

The Corporation of the Town of Tecumseh

By-Law Number 2025-018

Being a by-law to amend By-Law 2001-36, a by-law to regulate traffic and parking on highways and private roadways under the jurisdiction of The Corporation of the Town of Tecumseh

Whereas By-Law 2001-36 being a by-law to regulate traffic and parking on highways and private roadways under the jurisdiction of The Corporation of the Town of Tecumseh was enacted by the Council of the Town of Tecumseh on the 9th day of October 2001;

And whereas Section 27 of the *Municipal Act, R.S.O. 2001, c.25* ("Municipal Act, 2001") as amended authorizes a municipality to pass by-laws in respect of a highway if it has jurisdiction over the highway;

And whereas Section 63 of the Municipal Act, 2001, authorizes that where a municipality passes a by-law prohibiting or regulating the placing, stopping standing or parking of an object or vehicle on a highway, it may provide for the removal and impounding or restraining and immobilizing of any object or vehicle placed, stopped, standing or parked on a highway in contravention of the by-law;

And whereas Section 100 of the Municipal Act 2001, states that a local municipality may, in respect of land not owned or occupied by the municipality, regulate or prohibit the parking or leaving of motor vehicles without the consent of the owner of the land

And whereas Section 100.1(1) of the Municipal Act 2001, states that if a municipality passes a by-law regulating or prohibiting or leaving of a motor vehicle on land, it may provide for the removal and impounding or restraining and immobilizing of any vehicle, at the vehicle owner's expense, park or let in contravention of the by-law;

And whereas Section 429 of the Municipal Act, 2001, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Municipal Act, 2001;

And whereas Section 434.1 of the Municipal Act, 2001, authorizes a municipality to require persons to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with a municipal By-law passed, subject to conditions as the municipality considers appropriate;

And whereas Section 446 of the Municipal Act, 2001, authorizes that a municipality has the authority under this or any Act, or under a by-law under this or any other Act, to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense.

And whereas the Council of the Town of Tecumseh deems it necessary to regulate and govern the parking of vehicles on private or municipal property within the Town.

Now Therefore the Council of The Corporation of The Town of Tecumseh enacts as follows:

1. **That By-Law 2001-36 is hereby amended by:**

1.1 Adding in Section 2 the definitions listed below:

- (a) **“AMPS”** means the Town’s Administrative Monetary Penalty System established in By-Law 2024-048.
- (b) **“Officer”** means the Town’s appointed By-Law Enforcement Officer(s) and such other Officers who have been assigned the responsibility of administering and enforcing this by-law.
- (c) **“Recreational Vehicle”** shall mean a Vehicle which is intended to provide sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be either towed behind a motor vehicle or is self propelled, and includes such vehicles commonly known as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes, boats, utility trailer, personal watercraft, all-terrain vehicles or other similar vehicles.

1.2 Deleting subsection (a)(i) in **Section 3 Enforcement and Authority and** replacing with the following:

- (i) The provisions of the By-Law shall be administered by the Town’s duly appointed Officer (s) or when applicable, the Ontario Provincial Police.
 - a No person shall under or obstruct or attempt to hinder or obstruct, any person exercising a power or performing a duty under this by-law.
 - b Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction thereof is liable to a fine in the maximum amount provided for by the *Provincial Offences Act*, R.S.O. 1990, c.P.33, (hereinafter called Provincial Offences Act) as may be amended from time to time.
 - c A person who contravenes any provision of this By-law is guilty of an offence and can, at the option of the Officer, be issued a penalty notice in respect thereof requiring the payment of a penalty pursuant to the Towns Administrative Monetary Penalties System By-law 2024-048 as amended from time to time (the “Administrative Monetary Penalty By-law” or “By-law 2024-048”). Instead of laying a charge under the Provincial Offences Act for any breach of any

provision of this By-law, an Officer, may issue an Administrative Penalty to the Person who has contravened this By-law provided the authority for the Town to issue Administrative penalties has been granted by municipal by-law.

- d An Officer has the discretion to either proceed by way of an Administrative Penalty (if prescribed) or a charge laid under the Provincial Offences Act. If an Administrative Penalty is issued to a Person for a contravention of this By-law, no charge shall be laid against that same Person for the same contravention.
- e The amount of the Administrative Penalty for a contravention of a provision of this By-law is fixed as set out in the Administrative Monetary Penalty By-law of the Town, as amended from time to time, or any successor by-law.
- f If an Officer issues a penalty notice under AMPS, the property Owner may appeal the penalty through the Administrative Monetary Penalties System appeal process outlined in By-Law 2024-048 as amended.
- g A Person who is issued an Administrative Penalty shall be subject to the procedures as provided for in the Administrative Penalty By-law of the Town, as amended from time to time, or any successor by-law.
- h An Administrative Penalty imposed on a Person pursuant to this By-law this is not paid within fifteen (15) days after the day it becomes due and payable, constitutes a debt of the Person to the Town and may be added to a municipal tax roll and collected in the same manner as municipal taxes.
- i **Collection of Unpaid Fines**
 - (i) Where a fine is in default, the Town may proceed with civil enforcement against the Person upon whom the fine has been imposed, pursuant to the Provincial Offences Act.
 - (ii) The Town may make a request to the treasurer of a local municipality to add any part of a fine that is in default to the tax roll for any property in the local municipality for which all the Owners are responsible for paying the fine and

collect it in the same manner as municipal taxes.

j Validity and Severability

- (i) If any provision or part of this By-Law is declared by any court or tribunal of competent jurisdiction to be invalid, illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the remainder of the By-Law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.
- (ii) If there is a conflict between the provisions of this By-Law and any other by-law of the Town in force or a provincial or federal statute or regulation, the more restrictive provisions shall apply.

1.3 Deleting subsection (a) (i) in Section 5 Parking and Stopping Restrictions and replacing with the following:

(i) General

No person shall park any Vehicle on any street or Highway unless such Vehicle is parked on the right-hand side of the Highway with the right and right rear wheels of the Vehicle not more than 0.15 metres from the curb line.

No person shall park a Vehicle in the same spot, upon any street or Highway for longer than three (3) consecutive days.

1.4 Adding subsection (q) to Section 5 Parking and Stopping Restrictions as follows:

(q) Parking of Recreational Vehicles

Notwithstanding any other provisions of this By-law No person shall park or store a Recreational Vehicle in any Residential Zone unless:

- (i) the owner or full-time occupant of the property in front of which the Recreational Vehicle is parked on the Street or highway is also the owner or operator of the Recreational Vehicle;
- (ii) there is only one (1) such Recreational Vehicle parked at any time on the street or highway in front of such property or upon such property;
- (iii) the Recreational Vehicle is operational and has valid license plates;

- (iv) the Recreational Vehicle is parked on a street or Highway as between April 16 to November 14 only and for the purposes of either loading or unloading goods and materials from the said recreational vehicle and for not more than three (3) consecutive days in a 30-day period.

2. By deleting in its entirety subsection (e) of Section 5 and replace the following wording as subsection (e) to Section 5 Parking and Stopping Restrictions as follows:

(e) Parking Prohibited Where Authorized Sign is on Display

Where an Authorized Sign is on display, no person shall Park a Vehicle at any time in the following places:

- (i) In any Town owned parking lot associated with a Town facility, park or other property as identified and as may be amended from time to time at the discretion of the Municipality.
- (ii) Within 15-meter distance commencing on either side of an entrance to any commercial, industrial, institutional or public building;
- (iii) In front of an entrance to any place where goods or merchandise are regularly delivered or removed;
- (iv) In a Cul-de-sac along its circular turn around;
- (v) On a highway within 15 metres of its terminus;
- (vi) In a public lane;
- (vii) On any portion of a Highway within 30 meters of a Pedestrian Crossover;
- (viii) On any portion of a Highway within 15 metres of an Intersection;
- (ix) On any portion of a Highway within 30 metres of a Intersection controlled by a Traffic Control Signal;
- (x) On any portion of a Highway within 15 metres of any School Bus Loading Zone as designated under Section 16 of this by-law;
- (xi) On any portion of a Highway within 7.5 metres of any fire hall;

- (xii) On that portion of the south side of Tecumseh Road commencing at the southeast corner of Intersection of St. Anne Street and Tecumseh Road and continuing easterly to a point situate forty-one metres easterly from said Intersection;
- (xiii) On a Designated Parking Space on any Highway or part of a Highway named or described in Schedule A of this by-law, on the side or sides of a Highway set out in said schedule, other than a Vehicle upon which is properly displayed a valid Disabled Parking Permit and such Vehicle is at the Time being used to transport physically disabled person;
- (xiv) On any Highway or part of a Highway in Column 1 of Schedule B to this By-Law, on the side or sides of the Highway set out in Column 2 on said Schedule and that portion of the Highway as set out in Column 3 on said Schedule.
- (xv) Every person who contravenes any of the provisions of Section 5 (e) would be guilty of an offence and subject to such fines and/or penalties as may be proscribed in the By-law.

Read a first, second, third time and finally passed this 25th day of February, 2025.



Gary McNamara, Mayor

Robert Auger, Clerk