

Office Consolidation (April 2015)

BY-LAW NUMBER 2007-138
OF THE
CORPORATION OF THE CITY OF KITCHENER

(A by-law to regulate traffic and parking
on highways under the jurisdiction of the
Corporation of the City of Kitchener.)

The Council of the Corporation of the City of Kitchener

ENACTS AS FOLLOWS:-

PART I - SHORT TITLE

This by-law may be cited as the City of Kitchener Traffic and Parking By-law.

PART II - DEFINITIONS

For the purposes of this by-law:

Authorized Sign means any traffic control device or traffic control signal placed or erected on a highway under the authority of this by-law for the purpose of regulating, warning or guiding traffic.

Bicycle includes a tricycle having a wheel or wheels of more than 50 centimetres in diameter.

Bicycle Lane means a lane on a highway designated by authorized signs, the use of which is solely for bicycles.

Boulevard means that part of the highway situated between the curb line and the property line of the lot abutting the highway, including a driveway, but does not include a sidewalk or shoulder or multi-use trails.

Bus Stop means that portion of a highway designated by a bus stop sign for the use of transit buses, as a space for loading and unloading passengers.

By-Law Enforcement Officer means any employee of the Municipality appointed by Council to enforce or carry out the provisions of this by-law or any part or parts thereof.

Commercial/Essential Parking Permit means a permit which, when readily visible through the windshield of a vehicle, will permit such vehicle to park at any metered parking or loading zone within the Municipality.

(This document is for reference only and does not constitute an official version of By-Law 2007-138)

Construction Parking Area means an area designated in accordance with Part III 2. b) of this bylaw.

Construction Parking Permit means a permit issued by the General Manager of Development and Technical Services or designate for the purposes of permitting temporary construction related parking pursuant to Part III 2. b) of this bylaw.

Corner means the point of intersection of curb lines.

Council means the Municipal Council of the Corporation of the City of Kitchener.

Cul-de-sac means a highway terminating in a turn-around.

Curb Lines

- a) where a curb has been constructed, means the line of curb, and
- b) where no curb has been constructed, means the edge of the roadway.

Director of Operations means the Director of Operations for the Community Services Department of The Corporation of the City of Kitchener or his or her designate.

(Amended: By Law # 2008-170)

Drive means to drive, move or operate a vehicle.

Driveway means that part of a highway that provides vehicular access to and from the roadway and an adjacent property.

Heavy Truck means a vehicle or combination of vehicles, having a weight when unloaded of 4.6 metric tonnes (4,600 kilograms) or more, but does not include a passenger vehicle, an ambulance, a transit bus on its assigned route or a vehicle of the Police or Fire Departments.

Highway Traffic Act means the Highway Traffic Act, R.S.O. 1990, c. H.8 as amended and regulations made thereunder.

Median means that part of a highway that divides a roadway or separates two roadways within a highway, including any channelizing islands and the central islands of any roundabouts.

Motor Assisted Vehicle includes a motor-assisted bicycle, roller skate, roller blade, skateboard, coaster, toy vehicle, mini-bike, go-cart, scooter and any other motor assisted transportation device that weighs not more than 55 kilograms and that does not have sufficient power to enable the transportation device to attain a speed greater than 50 kilometers per hour on level ground within a distance of 2 kilometers from a standing start, but does not include a wheelchair.

Motorized Snow Vehicle means a self-propelled vehicle designed to be driven primarily on snow.

Municipality means the City of Kitchener.

Multi-Use Trail means that part of a highway with surface improved with asphalt, concrete or gravel for the use of pedestrians and non-motorized vehicles.

One Way Street means a highway upon which vehicular traffic is limited to movement in one direction.

Parking Meter means a device that shall indicate thereon the interval of time during which a vehicle may be parked, and which shall have a receptacle for receiving payment, and which shall also indicate when said interval of time shall have elapsed.

Parking Space means that part of the roadway, the use of which is designated for the purpose of parking a vehicle.

Pedestrian means any person afoot, any person in a wheelchair, any child in a wheeled carriage, and any person riding a non-motorized bicycle with wheels less than 50 centimeters in diameter.

Police Officer means an employee of the Waterloo Regional Police Service who is appointed as a peace officer pursuant to the Police Services Act.

Reparking means parking the same vehicle within 5 hours of initial parking within a “no reparking” area designated by the Municipality.

Reserved Lane means a lane within a highway reserved under this by-law exclusively for use by horse-drawn vehicles, buses or other specific classes or types of vehicles.

Residential Visitor Parking Permit means a valid permit issued by the Municipality that allows the user thereof to park in designated Permit Only Parking areas.

Roundabout means a form of intersection which accommodates traffic flow in a circular direction around a central island.

School Bus means a bus that,

- a) is painted chrome yellow, and
- b) displays on the front and rear thereof the words "school bus" and on the rear thereof the words "do not pass when signals flashing".

School Crossing means:

- a) any portion of a highway at or near an intersection described in Schedule '20' of this by-law distinctly indicated for pedestrian crossing by lines or other markings on the surface of the roadway, or
- b) any portion of a highway distinctly indicated for pedestrian crossing by school crossing signs and lines or other markings on the surface of the roadway.

School Purpose Vehicle means a vehicle that a school board has contracted to transport one or more students, including but not limited to a school bus.

School Zone means the areas of a highway abutting the property of a school, including 30 meters on both sides of a school crossing, provided the school crossing is located on that same highway within 30 meters of the school property, as indicated by the posting of no stopping signs in conjunction with school zone tab signs.

Shoulder means that portion of the highway lying adjacent to the roadway which is improved with granular or paved surface and is not intended for the passage of motor vehicles.

Sidewalk means that portion of a highway between the curb line and the property line of the lot abutting the highway improved for the use of pedestrians.

Snow Event means a period of time during which the Director of Operations, in his or her sole discretion, declares that he or she anticipates a snow fall or accumulation which is likely to require extensive snow plowing, snow clearing, or snow removal operations. A snow event shall commence at 11:59pm on the day it is called by the Director of Operations and shall end 24 hours later unless extended by the Director of Operations in accordance with the provisions of this by-law.

(Amended: By-Law 2008-170)

Special Event means an event designated as a special event for the period of time and within the geographic area identified in a by-law passed by Council.

(Amended: By-Law 2015-039)

Time means whenever certain hours are named herein, Standard Time or Daylight Saving Time, whichever shall be in general use in the Municipality.

Traffic Control Device means a sign, marking or other device on a highway for the purpose of controlling, guiding or directing traffic.

Traffic Control Signal means any device, manually, electrically or mechanically operated, for the regulation of traffic.

Traffic Island means a central island located within a cul-de-sac.

Unlicensed Vehicle means a motor vehicle that does not have a current validation sticker visibly affixed to its licence plate.

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 III - ENFORCEMENT AND AUTHORITY

1. ***Enforcement-Deleted***
(Amended: By-Law 2008-134)
2. Authority To Install Signs
 - a) The General Manager of Development and Technical Services or designate is hereby authorized to place, erect and maintain or cause to be placed, erected and maintained such traffic control devices and traffic control signs that are required to give effect to the provisions of this by-law and/or which are authorized by the Schedules to this by-law.
 - b) The General Manager of Development and Technical Services or designate, notwithstanding the other provisions of this By-law, is further authorized for the duration of the situation to place, erect or maintain such traffic control devices, including signs, and traffic control signals that are not authorized by this by-law but are required for safety, construction and/or emergency reasons.
 - c) Unless otherwise permitted, no person shall place, maintain or display upon any highway any sign, signal, marking or device which purports to be or is an imitation of or resembles any traffic control device or traffic control signal, without prior approval of the General Manager of Development and Technical Services or designate.

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- d) The Director of Transportation Planning is authorized to issue Oversize Load Permits for use of a municipal road by a vehicle or combination of vehicles in excess of the dimension and weight limits set out in the Highway Traffic Act.

3. Scope

All provisions of this by-law are applicable to highways or parts of highways under the jurisdiction of the Municipality.

PART IV - GENERAL

1. Operation of Vehicles

a) Driving On a Boulevard, Sidewalk or Multi-Use Trail

- (i) No person shall drive a motor vehicle or a motor-assisted vehicle on any boulevard, sidewalk or multi-use trail except at a driveway.
- (ii) No person shall ride a bicycle on any boulevard or sidewalk except at a driveway.
- (iii) No person shall drive a motorized snow vehicle on any sidewalk or multi-use trail or on any boulevard beside a sidewalk or multi-use trail.

b) Closed Highways

No person shall drive or park a vehicle except an emergency vehicle or a vehicle authorized by the General Manager of Development and Technical Services or designate or by a Police Officer through or enter upon any highway, or part thereof, that is roped or barricaded or marked by authorized signs prohibiting its use.

c) Newly Painted Lines

No person shall drive, or attempt to drive, on or over or tamper with or walk on any newly painted line or series of lines on any roadway or shoulder when the presence of such is indicated by signs, markers, electric lanterns or otherwise.

- d) Blocking Intersection
A driver or operator of a vehicle approaching a green traffic control signal at an intersection shall not enter the intersection unless traffic in front is moving in a manner that would reasonably lead to the belief that the vehicle can be cleared of the intersection before the traffic control signal turns red. This prohibition, however, does not apply to the driver or operator of a vehicle who enters an intersection for the purpose of turning to the right or left onto an intersecting roadway and signals his intention to make such turn prior to entering the intersection.
- e) Roundabouts
No person shall drive any vehicle or animal in a roundabout other than in a counterclockwise direction.

2. Pedestrians and Cyclists

- a) Games or Sports
Unless allowed under a permit granted by the Municipality, no person shall play or take part in any game or sport upon a highway, including the placement or storage of sports equipment upon a highway.
- b) The Use of Transportation Devices
Unless allowed under a permit granted by the Municipality, no person riding in or by means of any skateboard, coaster, toy vehicle or similar transportation device shall go upon a highway 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.
- c) Riding Abreast
No person shall ride a bicycle on any roadway abreast of another bicycle except in the course of passing the other bicycle.
- d) Parking a Bicycle
 - (i) Unless otherwise permitted in this By-law, no person shall park a bicycle on any roadway or shoulder.
 - (ii) No person shall park a bicycle on any highway except in an upright position.
- e) The Use of Sidewalks
All pedestrians shall utilize sidewalks whenever they are provided adjacent to a roadway.

- f) The Use of Roller Skates
Unless allowed under a permit granted by the Municipality, no person upon roller skates, roller blades or similar footwear 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.
- g) Obstructing a Sidewalk
No person shall obstruct or impede pedestrians on a sidewalk unless otherwise permitted by the Municipality.

3. Animals

- a) Riding on a Boulevard, Sidewalk or Multi-Use Trail
No person shall ride, drive, lead or back any animal, except household pets, within, across or along any sidewalk, boulevard or multi-use trail except on a driveway.
- b) Attendance While In Motion
No person shall drive an animal drawn vehicle on a highway unless he or she remains upon the vehicle while it is in motion or walks beside the animal drawing it.
- c) Parking
No person shall leave a carriage, cart, wagon, sleigh or sled drawn by an animal on a highway without the animal drawing it.

4. Objects on Roadway

Unless otherwise authorized, no person shall place or store any object or accumulation of material, including snow or ice, upon a roadway.

PART V - PARKING AND STOPPING RESTRICTIONS

1. Permit Only Parking

- a) When authorized signs have been erected and are on display, no person shall park a vehicle in any Permit Only Parking area listed in Schedule '7' to this by-law, unless the vehicle visibly displays a valid Residential Visitor Parking Permit affixed to the inside rear view mirror or dashboard of the vehicle.

- b) Use of any Residential Visitor Parking Permit is subject to Part V, sections 3.a)(xiii) and 3.a)(xiv) of this By-law and such permit shall not in any way be construed to grant permission to park for longer than three (3) consecutive hours, park during the timer period of 2:30 am to 6:00 am from December 1st to March 31st of each year, or violate any provision of this by-law.
- c) Occupants of single family dwellings located in the area set out in Schedule '8' to this by-law may apply for and will be entitled to two (2) Residential Visitor Parking Permits per household.
- d) Owner of apartment buildings:
 - (i) located adjacent to any section of roadway or roadways set out in Schedule '8' of this by-law, and
 - (ii) demonstrating legal non-conforming use status to the satisfaction of the Corporation of the City of Kitchener that allows them to provide less parking than required by the City of Kitchener Zoning By-law 85-1 as amended;

may apply for and will be entitled per property on which an apartment building or buildings is/are situated to a number of Residential Visitor Parking Permits equal to the difference between the number of on-site parking spaces at the apartment building and the amount of parking spaces that would be required by the City of Kitchener Zoning By-law 85-1 as amended if the building did not have the above-mentioned legal non-conforming use status.

2. Method of Parking or Stopping

- a) General
Unless otherwise prohibited or permitted in this by-law, no person shall park or stop a vehicle on any roadway except on the right side of the roadway, having regard to the direction in which the vehicle has been proceeding with the right front and right rear wheels or runners not more than 0.15 meters from the curb line.

- b) Parking On One Way Streets
Where parking is permitted on either side or both sides of a one way street, no person shall park a vehicle except in the direction it was permitted to proceed parallel to and not to exceed a distance of 0.15 metres from the curb line.
- c) Angle Parking
Where angle parking is permitted, no person shall park a vehicle except at the angle with the roadway indicated by markings and/or signs, and so that the front end of the vehicle is nearest to the edge of the roadway.
- d) Boulevard
Where boulevard parking is permitted, no person shall park a vehicle on the abutting roadway or any part thereof.
- e) Parking Spaces
Where parking spaces are designated on a roadway, no person shall park a vehicle in such a manner as to infringe upon or take up more than one parking space unless the vehicle cannot be accommodated in one parking space.

3. Parking Prohibited

- a) General
Unless otherwise permitted in this by-law, no person shall at any time park a vehicle on any highway:
 - (i) On or overhanging the curb;
 - (ii) On or overhanging any boulevard, sidewalk or multi-use trail;
 - (iii) Within an intersection, including a roundabout;
 - (iv) Within 3 metres of a point on the curb or edge of the roadway nearest any fire hydrant;
 - (v) Within 15 metres of the nearest rail of a level railway crossing;
 - (vi) Within 9 metres of an intersecting roadway;
 - (vii) Reserved;
 - (viii) In front of or within 1.5 metres of the entrance to a driveway or so as to prevent ingress to or egress from such driveway;
 - (ix) Reserved;
 - (x) In such a manner as to obstruct a crosswalk;
 - (xi) In such a manner as to obstruct traffic;
 - (xii) Reserved;
 - (xiii) For a longer period of time than 3 consecutive hours unless displaying a valid Construction Parking Permit;

- (xiv) Between the hours of 2:30 a.m. and 6:00 a.m. on any day between December 1st through to March 31st of each year, both dates inclusive;
- (xv) For the purpose of repairing, washing or maintenance of a vehicle, save when such use of the highway is unavoidable through emergency;
- (xvi) For the purpose of soliciting, vending, buying or selling goods and/or services, loading or unloading, or otherwise conduct business of any kind, unless otherwise permitted by by-law;
- (xvii) Within 15 metres of either side of a bus stop;
- (xviii) Within a reserved lane during the hours and days that the reserved lane is in effect;
- (xix) If such vehicle is a transit bus, except at a bus stop or at a location where the transit bus is waiting for charter or emergency passengers;
- (xx) If such vehicle is a school bus, except within a school bus loading zone;
- (xxi) If such vehicle is a heavy truck;
- (xxii) If such vehicle is a trailer more than 10 metres in length;
- (xxiii) If such vehicle is an unlicensed vehicle;

- (xxiv) If such vehicle is leaking gasoline, engine oil or any other vehicle fluids; or
- (xxv) On, or in such a manner as to obstruct any designated bicycle lane, provided that this shall not prohibit a momentary stopping of transit buses at signs marking a bus stop, taxis while actively engaged in receiving or discharging passengers, or other motor vehicles while actively engaged in receiving or discharging passengers.

b) Emergency Prohibition Of Parking

Despite Parts V and VI of this by-law and anything in Schedules 1, 2, 3, 4, 5, 6, 7, 8, and 9, when authorized signs are on display, no person shall park on any highway during any emergency. For this purpose, "emergency" includes, but is not limited to, a fire, flood or other natural disaster, **snow loading or clearing**, road repairs or maintenance work of a public utility and any circumstance in which Section 134 of the Highway Traffic Act applies.

(Amended: By-Law 2008-170)

c) Construction Parking

Notwithstanding any other provisions of this bylaw, no person shall park a vehicle in a Construction Parking Area unless displaying a valid permit which is readily visible from the outside of the vehicle.

d) Snow Event

No person shall park a vehicle on any road within the Municipality during a Snow Event.

(Amended: By-Law 2008-170)

e) **Public Notice of Snow Event**

The Director of Operations shall ensure that notice to the public of a Snow Event or an extension thereof is given in at least two of the following means:

- (i) the issuance of a media advisory***
 - (ii) posting notification on the City's internet site; or***
 - (iii) any other means of giving notice that has a reasonable likelihood of coming to the attention of persons who are affected***
- (Amended: By-Law 2008-170)**

4. **No Parking**

- a) Where signs establishing a "NO PARKING ZONE" have been erected, no person shall park a vehicle within such zone except when necessary to avoid conflict with other traffic or in compliance with a traffic control signal, sign, device, or the directions of a police officer.
- b) Without limiting the generality of the provisions of Part V Section 4. a) to this bylaw, authorized signs may be erected prohibiting the parking of a vehicle on a highway in any of the following places:
 - (i) On any of the highways or parts of highways named or described in Schedule '1' to this by-law, on the side or sides of highways set out, during the times and/or days set out in the said Schedule;
 - (ii) On any public lane;
 - (iii) Adjacent to a traffic island;
 - (iv) On any highway within 15 metres of the termination of a dead end highway;
 - (v) In front of an emergency entrance to, or exit from a hospital, theatre, auditorium or other building in which persons may be expected to congregate in large numbers;
 - (vi) Within 30 metres on either side of a point designated as a bus stop;
 - (vii) On that side of any highway where the same abuts on the property of any public park, public playground or school;
 - (viii) Within 15 metres on either side of an access to a "Community Trail";
 - (ix) Within 8 metres of any fire hall access on the side of the highway on which the fire hall is located and/or within 30 metres of such fire hall access on the opposite side of the highway;
 - (x) Within 15 metres of an intersection;

- (xi) Within 30 metres of an intersection controlled by traffic control signals.

5. Limited Parking

When authorized signs are on display, no person shall park a vehicle on any highway named or described in Schedule '2' to this by-law, except on the side or sides of highways set out therein, during the times and/or days set out therein, for the length of time set out therein, unless displaying a valid Construction Parking Permit.

6. Angle Parking

When authorized signs are on display, no person shall park a vehicle on any of the highways or parts of highways named or described in Schedule '3' to this by-law, on the side or sides of highways set out in the said Schedule, except in accordance with Part V, Section 2. c) to this by-law.

7. Stopping Prohibited

Unless otherwise permitted in this by-law, no person shall stop a vehicle on a highway:

- (i) Within a School Bus Loading Zone;
- (ii) On or adjacent to a median;
- (iii) On, under or within 30 metres of a bridge, elevated structure, tunnel or underpass;
- (iv) Within a roundabout.

8. No Stopping

- a) Where signs establishing a "NO STOPPING ZONE" are on display, no person shall stop a vehicle within such zone other than a transit bus at a bus stop or a school purpose vehicle within a school bus loading zone.
- b) Without limiting the generality of the provisions of Part V Section 8. a), authorized signs may be erected prohibiting the stopping of a vehicle on a highway in any of the following places:
 - (i) On any of the highways or parts of highways named or described in Schedule '4' to this by-law, on the side or sides of highways set out, during the times and/or days set out in the said Schedule;
 - (ii) Within 30 metres of a designated school crossing;
 - (iii) On that side of any highway where the same abuts on the property of any school except School Purpose Vehicles while actually engaged in loading or unloading passengers;
 - (iv) Within 15 metres of a Pedestrian Crossover;

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- (v) On the opposite side of any highway adjacent to school property, between the hours of 8:00 a.m. and 4:30 p.m., from Monday to Friday inclusive.

9. Loading Zones

When signs are on display, no person shall stop a vehicle other than a commercial motor vehicle on any of the highways or parts of highways named or described in Schedule '5' to this by-law, on the side or sides of highways set out, during the times and/or days set out in the said Schedule, except that the driver of a passenger vehicle may temporarily stop in a loading zone for the purpose of and while actually engaged in loading or unloading passengers and/or merchandise, provided that such stopping does not interfere with any commercial motor vehicle entering or exiting such loading zone.

10. Taxicab Stands

When authorized signs are on display, no person shall stop a vehicle other than a taxicab on any of the highways or parts of highways named or described in Schedule '6' to this by-law, on the side or sides of highways set out in the said Schedule, except that the driver of a passenger vehicle may temporarily stop in a taxicab stand for the purpose of and while actually engaged in loading or unloading passengers, provided that such stopping does not interfere with any taxicab entering or exiting such taxicab stand.

11. No Stopping in School Zones

- a) No person shall stop a vehicle within a school zone except when necessary to avoid conflict with other traffic or in compliance with a traffic control signal, sign, device or the directions of a police officer other than a transit bus at a bus stop or a school purpose vehicle within a school bus loading zone.
- b) Without limiting the generality of the provisions of Part V Section 11. a) to this by-law, authorized school zone tab signs may be erected prohibiting the stopping of a vehicle:
 - (i) On that side of any highway where the same abuts on the property of any school.
 - (ii) On the opposite side of any highway adjacent to school property, between the hours of 8:00 a.m. and 4:30 p.m., from Monday to Friday inclusive.
 - (iii) Within 30 meters on both sides of a school crossing, provided the school crossing is located on the same highway within 30 meters of the school property.

12. **Special Event Parking**

Notwithstanding anything else in this by-law, during a Special Event no person shall park or stop a vehicle on any highway:

- (a) On or overhanging any boulevard or sidewalk;***
 - (b) In front of or within 1.5 metres of the entrance to a driveway or so as to prevent ingress or egress from such driveway;***
 - (c) Within 3 metres of a point on the curb or edge of the roadway nearest any fire hydrant;***
 - (d) Where signs establishing “No Parking” have been erected;***
 - (e) Where signs establishing “No Stopping” have been erected;***
 - (f) Where signs establishing “Emergency – No Parking” have been erected;***
 - (g) For a period of time that exceeds the time limit where signs establishing a time limit have been erected; or***
 - (h) For a longer period of time than 3 consecutive hours.***
- (Amended: By-Law 2015-039)***

PART VI - ON-STREET PARKING METERS and PARKING PERMITS

1. **Parking Meter Zones**

The highways, parts of highways and sides of highways named or described in Schedule '9' to this by-law are hereby designated as parking meter zones and the fee for the use of a metered parking space located in a parking meter zone is as indicated in the said Schedule. Within a parking meter zone, no person shall:

- a. park a vehicle in a parking meter zone between the hours and during the days set out in Schedule '9', of this by-law except when such days are holidays, unless the person pays the required fee in the parking meter provided for the parking space occupied;
- b. allow a vehicle to remain parked in a parking space for a period longer than that for which payment has been made in the form of coins deposited in the parking meter or meters, provided, however, that this shall not prevent the driver of a vehicle from using the unexpired time remaining in the meter or meters from its previous use without depositing a coin therein.

- c. allow a vehicle to remain in a parking space for a period longer than the maximum length of time for which continuous parking is permitted as indicated on the parking meter provided for the parking space and as set out in Schedule '9' of this by-law.
- d. deposit or cause to be deposited in any parking meter any slug, device or other substitute for a coin of the Dominion of Canada or the United States of America.
- e. park a vehicle in a parking meter zone in such a manner that it is not wholly within an area designated as a parking space and, if the vehicle is of such length as to prevent it being parked within one space, then the person parking same shall make the necessary deposit of coins in the parking meter provided for each parking space occupied. This section shall not authorize a vehicle to be parked parallel to the curb or edge of roadway in a location where angle parking only is permitted.

2. Funeral Services

Churches and funeral parlours within the parking meter zone at which funeral services are being held are hereby given authority to place signs on parking meters or otherwise in a manner approved by the Municipality indicating that parking, except for those attending such service, is temporarily prohibited in the parking spaces so marked for a period of one hour in advance of the scheduled time of such service, and during such service, and any persons disobeying the instructions of said signs shall be considered as violating the provisions of this Part relating to parking. It shall not be necessary for the owner or driver of a vehicle parked in connection with such service in the parking spaces so marked to deposit any coin during the aforesaid period.

3. Commercial/Essential Parking Permit

- a. The General Manager of Community Services for the Municipality may issue an Commercial/Essential Parking Permit, as defined in Part II, to the owner of any vehicle operated in the City of Kitchener.
- b. Every commercial vehicle for which a Commercial/Essential Parking Permit has been issued shall be identified by having the permit affixed thereto on the lower corner of the windshield on the passenger side.
- c. Any vehicle for which such a permit has been issued and affixed may be parked at any on-street metered parking or truck loading space in the Municipality for a period of time not exceeding the posted time limit without payment of the fee prescribed by this by-law.

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- d. The fee for every Commercial/Essential Parking Permit shall be the sum of \$100.00 per year or part thereof. Every such permit shall expire on the 31st day of December of the year for which it was issued.

4. Taxicab Stands

- a. The Municipality, on the application of a taxicab operator, may designate parking spaces in a parking meter zone within the Municipality as taxicab stands and may grant to such operator a license to park taxicabs operated by that person in such stands.
- b. No such taxicab stand shall be greater in length than 16 metres and the yearly license fee therefore shall be \$5.00 per 30 centimeters of curb space.
- c. No person shall park any taxicab in a metered parking space, whether the prescribed fee for the use thereof is paid or not, for the purpose of soliciting business.

5. Collection of Fees

The collection of fees deposited in parking meters within the Municipality shall be under the control and jurisdiction of the Municipality.

PART VII - TRAFFIC CONTROL SIGNALS

The installation of traffic control signals is hereby authorized at the locations set out in Schedule '10' to this by-law.

PART VIII - PEDESTRIAN CROSSOVERS

When authorized signs have been erected and are on display, the highways or parts of highways named or described in Schedule '11' to this by-law, at the locations set out in the said Schedule, are hereby designated as Pedestrian Crossovers.

PART IX - THROUGH HIGHWAYS

The highways or parts of highways named or described in Schedule '12' to this by-law are designated as "Through Highways" except at intersections thereon where traffic control signals, an all-way stop control, or a roundabout are in operation.

For all highways or parts of highways designated as a "Through Highway", a stop sign or a yield sign shall be erected facing approaching traffic on the highways or parts of highways intersecting the "Through Highway".

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PART X - INTERSECTION STOP SIGNS

Stop signs shall be erected at the intersections named or described in Schedule '13' to this by-law, facing the traffic travelling in the direction specified in the said Schedule.

PART XI - INTERSECTION YIELD SIGNS

1. Yield signs shall be erected at the intersections named or described in Schedule '14' to this by-law, facing the traffic travelling in the direction specified in the said Schedule.
2. Yield signs shall be erected on each approach to the roundabouts named or described in Schedule '26' to this By-law.

PART XII - VEHICLE MOVEMENTS

1. U-Turns
When authorized signs are on display, no person shall operate a vehicle in such a manner as to make a U-Turn on any of the highways or parts of highways named or described in Schedule '15' to this by-law.
2. Prohibited Movement(s)
When authorized signs are on display, no person operating a vehicle on any of the highways or parts of highways named or described in Schedule '16' to this by-law, proceeding in the direction or emerging from a property set out, shall make the movement(s) set out, during the time and/or days set out, in the said Schedule.
3. Lane Designation
When authorized signs are on display, a person operating a vehicle on any of the highways or parts of highways named or described in Schedule '17' to this by-law, proceeding in the direction set out, at the location set out, shall make the movement(s) set out in the said Schedule.

PART XIII - ONE WAY STREETS

When authorized signs are on display, the highways or parts of highways named or described in Schedule '18' to this by-law are designated as one way highways in the direction of travel stated in the said Schedule.

(This document is for reference only and does not constitute an official version of By-Law 2007-138)

PART XIV - RATES OF SPEED (km/h)

When authorized signs are on display, the maximum permissible rate of speed on any of the highways or parts of highways named or described in Schedule '19' to this by-law shall be that rate of speed set out in the said Schedule.

PART XV - CENTRE LANE: TWO WAY LEFT TURNS

When authorized signs are on display, no person shall operate a vehicle on any of the highways or parts of highways named or described in Schedule '21' to this by-law, except for the purpose of turning left.

PART XVI - LIMITED GROSS WEIGHT

1. Highways
Pursuant to Section 122 of the Highway Traffic Act, when authorized signs are on display, no person shall drive a vehicle in excess of 5 tonnes per axle on those highways or parts of highways at any time.
2. Bridges
When authorized signs are on display, no person shall drive, move or operate, at any time, a vehicle or combination of vehicles on, over or upon a bridge or any part of a bridge described or named in Schedule '22' of this by-law if the gross weight is greater than the weight in tonnes posted and as set out in that Schedule.
3. Oversize Loads
No person shall drive on a highway a vehicle or combination of vehicles that is in excess of the dimensions and weight set out in the Highway Traffic Act without first having obtained an Oversize Load Permit from the Director of Transportation Planning.

PART XVII - HEAVY TRUCK PROHIBITIONS

1. Highways
When authorized signs are on display, no person shall drive, move, or operate a heavy truck on any highway except those highways or parts of highways named or described in Schedule '23' to this by-law, during the times and/or days set out in the said Schedule.

2. Bona Fide Destination

Section 1 of this Part shall not apply to the driver of a heavy truck making a bona fide delivery to, or a collection from, a premise or premises which cannot be reached by any route other than a highway or part of a highway where heavy trucks are not permitted within this by-law, provided that when making such a delivery or collection the same highway or portion of highway is travelled only insofar as is unavoidable in getting to and from such premise or premises.

PART XVIII - SCHOOL BUS LOADING ZONES

When authorized signs are on display, the driver of a school purpose vehicle must stop on those highways or parts of highways named or described in Schedule '24' to this by-law on the side or sides of highways set out in the said Schedule.

PART XIX – BICYCLE LANES

When authorized signs are on display, the highways or parts of highways named or described in Schedule '25' to this bylaw are designated as Bicycle Lanes as set out in the said schedule.

PART XX – ROUNDABOUTS

No person shall drive, move or operate any vehicle or animal other than in a counter-clockwise direction on any roundabout named or described in Schedule '26' to this By-law.

PART XXI – PENALTIES

1. Penalties

- a) Every person who contravenes any provision of this by-law is guilty of an offence and is liable, upon conviction, to a fine not exceeding Five Thousand Dollars (\$5,000.00), inclusive of costs, for each offence, recoverable under The Provincial Offences Act, R.S.O. 1990, c.P. 33.
- b) Notwithstanding Sub-section 1 a), any person violating any of the provisions or Parts VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, and Part XIX is guilty of an offence and shall be subject to the penalty provided for such violation in the Highway Traffic Act.

- c) Where a vehicle has been parked or stopped in contravention of this By-law, the owner of the vehicle, even though the owner was not the driver of the vehicle at the time of the contravention of the By-law, is guilty of an offence and is liable to the fine prescribed for the offence unless, at the time of the offence, the vehicle was in the possession of some person other than the owner without the owner's consent.

2. Exemptions

- a. ***Part IV (Section 1 only), Part V, Part VI, Part XVI, and Part XVII (Section 1 only) shall not, if compliance therewith would be impractical, apply to the operator of an emergency vehicle which includes but is not limited to an ambulance, police or fire department vehicle, or public emergency vehicle engaged in their duties, or any vehicles engaged in works undertaken for or on behalf of the Municipality, the Regional Municipality of Waterloo or public utilities. (Amended: By Law # 2008-134)***
- b. ***A police officer, Municipal Law Enforcement Officer or By-Law Enforcement Officer actively engaged in enforcing the provisions of this or other municipal by-laws, or laws is exempt from such provisions of this by-law as reasonably necessary for the performance of such enforcement. (Amended: By Law # 2008-134)***

3. Authority To Tow Vehicles

- a) ***In addition to any other penalties provided for in this by-law, a member of the Waterloo Regional Police Service or a By-law Enforcement Officer may, where a vehicle is parked or stopped in contravention of any portion of Parts IV, V or VI of this by-law, cause it to be moved or taken to and place or stored in a suitable place. (Amended: By-Law # 2008-170)***
- b) All costs and charges incurred for removing, caring for and storing a vehicle pursuant to subsection a) of this section, shall be a lien upon the vehicle, which lien may be enforced in the manner provided for the Repair and Storage Liens Act, R.S.O. 1990, Chapter R. 25, as amended.

PART XXII - HIGHWAY TRAFFIC ACT

The provisions of this by-law shall be subject to the provisions of the Highway Traffic Act, R.S.O.1990, c.H.8 and any amendments thereto. The definitions contained within the Highway Traffic Act shall apply in the interpretation of this by-law except where inconsistent or defined herein, in which case the definition under this by-law shall apply.

PART XXIII – VALIDITY

Should any part, section or provision of this by-law be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or in part thereof, other than the part which was declared to be invalid.

PART XXIV - EFFECTIVE DATE

This by-law will come into force and take effect on January 1, 2008.

(Amended:By Law # 2007-196)

PASSED in the Council Chambers in the City of Kitchener this 25th
day of June A.D. 2007.

Mayor

Clerk