

TOWN OF LUNENBURG BYLAW NO. 20

PARKING METER BY-LAW

Short title

1. This By-Law shall be known as and may be cited as the "Parking Meters By-Law". Interpretation.
2. In this By-Law:
 - i. "Commercial Motor Vehicle" means a commercial motor vehicle as defined in the Motor Vehicle Act;
 - ii. "Council" means the Town Council of the Town of Lunenburg;
 - iii. "Motor Vehicle" shall have the meaning assigned to motor vehicle by the definitions in the Motor Vehicle Act;
 - iv. "Motor Vehicle Act" means RSNS 1989 Chapter 293 as amended;
 - v. "Parking Meter" means a mechanical or electronic device that indicates a period of time shall be purchased by payment, during which parking is permitted in the parking space to which the meter relates;
 - vi. "parking space" means a space for parking a motor vehicle controlled and regulated by a parking meter;
 - vii. "Peace Officer" means a police officer, or a special constable appointed by the Police Act, SNS 2004 C. 31 as amended; and
 - viii. "Town" means the Town of Lunenburg.

Purchase or lease of meters

3. The Council is authorized to purchase or lease from any person or body corporate such number of parking meters as it may deem necessary, and for this purpose, the Council may enter into agreements with any person or body corporate for the purchase or lease thereof upon such terms of payment thereof as it may deem advisable.
4.
 - (1) Placing of Parking Meters
Parking Meters installed in the Town shall be placed on or adjacent to the sidewalk or near the curb or edge of the roadway, or in parking grounds.
 - (2) Relation of meters to spaces
An individual meter shall relate to the parking space within which or adjacent to which it is placed and a twin meter shall relate to the two parking spaces immediately adjacent to it and all meters shall relate to their respective parking spaces in accordance with this By-Law.
 - (3) A parking meter shall be identified by a number which shall be known as the meter number.

Enforcement and Administration:

5.

- (1) It shall be the duty of all members of the RCMP policing the Town of Lunenburg, [as well as all Special Constables whose powers and/or duties include the enforcement of this By-law] to enforce the provisions of this By-law.
- (2) The installation, operation, maintenance, location and removal of all parking meters in the Town shall be under the authority of the Town Council and under the management, supervision and direction of the Town Engineer of the Town.

Spaces to be marked

6. Parking spaces shall:

- (1) be of sufficient size to accommodate one passenger motor vehicle; and
- (2) be marked off by painted lines or other means, adjacent to the curb or sidewalk or edge of the roadway of the streets upon which parking meters are installed, and marked off by painted lines or other means in any parking ground upon which parking meters, are installed.

7.

- (1) Vehicles shall be parked within the bounds of the parking space.
- (2) Notwithstanding subsection (1), where the dimensions of a motor vehicle are such that it exceeds the size of the parking space, the motor vehicle may occupy more than one parking space, but coin deposit must be placed by the driver in all applicable meters.
- (3) it shall be an offence and a violation of the Bylaw for any driver to park or leave standing any motor vehicle beyond the lines or markings of the parking space except as provided for in subsection (2) of this section.
- (4) Not more than one motor vehicle shall be parked in any parking space.

Sign on meter

8.

- (1) Each parking meter installed shall have thereon an appropriate sign or device stating the parking time permitted in the individual parking space to which it relates.

Time indicator

- (2) When in operation, each parking meter shall indicate either by a dial and pointer or a digital display, the period of time acquired by coin deposit during which parking is permitted in the parking space to which such meter relates, and shall upon the expiration of the period of time permitted for parking indicate either that parking in such parking space is in violation of this By-Law or provide that the word "violation" or "expired" or "time expired" is visible in the observation window of the parking meter or where the meter has a digital display show a reading of "00:00".
- (3) Each parking meter shall bear thereon directions indicating the days and hours when the requirement to deposit coins therein shall apply, the value of the coins to be deposited, and the limited period of time for which

parking is lawfully permitted in the parking space to which such meter relates.

- (4) Depositing excess coins in a parking meter shall not give credit for any additional time beyond the maximum time illustrated on the said parking meter.
- (5) Only coins which are lawful money of Canada shall be deposited in a Parking Meter.

Fees

9. The rate for parking meters within the Town of Lunenburg shall be set by the Town Council from time to time.

For convenience a meter may accept coins of larger denomination without giving additional time beyond the maximum time allotted for the meter.

Restriction

10. The parking or leaving standing of any motor vehicle in a parking space provided by this By-Law or by any By-Law of the Town, shall be restricted to the manner prescribed by the directions set forth on the parking meter relating to such parking space.

Offence

11.

- (1) It shall be an offence and a violation of this By-Law for the driver of any motor vehicle to park or leave the same standing in any parking space and fail to immediately deposit in the parking meter relating to such parking space, a coin or coins of lawful money of Canada and of sufficient value to permit the parking or leaving standing of such motor vehicle in such parking space for any period of time permitted by this By-Law and as shown by directions set forth on such parking meter.
- (2) It shall be an offence and a violation of this By-law for the driver of a motor vehicle to park or leave the same standing in any parking space regulated by a parking meter for a period of time in excess of the maximum period allowed by the direction on the parking meter regardless of the payment deposited or whether the word "expired" or the digital display reading "00:00" is visible in the parking meter's observation window.

Commercial

12.

- (1) Notwithstanding any other provision of this By-law, the driver of a commercial motor vehicle, may park or leave such commercial motor vehicle standing in any parking space for the purpose of loading or unloading goods, wares, merchandise, materials or passengers for any period of time not exceeding thirty minutes, without depositing any coin or coins in the parking meter relating to such parking space.
- (2) It shall be an offence and a violation of this By-Law for the driver of a commercial motor vehicle:
 - (a) to park or leave same standing in any parking space for any period of time in excess of thirty minutes; and

- (b) notwithstanding subsection (1) of this section, to fail to comply with the direction set forth on the parking meter relating to such parking space;

Maximum Time

13. When the driver of any motor vehicle has parked or left the motor vehicle standing in any parking space for a period of time in excess of the maximum period of time allowed by the directions set forth on such parking meter, it shall be a new and separate offence for each additional hour that an offence continues.

Offence

14.

- (1) It shall be an offence and a violation of this By-Law for a driver of a motor vehicle to permit the same to be parked or left standing in any parking space while the word "violation" or "expired" or "time expired" is visible in the observation window of the parking meter relating to such parking space or where the meter has a digital display reading "00:00", unless such motor vehicle is parking pursuant to the provisions of section 12 herein.
- (2) It shall be an offence and a violation of this Bylaw for the driver of a motor vehicle to park or leave standing the motor vehicle in a parking space if a period of time has not been purchased from the parking meter.

Slugs prohibited

15. It shall be an offence and violation of this By-law for any person to deposit or cause to be deposited in any parking meter installed in the Town, any disc, slug, device, metallic substance or other substitute for the coins permitted to be deposited in accordance with this By-Law.

Penalty

16.

- (1) Any person alleged to have violated this By-law [other than section 20 hereof] shall be given notice by a ticket left on the motor vehicle for each offence.
- (2) A person who contravenes any section of this By-law [other than section 20 hereof] is liable upon summary conviction to a penalty of thirty dollars (\$30.00). A person who is alleged to have violated the Parking Meter By-law and is given notice of the alleged violation may pay a penalty in the amount of fifteen dollars (\$15.00) for each offence to the Town of Lunenburg provided that said payment is made within a period of 14 days following the day on which the alleged violation was committed, and any such payment made within such time shall be in full satisfaction, releasing and discharging all penalties and imprisonments which could be incurred by the person for the violation or violations. If no payment is made within 14 days following the date on which the alleged violation was committed, the person shall be liable to a fine of thirty dollars (\$30.00) for each

offence (plus any applicable charge referred to in the Summary Proceedings Act RS 450 as amended from time to time or in the Summary Offence Ticket Regulations thereunder).

- (3) Each additional period of one hour that any person is found to be in violation of this By-Law shall constitute a new and separate offence.

Liability of Owner and Driver

17.

- (1) It is an offence to be the registered owner of a motor vehicle that is parked or left standing in violation of this bylaw, whether or not the registered owner is the driver of the motor vehicle at the time of the violation.
- (2) The owner of a motor vehicle shall incur the fine provided for a violation of this By-law unless at the time of such violation the motor vehicle was in the possession of some person other than the owner without the owner's consent, either expressed or implied, and the driver of a motor vehicle not being the owner thereof shall also incur the fine, penalties and other consequences provided for such violation of this By-law.

No fees payable

18.

- (1) No fee shall be payable for parking meters from and including the last week of November of each year until and including the 31st day of December of the same year, provided nevertheless that the maximum parking time allowed on the parking meters shall still be enforced. It shall be an offence and a violation of this By-law for the driver of a motor vehicle to park or leave the same standing in any parking space regulated by a parking meter during the period from and including the last week of November of each year until and including the 31st day of December of the same year for a period in excess of the maximum parking time which can be purchased on that parking meter.
- (2) No fee shall be payable for parking meters during such additional day or days as shall be established by resolution of Town Council. It shall be an offence and a violation of this By-law for the driver of a motor vehicle to park or leave the same standing in any parking space regulated by a parking meter during said additional exempt day(s) for a period in excess of the applicable maximum parking time which can be purchased on that parking meter.
- (3) No fee shall be payable for parking meters on any statutory holiday, Sunday or between the hours of 5:00 p.m. on one day and 10:00 a.m. of the next day.

19.

- a. Notwithstanding the provisions of this By-law, the Finance Director or their designate may, upon being satisfied that the use of a parking space or spaces is reasonably necessary on a short term continuous basis, issue a temporary parking permit for a specific period of time authorizing the short-term usage of a parking space without depositing monies in the parking meter. The permit shall only be issued for motor vehicles or contractors'

equipment trailers or construction dumpsters, and shall be displayed in the windshield of the motor vehicle or on an exterior side of the construction dumpster, or equipment trailer, as the case may be. Before a permit is issued, prepayment shall be made at the Town Office of an amount set by Council from time to time plus HST per parking space for each day of the period referred to in the permit.

- b. Notwithstanding the provisions of this By-law, the Finance Director or their designate may issue a permit for overnight parking in areas on Town property designated by the Treasurer for overnight parking, upon prepayment at the Town Office of an amount set by Council from time to time per month plus HST for each month (or part thereof) of the period referred to in the permit.
- c. It shall be an offence and a violation of this By-law for any person:
 - i. to utilize a parking space for a motor vehicle or construction dumpster or contractor's equipment trailer as referred to in section 19(a) without a valid permit, or
 - ii. to park overnight in any area on Town property designated by the Treasurer for overnight parking without a valid permit.

20.

- i. It shall be an offence and a violation of this By-law for a person to block, impede or hinder the use of a parking space regulated by a parking meter, by placing a cone or cones or other object or objects in the parking space.
- ii. A person who contravenes this section of the By-law is liable upon summary conviction to a penalty of Fifty Dollars (\$50.00).

A person who is alleged to have violated this section of the By-law and is given notice of the alleged violation, may pay a penalty in the amount of Twenty-Five Dollars (\$25.00) for each offence to the Town of Lunenburg provided that said payment is made within a period of 14 days following the day on which the alleged violation was committed, and any such payment made within such time shall be in full satisfaction, releasing and discharging all penalties and imprisonments which could be incurred by the person for the violation or violations. If no payment is made within 14 days following the date on which the alleged violation was committed, the person shall be liable to a fine of Fifty Dollars (\$50.00) for each offence (plus any applicable charge referenced in the Summary Proceedings Act RS 450 as amended from time to time or in the Summary Offence Ticket Regulations thereunder).

21. Notwithstanding the other provisions of the By-law, no parking ticket shall be issued to any registered owner of a vehicle lawfully displaying a veteran's number plate issued pursuant to the "Veteran's Number Plate Regulations" of Nova Scotia for a parking meter violation.

Enforcement

22. This Bylaw may be enforced by any Peace Officer.

Repeal

23. All former Parking Meters By-laws of the Town (and specifically the existing Parking Meter By-law No. 20 and any purported amendments thereto) are hereby repealed and this By-Law substituted therefor.

Clerk's Annotation for Official Bylaw Book regarding Bylaw #20

A By-law Respecting Parking Meters in The Town of Lunenburg

Date of first reading: May 28, 2019

Date of advertisement of notice of intent to consider: July 8, 2020

Date of second/final reading: August 25, 2020

Date of advertisement of passage of By-Law: September 9, 2020

Date of mailing to Provincial Minister a certified copy of the By-Law:
September 10, 2020

I certify that the aforementioned amendment to By-Law #20, A Bylaw respecting Parking Meters in the Town of Lunenburg, was adopted by Council and published as indicated above.

Date

Sept. 17/20

Bea Renton, Town Manager/Clerk