

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 89 - 2000

**BEING A BY-LAW REGULATING TRAFFIC
AND PARKING WITHIN THE CITY OF WELLAND**

WHEREAS it is necessary and advisable to repeal By-laws 10721, 9840, 10011 and 89-2000, all as amended, and to enact as a re-enactment By-law 89-2000 with the text and schedules herein provided.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND enacts as re-enacted By-law Number 89-2000 the following:

PART I

DEFINITIONS

1.1

General

In this by-law:

“**Accessible Parking Permit**” means a person with a disability parking permit issued by the Ministry of Transportation pursuant to the Highway Traffic Act and the regulations made thereunder, or a permit, numbered plate, or other marker or device, issued by another jurisdiction and recognized under said Act;

“**accessible parking permit sign**” is a sign consisting of the international symbol for persons with disabilities to be used for the purpose of designating parking spaces for the sole use of vehicles operated by or conveying persons with disabilities;

“**accessible parking space**” is a portion of the surface of the traveled portion of the highway or of the shoulder forming part of a highway, or on private property an area designated by suitable markings and accessible parking permit signs reserved for exclusive use of persons with disabilities to park their motor vehicle;

“**bicycle**” includes a tricycle and unicycle, but does not include a motor assisted bicycle;

“**bicycle lane**” means a facility located in the traveled portion of the street or roadway and is designed for one-way bicycle traffic only and denoted by pavement markings and signage.

“**boulevard**” means all parts of the highway save and except any roadway, shoulder, driveway or sidewalk and:

- a) “**outer boulevard**” means such portions of the highway lying between the sidewalk and the roadway or the shoulder where such exits;
- b) “**inner boulevard**” means such portion of the highway lying between the lateral boundary and the sidewalk and where there is no sidewalk it means that portion of the highway lying between the lateral boundary and the roadway of the shoulder where such exists;

“**bus**” means a motor vehicle designed for carrying ten or more passengers and used for the transportation of persons;

“bus stop” means a portion of a highway designated by signage as an area at which buses will stop to receive or discharge passengers;

“Chief of Police” means the Chief of The Niagara Regional Police Force;

“City” or **“City of Welland”** means The Corporation of the City of Welland;

“City Council” means the Council of The Corporation of the City of Welland;

“City Engineer” means the General Manager/ City Engineer of Infrastructure and Development Services for the Corporation of the City of Welland, or a person designated by the City Engineer;

“city permit” means a permit, other than a Municipal Building permit, that has been issued by the City of Welland pursuant to this by-law;

“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;

“Community Safety Zone” means a highway or a portion of a highway designated as such under this by-law and signed pursuant to the regulations of the Highway Traffic Act;

“construction” means anything done in the erection, installation, extension or material alteration, demolition or repair;

“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 City of Welland;

“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,
- c) but excludes pedestrian crossovers;

“cul-de-sac” means a highway which is closed at one end where a turning circle or basin is constructed to allow a vehicle to turn around and egress at the open end;

“designated school crossing” means a crosswalk which is established and specifically designated by signs to facilitate the crossing of a highway by school children under the supervision of a school crossing guard;

“detached 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; and is not attached to a motor vehicle.

“driveway” means the land which provides vehicular access from the roadway to a laneway or parking area on adjacent land;

“emergency vehicle” means:

- a) a fire department or fire department volunteer’s vehicle while proceeding to a fire or responding to, but not while returning from, a fire alarm or other emergency call,
- b) a vehicle while used by a person in the lawful performance of his or her duties as a police officer,
- c) an ambulance while responding to an emergency call or being used to transport a patient or injured person in an emergency situation, or
- d) a cardiac arrest emergency vehicle operated by or under the authority of a hospital,

on which a siren is continuously sounding and from which intermittent flashes of red light are visible from all directions;

“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;

“fire chief” means the Fire Chief of The Corporation of the City of Welland, or such person as he may designate to carry out his duties under this by-law;

“fire route” means any road, lane, ramp or other means of the vehicular access to or egress from a building or structure, and it may include part of the parking lot;

“front yard” means a yard extending across the full width of the lot between the front lot line and any part of any building on the lot;

“gross weight” means the combined weight of vehicle and load;

“heavy vehicle” means any commercial motor vehicle having an unloaded vehicle weight in excess of four thousand five hundred (4,500) kilograms (9,925 lbs);

“H.T.A.” or **“Highway Traffic Act”** means Highway Traffic Act, 1990, c.H.8 as amended;

“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;

“intersection” means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two (2) or more highways that join one another at an angle, whether or not on highway crosses the other;

“island” means a portion of a highway so constructed as to separate or direct vehicular traffic onto specific portions of the roadway; or provided for the use or protection of pedestrians;

“loading zone” means the portion of a roadway designated by signage, set apart for the exclusive purpose of parking a commercial motor vehicle to load or unload the same;

“material” means products utilized for construction/removal purposes including but not limited to:

- a) sanitary/storm/water main pipes
- b) fill material (gravel/dirt)
- c) commercial garbage canisters

“median strip” means the portion of a highway so constructed as to separate traffic traveling in one direction from traffic traveling in the opposite direction by a physical barrier or an unpaved strip of ground;

“ministry” means the Ministry of Transportation of Ontario;

“mobile canteen” includes any vehicle in or from which any food or other edible substance or any beverage is offered for retail sale or sold direct to the consumer;

“motor assisted bicycle” means a bicycle:

- a) fitted with pedals which are operable at all times to propel the bicycle,
- b) weighing not more than 55 kg,
- c) which has no hand or foot operated clutch or gearbox driven by the motor and transferring power to the driven wheel,
- d) having an attached motor driven by electricity or having a piston displacement of not more than 50 cubic centimeters,
- e) which does not have sufficient power to enable the bicycle to attain a speed greater than 50 km/hr on level ground within a distance of 2 km 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 3 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 street car, 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;

“municipality” has the same meaning as in the Municipal Act, S.O. 2001, c.25 as amended;

“municipal property” means any open area or portion of a structure other than a street or highway, intended for the temporary parking of vehicles and on which there are designated parking spaces;

“municipal parking lot” shall mean land or structures which have been set apart, designated or established by the city for the parking of motor vehicles;

“occupant”, when used in relation to property, means:

- a) the tenant of the property or part thereof whose consent shall extend only the control of the land of which he is tenant and any parking spaces allotted to him under his lease or tenancy agreement,
- b) the spouse of a tenant,
- c) a person or The Corporation of the City of Welland, 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, the Corporation or the local board whose consent shall extend only to the part of the property that is subject to the easement or right of way, or
- d) a person authorized by an occupant as defined in paragraph a), b) or c), to act on the occupant's behalf for requesting the enforcement of this section;

“Officer” means a police officer, auxiliary officer, municipal law enforcement officer or other person authorized to enforce the Highway Traffic Act, are hereby vested with the authority of administering and enforcing the provisions of this by-law;

“official sign” means a sign approved by the Ministry;

“one-way” means a roadway or part of a roadway upon which vehicular traffic is limited to movement in one direction;

“oversize vehicle” shall mean any motor vehicle having an overall height greater than 2.6m or overall length greater than 6.7m or combination of both. External attachments to the vehicle are included in the measurement of height and length;

“owner”, when used in relation to property means:

- a) the registered owner of the property,
- b) 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,
- c) the spouse of a person described in paragraph a) or b),
- d) where the property is included in a description registered under the Condominium Act, the board of directors of the condominium corporation,
- e) a person authorized by the property owner as defined in paragraph a), b), c) or d) to act on the owner's behalf for requesting the enforcement of this by-law;

“park” or **“parking”** means when prohibited, the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;

“parking lot space” means a portion of the surface of a parking lot normally designated by lines painted or marked on the surface of the parking lot;

“parking meter” means a device that shall indicate thereon the length of time during which a vehicle may be parked which shall have as a part thereof a receptacle for receiving and storing coins, a slot or place in which such coins may be deposited, a timing mechanism to indicate the passage of the interval of time during which the parking is permissible and which shall also display a signal when said interval of time shall have elapsed;

“parking permit” means a permit issued or approved by the City of Welland or a property owner, which allows parking within a designated parking lot or designated roadway;

“parking ticket dispenser” means a device which shall have a receptacle for receiving and storing coins, a slot or place in which coins may be deposited, an indicator which shows the amount of deposit and the time paid for, a ticket button that when pressed will dispense a parking ticket which shall indicate thereon the location, amount paid and valid time purchased;

“parking space” means:

- a) a portion of the surface of the traveled portion of the highway or of the shoulder forming part of a highway, designated by suitable markings, the use of which for parking vehicles is controlled and regulated by a parking meter and/or designated for angle parking only, and
- b) on private property an area designated by suitable markings, the use of which for parking vehicles may be controlled and regulated by a parking meter and/or designated for angle parking only;

“parkland” means any and all land owned by or made available by lease, agreement or otherwise to the City or private Community complex that:

- a) has been or hereafter may be set apart, designated, dedicated or established by the City as public parkland, including the water areas and shoreline of such property, or
- b) is maintained by the City as a boulevard, median, landscaped buffer area or walkway, or
- c) a private community complex that is/can be utilized for outdoor recreational activity;

“pedestrian” means a person on foot, or in a wheelchair, baby carriage, or on a child’s play vehicle propelled by muscular power;

“pedestrian barrier” means a rail, fence or a device installed on a sidewalk or at any location within a highway at where pedestrian is prevented from crossing the roadway or entering a barricaded area;

“pedestrian crossover” means any portion of a roadway, at an intersection or elsewhere, designated by this by-law and distinctly indicated for pedestrian crossing by signs on the highway and lines or other markings on the surface of the roadway as prescribed by the regulation of the Highway Traffic Act;

"person with a disability" means a person who has been issued a permit by the Province of Ontario, or other jurisdiction;

“Police Force” means the Niagara Regional Police Service;

“private property” is property other than that owned by the municipality, but shall include property owned by public authorities and local boards;

“private roadway” includes a lane, ramp or other means of vehicular access to or egress from a building or structure and it may include part of a parking lot;

"**public parking area**" is a structure or open area other than a street or highway to which the public has access, whether on payment of a fee or otherwise;

"**public transit vehicle**" means a motor vehicle owned by or operated for a municipal or provincial authority which is designed for carrying 10 or more passengers and used solely for the transportation of persons upon payment of a prescribed fee;

"**public vehicle**" has the same meaning as in the Public Vehicles Act, R.S.O. 1990, c. P.54 as amended;

"**Residential Parking Permit**" means a permit issued under Section 8.2 by the City Engineer or official designate, which indicates the roadway, permit number, expiry date and allows the vehicle(s) registered to the permit to park on the designated roadway;

"**Road Occupancy Permit**" means a permit issued under Section 8.1 by the City Engineer or official designate;

"**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 2 or more separate roadways, the term "roadway" refers to any one roadway separately and not all of the roadways collectively;

"**school bus**" means a bus used for transportation of children to and from school that:

- a) bears on the rear thereof the words "Do not pass when signals flashing",
- b) is equipped with 2 red signal lights on the rear thereof and 2 red signal lights on the front thereof,
- c) is painted chrome yellow with black lettering and trim;

"**school days**" means any Monday to Friday inclusive, between 7 a.m. and 5 p.m. when school is in session;

"**shoulder**" means that portion of the highway lying adjacent to the roadway where there is no barrier curb, and which is improved or maintained to support a stopped vehicle;

"**side, approach**" means that side closest to lawfully approaching vehicular traffic;

"**side, remote**" means that side most distant from lawfully approaching vehicular traffic;

"**sidewalk**" means a foot path or any portion of a highway set aside or improved for the use of pedestrians;

"**signs**" shall include any sign or other device erected or placed on a highway, private or municipal property for the purpose of regulating or guiding traffic;

"**Snow Clearing Exemption Permit**" means a permit issued under Section 8.3 by the City Engineer or Official designate, which indicates the roadway or municipal parking lot, permit number, expiry date and allows the vehicle registered to the permit to park on the designated roadway or municipal parking lot;

“**social event**” shall include, but not limited to, parades, competitive road races, street parties and other social, recreational, community, commercial or athletic activities;

“**stand**” or “**standing**” means when prohibited, 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**” means when prohibited, 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;

“**taxi cab**” has the same meaning as in the Public Vehicle Act, R.S.O. 1990, c.P.54 as amended;

“**taxi cab stand**” means the area designated by the City to be used by a taxicab while waiting for or picking up goods or passengers;

“**through highway**” means a highway or part of a highway designated as such by the Minister or by by-law of a municipality, 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;

“**tow away zone sign**” means signage depicting an area designated by this by-law where a vehicle may be towed away forthwith;

“**traffic**” includes pedestrians, ridden, led or herded animals, vehicles, motorized snow vehicles and other conveyances, either singly or together while using portion of a highway for the purposes of travel or movement of goods;

“**traffic control device**” means any sign, traffic 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 regulating, warning or guiding traffic;

“**traffic signal**” means any device operated manually, electrically or mechanically for the regulation of traffic;

“**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;

“**Transit Commission**” means any local board of an area municipality operating a public passenger transportation system, or any private body operating a public transportation system under franchise from or agreement with an area municipality;

“**unauthorized motor vehicle**” is a vehicle that does not have affixed thereto current identification issued and displayed in accordance with the provisions of this by-law;

“**U-Turn**” means to turn a vehicle within a roadway in order to proceed in the opposite direction from the direction the vehicle was previously traveling;

“**vehicle**” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by an kind of power, including muscular power, but does not include a motorized snow vehicle or a street car;

“**wheelchair**” means a chair mounted on wheels driven by muscular or any other kind of power and used for the carriage of a person who has a physical defect or disability

PART II

INTERPRETATION

- 2.1

Where words and phrases used in this by-law are defined in the Highway Traffic Act, but not defined in this by-law, the definitions in the Highway Traffic Act shall apply to such words and phrases.
- 2.2

As used in this by-law, words used in the present tense include the future; words used in the masculine gender include more persons, parties or things of the same kind than one, and females as well as males.
- 2.3

A word interpreted in the singular number has a corresponding meaning when used in the plural.
- 2.4

Where there is any conflict between the provisions of this by-law and the provisions of the Highway Traffic Act, as amended, the provisions of the Highway Traffic Act shall prevail.
- 2.5

In the schedules to this by-law, the following abbreviations, definitions and symbols stand for the words respectively set forth opposite thereto as follows:

Ave.Avenue

Blvd Boulevard

Cir. Circle

Ct. Court

Cres..... Crescent

Dr. Drive

Hwy. Highway

Pkwy. Parkway

Pl..... Place

Regn.....Regional

Rd. Road

St.....Street

Sq. Square

No. Number

cm centimeter

kmkilometer

km/h kilometer per hour

m meter

NNorth

SSouth

W West

E..... East

a.m.Ante Meridian

p.m. Post Meridian
- 2.6

Distance

Where a distance is used in this by-law as from, to or within a specified distance of an object, structure, land, intersection or part of a highway, such distance shall be measured along the curb or edge or roadway opposite such object, structure, land or corner, unless the context otherwise requires.

2.7 Cumulative Effect

The various restrictions of this by-law are cumulative and not mutually self-exclusive.

2.8 Severability

It is declared that if any section, subsection, schedule or part thereof of this by-law be declared by a court of law to be bad, illegal or ultra vires, such part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

2.9 Standard Time And Daylight Saving Time

Whenever in this by-law a time of day or hour is referred to, the same shall be construed in accordance with Standard Time or Daylight Saving Time, as may be in current official use in the Region.

PART III

STOPPING, STANDING AND PARKING

3.1 Two-way Roadway and Right Side of One-Way

Unless otherwise permitted in this By-law, no person shall stop, stand or park any vehicle on any highway, except:

- a) on the right hand side of the highway, having regard to the direction in which such vehicle had been proceeding; and,
- b) parallel to the right curb or where there is no curb, as close as practical to the right edge of the shoulder or edge of highway; and,
- c) not more than thirty centimeters (30cm) from the right curb or where there is no curb, as close as practical to the right edge of the shoulder or edge of the highway.

3.2 One-Way Roadway

Where stopping, standing or parking is permitted on a highway designated for one-way traffic, no person shall stop, stand or park any vehicle on any highway, except on either the left or right side of the road:

- a) having regard to the direction in which such vehicle has been proceeding; and,
- b) parallel to the curb or where there is no curb, as close as practical to the edge of the shoulder or edge of highway; and,
- c) not more than thirty centimeters (30cm) from the curb or where there is no curb, as close as practical to the edge of the shoulder or edge of highway.

3.3 Angle Parking Zones

Where angle parking is permitted, no person shall stop, stand or park any vehicle or permit a vehicle to remain stopped, standing or parked except at the angle designated by signs or markings, and with the front end of the vehicle at the curb or the edge of the designated space which is remote from the center of the roadway.

3.4 Signed or Marked Areas

No person shall permit a vehicle to remain stopped, standing or parked on any portion of any highway designated by signs or markings on the highway for stopping, standing or parking

except when the said vehicle is entirely within the space or area so designated.

3.4.1 Accessible Parking

3.4.1.1 No person shall park a vehicle in an accessible parking space, unless a valid accessible parking permit is properly displayed,

- (a) affixed to the sun visor on the driver's side of the vehicle with the visor turned down; or
- (b) on the driver's side of the dashboard of the vehicle.

3.4.1.2 Any person who is qualified and holds a valid accessible parking permit may park at any parking space in the City of Welland as follows without depositing money:

- (a) at a municipal parking lot operated by a parking ticket dispenser for up to three (3) hours,
- (b) at a municipal parking lot or on-street parking space operated by a parking meter for the length of time of that specific parking meter but not to exceed a time of three (3) hours.

3.4.1.3 No public parking area owner or operator shall authorize any person to park a vehicle which does not properly display a valid accessible parking permit in a designated parking space.

3.4.1.4 The accessible parking permit signs referred to in this by-law shall conform with Ontario Regulation 581 made under the Highway Traffic Act as shown in Schedule XXXVIII (signage);

3.4.1.5 An accessible parking permit sign shall be permanently mounted as follows:

- (a) on a post located at the front end of a designated on-street parking space; or
- (b) on a post located at the point marking the midpoint in width of the parking stall.

3.4.1.6 Every owner or operator of each public/private parking area in which signs are located pursuant to this by-law shall be responsible for the procurement, installation and maintenance of said signs, and for ensuring that said signs conform with the Ontario Regulations made under the Highway Traffic Act;

3.4.1.7 Every owner or operator shall ensure that the accessible parking spaces as required must conform to City By-law 2667 and By-law 1538.

3.4.1.8 An officer, upon the discovery of a vehicle parked or left in contravention of this section, may cause the 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 shall be borne by the owner;

3.4.1.9 Notwithstanding any other provisions of this by-law, a officer may, before removing the motor vehicle as provided for in this section, issue and attach to the vehicle a City of Welland Parking Infraction Notice alleging that the provision of this section have been contravened;

3.4.1.10 Notwithstanding all other provisions of the section, any person may, within fifteen (15) days, upon presentation to The Corporation of the City of Welland, in the said City, of a Parking Infraction Notice, pay to the said City or to any other

person appointed by the Council to accept such payments, within fifteen (15) days from the date of such Parking Violation Tag, exclusive of Saturdays, Sundays, and Statutory Holidays, the sum of \$300.00, and upon payment of the said sum no further proceedings shall be taken under this by-law.

3.5

Double Parking Prohibited

No person shall stop, stand or park a vehicle or permit a vehicle to remain stopped, standing or parked on any highway on the roadside of any stopped, standing or parked vehicle.

3.6

Shoulder and Boulevard Restrictions

Unless otherwise provided in this by-law, no person shall stop, stand or park a vehicle or permit a vehicle to remain stopped, standing or parked on any shoulder and inner/outer boulevard contrary to the prohibition or restriction applicable to the adjacent roadway as herein provided by this by-law.

3.7

Parking Limitation within the Same Zone

No person shall stop, stand or park a vehicle or permit a vehicle to remain stopped, standing or parked on a portion of the highway within thirty meters (30 m) of or within one hour from the time of its removal from such portion of a highway where such portion is referred to in Parts III to this by-law.

3.8

Bus Stops

The establishment of a bus stop for local Transit Commission buses on roadways is hereby authorized, and shall be conclusively deemed to have been established when official signs are on display.

3.9

Parking On Private Property/Municipal Property

(1) No person shall park or leave a motor vehicle:

- a) on private property without the consent of the owner or occupant of the property;
- b) on property owned or occupied by a public authority or any local board without the consent of the public authority or local board, as the case may be;
- c) on Municipal/Private Property designated under Schedule I of this by-law without consent;
- d) if a parking space has been designated by lines painted on the surface of the parking area on private property, no person shall park any vehicle in such manner that is not wholly within the area designated as a parking space;
- e) where applicable, a permit issued by the property owner, must be displayed to show the permit number and expiry date by,
 - i. affixed to the sun visor on the driver's side of the vehicle with the visor turned down,
 - ii. on the driver's side of the dashboard of the vehicle; or
 - iii. attached to the rear view mirror.
- f) a motor vehicle whose length exceeds 6.5 meters, unless an agreement has been made with the property owner;
- g) where parking machines have been installed under the authority of this by-law;

- i. without a valid parking machine receipt displayed on the driver's side of the dashboard of the vehicle, or
 - ii. if the parking machine is covered by a parking machine cover or parking prohibition sign.
- (2) Where signs have been posted, 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 prohibitions shall be deemed to have been parked or left without consent.
- (3) Notwithstanding Section 3.9 (1) and 3.9 (2) no person shall park, stand or stop a vehicle on a front yard of a residential property except on a driveway in compliance with the City of Welland Zoning By-law as amended.
- (4) Notwithstanding Section 3.9 (1) and 3.9 (2) no person shall park, stand or stop a commercial motor vehicle:
 - a) on private property exceeding a gross weight of 4,500 kilograms in a residential zone except when such commercial motor vehicle is temporarily parked for the purposes of delivering to or servicing the premises.
 - b) on private property exceeding a maximum vehicle length of 6.0 metres in a residential zone except when such commercial motor vehicle is temporarily parked for the purposes of delivering to or servicing the premises.
 - c) on private property exceeding a maximum vehicle height of 2.3 metres in a residential zone except when such commercial motor vehicle is temporarily parked for the purposes of delivering to or servicing the premises.
- (5) Notwithstanding Section 3.9 (1) and 3.9 (2) no person shall park, stand or stop a school bus, used as a commercial vehicle, designed for carrying ten or more passengers on private property, in a residential zone.
- (6)
 - a) If it is alleged in a proceeding that this section has been contravened, the oral or written evidence of an enforcement official is receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated therein in respect of:
 - i. the ownership or occupancy of the property;
 - ii. the absence of the consent of the owner or occupant;
 - iii. whether any person is an owner under paragraph e) of the definition of "owner" or an occupant under paragraph e) of the definition of "occupant" in Section 1.1,
 - b) A document offered as evidence under Subsection (3) a) shall be admitted without notice under the Evidence Act,
 - c) A officer, upon discovery of any vehicle parked or standing in contravention of the provisions of this section may cause it to be moved or taken to and placed or stored in a suitable place, at the owner's expense, 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 provided by the Repair and Storage Liens Act,

- d) notwithstanding any other provisions of this by-law, a officer may, before removing the motor vehicle as provided for in this section, issue and attach to the vehicle a City of Welland Parking Infraction Notice alleging that the provision of this section have been contravened.

3.10 Stopping Prohibited -
Specified Places, Without Signs

No person shall stop any vehicle or permit any vehicle to remain stopped on any highway:

- 3.10.1 on or partly on or over a sidewalk;
- 3.10.2 within an intersection or crosswalk;
- 3.10.3 adjacent to or across the roadway from any obstruction in the roadway when such action would impede the free flow of traffic;
- 3.10.4 upon any bridge or elevated structure and within any tunnel or underpass, or within thirty meters (30 m) of either end of any such structure, except where stopping in these locations is otherwise permitted by this by-law;
- 3.10.5 on any median strip or adjacent to either side or the ends of any median strip separating two roadways, except when stopping in these locations is otherwise permitted by this by-law.

3.11 Stopping Prohibited -
Specified Places, With Signs

When official signs are on display, no person shall stop a vehicle or permit a vehicle to remain stopped on a highway:

- 3.11.1 within thirty meters (30 m) of the approach side of a crosswalk at a school crossing designated by official signs or of a pedestrian crossover, or within ten meters (10 m) of the remote side of a school crosswalk or a pedestrian crossover;
- 3.11.2 within thirty meters (30 m) of the approach side of the nearest rail of any level crossing of a railway, or within sixteen meters(16m) of the remote side of the nearest rail of any such level crossing;
- 3.11.3 on either side or both sides of the portion of highway adjacent to a school property between the hours of 7:00 a.m. and 5:00 p.m. Monday to Friday, inclusive;
- 3.11.4 within fifteen meters (15 m) of an intersection;
- 3.11.5 within sixty meters (60 m) of an intersection controlled by a traffic signal;
- 3.11.6 on either side or both sides of the portion of a highway adjacent to a playground or parkland.

3.12 Standing Prohibited -
Specified Places, With Signs

When official signs are on display, no person shall stand a vehicle or permit a vehicle to remain standing on a highway or parts of a highway within twelve meters (12 m) of the remote side of a designated Transit Commission bus stop or within twenty-eight (28 m) of the approach side of such bus

stop, provided such vehicle does not interfere with a bus waiting to enter or about to enter or exit from such bus stop.

3.13

Parking Prohibited -
Specified Places, Without Signs

Subject to Sections 3.9 and 3.10, no person shall park a vehicle or permit a vehicle to remain parked on any highway:

3.13.1

within ten meters (10 m) of an intersection;

3.13.2

within three meters (3 m) of a fire hydrant;

3.13.3

on a driveway:

i) within thirty centimeters (30 cm) of a sidewalk;

ii) or between the sidewalk and the roadway; or

iii) where there is no sidewalk, within three meters (3 m) of the roadway or one meter (1 m) of shoulder;

3.13.4

in front of or within one and one-half meters (1.5 m) of a laneway or driveway or a curb-cut or depressed curb thereto;

3.13.5

on either side of a roadway so as to obstruct a vehicle in the use of any laneway or driveway;

3.13.6

on such a position that will prevent the convenient removal of any other vehicle previously stopped, standing or parked;

3.13.7

for the purpose of displaying such vehicle for sale or lease;

3.13.8

for the purpose of servicing or repairing such vehicle except for repairs as have been necessitated by an emergency;

3.13.9

for a longer period than 12 hours at any one time;

3.13.10

on a highway as to interfere with the clearing of snow from the highway, save for those residents that have obtained a snow clearing exemption permit and displayed appropriately as outlined in Section 8.3;

3.13.11

no person shall park a heavy vehicle on any highway unless it is at the time being used to make a delivery or to provide a service;

3.13.12

no person shall park a detached trailer on any highway without a Road Occupancy Permit;

3.13.13

no person shall park an oversized vehicle or detached trailer on any highway unless it is at the time being used to make a delivery or to provide a service.

3.14

Parking Prohibited -
Specified Places, With Signs

Subject to Sections 3.9 and 3.10, when official signs are on display, no person shall park a vehicle or permit a vehicle to remain parked on any highway:

3.14.1

In front of or within eight meters (8 m) of the property limits on which a fire hall is located or on the opposite side of said highway, within thirty meters (30 m) of the prolonged lot limits of the said property;

3.14.2

within twenty-two meters (22 m) of an intersection;

- 3.14.3 within sixty meters (60 m) of an intersection controlled by a traffic signal;
- 3.14.4 in front of or within three meters (3 m) of the main entrance to or any emergency exit from any public house, hotel, motel, hospital, nursing home, theatre, auditorium or other building or enclosed space in which persons may be expected to congregate in large numbers;
- 3.14.5 within three meters (3 m) of a laneway or driveway or a curb cut or depressed curb thereto;
- 3.14.6 having a roadway width of eight meters (8 m) or less;
- 3.14.7 within thirty meters (30 m) of the approach side and within fifteen meters (15 m) of the remote side of a crosswalk controlled by a traffic signal and not located at an intersection;
- 3.14.8 so as to interfere with the formation of a funeral procession;
- 3.14.9 within the turning circle or basin of a cul-de-sac;
- 3.14.10 within fifteen meters (15 m) of the termination of a dead end roadway;
- 3.14.11 where the Chief of Police or City Engineer or designate, is of the opinion that, for some temporary period, the safety of the public, the proper movement of traffic, or the proper and safe performance of some vital function of the City of Welland requires the prohibition or limitation of parking;
- 3.14.12 on either side or both sides of the portion of highway adjacent to a school property between the hours of 7:00 a.m. and 5:00 p.m. Monday to Friday, inclusive;
- 3.14.13 on either side or both sides of the portion of a highway adjacent to a playground or parkland;
- 3.14.14 on the inside curve (elbow curve) of a roadway, within fifteen meters (15m) of the tangent.
- 3.15 Stopping Prohibited –
- Schedule “III”
When official signs are on display, no person shall stop a vehicle or permit a vehicle to remain stopped on a highway, at the side, between the limits, and during the times and days set out respectively in columns 1, 2, 3 and 4 of Schedule “III” of this by-law.
- 3.16 Standing Prohibited -
- Schedule “IV”
Subject to Section 3.9, when official signs are on display; no person shall stand a vehicle for the purpose of standing or permit a vehicle to remain standing on a highway, at the side between the limits, and during the times and days set out respectively in columns 1,2, 3 and 4 of Schedule “IV” of this by-law.
- 3.17 Parking Prohibited -
- Schedule “V”
Subject to Sections 3.9 and 3.10, when official signs are on display, no person shall park a vehicle or permit a vehicle to remain parked on a highway, at the side, between the limits, and during the times and days set out respectively in columns 1,2, 3 and 4 of Schedule “V” of this by-law.

- 3.18 Parking Prohibited – Fire Routes
Schedule “VI”
- Following designation of fire routes by the Fire Chief and notice under the Fire Marshals Act, R.S.O. 1990, c.F.17:
- 3.18.1 The owner of a property shall erect signs marking private roadways thereon as fire routes;
- 3.18.2 before erecting signs as required, the owner of a property shall obtain direction from and the approval of the Fire Chief or the persons designated by him to give such direction and approval, for all such signs, the wording thereon and the location thereof;
- 3.18.3 each private roadway which is located on a property of which the municipal address or location is listed in Schedule VI hereto and beside or near which there are signs marking it as a fire route is hereby designated as a fire route;
- 3.18.4 the owner of a property upon which there is a private roadway that has been designated as a fire route:
- (a) shall maintain the signs marking it as a fire route as shown in Schedule XXXVIII; and
- (b) shall keep such private roadway in good repair, clear of snow and ice and free of all obstructions;
- 3.18.5 No person shall park/stand a vehicle at any time on or along any part of a private roadway designated as a fire route; and
- 3.18.6 An officer, upon the discovery of a vehicle parked or left in contravention of this section, may cause the 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 shall be borne by the owner;
- 3.18.7 Notwithstanding any other provisions of this by-law, a officer may, before removing the motor vehicle as provided for in this section, issue and attach to the vehicle a City of Welland Parking Infraction Notice alleging that the provision of this section have been contravened.
- 3.18.8 Notwithstanding all other provisions of the section, any person may, within fifteen (15) days, upon presentation to The Corporation of the City of Welland, in the said City, of a Parking Penalty Notice, pay to the said City or to any other person appointed by the Council to accept such payments, within fifteen (15) days from the date of such Parking Penalty Notice, exclusive of Saturdays, Sundays, and Statutory Holidays, the sum set out in Schedule XXXV, and upon payment of the said sum no further proceedings shall be taken under this by-law.
- 3.19 School Bus Loading Zones
Schedule “VII”
- Subject to Sections 3.10 and 3.11, with the exception of a school bus, when official signs are on display, no person shall park a vehicle or permit a vehicle to remain parked on a highway, at the side, between the limits, and during the times and days set out respectively in columns 1, 2, 3 and 4 of Schedule “VII” of this by-law.

- 3.20 Limited Parking -
Schedule “VIII”
- Subject to the previous sections of Part II, when official signs are on display, no person shall park a vehicle or permit a vehicle to remain parked on a highway, at the side, between limits, for a longer period of time and during the times and days set out respectively in columns 1, 2, 3, 4 and 5 of Schedule “VIII” of this by-law.
- 3.21 Angle Parking -
Schedule “IX”
- Subject to the previous sections of Part II angle parking is permitted on the roadways, at the sides, and between the limits set forth respectively in columns 1, 2 and 3 of Schedule “IX” of this by-law.
- 3.22 Public Vehicle (Inter-City) Parking Zone
Schedule “X”
- Subject to Part II, when official signs are on display, no person shall park a vehicle or permit a vehicle to remain parked on the highway, at the side, between the limits and during the times and days set out respectively in Columns 1, 2, 3 and 4 of Schedule “X” of this by-law, except a public vehicle.
- 3.23 Public Vehicle (Inter-City) Bus Stop
Schedule “XI”
- Subject to Part II, when official signs are on display, no person shall stand a vehicle or permit a vehicle to remain standing on a highway, at the side, between the limits and during the times and days set out respectively in Columns 1, 2, 3 and 4 of Schedule “XI” of this by-law, other than a public vehicle taking on or discharging passengers except that the driver of a vehicle may temporarily stop in a bus stop for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with a public vehicle waiting to enter or about to enter or exit such bus stop.
- 3.24 Vending Stops -
Schedule “XII”
- No person who sells or offers for sale or takes orders for goods, wares, merchandise or produce from a vehicle shall, for the purpose of carrying on their business, stop the vehicle or permit the vehicle to remain stopped on any part of the highway in such a manner as to interfere with the movement of traffic.
- 3.24.1 No person shall offer for sale or take orders for goods, wares, merchandise or produce from a vehicle on a highway except from the side of such vehicle facing the closest boulevard.
- 3.24.2 Subject to Part II, no person shall stop a mobile canteen on a roadway, at the side, between the limits, and during the times and days set out respectively in columns 1, 2, 3 and 4 of Schedule “XII” of this by-law.
- 3.25 Taxi Cab Stands -
Schedule “XIII”
- Subject to Part II, when official signs are on display, no person shall stand a vehicle or permit a vehicle to remain standing on the highway, at the side, between the limits and

during the times and days set out respectively in Columns 1, 2, 3 and 4 of Schedule “XIII” of this by-law, except a taxi cab.

3.26 Loading Prohibited -
Schedule “XIV”

Subject to Part II, when official signs are on display, no person shall stop a vehicle to load or unload freight or merchandise or permit a vehicle to stop to load or unload freight or merchandise on a highway, between the limits, at the side and during the times and days set out respectively in columns 1, 2, 3 and 4 of Schedule “XIV” of this by-law.

3.27 Loading Zones -
Schedule “XV”

Subject to Part II and previous sections of Part III, when official signs are on display, no person shall stop a vehicle or permit a vehicle to remain stopped on a highway, between the limits, at the side and during the times and days set out respectively in column 1, 2, 3 and 4 of Schedule “XV” of this by-law, except a commercial motor vehicle when parked temporarily for the purpose of and while actually engaged in loading or unloading freight or merchandise, and such parking shall not exceed a period of thirty minutes.

PART IV

PARKING METERS AND PARKING TICKET DISPENSERS

4.1 General Regulations

Where parking meters or parking ticket dispensers have been installed under the authority of this by-law, no person shall park a vehicle or permit a vehicle to remain parked in a parking space unless:

4.1.1 where parallel parking is permitted, the front wheels of such vehicle are adjacent to the single parking meter provided for such parking meter space;

4.1.2 where parallel parking is permitted and two meters are mounted on the same standard, the rear wheels of the remote vehicle shall be adjacent to or as close as is practicable to such parking meters and the front wheels of the approach vehicle shall be adjacent to or as close as is practicable to such parking meters;

4.1.3 where angle parking is permitted, the front wheels of the vehicle shall be adjacent to or as close as is practicable to the parking meter provided for such parking meter space.

4.2 No person shall park a vehicle or permit a vehicle to remain parked in such a manner that it is not wholly within the area designated as a parking space unless the vehicle is of such length as to render it impossible to park it in one parking space, in which case the adjoining parking space or spaces may, in addition, be used if the required coin deposits are made in the parking meters or parking ticket dispensers provided for all such parking spaces so used.

4.3 No person shall park a vehicle or permit a vehicle to remain parked in a parking space:

4.3.1 if the parking meter or parking ticket dispenser has been covered by a parking meter/dispenser cover or parking prohibition sign;

- 4.3.2 if an “Out of Order” display is indicated;
- 4.3.3 if parking space is presently occupied by another vehicle;
- 4.3.4 in such a manner as to interfere with the clearing of snow, or parking lot maintenance;
- 4.3.5 between the hours of 12:01a.m. and 7:00a.m. within a parking lot;
- 4.3.6 in such a manner as to obstruct a vehicle in the use of any laneway or driveway.

4.4 Parking Metered Space Subject to other Provisions

The stopping, standing, and parking of vehicles in metered spaces shall be subject to all prohibitions, restrictions, limitations and provisions of this by-law, other City of Welland Traffic by-laws and the Highway Traffic Act.

4.5 Use of Parking Meter or Parking Ticket Dispenser

No person shall deposit or cause to be deposited in any parking meter or parking ticket dispenser:

- 4.5.1 any slug, device or other substitute for a lawful coin of the Dominion of Canada or of the United States of America, or
- 4.5.2 any coin except a five cent coin commonly referred to as a “nickel”, a ten cent coin commonly referred to as a “dime”, a twenty-five cent coin commonly referred to as a “quarter”, a dollar coin commonly referred to as a “loonie” or a two dollar coin commonly referred to as a “toonie” and any other coin of the Dominion of Canada or of the United States of America.

4.6 Parking Meter Zones - Schedule “XVI”

The highways or portions of the highways described in Schedule “XVI” of this by-law are hereby designated as parking meter zones.

- 4.6.1 Subject to the provisions of Subsection 4.6.2, when parking meters or parking machines have been erected on a highway, at the side, and between the limits set out respectively in Column 1, 2 and 3 of Schedule “XVI” of this by-law, no person shall park a vehicle or permit a vehicle to remain parked for a longer period of time and during the times and days set out respectively in Columns 5 and 6 of the said schedule;
- 4.6.2 Subject to the maximum parking time period and the hours and days of operation set out in the Schedule “XVI” of this by-law, no person shall park any vehicle or permit a vehicle to remain parked, unless the fee set out in Column 4 of said schedule is deposited in the meter or parking ticket dispenser controlling such parking space, and the said meter or parking ticket dispenser is in operation;
- 4.6.3 A vehicle parked in a parking space on a highway controlled by a parking ticket dispenser, displaying an expired ticket or no ticket at all, is unlawfully parked over time and is prima facia evidence that is such vehicle is unlawfully parked.

4.7 Municipal Parking Lots – Schedule “XVII”

4.7.1 Where signs have been erected and are on display no person shall park or leave a vehicle in a parking lot for a period of time longer than the times and days indicated on such sign in the parking lots described in Schedule “XVII”;

4.7.2 Where a parking ticket dispenser has been erected in a parking lot indicated in Schedule “XVII” of this by-law, no person shall park a vehicle or permit a vehicle to remain parked for a period of time longer than the times and days indicated on the ticket issued;

4.7.3 All persons shall be subject to the maximum parking time period and hours and days of operation set out in Schedule “XVII” and no person shall park a vehicle or permit a vehicle to remain parked in such parking lot unless the fee set out in the said Schedule is deposited in the parking ticket dispenser controlling such parking lot, which will issue a valid parking ticket for the period of time purchased up to the maximum legal parking limit;

4.7.4 Persons using a parking lot equipped with a parking ticket dispenser shall display the ticket dispensed by the parking ticket dispenser, face up on the inside dash of the vehicle, so as to be readily visible from the outside through the windshield;

4.7.5 A vehicle parked in a parking lot controlled by a parking ticket dispenser, displaying an expired ticket or no ticket at all, is unlawfully parked over time and is prima facie evidence that such vehicle is unlawfully parked;

4.7.6 Notwithstanding Section 4.7.5, where signs have been erected and are on display, a person may leave a motor vehicle within that area of the parking lot, if that person is the holder of a valid permit issued by the Corporation of the City of Welland and the said permit is hung from the rear view mirror and visibly displayed. A permit issued under the authority of this section shall permit parking within a designated area for a period of time longer than the times and days otherwise allowed. A vehicle parked without a valid permit is unlawfully parked over time and is prima facie evidence that such vehicle is unlawfully parked.

4.7.7 Notwithstanding Sections 4.7.4, 4.7.5 and 4.7.6, persons using a parking lot where digital permits are available may obtain a digital parking permit in lieu of displaying a ticket dispensed by the parking ticket dispenser or in lieu of displaying a valid permit in the vehicle. Where a digital parking permit, approved by the City is obtained, the digital parking permit is only valid for the vehicle identified by the licence plate provided. Only one (1) licence plate can be valid at one time.

4.8 Unexpired Parking Meter

The driver of a vehicle shall not be prevented from using the unexpired time remaining on a parking meter from its previous user without depositing a coin therefore.

4.9 Vehicle At Expired Parking Meter

The fact that a parking meter governing a parking meter space indicates that a vehicle is unlawfully parked is prima facie evidence that such vehicle is unlawfully parked.

4.10

Commercial Loading Permits

The City Engineer or designate may issue commercial loading permits or commercial parking permits to the owner of any heavy vehicle for which such a permit has been issued may be parked in any parking space while actually engaged in loading or unloading goods, wares or merchandise, without making use of the parking meter adjacent to such parking space for a time limit not exceeding 30 minutes;

4.10.1

Every commercial vehicle for which a commercial loading permit has been issued shall be identified by having affixed to the windshield thereof an official parking sticker issued by the City Engineering or designate;

4.10.2

The fee for every commercial loading permit or commercial parking permit, shall be in accordance with the tariff contained in Schedule “XVIII” to this by-law. Every such permit shall expire on the 31st day of December of the year which it was issued;

4.10.3

Commercial vehicle loading permits or parking permits issued by the Corporation of the City of Welland shall be deemed to be permits issued under this Section.

4.11

Parking Meter/Parking Ticket Dispenser Exemptions

Notwithstanding anything hereinbefore contained, drivers of the following classes of vehicles shall not be required to deposit coins in the parking meter provided for a parking space occupied by such vehicles:

- (i) Fire Department vehicles of the area municipality,
- (ii) Regional Police Force vehicles,
- (iii) Ambulances,
- (iv) Hearses,
- (v) Vehicles owned by the Region or the municipality,
- (vi) Vehicles or a municipal Public Utilities Commission while such vehicles are being used in connection with the construction, maintenance or repair of any plant or equipment of such Commissions,
- (vii) Any vehicle that has the symbol of a "poppy" on the license plate, designated that vehicle as a veteran of the Canadian Military,
- (viii) ⁱAny vehicle parked at an on-street parking meter, three (3) weeks prior to December 24 up to January 1 for a period of two (2) hours.

PART V**TRAFFIC REGULATIONS**

Through Highways -
Schedule “XIX”

5.1

The highways between the limits set out in columns 1 and 2 of Schedule “XIX” of this by-law, are, except as provided in Subsection 5.1.1 hereby designated as through highways;

5.1.1

The designation in Subsection 5.1 of a highway or part of a highway as a through highway shall not include any intersection thereon where the highway intersected at a King’s Highway or Regional Road, where traffic signals are installed or where the roadway passes over land owned by the Crown or the Region.

5.1.2

Heavy traffic means the use of a highway by a vehicle, object or contrivance for moving loads, having a gross weight, including the vehicle, object or contrivance and load, in

excess of a minimum of 5 tonnes except for servicing the premises.

5.2 Stop Signs at Intersections -
Schedule “XX”

The City of Welland shall erect stop signs on the highways, at the intersections set out in columns 1 and 2 of Schedule “XX” of this by-law, facing traffic proceeding in the direction set out in column 3 of the said schedule.

5.3 Yield Signs at Intersections -
Schedule “XXI”

The City of Welland shall erect yield signs on the highways, at the intersections set out in columns 1 and 2 of Schedule “XXI” of this by-law, facing traffic proceeding in the direction set out in column 3 of the said schedule.

5.4 Prohibited Turns -
Schedule “XXII”

When official signs are on display, no vehicle on the highways, at the intersections or locations set out in columns 1 and 2 of Schedule “XXII” of this by-law, and proceeding in the direction set out in column 3 of the said schedule, shall be turned in the manner or the direction, during the times and days set out in columns 4 and 5 of the said schedule.

5.5 U-Turns
Schedule “XXIII”

When official signs to that effect are displayed, no person operating a vehicle shall make a u-turn on any highway or portion of a highway set out in Column 1 of Schedule “XXIII” of this by-law between the limits set out in Column 2 of the said schedule.

5.6 One Way Highways -
Schedule “XXIV”

When official signs are on display, the highways between the limits set out in columns 1 and 2 of Schedule “XXIV” of this by-law, are hereby designated as one-way roadways for the passage of vehicles only in the direction set out in column 3 of the said schedule.

5.7 Traffic Circles

No person shall drive any animal or vehicle otherwise than in a counterclockwise direction in any traffic circle or turning circle of a cul-de-sac.

5.8 Designated Lanes -
Schedule “XXV”

When official signs are on display, the portion of a highway between the limits set out in columns 1 and 2 of Schedule “XXV” of this by-law, in the lane during the times set out in columns 3 and 4 of the said schedule, shall be designated for the traffic movement set out in column 5 of the said schedule.

5.8.1 The City of Welland shall divide the roadways between the limits set out in columns 1 and 2 of Schedule “XXV”, into clearly marked lanes for traffic movements in the particular direction set out in column 5 of the said schedule.

5.9 Speed Limits on Bridges

Schedule “XXVI”

When any such structure on a highway set out in columns 1 and 2 of Schedule “XXVI” of this by-law, is marked in compliance with the regulations under the Highway Traffic Act, the maximum rate of speed on such structure shall be the rate of speed set out in column 3 of the said schedule.

5.10

Speed Limits on Highways
Schedule “XXVII”

Subject to Subsection 5.9, when any highway or part of a highway between the limits set out in columns 1 and 2 of Schedule “XXVII” of this by-law 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;

5.10.1

Reduced Speed Limits – Designated Construction Zones
Under Bill 169 of the Transportation Statute Law Amendment Act, the City Engineer or official designate have the authority to lower the speed limit in a designated construction zone, as deemed appropriate. The reduced speed limit becomes effective once the required signs are posted as per Regulation 615 of the Highway Traffic Act.

5.11

Speed Limits in School Zones

Subject to Subsection 5.9 and 5.10, when official signs and the flashing amber beacons are on display in compliance with the H.T.A. the maximum rate of speed in kilometers per hour as set out in Column 4 of Schedule XXVII shall only be in effect when said lights are flashing on the highway or part of a highway between the limits set out in columns 1, 2 and 3.

5.11.1

Subject to Subsection 5.11 and where required on any school day to accommodate variations from normal school hours or a school emergency, the flashing amber beacons may be actuated and the speed limit reduced for any period, between 8:00 a.m. and 5:00 p.m., and not provided under Subsection 5.11.

5.12

Reduced Load on Highways (5 tonnes per axle)
During March and April -
Schedule “XXIX”

When official signs are on display, the reduced load restriction provisions of the Highway Traffic Act are declared to be in force with respect to the highways and between the limits set out in Columns 1 and 2 of Schedule “XXIX” of this by-law, during the period from the 1st day of March to the 30th day of April inclusive in each and every year.

5.13

Reduced Load on Highways (5 tonnes per axle)
During Entire Year
Schedule “XXX”

When official signs are on display, the reduced load restriction provisions of the Highway Traffic Act are declared to be in force with respect to the highways and between the limits set out respectively in columns 1 and 2 of Schedule “XXX” of this by-law, during the period from the 1st day of January to the 31st of December inclusive in each year and every year.

5.14

Heavy Vehicle Prohibited - On Highways

Schedule “XXXI”

When official signs are on display, no person shall drive or operate Heavy Vehicles on the highway or part of a highway between the limits set out in Columns 1 and 2 of Schedule “XXXI” of this By-law, during the times and days set out in Column 3 of the said schedule.

5.15

Traffic Signal Design Approval

The City Engineer or official designate have the authority to approve traffic signal designs for installations on roadways under the jurisdiction of the City of Welland as per Subsection 144 (31) and Regulation 626 of the Highway Traffic Act.

5.16

Road Closure Approval

The City Engineer or official designate has the authority to temporarily close a highway for a period of up to three (3) days subject to the requirements of Part VIII, Section 8.1 Road Occupancy Permits, on highways under the jurisdiction of the City of Welland as per the Ontario Municipal Act, 2001, S.O. 2001, Chapter 25.

5.17

Community Safety Zones
Schedule “XXXIX”

The highway portions of highways set out in column 1 of XXXIX of this by-law, between the limits set out in columns 2 and 3 of the said schedule, during the times and days set out in column 4 of the said schedule, are designated as Community Safety Zones;

5.17.1

Every person who is convicted of an offence pursuant to the Highway Traffic Act is subject to an increased fine as provided by the Act.

5.18

Heavy Vehicle Prohibited – On Bridges
Schedule “XL”

When official signs are on display, no person shall drive or operate heavy vehicles on the bridge or part of the bridge set out in column 1, which exceeds the weight limits set out in columns 2, 3 and 4 of Schedule “XL” of this By-law.

PART VI**TRAFFIC REGULATIONS -**
DRIVING AND RELATED RULES

6.1

The driver or operator of a vehicle emerging from a driveway, laneway, building or lot onto a highway shall bring the vehicle to a full stop immediately before driving onto a sidewalk, and upon proceeding shall yield the right-of-way to pedestrians upon the sidewalk.

6.2

Barricaded Highways

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

6.3

Vehicles Crossing Sidewalks, Boulevards and Curbs

No person shall drive a bicycle or vehicle upon a sidewalk except for the purpose of crossing the sidewalk, or any motor vehicle over a raised curb, wheelchair ramp at a crosswalk or sidewalk except at a place where there is a driveway ramp,

mountable curb or depressed curb intended for vehicular access.

- 6.3.1 No person shall drive any motor vehicle on any boulevard except for the purpose of directly crossing the boulevard at a driveway or other designated vehicular crossing.

6.4 Boarding or Alighting from Moving Vehicle

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

6.5 Designated Bicycle Lanes

Where signs to that effect are displayed on highways set out in Column 1 of Schedule II of this by-law having been divided into clearly marked lanes for bicycle traffic within the limits set out in Column 2, the lane identified in Column 3 is hereby designated only for bicycles in the direction(s) indicated in Column 4.

- 6.5.1 Where a lane of the highway has been designated for the use of bicycles only, no person shall:

- (a) drive a vehicle other than a bicycle, public transit, police, fire, emergency medical service vehicle or maintenance vehicle while engaged in maintenance activities; or
- (b) park or stop a vehicle other than a public transit, police, fire, emergency medical service vehicle or maintenance vehicle while engaged in maintenance activities.

PART VII

TRAFFIC REGULATIONS
PEDESTRIAN CONDUCT

7.1 Pedestrian Barriers

No pedestrians shall proceed over or under a pedestrian barrier, or within a barricaded area, installed on a sidewalk or at any other location within a highway.

7.2 Playing on Roadway Prohibited

No person shall play or take part in any game of sport upon a roadway.

- 7.2.1 No person upon roller skates, or riding in or by means of any coaster or similar device shall go upon a roadway except for the purpose of crossing the roadway, and when so crossing such person shall have the rights and be subject to the obligations of a pedestrian.

7.3 Pedestrian Crossing Prohibited -
Schedule “XXXII”

Where official signs are on display, no pedestrian on the highways at the locations set out in columns 1 and 2 of Schedule “XXXII” of this by-law shall enter onto or cross the roadway approach set out in column 3 of the said by-law.

7.4 Pedestrian Crossovers -
Schedule “XXXIII”

When official signs are on display in compliance with the Highway Traffic Act, the highways at locations set out in

Column 1 and 2 of Schedule “XXXIII” of this by-law are thereby designated as pedestrian crossovers.

PART VIII

CITY PERMITS

8.1

Occupancy of Highway

(a) No person shall conduct a social event which is likely to require the temporary closing, obstruction or encumbering of part or all of such highway unless and until a city permit has been obtained for such purpose from the City of Welland, until signs, barricades and other safety measures have been provided, and, if necessary, until alternative traffic routes have been established in accordance with the provisions of Section 8.1.1.

(b) No person shall commence construction, place materials or complete any work over, on, under or adjacent to any city highway which is likely to require the temporary closing, obstruction or encumbering of part or all of such highway unless and until a city permit has been obtained for such purpose from the City of Welland, until signs, barricades and other safety measures have been provided, and, if necessary, until alternative traffic routes have been established in accordance with the provisions of Section 8.1.1.

8.1.1

All applications for a city permit required under Sections 8.1 shall be made on the forms provided by the City of Welland and shall be accompanied by such other supportive materials as may be required by the City of Welland, and by a non-refundable administration fee as set out in Schedule “XVIII” to this By-law;

8.1.1.2

The applicant shall notify the Niagara Regional Police outlining the specifics of any social event;

8.1.1.3

The applicant shall be responsible for appropriate levels of traffic control in consultation with Niagara Regional Police and the City of Welland Traffic and Parking Operations Division;

8.1.1.4

The applicant shall obtain approval of the Regional Municipality of Niagara for the use of any Regional Roads within the route;

8.1.1.5

The applicant shall provide certified proof of liability insurance coverage ranging from \$1 Million to \$7 Million. Such coverage shall name the Corporation of the City of Welland as an additional insured and hold the City of Welland harmless from any liability arising out of the use of City roads. The minimum limit of coverage shall be determined as follows:

- i) \$1 Million – Processions Using Sidewalks Only;
- ii) \$2 Million - Major Parades, Dances, Street Festivities, Athletic Races, Marches, Walkathons, Filming and Sidewalk Sales;
- iii) \$5 Million – Construction or placement of materials upon a highway.

8.1.1.6

Higher, lower limits or exemption of liability as outlined in section 8.1.1.5, may be established by Council when deemed necessary.

- 8.1.1.7 Proof of Liability of Insurance shall be presented to the City Clerk at least 5 days prior to the date of the event to validate any conditional approval of Council.
- 8.1.1.8 Any activity where liquor is intended to be served, and provided the appropriate approvals are secured, will require additional proof of liability insurance for liquor related activities.
- 8.1.2 If the event/construction/placement of material to be undertaken necessitates a temporary highway closure, the applicant for the city permit shall take such steps as are reasonable and necessary to advise and accommodate all persons who will be affected by the temporary closure of the highway.
- 8.1.3 If the event/construction/placement of material to be undertaken does not necessitate a temporary highway closure, an application to the City of Welland for a city permit required under this section shall be made at least fifteen (15) working days before the date of the event/construction/placement of material. If the event/construction/placement of material to be undertaken necessitates a temporary highway closure, an application to the City of Welland for a city permit required under this section shall be made at least thirty (30) working days before the date of the event/construction/placement of material.
- 8.1.4 When a city permit has been issued, the permit holder shall, during the course of the event/construction/placement of material:
- 8.1.4.1 maintain a reasonable safe alternate route for vehicular and pedestrian traffic;
- 8.1.4.2 provide and maintain reasonable local access routes for all property owners or occupants whose access will be affected by the proposed event/construction/placement of material;
- 8.1.4.3 erect and maintain all barricades, signs, covers, lights, flagmen and other safety warning devices that may be provided by the City of Welland, as per comments supplied by the City of Welland to protect the vehicular and pedestrian traffic;
- 8.1.5 Where a permit holder fails to comply with any of the provisions of this Section 8.1 and the City of Welland elects to perform the works necessary to effect compliance with this Section 8.1, or if any city permit is revoked pursuant to Section 8.1.17 then in either situation all costs and expenses incurred thereby shall be borne by the permit holder.
- 8.1.6 No permit holder shall remove, relocate, conceal from view or interfere with any traffic signs, safety barricades, guide rails, post and wire delineation in the course of carrying out the event/construction/placement of material. If a permit holder requires temporary removal or relocation of any of the above, he shall request the City of Welland to carry out such work and all costs thereby incurred shall be borne by the permit holder.
- 8.1.7 All event/construction/placement of material under a city permit issued under this section shall be carried out in a manner which is satisfactory to the City of Welland.
- 8.1.8 When a hazardous condition arises during the course of the event/construction/placement of material undertaken by a

permit holder, the permit holder shall immediately notify the City of Welland and any affected utility company of the condition.

- 8.1.9 When a hazardous condition arises during the course for the event/construction/placement of material undertaken by the permit holder, the City of Welland may order the road closed, the event halted or other appropriate remedial action to be taken.
- 8.1.10 Upon completion of the event/construction/placement of material, the permit holder shall restore the highway affected by the event to the condition acceptable to the City of Welland.
- 8.1.11 Notwithstanding the provision of Section 8.1.10, the restoration of the highway may be carried out by the city and the permit holder shall reimburse they city for the costs of the restoration.
- 8.1.12 The permit holder shall be responsible for all damages to all existing services when such damages arise out of the event/construction/placement of material undertaken by the permit holder.
- 8.1.13 Every person who uses a highway or portion of a highway which has been closed to traffic under this section does so at his own risk and the municipality is not liable for any damages sustained by reason of the person using the highway or portion thereof so closed to traffic.
- 8.1.14 The City of Welland may stop any event/construction/placement of material being performed on or under any highway without a city permit issued under Section 8.1.
- 8.1.15 No person shall without lawful authority use a highway or portion thereof closed to traffic and protected pursuant to Section 8.1.
- 8.1.16 No person shall remove or deface any barricade, device, detour sign or notice placed on any highway or portion thereof under Section 8.1.
- 8.1.17 The City Engineer or official designate may revoke any road occupancy permit at any time and all costs and expenses incurred thereby shall be borne by the permit holder.
- 8.2 On-Street Parking Permits (Signed Locations)

No person shall park a vehicle in designated area upon any of the highways or parts of the highways set out under Schedule “XXXIV” without the appropriate Parking Permit as outlined in Section 8.2.
- 8.2.1 All applications for a Parking Permit required under Section 8.2 shall be made on forms provided by the City Engineer or official designate and shall be accompanied by such other supportive materials as may be required by the City Engineer or official designate, and by a non-refundable administration fee as set out in Schedule “XVIII” to this by-law.
- 8.2.2 The parking permit shall be specifically validated for vehicles which are registered to the persons who own or reside at the property for which the permit is issued and will not be valid for any other vehicle.
- 8.2.3 A permit shall be valid for a period of one year from the date of issue.

- 8.2.4 Where a property is located on the highways listed in Schedule “XXXIV” of this by-law, the owner, occupant or tenant of the property who resides at that address and is the registered owner of the vehicle registered at that address may obtain one parking permit for said vehicle. A separate permit is required for each vehicle registered at the designated address.
- 8.2.5 While a vehicle is parked pursuant to a Parking Permit issued hereunder, the Parking Permit shall be on or affixed to the vehicle on the rearview mirror or on the drivers side dashboard.
- 8.2.6 All other provisions which apply to the highways contained in the by-law and regulations dealing with maximum parking periods, as well as other emergency parking by-law shall still apply.
- 8.2.7 The City Engineer or official designate may revoke any Parking Permit issued hereunder at any time.
- 8.2.8 Notwithstanding Section 8.2.5, persons parking on-street where digital on-street parking permits are available, may obtain a digital permit in lieu of displaying a valid permit in the vehicle. Where a digital on-street parking permit, approved by the City is obtained, the digital on-street parking permit is only valid for the vehicle identified by the licence plate provided. Only one (1) licence plate can be valid at one time.
- 8.3 Snow Clearing Exemption Permit
- No person shall park a vehicle upon any highways without the appropriate snow clearing exemption;
- 8.3.1 All applications for a snow clearing exemption permit shall be made on forms provided by the City Engineer or official designate and shall be accompanied by such other supportive materials as may be required by the City Engineer or official designate and by non-refundable fees as set out in Schedule “XVIII” to this by-law;
- 8.3.2 The snow clearing exemption permit shall be specifically validated for the vehicle which is registered to the person(s) who own or reside at the property for which the exemption is being requested and will not be valid for any other vehicle;
- 8.3.3 The snow clearing exemption permit shall be utilized only on the highway identified and approved by the City Engineer or official designate on the submitted and approved application;
- 8.3.4 A permit shall be valid for a period of one year from the date of issue;
- 8.3.5 While a vehicle is parked pursuant to this section, the issued snow clearing exemption permit shall be on or affixed to the vehicle on the rearview mirror or drivers side dashboard;
- 8.3.6 All other provisions which apply to parking on highways contained in the bylaw shall still apply;
- 8.3.7 The City Engineer or official designate may revoke any permit issued at any time;
- 8.3.8 The City Engineer or official designate is not required to approve permit applications.

- 8.3.9 Notwithstanding Section 8.3.5, persons parking on-street where digital snow clearing exemption permits are available, may obtain a digital snow clearing exemption permit in lieu of displaying a valid parking permit in the vehicle. Where a digital snow clearing exemption permit, approved by the City is obtained, the digital permit is only valid for the vehicle identified by the licence plate provided. Only one (1) licence plate can be valid at one time.

PART IX

ERECTION OF SIGNS

- 9.1 Authorization
- The City Engineer or designate, are hereby authorized to apply, erect and maintain such traffic control devices and other structure, plant and equipment as required to give effect to this by-law.
- 9.2 Conflicting Private Signs
- Subject to the provisions of other by-laws controlling signs, no unauthorized person shall place, maintain or display upon any sign, signal, marking, or device visible from any highway which:
- 9.2.1 Conceals a traffic control device or parking meter from view;
- 9.2.2 Interferes with the effectiveness of a traffic control device or parking meter; or
- 9.2.3 Purports to be, is an imitation of, or resembles any official sign or any regulatory or traffic control device.
- 9.3 Damage to Traffic Control Devices
- No person shall move, deface, damage, remove, or in any manner interfere with any traffic control device placed erected or maintained by the Regional Municipality of Niagara or City of Welland.
- 9.3.1 No person shall drive any vehicle on or over any pavement marking, line or strip on the roadway where markers are in place, or signs are on display to indicate that the marking material has been freshly applied, nor shall any person drive any vehicle into or over any such marker so placed, or move or remove such marker unless authorized to do so.

PART X

OFFENCES AND PENALTIES

- 10.1 Any offence created by this By-law is not subject to the penalty provisions of the Provincial Offences Act.
- 10.2 Any contravention of the offences set out herein, shall be subject to the provisions set out in the Administrative Penalty By-law 2014-64, as amended or the Administrative Penalty By-law for Non-parking Related Offences By-law 2019-134, as amended.
- 10.3 Every person who contravenes any provision of this by-law is guilty of an offence and shall be subject to the provisions set out in the Administrative Penalty By-law 2014-64, as amended or the Administrative Penalty By-law for Non-parking Related Offences By-law 2019-134, as amended.
- 10.4 Every offence under this By-law is designated as a continuing offence.

- 10.5 An Officer who finds that a Person has contravened a provision of this By-law may issue a penalty notice pursuant to the Administrative Penalty By-law 2014-64, as amended or the Administrative Penalty By-law for Non-parking Related Offences By-law 2019-134, as amended.
- 10.6 Every person who contravenes any provision of this by-law shall, upon issuance of a penalty notice in accordance with the Administrative Penalty By-law 2014-64, as amended or the Administrative Penalty By-law for Non-parking Related Offences By-law 2019-134, as amended, be liable to pay to the City an administrative penalty in accordance with the penalties set out in Schedule “XXXV” and Schedule “XXXVI”
- 10.7 Exemptions - Municipal Vehicles
- The provisions of Parts III and IV of this by-law do not apply to:
- 10.7.1 Vehicles operated by or on behalf of the Regional Municipality of Niagara and any area municipality or any municipal utility while engaged in the performance of cleaning, clearing, maintenance, repair, construction or other work on any highway;
- 10.7.2 Vehicles operated by or on behalf of the Regional Municipality of Niagara and any area municipality while attending official meetings, provided appropriate identification is displayed in the front window of the driver’s side dashboard;
- 10.7.3 An authorized emergency vehicle while engaged in the performance of its duties.
- 10.8 Parking Restriction Exemptions
Funeral Corteges
- If the Chief of Police/City Engineer or official designate is of the opinion or deems it desirable, he may declare that the Provision of Part III of this by-law do not apply for a temporary period to prevent the parking of vehicles forming part of any funeral cortege, provided that all such vehicles are parked on only one side of the highway at one time.
- 10.9 Heavy Vehicle Exemptions
- Notwithstanding the provision of section 5.14, Heavy Trucks making deliveries or providing a service on roadways listed under Schedule “XXXI” and Heavy Vehicles accessing local businesses are exempt from the prohibition.

PART XI

APPLICATION, ADMINISTRATION AND ENFORCEMENT

- 11.1 Enforcement & Application of By-law
- This by-law shall be enforced by the Police Force, an officer appointed for the enforcing or carrying out of the provisions of this by-law and this by-law shall apply to all highways and parts of highways under the jurisdiction of the City of Welland.
- 11.2 Removal of Vehicles
- An Officer, upon discovery of any vehicle parked or standing in contravention of this by-law, of any vehicle apparently

abandoned or of any vehicle without proper number plates on a highway, may cause such 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, are a lien upon such vehicle, which may be enforced in the same manner provided in the Repair and Storage Liens Act.

11.3 Right of Access

An Officer designated to perform inspections pursuant to this by-law may at all reasonable times, enter upon any land for the purpose of carrying out an inspection to determine whether or not this By-law is being contravened.

11.4 By-Law Subject to the Highway Traffic Act

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

11.5 Schedules Adopted

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 read in conjunction with the entry or entries across there from and not otherwise.

11.6 Former By-Laws Repealed

All of the by-laws set forth in Schedule “XXXVII” shall be and are hereto repealed.

11.7 Effective Date
(Local Only)

The provisions of this by-law shall come into force and take effect upon the date of approval of the set fines set out in Schedules “XXXV” and “XXXVI” by the Chief Justice of Ontario.

11.8 Repeal

By-law Number 89-2000 passed on August 13th, 2002, and all subsequent amending by-laws, shall be and the same are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME, AND PASSED

BY COUNCIL THIS 2nd DAY OF November, 2004.

"Damian Goulbourne" MAYOR

"Craig A. Stirtzinger" CLERK

ⁱ Approved By Council December 06