof, at cost.

#### **APPROPRIATE FEE**

87. Physically disabled persons shall not be required to pay an amount in excess of the normal fee paid by other users of the same public parking facility.

#### **PROHIBITED PARKING – PROHIBIED USE OF PERMIT**

88. (1) No person shall park or leave a motor vehicle in a public parking area in a parking space reserved for physically disabled persons and identified by authorized signs as prescribed by subsection 86 (1) of this By-law, unless a valid permit is displayed upon its dashboard or on the sun visor in accordance with the provisions of the *Highway Traffic Act*.
- (2) The provisions respecting the placement of a valid disability parking permit referred to in Subsection (1) shall be deemed to be satisfied if a valid disability parking permit is placed on the dashboard or on the sun visor of the motor vehicle at the request of a constable, a Municipal Enforcement Officer or a public parking area owner or operator.
- (3) No public parking area owners nor operators shall authorize any person to park or leave a motor vehicle in a space reserved for physically disabled persons and identified by authorized signs as prescribed in Section 86.(1) of this By-law unless,
  - (a) the driver is a physically disabled person, or a person conveying a physically disabled person; and
  - (b) a valid disability parking permit is displayed on the dashboard or on the sun visor of said vehicle in accordance with the provision of the *Highway Traffic Act*.
- (4) No person, other than the person to whom it was issued or a person conveying the person to whom it was issued or a person providing transportation services for a corporation or organization to who it was issued to provide transportation services primarily to disabled persons, shall use or display a disability parking permit issued to a physically disabled person to enjoy the privileges or avoid the restrictions set out in subsection (1).
- (5) Despite the other provisions of this by-law, a Municipal Law Enforcement Officer, a Constable or an Officer appointed for carrying out the provisions of “B” of this by-law does not require a complaint of the public parking area owner or operator to enforce the provisions of subsection (1).
- (6) The appointment of Municipal Law Enforcement Officers to enforce Part “B” of this by-law shall be deemed to be sufficient authority to enforce the provisions of subsection (1).
- (7) A displayed disability parking permit shall not be valid when the motor vehicle in or on which it is displayed is not actually being used for the purposes of transporting a physically disabled person.

#### **FREE ACCESS**

89. Public parking area owners and operators shall maintain unobstructed access to each parking space identified by authorized signs as prescribed by Subsection 86(1) of this By-law and each space shall be kept free of snow or otherwise maintained to the same standards as all other parking spaces in the same parking facility.

#### **OFFENCES AND PENALTIES**

- 90.** (1) Any public parking area owner or operator who contravenes any of the provisions of Section 84, 85, or 86, or subsection 88(3) is guilty of an offence.
- (2) Any person who contravenes the provisions of subsections 88(1) or 88(4) is guilty of an offence.
- (3) Every person who is convicted of an offence is liable to a fine as provided for in the *Provincial Offences Act*.
- (4) Any person who is issued a parking infraction notice for alleged violation of Subsection 88(1) hereof because a valid disability parking permit was not displayed and who within (30) days (exclusive of Saturdays, Sundays and Public Holidays) from the date of issue of the parking infraction notice obtains a valid disability parking permit, upon presentation of the said notice and the said permit at the office of the issuer of the said notice, shall not be required to pay the penalty for the alleged violation of the provisions of the said notice.

## PART “D”

### ADMINISTRATION

#### FORMER BY-LAWS REPEALED.

- 91.** By-law No. 9 of 1987 of the Corporation of the Township of Russell

80-1999	57-2001	66-1988	35-1993
81-1999	61-2001	67-1988	04-1995
82-1999	89-1990	91-1992	03-1995
71-2000	22-1995	92-1992	56-1995
40-2001		100-1992	37-1998
43-2001			72-1999
41-2002			

#### TRANSITION

- 92.** The repeat of the by-laws referred to in Section 91 shall not affect any offence committed against the provisions of the by-law or any penalty incurred in respect thereof or any investigative procedure thereunder.

#### BY-LAW IN FORCE

- 93.** ~~This by-law shall come into force and take effect at 12:01 a.m. on 7 June 2006, By-law 32-2004, s.1, repealed.~~

That this by-law shall come into force and take effect on approval of set fines by the Chief Justice. *7 June 2006, By-law 32-2004, s.1.*

#### SHORT TITLE

- 94.** This by-law shall be known as the Traffic and Parking By-law.

FIRST AND SECOND TIME, this 17<sup>th</sup> day of May 2004

Michael McHugh, Mayor

Ginette Bertrand, Clerk

READ A THIRD TIME AND FINALLY PASSED, this 17<sup>th</sup> day of May 2004.

Michael McHugh, Mayor

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Ginette Bertrand, Clerk

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