

**PROVINCE OF QUEBEC  
MEMPHREMAGOG RCM  
MUNICIPALITY OF THE VILLAGE OF AYER`S CLIFF**

**BY-LAW NUMBER RU 2023-02 REGARDING PARKING AND MANAGEMENT OF PUBLIC  
ROADS**

**WHEREAS** the municipalities served by the *Sûreté du Québec*, Memphremagog RCM district, have agreed to adopt regulations to facilitate standardized application by the *Sûreté du Québec*;

**WHEREAS** in order to maintain this uniformity, the following municipalities: Ayer's Cliff, Bolton-East, Eastman, Hatley Township, Hatley, Ogden, North Hatley, Potton Township, St-Étienne-de-Bolton, South Stukely, Town of Stanstead, Stanstead Township and Saint-Benoît-du-Lac, all served by the *Sûreté du Québec*, Memphremagog police station, should not amend these by-laws without consultation of the group;

**WHEREAS** Article 79 of the *Municipal Powers Act* (L.R.Q., chapter C-47.1), stipulates that any local municipality may, through a by-law, regulate parking;

**WHEREAS** a notice of motion was duly given on September 4, 2018;

**CONSEQUENTLY,**

**IT IS MOVED BY Councillor Robert Lacoste;  
SECONDED BY Councillor Michael Crook;  
AND RESOLVED**

**THAT** the present by-law is adopted :

**1. PREAMBLE**

The preamble is an integral part of this by-law.

**2. REPEAL**

The present by-law repeals all previous by-laws and amendments pertaining parking and the management of public roads.

However, the present by-law does not repeal all the resolutions that could have been adopted by the Municipality and preceded the installation of signage as well as the obligation to respect what is associated with it. Thus, the signage related to parking, as it exists on the effective date of this by-law, shall continue to apply until it is changed in accordance with this by-law, but the rules and the sanctions for this signage are those stipulated in this by-law.

**3. HIGHWAY SAFETY CODE**

This by-law complements and adds to the rules laid down in the Highway Safety Code (L.R.Q., c. C-24.2) and, in some respects, aims to establish rules of conduct and immobilization of road vehicles as well as other rules for vehicular traffic, and to provide for special provisions for pedestrians and bicycles and use of public roads.

All annexes joined to the present by-law are an integral part, and all standards, obligations or indications found in these annexes are an integral part of this by-law.

**4. DEFINITIONS**

In this by-law, the words have the same meaning as those of the Quebec Highway Safety Code (L.R.Q., c. C-24.2, as amended) and the Act respecting off-road vehicles (L.R.Q., c. V-1.2 as amended) unless the context indicates otherwise. In addition, the following words have the meaning and scope attributed to them by this article:

« Bicycle » :

A bicycle, tricycle or a scooter;

« Truck » :

A road vehicle with a net weight of over 3,000 kilograms (kg) manufactured solely for transporting goods or equipment which is permanently attached to it and goods;

« Roadway »:

The part of a street or a private road, namely the part which the public normally uses for vehicular traffic, excluding the shoulder;

« Park »

Any park located on the territory of the municipality and which is under its jurisdiction, which includes playgrounds, rest areas, walks, swimming pools, tennis courts, baseball, soccer or other sports fields, and any public beach, and land and buildings serving those locations, green areas, ecological areas, bike paths, multipurpose trails, whether developed or not, and all landscaped public spaces or not, where the public has access for the purpose of rest or relaxation, play or sport, or for any similar purpose, but does not include streets, roads, alleys and sidewalks adjacent to streets, roads and streets as well as other areas reserved for vehicle traffic;

« School park »

Any park located on the territory of the municipality which is under a school's jurisdiction, including, beside an elementary or secondary school, including playgrounds, rest areas, walks, land and buildings serving them;

« Street »

A street or road on which the public may circulate in a vehicle and is part of the Municipality's or government 's public domaine, or the responsibility of the Quebec Ministry of Transportation.

« Technical service » :

The Municipal road works service or the municipal inspector;

«Off-road vehicles» :

- 1 snowmobiles of which the net mass does not exceed 450 kilograms and the width, all equipment included, must not exceed 1.28 metres wide;
- 2 motorized all-terrain vehicles equipped with handlebars and at least two wheels, which can be straddled and whose net mass does not exceed 600 kg;
- 3 Other motorized vehicles designed to travel outside of public highways, as stipulated by government regulation, provided for under the *Act respecting off-road vehicles*, L.R.Q. c. V-1.2.

«Work vehicle» :

A road vehicle, other than a vehicle mounted on a truck chassis, such a grader or excavator manufactured to perform work and whose work station is integrated into the vehicle's cockpit. For the purposes of this definition, a truck chassis is a frame equipped with all the mechanical components required on a road vehicle designed for the transport of persons, goods or equipment;

« Public lane » :

A street, a sidewalk, a parking space or lot or similar property which is part of the public domain of the municipality or the government.

## **5. PROHIBITED LOCATION**

Except in case of necessity or where another provision of this by-law allows it, it is forbidden to park or stop a vehicle on a street in areas where signage indicates such a ban, as it exists on the date of coming into force of this by-law or any other place identified in **Annex A of this by-law**.

Also, it is prohibited to park or immobilize a vehicle :

1. At less than twelve (12) meters from a street corner, except in the locations where the signage allows parking on shorter distances or if the prohibited specified distance is greater than twelve (12) meters, within this distance;
2. In the space between a lot line and the shoulder of the road (that is to say, it is forbidden to park on the side of the street, other than on the roadway or shoulder);
3. Other than parallel to the street, except where angle parking is authorized;
4. On the left side of the road, including the shoulder, on streets consisting of two lanes separated by a flower bed or other (median) and on which traffic goes one direction only (boulevard);
5. Within six (6) meters of an obstruction or hole in a street;
6. In places where passing is prohibited;
7. In front of a private street;
8. In front of a private or public entrance or exit;
9. In a park or school-park unless expressly indicated to the contrary;
10. On a trail reserved for the use of cyclists or pedestrians;
11. On a green space, on the borders, medians, flower beds or any other space that is used for dividing two or more traffic lanes;
12. At less than five (5) meters from a fire hydrant or a stop sign;
13. On the sidewalk;
14. At least five (5) meters from a police station or fire station or within eight (8) meters from this building, when immobilization or parking is allowed on the opposite side;
15. In a clearly identified pedestrian crosswalk and a level crossing or within five (5) meters thereof;
16. In an intersection;
17. In a loading/unloading zone and in an area reserved exclusively for public passenger transportation vehicles, duly identified as such;
18. On a bridge at less than five (5) meters thereof;
19. In front of a sidewalk ramp specially designed for the disabled.

Despite the prohibitions in this article and insofar that this maneuver can be performed safely, the driver of a vehicle transporting a disabled person may stop his vehicle to allow that person to get in or descend from.

The municipality authorizes the technical service to place and keep in place the appropriate signs in accordance with this article, at the places listed in the second paragraph.

## **6. ANGLE PARKING**

On the streets where angle parking is permitted according to what exists on the effective date of this by-law and the locations identified in **Annex B of this by-law**, the driver should park his vehicle forward, inside of pavement markings, unless otherwise indicated.

The municipality authorizes the technical service to place and keep in place appropriate signs in accordance with this section, the places mentioned in the first paragraph.

## **7. PARALLEL PARKING**

On two-way streets where parallel parking is allowed, the driver should park his vehicle on the right side of the road, the front of the vehicle in the direction of traffic, the right wheels no more than thirty (30) centimeters from the curb; when there are road markings, he must park his vehicle within those markings, unless it is a truck or a bus.

## **8. PARKING ON A STREET**

It is prohibited to park or stop a vehicle on a street to fill up with gas for a full tank, or to impede access to a property or interfere with traffic, except in cases of necessity or an emergency situation.

## **9. DOUBLE PARKING**

It is prohibited to double park or immobilize a vehicle next to another on the streets of the municipality.

## **10. PARKING FOR REPAIRS**

It is forbidden to park or stop a vehicle on a street, a public place, a public parking area, a passageway reserved for the public or a highway in order to carry out repairs, except for emergencies and for a short period only.

## **11. PARKING FOR THE PURPOSE OF SELLING**

It is prohibited to park or stop a vehicle on a street, a public place, a public parking area, a passage reserved for the public or highway in order to sell or trade it.

## **12. ALLOWED PERIOD**

The council may, by resolution, allow parking under certain conditions on any highway, lane or part of a public place.

The municipality authorizes the technical service to place and keep in place appropriate signs in accordance with this article, at the locations mentioned in the resolution, and, any one must comply with the instructions appearing on such signs

## **13. WINTER**

It is prohibited to park or stop a vehicle on a street of the municipality between 11 pm and 8 am from November 1st to April 1st inclusively, as indicated by road signs.

## **14. PARKING FOR DISABLED PERSONS**

No one may park or stop a vehicle in a parking space reserved for the exclusive use of disabled persons unless the road vehicle is equipped with an identification sticker installed and issued under the Highway Safety Code (L.R.Q. chapter C-24.2).

In addition to the streets, this section also applies to private roads open to public vehicular traffic and on shopping center properties and other land where public traffic is allowed.

## **15. TRUCK PARKING**

It is prohibited at all times to park or stop a truck on the roadway, including the shoulder, in an area identified as a residential zone according to the Municipality's Zoning By-law, except for a delivery or a job.

## **16. PARKING TIME LIMIT FOR A TRUCK**

It is prohibited to park or immobilize a truck on the road, including the shoulder, outside a residential area for a period of more than 60 minutes, except for a delivery or a job.

## **17. ROAD WORKS AND SNOW REMOVAL**

It is prohibited to park or stop a vehicle in a location where the vehicle could affect snow removal by municipal employees or contractors hired for this purpose by the municipality and where a sign to that effect was installed.

It is prohibited to park or stop a vehicle on a street in a place where the vehicle may interfere with the execution of municipal road works and where a sign to that effect was installed.

## **18. NOISY DRIVING**

It is prohibited to make, with a road vehicle, noise likely to disturb the peace, the tranquility, the calm, the comfort, the rest, the well-being and the safety of the public, voluntarily, in particular by a start or rapid acceleration, sudden application of the brakes, or running the engine at a higher speed than idle when the clutch is in neutral.

## **19. GATHERING OF VEHICLES**

It is forbidden for a driver of a road vehicle to participate with his vehicle in a meeting of all types of vehicles in any part of the municipality whatsoever, likely to disturb peace, tranquility, calm, comfort, rest, well-being or public safety.

A driver is deemed to participate in a vehicle gathering where the road vehicle is in the vicinity of another vehicle having no motive or reason for being at such a location.

## **20. POWERS GRANTED TO POLICE OFFICERS**

Council generally authorizes any police officer and any employee of the technical service to undertake criminal proceedings against any person infringing any provision of this By-law, and therefore generally authorizes the people responsible for the application of this By-law to issue a statement of violation.

## **21. MOVING A VEHICLE**

As part of his duties under this by-law a police officer or technical service employee may move a parked vehicle, or have it moved, at the expense of its owner, in the following cases:

1. the vehicle can impede the work mentioned in Article 17;
2. the vehicle impeding traffic to the point of posing a risk to public safety;

3. the vehicle hinders the work of firefighters, police officers or other official at an event involving public safety.

The cost of moving a vehicle will be at the owner's expense, and the owner may only repossess the vehicle after paying the costs of towing and storage.

## **22. SPECIAL POWERS**

A technical service employee or a police officer is authorized to restrict, prohibit and divert vehicle traffic in an emergency situation or any other exceptional circumstances, and for parking when there are road works to be performed, including the removal and clearing of snow and for any other reason of necessity or emergency; he is authorized to install the appropriate signals.

## **23. EMERGENCY POWERS**

When an emergency or exceptional circumstance arise, a technical service employee, a fireman or a police officer may take any necessary measures regarding traffic and parking, including towing a vehicle, notwithstanding the stipulations of the present title.

## **LEGAL STIPULATIONS**

### **24. FINES**

Whosoever contravenes to one or any other provision of this by-law, except articles 18 and 19, commits an offense and is liable to a fine of thirty dollars (\$30) to one hundred dollars (\$100), plus the fees.

Whosoever contravenes to one or any other provision of articles 18 and 19 of this by-law commits an offense and is liable to a fine of thirty dollars (\$100) to one hundred dollars (\$200), plus the fees.

### **25. FINE FOR TRUCK PARKING**

Whosoever contravenes articles 15 and 16 commits an offense and is liable to a fine of fifty dollars (\$50) to one hundred dollars (\$100).

### **26. FINE FOR HINDERING ROAD WORKS OR SNOW REMOVAL**

Whosoever contravenes article 17 commits an offense and is liable to a fine of thirty dollars (\$30) to sixty dollars (\$60).

### **27. COSTS**

In all cases, judicial costs are not included.

The deadline for the payment of fines and costs imposed under this by-law and the consequences of failure to pay the said fines and costs within the time prescribed by the court, are established in accordance with the Criminal Procedure Code (L.R.Q. c. C- 25.1).

### **28. CONTINUED INFRACTION**

If an offense lasts more than one day, each subsequent day constitutes a separate offense and the penalties imposed for each offense may be imposed for each day that the offense continues, in accordance with this article.

### **29. OTHER OFFENDER**

Any person who does or omits to do something that helps another person to act in contravention of this By-law or encourages, through counsel, permission, consent, authorization, ratification,

tolerance or otherwise, any another person to act in contravention of this By-law commits himself an offense and is liable to the same penalty as the person who contravenes this By-law.

**30. VEHICLE IN POSSESSION OF A THIRD PARTY**

The owner, whose name is registered in *Société de l'assurance automobile du Québec's* files, can be held responsible and convicted, under Article 10 of the Highway Safety Code (L.R.Q., c. C-24.2), of any offense to this by-law committed with the vehicle, unless he proves that at the time of the offense, the vehicle was in the possession of a third party without his consent.

The first paragraph applies to the exceptions stipulated in the second paragraph of Article 592 of the Highway Safety Code, to the extent that a rule laid down in this by-law corresponds to one of the rules laid down in the second paragraph of this article.

**31. COMING INTO FORCE AND REPEAL**

The present by-law comes into force in accordance with the Law and repeals any former by-law pertaining to parking and management of public roads.

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Kimball Smith, Directeur General

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Vincent Gérin, Maire

**ANNEX A**

**ANNEX B**

**ANNEX C**

In accordance with the second paragraph of Article 13 of this by-law, it is understood that in the territory of the Village Municipality of Ayer`s Cliff, there are the following exceptions to winter parking: a) At all times between November 1 and April 1 inclusively, it is prohibited to park a road vehicle in a private entrance or in a private or public parking lot within 1 meter of the back line of the sidewalk or the edge of the roadway, if there is no sidewalk, so as not to hinder the passage of machinery intended for the maintenance or snow removal of the public road. This prohibition is in force throughout the Municipality of the Village of Ayer`s Cliff despite the absence of signs for this purpose. As part of his duties under this by-law, a peace officer or a technical service employee may move or have moved a vehicle parked in a prohibited area. The road vehicle will be moved at the expense of the owner, who may only recover possession upon prior payment of towing and storage costs.