

**WHITBY TRAFFIC BY-LAW**

**BY-LAW NO. 1862-85**

**TABLE OF CONTENTS**

<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
1	Definitions
2	General
3	Disabled Person Parking Permits
4	General Stopping and Parking Regulations
5	Stopping Restrictions on Certain Highways
6	Parking Restrictions on Certain Highways
7	Standing Restrictions on Certain Highways
8	Permitted Angle Parking
9	Parking Meters
10	Loading Zones
11	Stands for Taxicabs
12	One-way Traffic
13	Turning Movements
14	Through Highways
15	Stop Signs
16	Yield Signs
17	Speed Zones
18	Pedestrian Crossover
19	Heavy Traffic
20	School Bus Loading Zones
21	Bus Stop Zones
22	Bridge Weight Limits
23	Penalties
24	Applications

\*This is a consolidated version of the Town of Whitby Traffic By-law, and is for convenience only.

THE CORPORATIONS OF THE TOWN OF WHITBY

BY-LAW NO. 1862-85

BEING A BY-LAW TO REGULATE TRAFFIC ON THE HIGHWAYS AND ON CERTAIN PRIVATE ROADWAYS IN THE TOWN OF WHITBY

WHEREAS, Subsections 210(45) of the Municipal Act, R.S.O. 1980, c. 302, provides that by-laws may be passed by the councils of local municipalities for designating private roadways as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle or vehicles parked or left along any fire route so designated at the expense of the owner thereof;

AND WHEREAS, Subsections 210(117) of the Municipal Act, R.S.O. 1980, c. 302, provides that by-laws may be passed by the councils of local municipalities for regulating traffic on the highways and for prohibiting heavy traffic as defined in the by-law, and for prohibiting traffic in any but one direction on highways that, in the opinion of the council, are too narrow for the passing of one vehicle by another or in which, in the opinion of the council, it is desirable that traffic should be limited to one direction;

AND WHEREAS, Subsections 210(119) of the Municipal Act, R.S.O. 1980, c. 302, provides that by-laws may be passed by the councils of local municipalities for exempting, pursuant to permits issued, the owners and drivers of vehicles operating by or carrying a physically handicapped person, as defined by the by-law, from any provision of a by-law passed by the council under the Municipal Act or under any other general or special act for prohibiting or regulating the parking, standing or stopping of motor vehicles on any highway or part thereof under the jurisdiction of the council;

AND WHEREAS, Subsection 210(120) of the Municipal Act, R.S.O. 1980, c. 302, provides that by-laws may be passed by the councils of local municipalities for authorizing and assigning stands on the highways for motor vehicles not kept for hire, and for motor vehicles and other vehicles kept for hire, and regulating the use of the stands;

AND WHEREAS, Subsection 315(8) of the Municipal Act, R.S.O. 1980, c. 302, provides that the councils of all municipalities may pass by-laws for erecting, maintaining and operating on any highway or portion of a highway, automatic or other mechanical meters or devices, with the necessary standards for the same, for the purpose of controlling and regulating the parking of any vehicle on the highway and measuring and recording the duration of such parking, for requiring drivers of every vehicle parked on such highways to make use of such meters or devices, and to pay for parking such vehicle on the highway a fee according to the amount or scale prescribed by the by-law and as measured by the meter or device, and for prohibiting parking of vehicles on such highway or portion of a highway unless such meter or device is made use of and such fee is paid, and for limiting the right of parking of vehicles on such highway to such drivers as do make use of such meters and devices and pay such fees;

AND WHEREAS, Section 321 of the Municipal Act, R.S.O. 1980, c. 302, provides that by-laws may be passed by the councils of all municipalities for providing that any person who contravenes any by-law of the council passed under the authority of the Municipal Act, is guilty of an offence and for providing for the imposition of fines of not more than \$2,000.00 on every person who is convicted of an offence under any such by-law;

AND WHEREAS, Subsection 104b(2) of the Highway Traffic Act, R.S.O. 1980, c. 198, as amended, provides that the municipal corporation or other authority having jurisdiction over a bridge may by by-law approved by the Ministry of Transportation and Communications limit the gross weight of any vehicle or any class thereof passing over such bridge;

AND WHEREAS, Subsection 109(2) of the Highway Traffic Act, R.S.O. 1980, c. 198, provides that the council of a municipality may by by-law prescribe a rate of speed for motor vehicles driven on a highway or portion of a highway under its jurisdiction;

AND WHEREAS, the Council of the Corporation of the Town of Whitby considers it appropriate to pass a by-law to regulate traffic on the highways under its jurisdiction and on certain private roadways;

NOW THEREFORE, the Council of the Corporation of the Town of Whitby enacts as follows:

DEFINITIONS

1. (1) Except where provided in Subsection 1(2) of this by-law, the definitions included in the Highway Traffic Act, R.S.O. 1980, c. 198, as amended, shall apply to this by-law.<sup>4</sup>
  
- (2) In this by-law,
  1. "authorized sign" means any sign, other than an official sign, placed upon a highway under the authority of this by-law for the purpose of guiding and directing traffic;<sup>6</sup>
  
  2. "boulevard" means all parts of the highway save and except any roadway, shoulder or sidewalk and,
    - (i) "outer boulevard" means that part of the highway lying between any sidewalk and the roadway or the bear edge of the shoulder where such exists; and,<sup>6</sup>
  
    - (ii) "inner boulevard" means that part of the highway lying between the property line and the edge of the sidewalk nearest to the property line and where there is no sidewalk, it means that part of the highway lying between the property line and the roadway or the edge of the shoulder where such exists, furthest from the roadway;<sup>6</sup>
  
  3. "bus stop" means a part of the highway designated by an authorized sign where buses will stop to take on or let off passengers;<sup>6</sup>
  
  4. "Chief of Police" means the Chief of Police of the Regional Municipality of Durham or his designee;<sup>6</sup>
  
  5. "designated parking space" means a parking space identified by an official sign for the exclusive use of a vehicle displaying a disabled person parking permit in accordance with the requirements of the Highway Traffic Act and this by-law;<sup>6</sup>

6. "Director of Public Works" means the Director of Public Works for the Town of Whitby or his designate;<sup>6</sup>
7. "disabled person parking permit" means a disabled person parking permit issued under the Highway Traffic Act or a permit, number plate or other marker or device issued by another jurisdiction and recognized under the Highway Traffic Act;<sup>6</sup>
8. "commercial vehicle" means a vehicle engaged in carrying goods, wares, merchandise or other commodities in the ordinary course of a business undertaking;<sup>6</sup>
9. "driveway" means improved land on a highway which provides vehicular access from the roadway to a private roadway or to adjacent land;<sup>6</sup>
10. "emergency vehicle" means,
  - (i) a fire department vehicle while proceeding to a fire or responding to, but not returning from, a fire alarm or other emergency call;<sup>6</sup>
  - (ii) a vehicle while used by a person in the lawful performance of his duties as a police officer;<sup>6</sup>
  - (iii) an ambulance while responding to an emergency call or being used to transport a patient or injured person in an emergency situation; or,<sup>6</sup>
  - (iv) a cardiac arrest emergency vehicle operated by or under the authority of a hospital;<sup>6</sup>
11. "fire route" means private roadway designated as such by one or more authorized signs erected by or on behalf of the owner or occupant;<sup>6</sup>
12. "heavy traffic" means a vehicle, object or contrivance for moving loads, have a gross weight, including the vehicle, object or contrivance and load, in excess of five (5) tonnes;<sup>6</sup>
13. "highway" is as defined in the Highway Traffic Act, R.S.O. 1980, c. 198, as amended, and shall include unopened and unassumed highways;<sup>6</sup>

14. "highway, one way" means a highway upon which the movement of vehicular traffic is limited to one direction;<sup>6</sup>
15. "Highway Traffic Act" means the Highway Traffic Act, R.S.O. 1980, c. 198, as amended from time to time, any regulations passed in accordance with that Act, and any successor legislation thereto;<sup>6</sup>
16. "holiday" includes Sunday, New Year's Day, Good Friday, Victoria Day, Dominion Day, any day proclaimed as a civic holiday by the Town of Whitby, Labour Day, Thanksgiving Day, Christmas Day, Boxing Day, the day proclaimed as the birthday of the reigning sovereign, and any day fixed by the proclamation of the Governor General or the Lieutenant-Governor-in-Council as a public holiday or for a general fast or thanksgiving, and when any holiday falls on a Sunday, the next day following is in lieu thereof a holiday;<sup>6</sup>
17. "laneway" means improved land adjacent to a highway which provides access from the highway to a parking area on adjacent land;<sup>6</sup>
18. "loading zone" means the part of a highway designated by an official sign where commercial vehicles may load or unload materials;<sup>6</sup>
19. "Municipal Law Enforcement Officer" means an officer appointed for the carrying out of the provisions of this by-law;<sup>6</sup>
20. "municipal property" means property of the Town of Whitby or any board thereof;<sup>6</sup>
21. "official sign" means a sign as defined in the Highway Traffic Act;<sup>6</sup>
22. "parking meter" means a device together with its standard or other means of support, erected for the purpose of,
  - a) controlling and regulating the parking of any vehicle in a parking space; and,<sup>6</sup>

- b) measuring in the parking time for which payment has been made and the duration of such parking;<sup>6</sup>
  
- 23. "parking meter cover" means a hood, bag or other covering for a parking meter that is authorized by the Director of Public Works or Chief of Police for placement over a parking meter to indicate that a parking meter space is reserved or not to be used;<sup>6</sup>
  
- 24. "parking meter zone" means that part of a highway where parking is controlled and regulated by one or more parking meters;<sup>6</sup>
  
- 25. "parking space" means an area designated by signs, painted lines or other markings, and which may be controlled by a parking meter, for the purpose of parking a vehicle;<sup>6</sup>
  
- 26. "pedestrian" means a person on foot or in a wheelchair or baby carriage;<sup>6</sup>
  
- 27. "person" includes an individual, sole proprietorship, partnership, unincorporated association, unincorporated syndicate, unincorporated organization, trust, body corporate, and an actual person in his capacity as trustee, executor, administrator, or other legal representative;<sup>6</sup>
  
- 28. "private property" means property on which one or more signs have been erected by or on behalf of the owner or occupant prohibiting trespassing or parking or restricting parking as set out thereon. In the application of this definition,<sup>6</sup>
  - (i) "owner" means,
    - (a) the registered owner of the property;<sup>6</sup>

- (b) the registered owner of a condominium unit, whose consent shall extend only to the control of the unit of which he or she is owner and any parking spaces allow to him or her by the condominium corporation or reserved for his or her exclusive use in the declaration or description of the property;<sup>6</sup>
- (c) the spouse of the person described in 28(i) (a) or 28(i) (b);<sup>6</sup>
- (d) where the property is included in a description registered under the Condominium Act, the board of directors of the condominium corporation; or,<sup>6</sup>
- (e) a person authorized in writing by the property owner as defined in clause 28(i) (a), (b), (c) or (d) of this by-law to act on the owner's behalf for requesting the enforcement of this by-law;<sup>6</sup>

(ii) "occupant" means,

- (a) the tenant of the property or part thereof whose consent shall extend only to the control of the land of which he or she is a tenant and any parking spaces allotted to him or her under his or her lease or tenancy agreement;<sup>6</sup>
- (b) the spouse of a tenant;<sup>6</sup>
- (c) 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 expropriated by the person, municipality or local board whose consent shall extend only to the part of the property that is subject to the easement of right-of-way; or,<sup>6</sup>
- (d) a person authorized in writing by an occupant as defined in clauses

- 28(ii)(a), (b) or (c) of this by-law to act on the occupant's behalf for requesting the enforcement of this by-law;<sup>6</sup>
29. "private roadway" means any road, laneway, ramp or other means of unobstructed vehicular access to or egress from any land, building or structure exclusive of driveways;<sup>6</sup>
30. "Provincial Offences Officer" means a police officer or a person designated as such under the Provincial Offences Act, R.S.O. 1980, c. 400, as amended from time to time;<sup>6</sup>
31. "school bus loading zone" means a part of a highway designated by official signs in accordance with regulations made under the Highway Traffic Act;<sup>6</sup>
32. "school purposes vehicle" means,
- (i) a school bus as defined in the Highway Traffic Act, R.S.O. 1980, c. 198, as amended;<sup>6</sup>
  - (ii) a stationwagon, van or bus, operated by or under contract with a school board or other authority in charge of a school; or,<sup>6</sup>
  - (iii) a bus or van operated on a highway,<sup>6</sup>
    - (a) for the purpose of transporting, for compensation, physically disabled persons; or,<sup>6</sup>
    - (b) by, for or on behalf of any person, club, agency, or organization that holds itself out as providing a transportation service to physically disabled persons, for compensation or otherwise;<sup>6</sup>
33. "shoulder" means that part of the highway immediately adjacent to the roadway and having a surface which has been improved with asphalt, concrete or gravel;<sup>6</sup>
34. "sidewalk" means all such parts of a highway as are set apart by the Town of Whitby for the use of pedestrians;<sup>6</sup>

35. "special constable" means a person appointed under the Police Act, R.S.O. 1980, c. 381, as amended;<sup>6</sup>
36. "taxi-cab stand" means a part of a highway designated by an authorized sign where taxi-cabs may stop to take on or discharge passengers;<sup>6</sup>
37. "traffic" includes pedestrians, ridden or herded animals, vehicles and other conveyances, either single or together, while using any highway for the purposes of travel;<sup>6</sup>
38. "traffic control signal" means any device, manually, electrically or mechanically operated for the regulation or control of traffic;<sup>6</sup>
39. "u-turn" means the turning of a vehicle within a roadway so as to proceed in the opposite direction; and,<sup>6</sup>
40. "vending vehicle" means a vehicle from which goods, wares, merchandise, produce, food or other edible substances or beverages are sold or offered for sale.<sup>6</sup>

GENERAL

2. (1) 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 except in periods when daylight savings time is in effect, in which periods, it shall be daylight savings time.<sup>1</sup>
- (2) The Director of Public Works for the Town of Whitby or his designee is authorized to place or erect and to maintain such authorized and official signs as are required to give effect to the provisions of this by-law.<sup>1</sup>
- (3) The Director of Public Works is authorized to issue permits for the movement on highways under the jurisdiction of the Town of Whitby of heavy vehicles, loads, objects or structures which are in excess of the dimensional limits or the weight limits set out in the Highway Traffic Act, R.S.O. 1980, c. 198, as amended.<sup>1</sup>

- (4) No person shall place, maintain or display on any highway, any sign, marking or device which purports to be or is an imitation of or resembles an authorized or official sign.<sup>1</sup>
- (5) No person shall drive a motor vehicle upon a sidewalk or footpath except for the purpose of directly crossing the sidewalk or footpath.<sup>1</sup>
- (6) No person shall drive any motor vehicle over any raised curb except at a place where there is a driveway opening or private roadway.<sup>1</sup>
- (7) The Chief of Police and the Director of Public Works are hereby authorized to erect or place temporary "No Parking" and/or "No Stopping" signs on any highway.<sup>1</sup>
- (8) 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.<sup>1</sup>
- (9) If any section, subsection or part of this by-law be declared by any Court of Law to be bad, illegal or ultra vires, such part or parts hereof should be declared to be separate and independent and the by-law is enacted as such.<sup>1</sup>
- (10) The provisions of this by-law shall be enforced by the Chief of Police, Municipal Law Enforcement Officers or where applicable, a special constable.<sup>1</sup>

**DISABLED PERSON PARKING PERMITS**

3. (1) It shall constitute an offence for any person to do any one or more of the following acts:
  - (a) park, stand or stop a vehicle in a designated parking space; or,<sup>6</sup>
  - (b) be entitled to be the benefit of an exemption under this by-law relating to a vehicle displaying a disabled person parking permit unless a current valid disabled person parking permit has been issued to

that person and such permit is displayed on or in the vehicle in accordance with the requirements of the Highway Traffic Act and this by-law.<sup>6</sup>

(2) Any vehicle on which or in which a disabled person parking permit is displayed in accordance with the requirements of the Highway Traffic Act and this by-law is exempt from,<sup>6</sup>

(a) Clause 4(6)(j) and Subsection 6(2) of this by-law with respect to parking limits and Subsections 9(1) and 9(3) of this by-law with respect to metered parking provided that,

(i) no such vehicle shall be parked on any highway pursuant to this Section for a period exceeding 24 hours; and,<sup>6</sup>

(ii) no such vehicle shall be parked on any highway designated by signs as being a snow route; and,<sup>6</sup>

(b) Subsection 6(1) of this by-law with respect to no parking zones, except between the hours of 7:00 a.m. to 9:30 a.m. and 3:30 p.m. to 6:30 p.m., Monday to Friday, inclusive.<sup>6</sup>

**GENERAL STOPPING AND PARKING REGULATIONS**

4. (1) No person shall park or stop any vehicle on any highway or portion thereof except as follows:

(a) where there is a curb on the right side of the travelled portion of the highway having regard to the direction such vehicle was proceeding with its right front and rear wheels parallel to and not more than 15cm out from such curb; and,<sup>4</sup>

(b) where there is no curb, with the right front and rear wheels parallel to and as near to the right-hand limit of the highway as is practicable without stopping or parking on or over a sidewalk footpath or boulevard.<sup>4</sup>

- (2) Where parking is permitted on the left-hand side of the travelled portion of a highway designated for one-way traffic, no person shall park or stop any vehicle on the left-hand side of the highway or portion thereof except as follows:
  - (a) where there is a curb, on the left-hand side of the travelled portion of a highway having regard to the direction such vehicle was proceeding with its left front and rear wheels parallel to and not more than 15 cm out from such curb; and <sup>4</sup>
  - (b) where there is no curb, with the left front and rear wheels parallel to and as near to the left-hand limit of the highway as is practicable without stopping or parking on or over a sidewalk, footpath or boulevard. <sup>4</sup>
- (3) No person shall park a commercial motor vehicle which exceeds 2.6 m in width or 7 m in length or having a vehicle weight in excess of 5,000 kg on any highway, except in an industrial area, unless such vehicle is actually engaged in the loading or unloading of goods, wares, merchandise or passengers to adjacent premises. <sup>4</sup>
- (4) No person shall on any highway stop any vehicle,
  - (a) on or over a sidewalk or footpath; <sup>4</sup>
  - (b) within an intersection or crosswalk; <sup>4</sup>
  - (c) within 10 meters of a crosswalk; <sup>4</sup>
  - (d) in such a manner as to interfere with the movement of traffic or the clearing of snow from the highways; <sup>4</sup>
  - (e) in such a manner as to interfere with highway cleaning operations; <sup>4</sup>
  - (f) on the roadway alongside of any stopped or parked vehicle; <sup>4</sup>
  - (g) upon any bridge or elevated structure or within any tunnel or underpass; <sup>4</sup>
  - (h) on any median strip separating two roadways or adjacent to either side or ends of such median strip; <sup>4</sup>
  - (i) other than a bus, in a designated bus stop except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when

such stopping does not interfere with any bus; and,<sup>4</sup>

- (j) alongside or across the highway from any excavation or obstruction in the roadway where the free flow of traffic would thereby be impeded.<sup>4</sup>

\*\*\*Subsection 4(5) as amended, was revoked.<sup>8</sup>\*\*\*

(6) No person shall on any highway park any vehicle,<sup>4</sup>

- (a) in front of or within 2 metres of a driveway or laneway or so as to obstruct vehicles in the use of the driveway or laneway;<sup>4</sup>
- (b) within 3 metres of a point on the curb or edge or the roadway adjacent to any fire hydrant;<sup>4</sup>
- (c) within 10 metres of an intersecting roadway;<sup>4</sup>
- (d) for the purpose of displaying the vehicle for sale;<sup>4</sup>
- (e) for the purpose of washing, greasing or repairing the vehicle;<sup>4</sup>
- (f) alongside the tracks of any railway other than a street railway;<sup>4</sup>
- (g) within 30 metres of the approach side of the nearest rail or any level crossing of a railway;<sup>4</sup>
- (h) within 15 metres of the leaving side of the nearest rail of any level crossing of a roadway;<sup>4</sup>
- (i) in such a position as will prevent the removal of any other vehicle previously parked;<sup>4</sup>
- (j) for a period longer than three (3) hours except where designated in Column 6 of Schedule "F" to this by-law;<sup>9</sup>
- (k) on the travelled portion of the roadway other than a cul-de-sac where the roadway width is 6 metres or less; and,<sup>4</sup>
- (l) on or over any boulevard<sup>4</sup>

(7) No person shall park or leave any motor vehicle on private property without authority from the owner or occupant of such property.<sup>4</sup>

- (8) No person shall park or leave any motor vehicle on any municipal property where by means of one or more signs it is indicated that such parking or leaving is not authorized.<sup>4</sup>
- (9) No person shall park or leave any vehicle along any private roadway designated as a fire route.<sup>4</sup>
- (10) Where authorized signs to that effect are displayed, no person shall on any highway stop any vehicle,
  - (a) within 15 metres of a pedestrian crossover measured on each side of the highway in the direction of travel of vehicle on that side of the highway;<sup>4</sup>
  - (b) within 30 metres of a pedestrian crossover measured on each side of the highway in the direction opposite to the direction of travel of vehicles on that side of the highway;<sup>4</sup>
  - (c) other than a school purpose vehicle in a school bus loading zone; and,<sup>4</sup>
  - (d) any time between the hours of 8:30 a.m. and 4:30 p.m. Monday to Friday, inclusive, on one or both sides of a highway or portion of a highway which is immediately adjacent to a school.<sup>4</sup>
- (11) Where authorized signs to that effect are displayed, no person shall park any vehicle,
  - (a) within 30 metres of a Regional Road on an intersecting highway under the jurisdiction of the Town;<sup>4</sup>
  - (b) within 60 metres of an intersecting highway on a Regional Road;<sup>4</sup>
  - (c) on any highway in front of an entrance to or exit from any building or enclosed space in which persons may be expected to congregate in large numbers;<sup>4</sup>
  - (d) on any highway within 30 metres of any fire hall on the side of the highway on which the

fire hall is located or within 8 metres of such fire hall on the opposite side of the highway;<sup>4</sup>

- (e) anytime on one or both sides of a highway or portion of a highway which is immediately adjacent to a park or playground;<sup>4</sup>
- (f) within the turning basin of a cul-de-sac; and,<sup>4</sup>
- (g) within 15 metres of the end of the roadway on a dead end high-way.<sup>4</sup>

(12) Nothing in this section shall be deemed to permit the stopping or parking of a vehicle where stopping or parking is prohibited.<sup>4</sup>

\*\*\*Subsection 4(13) as amended, is repealed.<sup>6</sup>\*\*\*

**STOPPING RESTRICTIONS AND PROHIBITIONS ON CERTAIN HIGHWAYS**

5. Where authorized signs to that effect are displayed, no person shall stop a vehicle on any highway at the side and between the limits set out respectively in Columns 1, 2 and 3 of Schedule "A" to this by-law during the prohibited times or days set out in Column 4 of the said Schedule.<sup>1</sup>

**PARKING RESTRICTIONS AND PROHIBITIONS ON CERTAIN HIGHWAYS**

6. (1) Where authorized signs to that effect are displayed, no person shall park a vehicle on any highway at the side and between the limits set out respectively in Columns 1, 2 and 3 of Schedule "B" to this by-law during the prohibited times or days set out in Column 4 of the said Schedule.<sup>1</sup>

(2) Where authorized signs to that effect are displayed, no person shall park a vehicle on any highway and at the side set out respectively in Columns 1 and Column 2 of Schedule "C" to this by-law during the times or days set out in Column 3 of the said Schedule for a longer period than that set out in Column 4 of the said Schedule.<sup>8</sup>

STANDING RESTRICTIONS AND PROHIBITIONS ON CERTAIN HIGHWAYS

7. Where authorized signs to that effect are displayed, no person shall stand a vehicle on any highway at the side and between the limits set out respectively in Columns 1, 2 and 3 of Schedule "D" to this by-law during the prohibited times or days set out in Column 4 of the said Schedule.<sup>1</sup>

PERMITTED ANGLE PARKING

8. (1) Where authorized signs to the effect are displayed, angle parking in accordance with the provisions of Subsections 8(3), 8(4) and 8(5) of this by-law is permitted on highways at the sides and between the limits set out respectively in Columns 1, 2 and 3 of Schedule "E" to this by-law.<sup>1</sup>
- (2) The provisions of Subsections 4(1) and 4(2) of this by-law do not apply where angle parking is permitted under Section 8 hereof.<sup>1</sup>
- (3) Where angle parking spaces are designated by lines painted on the roadway, no person shall stop or park any vehicle except entirely within an area designated as a parking space.<sup>1</sup>
- (4) Where angle parking is permitted on a highway and parking spaces are not designated by lines on the roadway, no person shall stop or park any vehicle except at an angle of not less than 40 degrees and not more than 50 degrees from the curb or edge of the roadway.<sup>1</sup>
- (5) Where angle parking is permitted on a highway, no person shall park a vehicle to remain parked on such highway except with the front end of the vehicle at the curb or edge of the roadway.<sup>1</sup>

PARKING METERS

9. (1) Where in this by-law a fee is stipulated for a given parking period in a parking space, the fee shall be paid for that period or any portion thereof and the period shall be as measured by the parking meter controlling such parking space.<sup>1</sup>

- (2) The erection, maintenance and operation of parking meters on the highways, at the sides and between the limits set out respectively in Columns 1, 2 and 3 of Schedule "F" to this by-law for the purpose of controlling and regulating parking during the days and hours set out in Column 4 of the said Schedule and the designation of parking spaces in connection with such meters, is hereby authorized.<sup>1</sup>
  
- (3) Notwithstanding the provisions of any other section of this by-law, where parking meters have been erected under the authority of Subsection 9(2) of this by-law, no person shall park any vehicle in a parking space on any highway, unless the parking meter controlling such parking space is used and a fee is deposited therein in accordance with the rate set out in Column 5 of the said Schedule or for a longer period than set out in Column 6 of the said Schedule.<sup>12</sup>
  
- (4) Where parking meters have been erected under the authority of Subsection 9(2) of this by-law, no person shall park any vehicle in a parking space on any highway at the side and between the limits set out respectively in Columns 1, 2 and 3 of the said Schedule "F" to this by-law during the days and hours set out in Column 4 of the said Schedule for a longer period than that set out in Column 6 of the said Schedule.<sup>1</sup>
  
- (5) Where parking meters have been installed under the authority of Subsection 9(2) of this by-law,
  - a) if parallel parking is permitted, no person shall park a vehicle in a parking space unless the front of such vehicle is opposite to the parking meter provided for such space except that, in any case where two meters are mounted on the same standard, the rear of the forward vehicle shall be opposite to or as close as is practicable to the forward parking meter and the front of the rear vehicle shall be opposite to or as close as is practicable to the rear meter;<sup>1</sup>
  
  - b) notwithstanding clause 9(5)(a) of this by-law, if a single parking meter has been erected at the rear of a parking space,

with respect to the direction of travel, no person shall park in such a parking space unless the rear of such vehicle is opposite to the parking meter provided for such space;<sup>1</sup>

c) if angle parking is permitted, no person shall park a vehicle in a parking space unless the front of such vehicle is as close as is practicable to the parking meter for such space; and,<sup>1</sup>

d) if a parking space has been designated by lines painted on the roadway, no person shall park any vehicle in such a manner that it is not wholly within the area designated as a parking space unless such a vehicle is of such length or width as to render it impossible to park it in one parking space in which case the adjoining parking space shall, in addition, be used and the necessary deposit of coins shall be made in the parking meters provided for both parking spaces.<sup>1</sup>

- (6) No person shall park a vehicle or permit a vehicle to remain parked in a parking meter space if the parking meter has been covered by a parking meter cover to indicate that it is not to be used.<sup>1</sup>
- (7) Notwithstanding Subsection 9(6) above, only an authorized person shall park a vehicle or permit a vehicle to remain parked in a parking space if the parking meter has been covered with a parking meter cover to indicate reserved parking.<sup>1</sup>
- (8) For the purpose of determining violations of the use of a parking meter, the fact that the parking meter indicates that the vehicle is unlawfully parked is prima facie evidence that such vehicle is unlawfully parked.<sup>1</sup>
- (9) No person shall deposit or cause to be deposited in any parking meter any slug, device or other substitute for a coin of Canada.<sup>1</sup>
- (10) Nothing in Subsections 9(2), 9(3), 9(4) or 9(5) of this by-law shall be deemed to permit a driver to stop or park at any location where, or at any

time when, stopping or parking is otherwise prohibited.<sup>1</sup>

LOADING ZONES

10. Where authorized signs to that effect are displayed, vehicles actually engaged in the loading and unloading, delivery, and receipt of goods, wares, merchandise or passengers to adjoining premises may be parked during such time as the said loading, unloading, delivery or receipt is actually taking place on any highway at the side and between the limits set out respectively in Columns 1, 2 and 3 of Schedule "G" to this by-law.<sup>1</sup>

STAND FOR TAXICABS

11. (1) No person shall stop or park a vehicle or permit a vehicle to remain stopped or parked in a stand for taxicabs other than a taxicab waiting for hire or engagement.<sup>1</sup>
- (2) Stands for taxicabs are hereby authorized and assigned on the highways at the sides and at the locations set out respectively in Columns 1, 2 and 3 of Schedule "H" to this by-law for the permitted number of taxicabs set out in Column 4 of the said Schedule for use between the hours set out in Column 5 of the said Schedule and when signs to that effect are erected.<sup>1</sup>

ONE-WAY TRAFFIC

12. (1) The highways set out in Column 1 of Schedule "I" to this by-law between the limits set out in Column 2 of the said Schedule, during the times or days set out in Column 3 of the said Schedule, are hereby designated for one-way traffic only in the direction set out in Column 4 of the said Schedule.<sup>1</sup>
- (2) The highways set out in Column 1 of Schedule "J" to this by-law having been divided into clearly marked lanes for traffic between the limits set out in Column 2 of the said Schedule, on the sides set out in Column 3 of the said Schedule, during the times or days set out in Column 4 of the said Schedule are hereby designated for traffic moving in the particular direction set out in Column 5 of the said Schedule.<sup>1</sup>

**TURNING MOVEMENTS**

13. (1) Where authorized signs to that effect are displayed, no vehicle in any intersection or portion of a highway set out in Column 1 of Schedule "K" to this by-law proceeding in the direction or emerging from a property set out in Column 2 of the said Schedule shall be turned in the direction set out in Column 3 of the said Schedule during the times or days set out in Column 4 of the said Schedule.<sup>1</sup>
- (2) Where authorized signs to that effect are displayed, no person operating a vehicle shall at any time make a u-turn at the locations set out in Column 1 of Schedule "L" to this by-law while travelling in the direction set out in Column 2 of the said Schedule, during the times or days set out in Column 3 of the said Schedule.<sup>1</sup>

**THROUGH HIGHWAYS**

14. (1) The highways set out in Column 1 of Schedule "M" to this by-law between the limits set out in Column 2 of the said Schedule, are, except as provided in Subsection 14(2) of this by-law, designated as through highways for the purposes of the Highway Traffic Act.<sup>1</sup>
- (2) The designation in Subsection 14(1) of this by-law of a highway or portion of 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 not installed.<sup>1</sup>

**STOP SIGNS**

15. The erection of stop signs is hereby authorized at each of the intersections set out in Column 1 of Schedule "N" to this by-law facing traffic as set out in Column 2 of the said Schedule.<sup>1</sup>

**YIELD SIGNS**

16. The erection of yield right-of-way signs is hereby authorized at each of the intersections set out in Column 1 of Schedule "O" to this by-law facing traffic as set out in Column 2 of the said Schedule.<sup>1</sup>

SPEED ZONES

17. Where any highway or portion of highway set out in Schedule "P" to this by-law is marked in compliance with the regulations under the Highway Traffic Act, the maximum rate of speed thereon shall be the rate of speed prescribed in the said Schedule.<sup>1</sup>

PEDESTRIAN CROSSOVERS

18. The roadways set out in Column 1 of Schedule "Q" to this by-law at the locations set out in Column 2 of said Schedule are designated as pedestrian crossovers and shall be indicated as such as prescribed by the regulations made under the Highway Traffic Act.<sup>1</sup>

HEAVY TRAFFIC

19. (1) Where authorized signs have been erected, heavy traffic as defined in Section 1 of this by-law, is prohibited on the highways or parts of highways set out in Column 1 of Schedule "R" to this by-law between the limits set out in Column 2 of said Schedule during the times or days set out in Column 3 of said Schedule.<sup>1</sup>
- (2) The provisions of Subsection 19(1) of this by-law shall not extend to the use of said highways or parts of highways for deliveries to or removals from any premises abutting thereto or to ambulances, police or fire department vehicles, public utility emergency vehicles, vehicles actually engaged in works undertaken for or on behalf of the Corporation, or to a privately-owned vehicle driven to or from the owner's residence.<sup>1</sup>

SCHOOL BUS LOADING ZONES

20. (1) Where official signs to that effect are displayed in accordance with the regulations made under the Highway Traffic Act, the highways or portions of highways set out in Column 1 of Schedule "S" to this bylaw, on the side of the highway set out in Column 2 of the said Schedule between the limits set out respectively in Column 3 and 4 of the said Schedule, are hereby designated as school bus loading zones.<sup>1</sup>

- (2) No person shall on any highway stop any vehicle, other than a school purpose vehicle, in a school bus loading zone.<sup>1</sup>

BUS STOP ZONES

21. (1) Bus stop zones are hereby established where authorized signs to that effect are displayed.<sup>1</sup>
- (2) Where authorized signs to that effect are displayed, no person shall on any highway stand any vehicle other than a bus within a distance of up to 18 metres in advance of or 30 metres beyond any point designated by authorized sign or signs as a bus stop.<sup>1</sup>
- (3) No person shall on any highway stop any vehicle, other than a bus, in a designated bus stop, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus.<sup>1</sup>

BRIDGE WEIGHT LIMITS

22. Where any bridge set out in Columns 1, 2 and 3 of Schedule "T" to this by-law is marked in compliance with the regulations made under the Highway Traffic Act, the gross vehicle weight of any vehicle or any class thereof passing over such bridge shall be limited to the weight set out in Column 4 of said Schedule.<sup>1</sup>

PENALTIES

23. (1) Any person who contravenes any of the provisions of Subsections 2(4), 2(5) or 2(6) of this by-law shall be liable upon conviction thereof to a fine of Five Dollars (\$5.00) for each offence, exclusive of costs, recoverable under the provisions of the Provincial Offences Act.<sup>4</sup>
- (2) Any person who contravenes the provisions of Subsection 19(1) of this by-law shall be liable upon conviction thereof to a fine of \$50.00 for each offence, excluding costs, recoverable under the provisions of the Provincial Offences Act.<sup>10</sup>

- (3) Any person violating any of the provisions of Sections 12, 13, 14, 15, 16, 17, 18, 20, 21 or 22 of this by-law shall be subject to the penalties provided for such violating in the Highway Traffic Act.<sup>4</sup>
- (4) Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction, where a penalty for the offence is not otherwise provided, is liable to a fine of not less than \$20.00 and not more than \$300.00 excluding costs, recoverable under the Provincial Offences Act.<sup>11</sup>
- (5) The owner of any vehicle for which a notice of violation have been issued alleging a contravention of any of the provisions of this by-law referred to in Subsections 23(1) and 23(4) may make payment of the fine set out in accordance with this by-law on the notice of violation out of court by remitting such payment to the appropriate authority in accordance with the instructions on the notice of violation within the time limit prescribed thereon.<sup>4</sup>
- (6) A Provincial Offences Officer appointed for the carrying out of the provisions of this by-law, upon discovery of any vehicle parked, stopped or standing in contravention of this by-law may cause it 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, are a lien upon the vehicle, which may be enforced in the manner provide by of the Mechanic's Lien Act.<sup>4</sup>
- (7) 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 owner or his chauffer without the owner's consent in which case the driver or operator of the vehicle not being the owner, shall also be liable to incur the penalties provided for any such contravention.<sup>4</sup>

APPLICATION

24. Despite the provisions of Clause 4(6)(j) of this by-law, any person may, subject to compliance with all other relevant provisions of this by-law, park a motor vehicle for a period longer than three (3) hours on any highway or portion thereof located within that area of the Town of Whitby bounded on the north, east, south and west by John Street West, John Street East, Ash Street, Dundas Street East, Hickory Street, Dunlop Street East, Athol, Street, Ontario Street East, Ontario Street West, Henry Street and Euclid Street during the following times and days:<sup>7</sup>

(a) 8:00 a.m. to 9:00 p.m., Tuesday, December 17, 1991 to Tuesday, December 31, 1991, inclusive; and,<sup>7</sup>

(b) 8:00 a.m. to 6:00 p.m., Wednesday, January 1, 1992 to Friday, January 31, 1992, inclusive.<sup>7</sup>

SHORT TITLE

25. This by-law may be referred to as the Traffic By-law.

REPEAL OF EXISTING BY-LAWS

26. The by-laws set out in Schedule "V" to this by-law are repealed.

EFFECTIVE DATE

27. This by-law shall come into force on the date that it is approved by the Ministry of Transportation and Communication and the Regional Municipality of Durham and, where applicable, when signs to the effect have been erected.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY  
PASSED THIS 10<sup>TH</sup> DAY OF JUNE, A.D., 1985.**

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CLERK

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MAYOR

By-law Amendment References

1: 2211-87

2: 2405-88

3: 2434-88

4: 2485-88

5: 2579-89

6: 2917-90

7: 3091-91

8: 3822-96

9: 4423-99

10: 5187-03

11: 5611-05

12: 5658-05