

BE IT ENACTED by the Council of the Town of Antigonish pursuant to authority granted under Section 153 of the Motor Vehicle Act, as follows:

1) Short Title

This By-law shall be known as the “Parking By-law.”

2) Application

This By-law shall apply to the public streets and highways, and Town owned or operated parking lots in the Town of Antigonish and parts thereof in which a Metered Zone has been established by resolution of Council and listed in the Parking Policy.

3) DEFINITIONS

- a. “Electric Vehicle (EV)” means a vehicle that operates, either partially or exclusively, on electrical energy from an off-board source, stored on-board for motive power.
- b. “Electric Vehicle (EV) Charging Station” means a facility, structure, or device designed and used for the purpose of transferring electrical energy from a power source to an electric vehicle, including all equipment necessary for its operation.
- c. “EV Charging Parking Space” means a marked parking space adjacent to or associated with an EV Charging Station, designated for the exclusive use of actively charging EVs.
- d. “Metered Space” means, in the case of a Parking Meter Stand with a single or double Parking Meter Head, that portion of land with painted markings delineating the boundaries of a parking space. In the case of a Parking Kiosk, notwithstanding any marking on the street or parking lot delineating the boundaries of a parking space, any space on a street or parking lot where parking is lawful and the sign that regulates parking in such space indicates that the parking fee may be paid at a Parking Kiosk. EV Charging Parking Spaces are also considered a metered space.

- e. “Metered Zone” means any parking lot, street, or portion of a street allotted by resolution of Council for purposes of parking vehicles in respect of which a Parking Meter system or a Parking Kiosk system may be established and maintained to collect a fee for the use or occupation of a Metered Space established in such a zone;
- f. “Parking Kiosk” means a municipally authorized, fixed or freestanding electronic or mechanical device installed in a designated area and used for the purpose of managing paid parking. A parking kiosk may accept payment by coin, card, or electronic transaction, and is intended to issue receipts, record time purchased or otherwise regulate parking in accordance with this By-law. For greater certainty, a parking kiosk may serve multiple parking spaces within a defined zone and is not considered a parking meter.”
- g. “Parking Meter” means a Parking Meter Stand and the single or double Parking Meter Head that it supports;
- h. “Parking Meter Head” means a mechanical or electronic appliance designed for the purpose of gauging and indicating a time within which a vehicle is, or may be, parked in a Metered Space;
- i. “Parking Meter Stand” means that pole or stand supporting a single or double Parking Meter Head;
- j. “Traffic Authority” means the Traffic Authority for the Town of Antigonish or their designate;
- k. “Tow Away Zone” is an area where parking is prohibited and any vehicle left in that space may be removed (towed) at the owner’s expense. This designation applies to all parking spaces and restricted parking locations as defined in the Nova Scotia Motor Vehicle Act. This is authorized under Section 92 of the Motor Vehicle Act and intended to ensure traffic flow, safety, and compliance with the Nova Scotia Motor Vehicle Act and the Town’s Parking By-Law.
- l. “Town-approved Mobile Payment Application” means a mobile payment application approved by the Town for making a payment required for the use of a parking space for a pre-determined period of time for the vehicle occupying such space; and

- m. “Town Mobile Enforcement System” means the Town’s mobile system for determining whether the payment required for the use of a parking space has been made based on the license plate of the parked vehicle and for determining whether a vehicle is parked in a Metered Space for a period longer than that for which payment has been made.

4) PLACING PARKING METERS AND PAY STATIONS

Each Parking Meter and Parking Kiosk installed in the Town shall designate the parking space or spaces associated with it.

5) OPERATION OF A METERED SPACE

- a. Where payment is required for the use of a parking space, such payment shall only be made as follows:
 - i. in the case of an individual Parking Meter by:
 - a) depositing a coin or coins into the Parking Meter controlling such parking space; or
 - b) making a payment through a Town-approved Mobile Payment Application for the vehicle occupying such space as identified by the vehicle’s license plate;
 - ii. in the case of a Parking Kiosk by:
 - a) depositing money or inserting a payment card and identifying the vehicle’s license plate into the Parking Kiosk controlling such space as identified by the vehicle’s license plate; or
 - b) making a payment through a Town-approved Mobile Payment Application for the vehicle occupying such space.
- b. Where a vehicle, by reason of its size necessarily occupies more than one parking space or portion thereof, payment must be made for each parking space or part thereof occupied.

6) WHEN IN EFFECT

- a. Each Parking Meter shall bear thereon:
 - i. information 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; and/or
 - ii. information to direct persons to the instructions to pay by a Town-approved Mobile Payment Application.
- b. Each Parking Kiosk shall bear thereon:
 - i. directions indicating the days and hours when the requirement to make payment for the use of a Metered Space, the parking rate required and the limited period of time for which parking is lawfully permitted for parking in the Metered Space within the Metered Zone to which the pay station applies; and/or
 - ii. information to direct persons to the instructions to pay by cash, credit, debit, and/or by a Town-approved Mobile Payment Application.

7) AUTHORIZED COINAGE

- a. No person shall deposit, cause to be deposited or attempt to deposit in any Parking Meter any coin or coins other than those of the Government of Canada or the United States of America.
- b. No person shall deposit, cause to be deposited or attempt to deposit therein any slug, device, token, substance, object or any bent, punched, damaged or mutilated coin.

8) LAWFUL USE OF SPACE

- a. Upon placing the Parking Meter into operation, the parking space designated to the Parking Meter may be lawfully occupied by such vehicle for the period of parking time period equivalent to the payment deposited, or for equivalent to the payment made through a Town-approved Mobile Payment Application.
- b. In the case of Metered Zones in which parking is timed by the Parking Kiosk, one parking space in the Metered Zone for which said meter is applicable may be lawfully occupied by such vehicle as identified by the vehicle's license plate recorded in the Parking Kiosk at time of payment for the time period equivalent to the payment made, or for the time period equivalent to the payment made through a Town-approved Mobile Payment Application.

9) PARKING TIME

- a. The designated parking time limits for Metered Zones shall be defined in the Town of Antigonish Parking Policy.
- b. No person shall deposit or cause to be deposited in any Parking Meter or Parking Kiosk any money for the purpose of obtaining an extension of parking time beyond the maximum period as indicated in the Parking Policy.

10) PARKING TIME EXPIRED

- a. No person shall park a vehicle in any Metered Space or part thereof for a period longer than that for which payment has been made.
- b. For the purpose of subsection (a), a vehicle is deemed to have been parked for a period longer than that for which payment has been made:
 - i. in the case where a vehicle is parked in a Metered Space:
 - a) the Parking Meter indicates no time remaining; or
 - b) if payment for a pre-determined period of time has been made through a Town-approved Mobile Payment Application for the vehicle occupying such space as identified by the vehicle's license

plate and the Town Mobile Enforcement System indicates no time remaining or unpaid.

ii. in the case where the Metered Space is timed by a Parking Kiosk:

- a) If payment for a pre-determined period of time has been made at the Parking Kiosk or through Town-approved Mobile Payment Application for the vehicle occupying such space as identified by the vehicle's license plate and the Town Mobile Enforcement System indicates no time remaining.

11) EV Charging Station Parking

- a. EV Charging Parking Spaces are reserved exclusively for EVs that are actively charging.
- b. Non-electric vehicles and EVs not connected to the EV Charging Station are prohibited from parking in these spaces.
- c. Notwithstanding (a) and (b) above, if an EV Charging Station is clearly marked as out of order, the associated parking space shall be treated as a regular Metered Parking Space and standard parking rates and time limits for that Metered Zone shall apply, and electric and non-electric vehicles may park while not connected to the EV Charging Station provided they meet the payment and time limit terms of the Metered Zone.

12) SEASONAL OVERNIGHT PARKING PERMISSIONS

- a. Notwithstanding other sections of this By-law, overnight parking shall be permitted in Town-owned parking lots in accordance with the terms of this section only as authorized in the Town's Parking Policy.
- a. Vehicles parked overnight in these lots must be moved by 7:00 a.m. each day to avoid interference with regular daytime parking operations and maintenance activities.

- b. This seasonal permission does not exempt vehicles from other applicable parking regulations, including metered time limits and special event restrictions, unless otherwise posted.
- c. Section 155(1) of the Motor Vehicle Act deems it an offence to park for a period of time longer than twenty-four (24) hours.
- d. The Town reserves the right to suspend overnight parking privileges in any of the identified lots temporarily for maintenance, construction, special events, or public safety reasons, with reasonable notice provided via signage or public communication channels.

13) OVERNIGHT WINTER PARKING

- a. To ensure safe and efficient snow removal and winter street maintenance, the Town of Antigonish has an Overnight Winter Parking Ban annually as defined in the Town's Parking Policy.
- b. During this period, no vehicle shall be parked on any Town-owned street or in any Town-owned parking lot between the specified hours, regardless of weather conditions or public notice status.
- c. Enforcement of this ban may occur at any time, day or night, if a vehicle is deemed to interfere with snow-clearing operations or winter maintenance activities, in accordance with Section 139 of the Nova Scotia Motor Vehicle Act.

14) EXEMPTIONS

- a. No parking ticket shall be issued to the registered owner of a vehicle lawfully displaying a veteran's number plate issued pursuant to the Veterans' Number Plates Regulations of Nova Scotia.
- b. No parking ticket shall be issued to the registered owner of a vehicle lawfully displaying a license plate or identification permit used for the transportation of persons with disabilities.

- c. No parking ticket shall be issued to contractors who must occupy a Metered Space on Main Street for the purposes of conducting construction or renovation work to buildings on Main Street if they have received approval from the Traffic Authority to do so and are not occupying a Metered Space for longer than five (5) consecutive days.
- d. All Regulations heretofore made by the Traffic Authority of the Town of Antigonish respecting parking meters are hereby wholly repealed on and not before the date when this By-law came into force pursuant to Section 153(2)(b) of the Motor Vehicle Act.

15) CONTINUATION OF OFFENCE

A person commits a separate offence for each additional period of one (1) hour that an offence pursuant to all sections of this By-law continues.

16) LIABILITY OF VEHICLE OWNER

- a. The registered owner of a motor vehicle shall be liable for any offence pursuant to this By-law.
- b. Notwithstanding anything in this By-law, the registered owner of a motor vehicle shall not be liable for any offence pursuant to this By-law if the owner can establish that, at the time of the alleged offence, the motor vehicle in question was in the possession of a person who did not have the permission or consent of the owner, expressed or implied, to be in possession of said motor vehicle.

17) AUTHORITY TO BE IN CHARGE OF PARKING METERS

The operation, maintenance, regulation, and use of all Parking Meters and Parking Kiosks installed in the Town of Antigonish on Town-owned or leased land shall be under the management, supervision, and direction of the Traffic Authority for the Town of Antigonish.

18) ENFORCEMENT

It shall be the duty of any Special Constable of the Town of Antigonish to inspect and examine all Parking Meters and Parking Kiosks to ensure proper functioning and to post out-of-order signage and initiate scheduling of repairs when necessary. They are also responsible for monitoring all parking spaces in the Town of Antigonish and to address all violations of this By-law, including through the issuance of penalties as authorized.

19) PENALTY

- a) A vehicle found to be in violation of Section 7 Authorized Coinage, Section 8 Lawful Use of Space, Section 9 Parking Time, Section 10 Parking Time Expired, Section 11 EV Charging Station Parking, or Section 12 Seasonal Overnight Parking Permissions may result in a ticket being issued and left on the vehicle. The ticket shall indicate the specific violation and the fixed sum penalty amount as defined in the Town of Antigonish's Parking Policy. For each ticket that remains unpaid after sixty (60) days of issuance, a summary offence ticket pursuant to the Municipal Government Act Section 505 may be issued.
- b) In addition to any parking or summary offence tickets issued vehicles parked in violation of this By-law or the Motor Vehicle Act may be subject to towing at the owner's expense.
- c) Vehicles found obstructing snow removal or winter maintenance operations may be subject to a violation of Section 139 of the Nova Scotia Motor Vehicle Act. Penalties may include a summary offence ticket and/or towing at the owner's expense, as authorized under the Act.

20) Repeal

- a) The *Parking By-law* certified on March 17, 2014, and all amendments thereto are hereby repealed.
- b) The Parking Meter Bylaw certified on August 25, 2021, and all amendments thereto are hereby repealed.

Date of First Reading:

Date of Advertisement of Notice of Intent to Consider:

Date of Second Reading:

Date of Advertisement of By-law Passage and Approval:

I certify that this By-law was adopted by Council and published as indicated above.

Randy Delorey
Chief Administrative Officer

Date

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