

Town of Yarmouth
PARKING VIOLATIONS BYLAW

Effective: May 5th, 2009 Amended: November 16th, 2023
TOY 34



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 to two (2) hours during the daytime;

AND WHEREAS Section 153 of the Motor Vehicle Act, Chapter 293, R.S.N.S., 1989, as amended, provides that the Council for the Town of Yarmouth may make a By-law prohibiting or restricting the parking or leaving standing of 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 vehicles except in accordance with a sign or device on a parking meter;

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

BE IT ENACTED by the Council of the Town of Yarmouth, 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 follows:

1.0 SHORT TITLE

This Bylaw shall be known as Bylaw No. 34 and may be cited as the "Parking Violations Bylaw".

2.0 APPLICATION

This Bylaw shall apply to:

- a. All parking spaces within any parking lot owned, leased or otherwise under the control of the Town of Yarmouth; and
- b. All streets and highways, or portions thereof, in the Town of Yarmouth on which a traffic sign has, from time to time, been installed.

3.0 DEFINITIONS

Words in this Bylaw 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.S., 1989. c. 293;

- b. **“Parking Space”** means that area of any parking lot to which this Bylaw applies, which lies between two (2) lines intended to identify the parking spaces, so long as that space is no wider than ten (10) feet, unless the parking space is designated as an accessible-parking space, in which case the space is no wider than fifteen (15) feet;
- c. **“Traffic Authority”** means the person appointed by the Town of Yarmouth pursuant to Section 86 of the **Motor Vehicle Act**, R.S.N.S., 1989, ch. 293;
- d. **“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, ch. 293;
- e. **“Bylaw Enforcement Officer”** means the person appointed by the Town of Yarmouth Pursuant to Section 88 and 89 of the Police Act, R.S.N.S., 2004 Ch. 31.
- f. **“Street”** means a Town street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts, and retaining walls in connection therewith and, without restricting the generality of the foregoing, includes the full right-of-way width;

4.0 TRAFFIC AUTHORITY MAY INSTALL TRAFFIC SIGNS

- 4.1** That streets and highways, or portions thereof, in the Town of Yarmouth to which this By-law apply are those on which, under the direction of the Town's Traffic Authority, traffic signs have, from time to time, been installed.
- 4.2** The installation and maintenance of traffic signs shall be under the supervision and direction of the Traffic Authority of the Town of Yarmouth.
- 4.3** The Traffic Authority for the Town of Yarmouth is hereby authorized to cause traffic signs to be placed on any streets or highways, or portions thereof, in the Town of Yarmouth, limiting the length of time which a vehicle is permitted to park thereon to two (2) hours, between the hours of 8:00 o'clock in the morning, local time, to 5:00 o'clock in the afternoon of the same day.

5.0 PROHIBITIONS

- 5.1** No person shall cause a vehicle to be parked or left standing on any street or highway or portion thereof in the town of Yarmouth 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 park or leave standing a vehicle on any street or highway or portion thereof in the Town of Yarmouth for a period exceeding two (2) hours, between the hours of 8:00 o'clock in the morning, local time, and 5:00 o'clock in the afternoon of the same day;
 - b. No person shall cause a vehicle to be parked so as to occupy more than one (1) parking space;

- c. Each vehicle shall be parked entirely within a parking space;
 - d. No person shall cause a vehicle to be parked so as to be in violation of the Motor Vehicle Act, R. S. N. S.
- 5.2** 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 more than one (1) vehicle shall be parked in a parking space, with the exception of motorcycles;
 - b. Each vehicle shall be parked entirely within a parking space;
 - c. No vehicle shall be parked or left standing in a parking space for a period of time exceeding two (2) consecutive hours, with the exception of those parking spaces specifically posted as "All Day" parking spaces, or a vehicle which holds a valid parking permit;
 - d. No vehicle, unless specifically authorized to do so, shall be parked in a parking space marked, by the Town of Yarmouth as a reserved parking space;
 - e. No vehicle shall be parked in an area other than a parking space;
 - f. No vehicle shall be parked or left standing in a parking space marked as Electric Vehicle Charging Station, unless the vehicle is an Electric Vehicle and is actively charging.
 - g. No Electric Vehicle shall occupy an Electric Vehicle parking space or utilize an Electric Vehicle Charging Unit for any period exceeding 2-hours within the same day.
- 5.3** Notwithstanding the preceding section, no person shall park a motor vehicle for a period of time exceeding two (2) hours in a parking space specifically posted as a "Two Hours" or "2 Hour" parking space.
- a. The moving and parking or leaving standing of a vehicle from one (1) space to another within the same parking lot constitutes one (1) parking session and shall not exceed a period of two (2) hours in a parking area posted as a "Two Hour" or "2 Hour" limit, unless the vehicle has a valid parking permit.
- 5.4** Each additional period of one (1) hour of violation of this By-Law that continues shall constitute a separate offence.
- 5.5** Pursuant to Section 153 (l) of the **Motor Vehicle Act**, the owner of the vehicle operated or parked in violation of this By-law shall be liable for any penalty or any violation of this By-law and shall

incur the penalty or other consequences provided by this By-law unless the owner of the vehicle can prove that at the time of such violation the vehicle was in the possession of some other person other than the owner, without the owner's consent, either express or implied.

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

5.7 The Town of Yarmouth may from time to time issue parking permits to persons which shall exempt that person from the requirements set out in paragraph 5.02(c) herein. The person to whom a parking permit is issued shall cause the permit, to be valid and assigned to the correct vehicle and license plate for which the person is driving and is available for inspections at all times. The Town shall charge a monthly fee of twenty dollars (\$20.00) and a daily fee of two dollars (\$2.00) for each parking permit issued. The Council for the Town of Yarmouth may amend the monthly fee from time to time by resolution.

6.0 WINTER PARKING

6.1 Notwithstanding that certain traffic signs have been erected under the authority of the Traffic Authority, prohibiting or permitting vehicles to park or stand upon sections of highway during the hours stated thereon:

- a. No owner, driver or person having control or custody of any vehicle shall park the vehicle if it is unattended by a person authorized to move and capable of operating the same, upon any highway or in such a manner as to hinder, inconvenience or prevent the proper removal of snow or ice from such highway or street;
- b. No owner, driver or person having control or custody of any vehicle shall during the period from one (1) hour after any snowstorm has commenced to two (2) hours after such snow storm has stopped, park the vehicle if it is unattended by a person authorized to move and capable of operating the same, upon any highway or street;
- c. No owner, driver or person having control or custody of any vehicle shall park the vehicle if it is unattended by a person authorized to move and capable of operating the same between the hours of one o'clock (1:00am) in the morning and seven o'clock (7:00am) in the morning of the same day;
- d. Winter parking regulations are in effect from the 1st day of December until the 31st day of March inclusively and are subject to changes of an earlier instatement or extension dependent of weather.

6.2 The provision of subsection 6.1 shall not apply to:

- a. A vehicle of a physician or surgeon parked reasonably near their office or residence and immediately available for professional calls;

- b. A vehicle parked by a physician or surgeon who is actually engaged in their professional occupation and reasonably near where they are so engaged;
- c. A vehicle parked by an operator who is actually engaged in discharging their duties as a police constable or a member of the police or the armed services;
- d. A vehicle parked by an operator who is actually engaged in discharging their duties as a member of a fire department;
- e. A commercial motor vehicle (as defined in the Motor Vehicle Act, R.S.N.S. 1989, Chapter 293) parked by an operator for the purpose of loading or unloading merchandise and is engaged in the discharge of their duties;
- f. A vehicle belonging to a public utility company or corporation parked reasonably near the residence of an operator and immediately available for emergency calls;
- g. A vehicle parked by an operator who is engaged in discharging their duties as a member of Emergency Health Services.

7.0 PENALTIES

7.1 Any person found to be in violation of this Bylaw shall be liable, upon conviction, to a fine of not less than twenty-five dollars (\$25.00), and not more than one hundred dollars (\$100.00) and, in default of payment, to a term of imprisonment not to exceed one (1) day, and for a subsequent offence to a penalty of not more than two hundred dollars (\$200.00) and in default of payment, to imprisonment for a term not more than two (2) days.

7.2 Any person who violates or fails to observe or comply with any of the provisions of section 6.1 or 6.2 shall be guilty of an offence and shall be liable to a penalty prescribed by section 293 of the Motor Vehicle Act which states a fine of eighty-six dollars and sixty cents (\$86.60) for a first offence, one hundred thirty-six dollars and sixty cents (\$136.60) for a second offence and two hundred thirty six dollars and sixty cents (\$236.60) for a subsequent offence, and may have their vehicle towed in accordance with Section 139 of the Motor Vehicle Act.

8.0 VOLUNTARY PAYMENT

8.1 Any person who is given notice of an alleged violation of this Bylaw may elect to pay - in the manner as directed in the Notice - a penalty of twenty-five dollars (\$25.00) for each violation provided also that if payment is made within fourteen (14) days following the date of the alleged violation of sections 5.1(a) and 5.1(c), the said voluntary payment shall be reduced to ten dollars (\$10.00) for each violation and in either case, the said voluntary payment shall be in full satisfaction and shall discharge all penalties incurred by the person for such violation.

8.2 The provisions of paragraph 8.1 herein do not apply to a violation under the Winter Parking Heading 6.1 and 6.2.

8.3 Fines for violations listed under section 143 of the Motor Vehicle Act are not subject to the fee reduction for voluntary payment within fourteen (14) days of paragraph 8.1 herein.

8.4 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.

Clerk's Annotation for Official Bylaw Book	
Date of Adoption: May 5 th , 2008	
Date of Approval of Amended Bylaw: October 9 th , 2014 (One hour parking to two hour and penalty from \$15 to \$25 and \$5 to \$10)	
Date of Approval of Amended Bylaw: November 16 th , 2023	
I certify that this 'Parking Violations Bylaw' was adopted by Council as indicated above.	
Town Clerk:	Date:

Adopted

Date of First Reading	March 12 th , 2009
Notice of Intent to Consider	March 24 th , 2009
Date of Second Reading	April 16 th , 2009
Date of Publication	May 5 th , 2009

Amended

Date of Publication	October 9 th , 2014
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Amended

Date of First Reading	October 12 th , 2023
Notice of Intent to Consider	November 1 st & 8 th , 2023
Date of Second Reading	November 16 th , 2023
Date of Publication	November 29 th , 2023