

TOWN OF NEW GLASGOW

PARKING CONTROL BY-LAW

BE IT RESOLVED that this By-law, known as the Parking Control By-law for the Town of New Glasgow be enacted effective this 26th day of September, 2019.

TITLE

1. This By-law shall be known as By-law Number 30 and may be cited as the "Parking Control By-law."

DEFINITIONS AND INTERPRETATION

2. In this By-law:
 - (a) **"CAO"** has the same meaning as in the *Municipal Government Act*, S.N.S. 1998 c. 18, of the Province of Nova Scotia or successor legislation as may be enacted from time to time;
 - (b) **"Council"** means the Council of the Town of New Glasgow;
 - (c) **"HotSpot"** means HotSpot Parking Inc., a pay-by-phone Mobile Parking Application operating as a payment gateway for parking services by the Town, the terms of which are governed by contract between the Town and HotSpot, namely the Mobile Parking Application Agreement (MPAA).;
 - (d) **"Motor Vehicle"** has the same meaning as defined in the *Motor Vehicle Act*, R.S. c. 293 of the Province of Nova Scotia or successor legislation as may be enacted from time to time, or an Off-Highway Vehicle as defined in the *Off-Highway Vehicles Act*, R.S.N.S., 1989, c.323;
 - (e) **"Parking Card"** means a card authorized by the Town of New Glasgow to be used to purchase time at a parking meter;
 - (f) **"Parking-infraction ticket"** and **"parking-infraction ticket issuing officer"** have the same meaning as in the *Summary Proceedings Act*, R.S.N.S. 1989, c. 450, of the Province of Nova Scotia or successor legislation as may be enacted from time to time;
 - (g) **"Parking Meter"** means any mechanical or other timekeeping device, located proximate to one or more parking spaces which through deposit of money, credit or debit entitles a Motor Vehicle to park at such space or spaces for a predetermined, specified but limited, length of time;
 - (h) **"Permit Holder"** means any Person authorized in writing by the Traffic Authority to park at such place or places, at such times or in such manner as provided by the authorization;

(i) **"Permit"** means the written authorization from the Traffic Authority to allow for the lawful parking of a Motor Vehicle at such place or places, at such times or in such manner as provided by the Permit;

(j) **"Peace Officer"** means a police officer, police constable, constable, or other person employed for the preservation and maintenance of the public peace, and such Peace Officer may be a member of a municipal police department as contemplated in the Police Act, S.N.S. 2004, c.31;

(k) **"Person"** includes a body corporate or politic, or party, including a citizen, owner or occupier of property;

(l) **"Policy Officer"** means any employee of the Town or other employee in connection with the Town charged with enforcement of the policies or By-laws of the Town, including, without limitation, a By-law enforcement officer;

(m) **"Temporary Permit"** means a printed card or ticket produced by a Parking Meter upon payment of money, by coin or by Parking Card, for the privilege of parking at such time or times or in such manner as the Temporary Permit provides, and which shall be displayed in the front windshield of the Motor Vehicle so permitted;

(n) **"Traffic Authority"** means the Person appointed as traffic authority pursuant to s. 86(6) of the *Motor Vehicle Act* R.S. 1989, c. 293 and has the authority ascribed therein, and shall include the Deputy Traffic Authority or other designate in the absence of the Traffic Authority; and

(o) **"Town"** means the Town of New Glasgow.

APPLICATION

3. This By-law is enacted pursuant to section 172 of the *Municipal Government Act*, S.N.S. 1998, c. 18, and section 153 of the *Motor Vehicle Act*, R.S. c. 293.
4. This By-law applies to the public streets, highways and other places in the Town upon which parking is restricted by Parking Meter or by notice to Permit Holders.
5. This By-law is intended to add to, and not to conflict with or subtract from, the requirements contained in valid provincial or federal legislation and regulations in force from time to time and shall be interpreted accordingly.

GENERAL

Parking Meter Placement

6. A Parking Meter installed in the Town shall be placed on the sidewalk or other conspicuous place, with sufficient directions so as to designate the parking space or spaces associated therewith and permit parking regulation compliance in accordance with this By-law.

Parking Spaces

7. The parking space provided with each Parking Meter shall be of sufficient size to be accessible and accommodate one standard passenger Motor Vehicle. Motor Vehicles shall be placed in accordance with conditions as follows:
 - (a) When parking is parallel to the curb or edge of the roadway, the foremost part of the Motor Vehicle shall be placed within a space measured along the curb not more than 101 millimeters beyond the Parking Meter nor more than one meter in measurement to the rear of the Parking Meter;
 - (b) When parking is at an angle to the edge of the roadway, there shall be appropriate signage, and unless otherwise noted, a Motor Vehicle parked at an angle where Parking Meters have been installed shall be placed in contact with the curb immediately to the right of the applicable Parking Meter;
 - (c) When two Parking Meters are supported by one standard, a Motor Vehicle shall be parked wholly within the parking space provided for each Parking Meter such that no portion of the Motor Vehicle projects beyond the space;
 - (d) When more than two parking spaces are located in a parking lot controlled by one or more Parking Meters, a Motor Vehicle shall be parked wholly within one of the spaces designated by ground markings; and
 - (e) The Traffic Authority may designate such parking spaces in the Town as "Authorized Permit Holder only" spaces by posting such signs or directions as reasonably required to so designate such parking spaces.

Parking Space Marking

8. Special limitations of a parking space may be clearly marked and where so marked, will govern the permissible location of a Motor Vehicle. No Person shall park or leave standing any Motor Vehicle beyond such line or marking, except as provided in Section 10.
9. A maximum of one Motor Vehicle shall be parked in each parking space described herein.

Large Motor Vehicles

10. Respecting parallel parking, where the dimensions of a large Motor Vehicle results in its extension to an adjacent parking space, the Motor Vehicle shall be deemed to occupy all

spaces so affected, and the driver shall be responsible for coin deposit in all applicable Parking Meters.

Time Indication

11. Each Parking Meter installed shall display signage indicating the maximum parking time permitted for the applicable parking space. Each Parking Meter, while in operation, shall indicate by analogue or digital display or by Temporary Permit, the period of time acquired by coin deposit or Parking Card during which parking is permitted in the applicable parking space, upon the expiration of which the Parking Meter or Temporary Permit shall indicate that parking in such space is in violation of this By-law.

Effective Times

12. Each Parking Meter shall display signage indicating the days and hours of operation, during which deposit of coin or use of a Parking Card is required, the value of the required coin deposit or the money amount on the Parking Card as applicable, and the specified time during which parking is permitting in the applicable parking space.

Coins

13. The required coin deposit displayed on a Parking Meter shall refer only to lawful money of Canada.

Parking Rates

14. Parking Meter rates within the Town shall be set by policy of Council from time to time. Notwithstanding other provision herein, Parking Meter rates may be varied based upon location or time of day.

Payment by Mobile Parking Application

15. Any offence contrary to this By-law and subject to penalty per Section 25 herein may be paid via HotSpot, the pay-by-phone Mobile Parking Application operating as a payment gateway for parking services by the Town for the duration of any agreement between HotSpot and the Town.

Parking in Excess of Time Allowed and Continuing Offence

16. (a) No Person or driver shall park or leave standing in any parking space regulated by Parking Meter a Motor Vehicle, for a time period exceeding the maximum allowable time as directed on such Parking Meters, regardless of coin deposit or whether the "Expired" notation is visible

in the Parking Meter observation window or whether the Parking Meter has a digital display reading "00:00".

(b) If an offence contrary to section 16(a) herein is committed or continued for more than one hour, it constitutes a separate offence for each hour during which it is committed or continued.

Commercial Vehicles

17. 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 a maximum of thirty minutes without deposit of coin in the applicable Parking Meter; however, no driver of a commercial vehicle shall park or leave standing such vehicle in any parking space for a time period exceeding thirty minutes except in accordance with required coin deposit in the applicable Parking Meter.

Parking with "Expired" on Parking Meter or Without Permit

18. No driver shall park or leave standing in any parking space regulated by Parking Meter a Motor Vehicle where the "Expired" notation is visible in the Parking Meter observation window or the Parking Meter has a digital display reading "00:00", unless such Motor Vehicle is parking pursuant to section 17 herein or "Out of Order" is visible in the Parking Meter observation window of the applicable parking space.
19. No driver shall park or leave standing in any "Authorized Permit Holder only" parking space for which the driver or the Motor Vehicle does not hold a valid Permit or authorization from an Authorized Permit Holder.

Unlawful Deposit

20. No Person shall deposit or cause to be deposited in any Parking Meter any device, slug, dice, metallic substance, or other substitute for the permitted coins in accordance with this By-law.

Traffic Authority

21. The operation, maintenance, regulation and use of all Parking Meters shall be authorized by the Council of the Town of New Glasgow and under the management, supervision, and direction of the Traffic Authority.

OFFENCE ENFORCEMENT AND PENALTY

22. No Person shall contravene or fail to comply with any provision of this By-law.

23. This By-law may be enforced, at the discretion of the Town, by any Peace Officer, Policy Officer or Special Constable, in accordance with the procedures set out in the *Municipal Government Act* or by means of a Summary Offence Ticket under the *Municipal Government Act* or *Summary Proceedings Act*.
24. The *Summary Proceedings Act*, where applicable, shall apply to proceedings under this By-law.
25. Except as otherwise provided in this By-law, any Person who violates any of the provisions of the By-law or who suffers or permits any act or thing to be done in contravention of this By-law, or who refuses, omits, fails to comply with or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this By-law, shall be liable upon summary conviction:
 - (a) for the first offence to a penalty of not less than ten dollars (\$10.00) and not more than forty-five dollars (\$45.00);
 - (b) for the second offence to a penalty of not less than twenty dollars (\$20.00) and not more than ninety dollars (\$90.00);
 - (c) for the third or subsequent offence to a penalty of not less than forty-five dollars (\$45.00) and not more than one-hundred fifty dollars (\$150.00).

Liability of owner and driver:

26. In the event of a violation of this By-law, the owner of a Motor Vehicle shall incur the penalties provided herein excepting where 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 shall also incur the penalties provided herein.

REPEAL

27. The Town of New Glasgow by-law No. 30, known as the Parking By-law, dated the 15th day of March, 2010, with any amendments thereto, is hereby repealed.

CAO ANNOTATION

Date of First Reading: August 19, 2019

Date of advertisement of Notice of Intent to Consider: August 29, 2019

Date of Second Reading: September 23, 2019

Date of advertisement of Passage of By-Law: September 26, 2019

Date of mailing to Minister a certified copy of By-Law: September 27, 2019

I certify that the above PARKING CONTROL BY-LAW was duly adopted by New Glasgow Town Council at duly called meetings and was published as indicated above.



Chief Administrative Officer

N.S. Regulations 196/2022
FILED
Date August 10, 2022
RACHEL L. JONES
REGISTRAR OF REGULATIONS

Order

**Made under Sections 8 and 8A of Chapter 450
of the Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act***

I, Brad Johns, Attorney General and Minister of Justice for the Province of Nova Scotia, pursuant to Sections 8 and 8A of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, effective on and after the date of this order, hereby

- (a) amend Schedule PT to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by order of the Attorney General and Minister of Justice dated October 4, 2011, to designate certain offences under the Town of New Glasgow Parking Control By-law as parking infraction ticket offences, in the manner set forth in the attached Schedule "A"; and
- (b) order and direct that the penalty to be entered on a summons in respect of an offence set out in amendments to the schedules to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, as set forth in the attached Schedule "A", is the out-of-court settlement amount listed in the out-of-court settlement column set out opposite the description for the offence, and includes the charge provided for in, and in accordance with, Sections 8 and 9 of the Act.

Dated and made August 10, 2022, at Halifax, Halifax Regional Municipality,
Province of Nova Scotia.

Brad Johns.
Honourable Brad Johns
Attorney General and Minister of Justice

Schedule "A"

**Amendment to the *Summary Offence Tickets Regulations*
made by the Attorney General and Minister of Justice pursuant to Sections 8 and 8A
of Chapter 450 of the Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act***

Schedule PT to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by order of the Attorney General and Minister of Justice dated October 4, 2011, is amended by adding the following heading and items immediately before the heading "Queens Regional Municipality Parking Lot By-law":

Town of New Glasgow Parking Control By-law		
1	Parking beyond parking space marking	8
	first offence	\$46.60
	second offence	\$56.60
	third or subsequent offence	\$81.60
2	Parking over maximum allowable time	16(a)
	first offence	\$46.60
	second offence	\$56.60
	third or subsequent offence	\$81.60
3	Parking commercial vehicle over 30 minutes	17
	first offence	\$46.60
	second offence	\$56.60
	third or subsequent offence	\$81.60
4	Depositing coin substitute	20
	first offence	\$46.60
	second offence	\$56.60
	third or subsequent offence	\$81.60