



TOWN OF SHELBURNE

PARKING BY-LAW

THIS BY-LAW SHALL REPEAL AND SUPERCEDE ANY AND ALL PREVIOUS REGULATIONS AND/OR BY-LAWS HELD BY THE TOWN OF SHELBURNE REGARDING PARKING VIOLATIONS.

WHEREAS it is desirable that the parking of vehicles upon certain public streets and highways be regulated by the placing of traffic signs limiting parking duration;

AND WHEREAS Section 1S3 of the Motor Vehicle Act, Chapter 293, R.S.N.S., 1989, as amended, provides that the Council for the Town of Shelburne may make By-Laws prohibiting or restricting the parking or leaving standing vehicles upon any highway or part thereof in the limits of the Town and that such By-Law may prohibit or restrict the parking or leaving standing of any vehicle, except in accordance with a sign, or device on a parking meter;

AND WHEREAS the Town of Shelburne also wishes to regulate the parking of vehicles in certain lots owned, leased or otherwise under the control of the Town of Shelburne;

BE IT ENACTED by the Council of the Town of Shelburne, under the authority of the Municipal Government Act, S.N.S 1998, Chapter 18, as amended, and under the authority of the Motor Vehicle Act, R.S.N.S. 1989, Chapter 293, as amended, as "Parking Violations By-Law":

SHORT TITLE

1.1 This By-Law shall be cited as "**Parking Violations By-Law**".

APPLICATION

2.1 This By-Law shall apply to:

- a) All parking spaces within any parking lot owned, leased or otherwise under the control of the Town of Shelburne; and,

- b) All streets, highways, or portions thereof, in the Town of Shelburne on which a traffic sign is, or has, from time to time, been installed.

DEFINITIONS

3.1 Words in this By-Law shall have their normal dictionary and contextual meanings, except as follows:

- a) "**Vehicle**" shall have the meaning assigned to the phrase "motor vehicle" by the definitions in the Motor Vehicle Act, R.S.N.S., 1989, c.293.
- b) "**Parking Space**" means that area of any parking lot or space to which this By-Law applies, which lies between two lines intended to identify the parking space.
- c) "**Parking**" means to control the motor vehicle so that it is in a parallel position; all marked Town of Shelburne parking spaces are for parallel position parking.
- d) "**Traffic Authority**" means the person appointed by the Town of Shelburne pursuant to Section 86 of the Motor Vehicle Act, R.S.N.S., 1989, c. 293.
- e) "**Traffic Sign**" means traffic signs as described in the regulation made pursuant to Section 88 of the Motor Vehicle Act, R.S.N.S., 1989, C. 293.
- f) "**Designated**" means within a line marked spot, time posted.

Traffic Authority May Install Traffic Signs

4.1 That streets and highways, or portions thereof, in the Town of Shelburne to which this By-Law applies are those on which, under the direction of the Town's Traffic Authority, traffic signs that have, from time to time, been installed.

- 4.2** The installation and maintenance of the traffic signs shall be under the direction of the Traffic Authority of the Town of Shelburne.
- 4.3** The Traffic Authority for the Town of Shelburne is hereby authorized to cause traffic signs to be placed on any streets or highways, or portions thereof, in the Town of Shelburne, limiting the length of time which a vehicle is permitted to park thereon between the hours of 9:00 A.M. in the forenoon, local time, to 5:00 P.M. in the afternoon of the same day.

PROHIBITIONS

- 5.1** No person shall park or leave standing a vehicle on any street or highway portion thereof where a sign has been erected in the Town of Shelburne for a period of time exceeding 90 minutes, between the hours of 9:00 A.M. in the forenoon and 5:00 P.M. in the afternoon of the same day.
- 5.2** No person shall park a vehicle on Town of Shelburne property for the purposes of automobile vending, or to cause a sign to be displayed in the vehicle to that purpose.
- 5.3** No person shall park or leave standing a vehicle in any parking lot except in accordance with the following requirements unless otherwise authorized in this By-Law or the Motor Vehicle Act, R.S.N.S. 1989, Chapter 293;
- a)** no person shall cause a vehicle to be parked so as to occupy more than one parking space;
 - b)** no more than one vehicle shall be parked in a parking space, with the exception of **motorcycles**;
 - c)** each vehicle shall be parked entirely within a parking space;
 - d)** no vehicle shall be parked in a parking space for a period of time exceeding posted duration, with the exception of those parking

spaces specifically posted as "All Day" parking lots;

- e) no vehicle, unless specifically authorized to do so, shall be parked in a parking space marked, by the Town of Shelburne as a reserved parking space;
- f) All vehicles are parked at the risk of the owner; the Town of Shelburne is not responsible for damages incurred to vehicles or persons parked in undesignated areas.

SA Notwithstanding the preceding section, no person shall park a motor vehicle for a period of time exceeding the parking spaces specifically posted time limit.

5.5 Each additional period of specifically posted time in violation of this By-Law that continues shall constitute a separate offence.

BY-LAW ENFORCEMENT

6.1 It shall be the duty of any By-Law Enforcement Officer and of any Special Constable appointed for the Town of Shelburne under the Nova Scotia Police Act, to report all violations of these regulations and to enforce them.

WINTER PARKING – TEMPORARY REGULATIONS

7.1 Notwithstanding the provisions made by the Traffic Authority for the Town of Shelburne that certain traffic signs have been erected on all paved streets prohibiting or permitting the parking or leaving standing vehicles upon certain sections of the streets during the hours stated hereon;

- a) no owner or driver or person having control or custody of any vehicle shall park or leave standing the same on any paved street within the Town of Shelburne, between the hours of 1:00 A.M. in the morning and 7:00 A.M. in the morning of the same day;
- b) no owner, or driver, or person having control or custody of any vehicle shall park or leave the same standing and unattended by a person authorized to move and capable of operating the same upon such a street in the Town of Shelburne in a manner as to hinder, inconvenience or prevent the proper removal of snow or ice from such street;
- c) no owner, or driver, or person having control or custody of any vehicle shall during the period of one (1) hour after any snow storm has commenced to two (2) hours after such snow storm has stopped, leave the vehicle unattended by a person authorized to move and capable of operating the same, upon any highway or street, even designated parking spots.
- d) The provision of clauses a) and b) above shall not apply to:
 - 1. the motor vehicle of a physician or surgeon parked reasonably near his/her office or residence and immediately available for professional calls;
 - 2. motor vehicles parked by a physician or surgeon who is actually engaged in his/her profession, occupation and
 - 3. reasonably near where he/she is so engaged;
 - 4. motor vehicles parked by an operator who is actually engaged in discharging his/her duties as a Police Constable or a member of the Police or a member of the armed **services**;
 - 5. motor vehicles parked by an operator who is actually engaged in discharging his/her duties as a member of the Fire Department;

6. commercial vehicles (as defined by the Motor Vehicle Act, R.S.N.S., 1989, Chapter 293) parked by an operator for the purpose of loading and unloading merchandise;

7. A vehicle belonging to a public utility company or corporation parked reasonably near the residence of an operator and immediately available for emergency calls.

8.2 The time referred to shall be from time to time legally in effect in the Town of Shelburne.

8.3 It shall be an offence for any person to fail to comply with these regulations and any such person will be liable to a penalty provided by Section 293 of the Motor Vehicle Act.

8.4 These temporary regulations shall be in full force and effect from the 1st day of December until the 31st day of March.

PENALTIES

9.1 Any person found to be in violation of this By-Law shall be guilty of a Summary Offence and is liable upon conviction of the corresponding fines laid in the Parking Infraction Ticket Information.

9.2 Any vehicle found in violation or non-compliance of this By-law may be subject to the discretion of the Town of Shelburne and may have the motor vehicle towed to a location chosen by the Town of Shelburne until payment is satisfied; all costs incurred by towing and impound are the sole responsibility of the owner of the vehicle.

9.3 Any person who pays a parking fine within fourteen (14) days from the date of the alleged offence shall not be liable for prosecution under this By-Law.

THIS IS TO CERTIFY that the By-Law of which the foregoing is a true copy and was duly passed at a duly called meeting of the Council of the Town of Shelburne, held on the 18th day of February, 2015.

GIVEN under the hand of the Clerk and the corporate seal of the said Town this 9th day of July, 2015.

Mayor Karen Mattatall

Clerk Lauren Robinson

