

**THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND**

**BY-LAW NUMBER 2019-115**

**BEING A BY-LAW TO REGULATE TRAFFIC AND PARKING ON THE HIGHWAYS, PRIVATE AND MUNICIPAL PROPERTIES WITHIN THE CITY OF CLARENCE-ROCKLAND.**

**WHEREAS** section 11. (3) of the Municipal Act, 2001, c. 25, provides that a municipality may pass by-laws for the purpose of regulating and prohibiting traffic and parking upon the highways under its jurisdiction;

**WHEREAS** subsection 102.1 (1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person failed to comply with any by-laws respecting the parking, standing or stopping of vehicles;

**WHEREAS** the province adopted the “Administrative Penalties” regulation, O. Reg 333/07, pursuant to the Municipal Act, 2001 which applies to administrative penalties in respect of the parking, standing or stopping of vehicles;

**AND WHEREAS** section 63. (1) of the Municipal Act, 2001, c. 25, provides that a municipality may provide for the removal and impounding or restraining and immobilising of vehicles placed, stopped, standing or parked on a highway in contravention of the by-law and subsection 170 (15) of the Highway Traffic Act applies with necessary modifications to the by-law;

**AND WHEREAS** section 100 to 100.1(1) to (5) of the Municipal Act, 2001, Chap. c.25, provides that a local municipality may regulate and prohibit parking on private or municipal property;

**AND WHEREAS** section 102 (a) to (b) of the Municipal Act, 2001, Chap. c.25, provides that a local municipality may require owners or operators of parking lots or other parking facilities to which public has access, to provide designated parking spaces for vehicles displaying a disabled parking permits and shall prescribe conditions of the use of disabled parking permits and prohibit the improper use of such permits;

**AND WHEREAS** Council desires to regulate traffic and parking on private and municipal property upon the highways within the municipality of the City of Clarence-Rockland;

**AND WHEREAS** Council of the City of Clarence-Rockland deems it expedient to regulate traffic and parking;

**NOW THEREFORE** Council of the City of Clarence-Rockland enacts as follows:

## DEFINITIONS

1. In this By-law:

- (1) “accessible parking permit” means,
  - a. an accessible parking permit issued under the Highway Traffic Act; or
  - b. a permit, number plate or other number or device issued by another jurisdiction and recognized under the Highway Traffic Act;
- (2) “accessible-passenger vehicle” means a motor vehicle that,
  - a. meets the requirements for an “accessible vehicle” as prescribed in R.R.O. 1990, regulation 629 under the Highway Traffic Act; or
  - b. is regularly used for transporting a person with disability;
- (3) “authorized sign” means any sign, or roadway, curb or sidewalk marking, or other device, placed or erected on a highway under the authority of this by-law for the purpose of regulating, warning or guiding traffic of the parking of vehicles;
- (4) “authorized vehicle” means,
  - a. a vehicle owned or operated by the Corporation provided that the vehicle is performing a service related to the operation of a municipal service;
  - b. a vehicle owned or operated by a public utility provided that the vehicle is carrying out its utility service within the Corporation, and;
  - c. any vehicle that falls within the definition of an emergency vehicle as defined in the Municipal Act;
- (5) "bicycle" includes a tricycle and unicycle but does not include a motor-assisted bicycle or an e-bike.
- (6) "boulevard" means all the parts of the highway save and except any roadway, shoulder or sidewalk.
- (7) "bus stop" means a part of a highway designated as a point at which buses will stop to take on or let off passengers.
- (8) "Chief of Police" means the Chief of Police of the Police Force or authorized representative and includes the officer in charge of any detachment of the Ontario Provincial Police either providing police services to an area municipality by agreement or not;
- (9) "commercial motor vehicle" means a motor vehicle having permanently attached thereto a truck or delivery body and includes an ambulance, a hearse, a casket wagon, a fire apparatus, a bus and a tractor used for hauling purposes on a highway;

- (10) "corner" with reference to a highway intersection means the point of intersection of the prolongation of the lateral curb lines or in the absence of curbs the prolongation of the edges of the roadways;
- (11) "Corporation" means the Corporation of the City of Clarence-Rockland;
- (12) "crosswalk" means:
  - (a) that part of a highway at an intersection that is included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the roadway, or
  - (b) any portion of a roadway at an intersection or elsewhere distinctly indicated or pedestrian crossing by signs or by lines or other markings on the surface;
- (13) "cul de sac" means a highway which is closed at one end where a turning circle of a basin is constructed to allow a vehicle to turn around and egress at the open end.
- (14) "curb" means the edge of the travelled portion of the highway and includes a raised curb, a rolled curb or a depressed curb.
- (15) "daytime" means the period of time from 7:00 a.m. to 7:00 p.m. of the same day;
- (16) "designated" means designated by a Corporation by-law;
- (17) "driver" means a person who drives a vehicle on a highway;
- (18) "driveway" means a part of a highway improved to provide vehicular access from the roadway to a laneway or a parking area on adjacent land;
- (19) "electric vehicle" includes any vehicle that is partially or entirely propelled by electricity and plugs in to recharge;
- (20) "electric vehicle charging station" means any facility or equipment that is used to charge a battery or any other energy storage device of an electric vehicle;
- (21) "electric vehicle parking space" means a parking space, the use of which is charging a battery or other storage device of an electric vehicle;
- (22) "engineer" means the engineer designated by Council of the Corporation of the City of Clarence-Rockland for the time being or such other person or persons designated by the Council of the Corporation of the City of Clarence-Rockland;
- (23) "gross weight" means the combined weight of vehicle and load;

- (24) "heavy truck" or "heavy vehicle" means a commercial motor vehicle as defined in the Highway Traffic Act, as amended or re-enacted from time to time, and includes trucks, tractors, commercial vehicles exceeding a gross weight of 4,500.0 kilograms as licensed by the Ministry of Transportation, a bus and any other passenger motor vehicle with capacity for more than ten passengers, road-building machine or farm vehicle as defined in that Act, and all other types of construction equipment, but excludes a motor vehicle, an ambulance, a fire truck or a school bus.
- (25) "highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, any part of which is intended for, or used by, the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- (26) "highway, one-way" means a highway upon which the movement of vehicular is limited to one direction;
- (27) "holiday" includes New Year's Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, the Day proclaimed as a Civic holiday by the Corporation, Labour Day, Thanksgiving, Remembrance Day, Christmas Day, Boxing Day and any day appointed by proclamation of the Governor-General or the Lieutenant-Governor and the next following day when such holiday falls on a Saturday or Sunday;
- (28) "hinder" means creating difficulties for someone or something, resulting in delay or obstruction.
- (29) "intersection" means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more highways which join one another at an angle, whether or not one highway cross the other.
- (30) "King's Highway" includes the secondary highways and tertiary roads designated by the province of Ontario under the Public Transportation and Highway Improvement Act, R.S.O. 1990 c. P.50 as amended;
- (31) "laneway" means improved land adjacent to the highway which provides access from the highway to a parking area on adjacent land.
- (32) "loading zone" means the part of a highway, private property or property of the Corporation, set apart for the exclusive purpose of parking a vehicle to load or unload the same.
- (33) "motor assisted bicycle" means a bicycle,

- (a) that is fitted with pedals which are operable at all times to propel the bicycle,
  - (b) that weighs not more than Fifty-five (55) kilograms,
  - (c) that has no hand or foot operated clutch or gearbox driven by the motor and transferring power to the driven wheel,
  - (d) that has an attached motor driven by electricity or having a piston displacement of not more than fifty cubic centimetres, and
  - (e) that does not have sufficient power to enable the bicycle to attain a speed greater than 50 kilometres per hour on level ground within a distance two kilometres from a standing start;
- (34) "motorcycle" means a self-propelled vehicle having a seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, and includes a motor scooter but does not include a motor-assisted bicycle;
- (35) "motor vehicle" includes an automobile, motorcycle, motor-assisted bicycle unless otherwise indicated in the Highway Traffic Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a streetcar, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the Highway Traffic Act;
- (36) "Municipal law enforcement officer" means a peace officer for the purpose of enforcing municipal by-law, as set out in the Police Services Act;
- (37) "official sign" means a sign on the highway approved by the Ministry of Transportation of Ontario;
- (38) "overnight" means the period from 7:00 p.m. of one day to 7:00 a.m. of the following day;
- (39) "park" or "parking" when prohibited means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;
- (40) "parking machine" means an electronic or mechanical device, for the purpose of controlling and regulating the parking of any motor vehicle in or on a parking lot;
- (41) "parking space" means that part of the surface of the roadway, private property or property of the Corporation for the purpose of vehicle parking;
- (42) "parking space for persons with disabilities" means a parking space designated under this by-law for the exclusive use of a vehicle displaying a permit in accordance with the requirements of the Highway Traffic Act and the regulations made there under

and this by-law.

- (43) "peace officer" means a municipal law enforcement officer for the purpose of enforcing this By-Law.
- (44) "pedestrian" means
  - (a) a person on foot;
  - (b) a person using an assistive device for his mobility, such as a wheelchair or a walker; or
  - (c) a child in a carriage, stroller or play vehicle;
- (45) "pedestrian crossover", means any portion of a roadway, designated by this by-law, at an intersection or elsewhere, distinctly indicated for pedestrian crossing by signs on the highway and lines or other markings on the surface of the roadway as prescribed by regulations made under the Highway Traffic Act;
- (46) "person with a disability" means an individual who has been issued and holds a valid accessible parking permit under the Highway Traffic Act;
- (47) "police officer", "constable" or "special constable" means a person so appointed by the Ontario Provincial Police and "constable" includes a municipal by-law enforcement officer appointed pursuant to subsection 15(1) of the Police Services Act, R.S.O. 1990, c. P. 15 as amended;
- (48) "Police Service" means the Police Force of the Area Municipality and includes any detachment of the Ontario Provincial Police providing police services to the Corporation;
- (49) "Police vehicle" means a vehicle owned or operated by the Police Commission of an area municipality, the Ontario Provincial Police or the Royal Canadian Mounted Police;
- (50) "public parking area" means an open area or structure, other than a street, used by the public at the invitation of the owner for the temporary parking of more than four (4) motor vehicles and available for public use whether free, for compensation, or as an accommodation for clients, customer or visitors;
- (51) "public vehicle" means a motor vehicle operated on a highway by, for or on behalf of any person for the transportation for compensation of passengers, or passengers and express freight that might be carried in a passenger vehicle, but does not include taxicabs nor motor vehicles operated solely within the corporate limits of one urban municipality.

- (52) "roadway" means that part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of the roadways collectively.
- (53) "roadway, laned" means a highway which has been divided into separate lanes for vehicular traffic which lanes are indicated by lines or other markings on the surface of the roadway or in any other manner;
- (54) "roundabout" is an intersection with one-way circulation counter-clockwise around a central island where entering traffic must yield the right-of-way to the traffic circulating within the intersection;
- (55) "shoulder" means that part of the highway immediately adjacent to the travelled portion of the roadway and having a surface which has been improved for the use of vehicles with asphalt, concrete or gravel;
- (56) "side, approach" means the side of a part of a highway to which vehicular traffic may lawfully approach;
- (57) "side, leaving" means the side of a part of highway opposite the approach side;
- (58) "sidewalk" means those parts of a highway set aside by the Corporation for the use of pedestrians;
- (59) "stand" or "standing" when prohibited, means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers;
- (60) "stop" or "stopping" when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer, constable or other police officer or of a traffic control sign or signal;
- (61) "traffic" includes pedestrians, animals which are ridden, led or herded, vehicles, and other conveyances either singly or together while using a highway for the purposes of travel;
- (62) "traffic control device" means any sign, signal or other roadway, curb, or sidewalk marking, or any other device erected or placed under the authority of this by-law for the purpose of warning, regulating, guiding or directing traffic;
- (63) "traffic control signal" means any device operated manually, electrically,

mechanically or electronically for the regulation or control of traffic;

- (64) "traffic, one-way" means movement by vehicles upon a highway in one direction only;
- (65) "trailer" means a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, a mobile home, another motor vehicle, or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn;
- (66) "U-turn" means the turning of a vehicle within the highway so as to proceed in the opposite direction to that in which the vehicle was travelling immediately prior to making the turn;
- (67) "vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car;

## INTERPRETATION

- 2. (1) In this by-law:
  - (a) words importing the singular number or the masculine gender only, include more persons, parties or things of the same kind than one and females as well as males and the converse;
  - (b) a word interpreted in the singular number has a corresponding meaning when used in the plural;
  - (c) "may" shall be construed as permissive;
  - (d) "shall" shall be construed as imperative;
  - (e) "vehicle", when used as part of a prohibition of parking or stopping, includes any part thereof; and
  - (f) "subsection" when used without reference to another section, refers to a subsection contained in the same section in which the phrase is used.
- (2) In the schedules to this by-law, the following abbreviations, definitions and symbols stand for the words respectively set forth opposite thereto as follows:
  - (a) Ave.                -        Avenue
  - Blvd.            -        Boulevard
  - Ct.                -        Court



Cres.	-	Crescent
Dr.	-	Drive
Hts.	-	Heights
Gdns.	-	Gardens
Hwy.	-	Highway
Pl.	-	Place
Priv.	-	Private
Rd.	-	Road
Sq.	-	Square
St.	-	Street
Terr.	-	Terrace

- |     |      |   |                    |
|-----|------|---|--------------------|
| (b) | cm   | - | centimetre         |
|     | m    | - | metre              |
|     | km   | - | kilometre          |
|     | km/h | - | kilometre per hour |
- 
- |     |    |   |       |
|-----|----|---|-------|
| (c) | N. | - | North |
|     | S. | - | South |
|     | E. | - | East  |
|     | W. | - | West  |

- (3) Where a distance is used in this by-law as part of a prohibition of parking or stopping within a specified distance of an object, structure, land or a part of a highway, such distance shall be measured:
- (a) along the curb or edge of the roadway from a point in such curb or edge of roadway opposite such object, structure, land or part of a highway, unless the context otherwise requires, and
  - (b) from such point in the curb or edge of roadway in all directions.
- (4) The various prohibitions of this by-law are cumulative and not mutually self-exclusive.
- (5) It is declared that if any section, subsection or part or parts thereof be declared by any court of law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.
- (6) Where any provisions of this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

3. Where any expression of time occurs or where any hour or other period of time is stated, the time referred to shall be standard time, provided however, if what is known as “daylight saving time” has been generally adopted in the City of Clarence-Rockland for any period of the year, under any statute, order-in-council, by-law, resolution, or proclamation, whether the same is effective in law or not, such time shall be the time referred to during such period in any reference to time in this by-law.

## **PART "A"**

### **RULES OF THE ROAD**

#### **PART I**

##### **ERECTION OF SIGNS, TRAFFIC CONTROL DEVICES, ETC. - REGULATIONS**

4.
  - (1) The engineer is hereby authorized and directed to erect, install and maintain official signs, authorized signs, traffic control signals, markings, barricades, traffic control devices and other structures, plants and equipment as are required to give effect to this by-law and as are required to regulate, direct, warn or guide pedestrian and vehicular traffic for the safety and convenience of the public. Except for emergency situations, any changes to traffic and parking signs within the City of Clarence-Rockland shall be reported to and approved by the municipal Council and such changes shall be in compliance with the present by-law and with established procures.
  - (2) When official signs, authorized signs, traffic control signals, markings, barricades or traffic control devices have been erected, every person shall obey the instruction of or directions on such sign, traffic control signal, marking, barricade, so erected or installed and the sign, traffic control signal, marking, traffic control devices or other structures, plants and equipment are deemed to have been erected pursuant to the section that normally regulates or prohibits the matter.
  - (3) All regulations identified through this by-law are in effect at all times, including holidays, except when the effective times and days are specified and identified on official or authorized signs.

#### **PART II**

##### **PARKING AND STOPPING**

5. (1) Subject to subsections 2 and 3, no person shall park or stop any vehicle or permit a vehicle or permit a vehicle to remain parked or stopped on any highway except as follows:
  - (a) where there is a curb, on the right side of the travelled portion of the highway, having regard to the direction in which the vehicle was travelling, with its right front and rear wheels parallel to and not more than fifteen (15cm) centimetres away from such curb; or
  - (b) where there is no curb on the right side of the highway having regard to the direction in which the vehicle was travelling, with the right front and rear wheels parallel to and as near to the right hand limit of the highway as is practicable without stopping over any part of a highway which is landscaped or which is not intended for the use of vehicles.
- (2) Subject to subsection 3, where parking is permitted on the left side of a highway designated for one-way traffic, a person may park or stop any vehicle provided the vehicle is parked:
  - (a) where there is a raised curb, on the left side of the travelled portion of the highway having regard to the direction in which the vehicle was travelling, with its left front and rear wheels parallel to and not more than fifteen (15 cm) centimetres away from such curb; or
  - (b) where there is no curb or a rolled curb, on the left side of the highway having regard to the direction in which the vehicle was travelling, with the left front and rear wheels parallel to and as near to the left hand limit of the highway as is practicable without stopping over any part of a highway as is practicable landscaped or which is not intended for use of vehicles.
- (3) Subsections 1 and 2 do not apply where angle parking is permitted under this by-law.
6. (1) Subject to the provisions of subsection (2), no person shall park a heavy truck, trailer or bus or permit any of them to be parked on any highway within the City of Clarence-Rockland for any continuous period of time exceeding two (2) hours.
- (2) Except as provided for in section 33, no person shall park a heavy truck, trailer or bus or permit any of them to be parked on any park of a highway where no heavy truck signs are erected or are on display on any highway.
7. When official or authorized signs have been erected, no person shall park a vehicle or permit a vehicle to remain parked on any highway,
  - (a) in front of or within eight (8 m) metres of the entrance on which there is a fire hall, on the side of the highway on which the fire hall is located;
  - (b) within six (6 m) metres of an intersection;
  - (c) within eight (8 m) metres of an intersection controlled by a traffic control signal;
  - (d) in front of or within one and one half (1.5) meters of the main entrance to, or any

emergency exit from any hotel, hospital, nursing home, theatre, auditorium or other building or enclosed space in which persons may be expected to congregate in large numbers;

- (e) within ten (10m) metres of the approach side of a crosswalk that is controlled by a traffic control signal and not located at an intersection;
  - (f) within eight (8m) metres of the leaving side of a crosswalk that is controlled by a traffic control signal and not located at an intersection;
  - (g) so as to interfere with the formation of a funeral procession.
  - (h) within a reserved taxicab parking zone;
  - (i) within a reserved loading zone and,
  - (j) where temporary “no parking” signs are erected, placed or posted along any highway or part of a highway by the engineer, a municipal law enforcement officer, a constable or an employee of the Corporation.
8. No person shall park a vehicle or permit a vehicle to remain parked on any highway:
- (a) within six (6 m) metres of an intersection;
  - (b) within three (3 m) metres of a point on the curb or edge of roadway opposite a fire hydrant;
  - (c) in front of or within one and one-half (1.5 m) metres of a laneway or driveway;
  - (d) so as to obstruct a vehicle in the use of any laneway or driveway;
  - (e) in such a position that will prevent the convenient removal of any other vehicle previously parked or standing;
  - (f) for the purpose of displaying the vehicle for sale;
  - (g) if the vehicle is unlicensed;
  - (h) for the purpose of greasing, or repairing the vehicle except where such repairs have been necessitated by an emergency;
  - (i) for the purpose of stripping or partially stripping the vehicle except where such stripping has been necessitated by an emergency;
  - (j) on a driveway within one half (0.5 m) metre of a sidewalk or if there is no sidewalk within one and one half (1.5 m) metres of the roadway;
  - (k) on any sidewalk or in such a manner as to obstruct any sidewalk and,
  - (l) so as to obstruct vehicular traffic.
  - (m) within six (6m) metres of a traffic control device.
  - (n) facing the wrong direction or facing oncoming traffic.
  - (o) within the turning basin of a cul-de-sac, unless the motor vehicle is parked parallel to and not more than 15cm from the curb. Nothing in this section shall deem to permit parking in or around the centre of the turning basin of a cul-de-sac, whether the centre portion is curbed or not.
9. Except as permitted elsewhere in this by-law and where official or authorized signs have been erected, no person shall park a vehicle or permit a vehicle to remain parked on any highway except as provided in the subsection below:
- (a) parking is allowed on both side of highways having a minimum width of ten (10m)

- meters;
  - (b) parking is allowed on one side of highways having a minimum width of eight (8m) meters;
  - (c) where official or authorized signs have been erected, parking is allowed on one side of highways having a minimum width of six (6m) meters and traffic volumes below 500 vehicles per day.
- 10. No person shall park a vehicle or permit a vehicle to remain parked on any highway so as to interfere in any manner with the work of,
  - (a) removing snow;
  - (b) removing ice;
  - (c) clearing of snow; or
  - (d) cleaning operations, including sweeping.
- 11. No person shall park a vehicle or permit a vehicle to remain parked on any highway contrary to official or authorized signs.
- 12.
  - (1) The parts of the highway that are within fifteen (15 m) metres of the approach side of a school crosswalk designated by markings and authorized school crosswalk signs; and that are within ten (10 m) metres of the leaving side of a school crosswalk designated by markings and authorized school crosswalk signs, are hereby established as a school crosswalk zone.
  - (2) No person shall stop a vehicle or permit a vehicle to remain stopped on any highway:
    - (a) on or partly on or over a sidewalk;
    - (b) within an intersection or crosswalk;
    - (c) on or partly on grass;
    - (d) on or partly on a bicycle lane or pathway;
    - (e) between the hours of 7:00 a.m. and 7:00 p.m. within a school crosswalk zone;
    - (f) adjacent to or across from any excavation or obstruction in the roadway when the free flow of traffic would thereby be impeded;
    - (g) on the roadway side of any stopped or parked vehicle;
    - (h) upon any bridge or elevated structure or within thirty (30 m) metres of either end of any such structure except where parking in these locations is otherwise permitted by this by-law;
- 13.
  - (1) The parts of the highway that are within fifteen (15 m) metres of the approach side of a pedestrian crossover and that are within ten (10 m) metres of the leaving side of a pedestrian crossover, are hereby established as a pedestrian crossover zone.
  - (2) When official or authorized signs have been erected, no person shall stop a vehicle or permit a vehicle to remain stopped on any highway,
    - (a) within a pedestrian crossover;
    - (b) within a pedestrian crossover zone;

- (c) within the turning basin of a cul de sac;
  - (d) within thirty (30m) meters of the approach or leaving side of a roundabout;
  - (e) where temporary “no stopping” signs are erected, placed or posted along any highway or part of a highway by the engineer, a municipal law enforcement officer, a constable or an employee of the Corporation.
- 14. (1) No person shall stop a vehicle or permit a vehicle to remain stopped on any highway at the side and within the limits contrary to official or authorized signs.
- (2) The provisions of Sections 13(2) and 14(1) of this by-law relating to stopping do not apply to prevent the stopping of a taxi cab, provided:
    - (a) it is operated under a valid taxi licence, and
    - (b) it is stopped only while actively engaged in the process of receiving or discharging passengers, including the processing of fare payment.
  - (3) The provisions of Section 13(2) and 14(1) of this by-law relating to stopping do not apply to prevent the stopping of a motor vehicle for the purpose of and while actually engaged in receiving or discharging a person with disability provided that such motor vehicle has a valid accessible parking permit displayed upon its dashboard or on the sun visor in accordance with the provisions of the Highway Traffic Act.
- 15. The provisions of this by-law relating to parking, standing and stopping do not apply to prevent the parking, standing or stopping of passenger motor vehicles forming part of any funeral cortege, provided that all such vehicles are parked or stopped on only one side of a highway at one time.
- 16. (1) No person shall park or permit a vehicle to remain parked on a highway contrary to the permitted maximum duration during the times and days identified on official or authorized signs.
- (2) No person shall park a vehicle or permit a vehicle to remain parked on a highway within one (1) hour from the time of its removal from part of highway referred to in subsection 1 within three hundred (300 m) metres of such part of highway.
- 17. (1) Subject to subsections (2) and (3),
  - (a) no person shall park a vehicle or permit a vehicle to remain parked on a highway at any time between 1:00 a.m. and 7:00 a.m. from November 15 to April 1, inclusive; and,
  - (b) no person shall park a vehicle or permit a vehicle to remain parked on a highway at any time and on any date prescribed by the General Manager of Public Works and Environmental Services or designate.
- (2) The provisions of subsection 1 shall not come into effect;
    - (a) until the General Manager of Public Works and Environmental Services or

- designate has received a report from the Environment Canada Atmospheric Environment Service or from Weather Tracker which forecasts an accumulation of snow of seven (7cm) centimetres or more, or a range of accumulation of snow which includes seven (7cm) centimetres or more; or
- (b) unless, in the opinion of the General Manager of Public Works and Environmental Services or designate, extreme, inclement, or unusual weather, or other conditions, warrant it based on information available to the General Manager or designate.
- (3) The General Manager of Public Works and Environmental Services or designate may;
- (a) suspend the operation of subsection (1) provided that in his or her opinion, the fall or accumulation of snow, ice or rain is such as not to unduly interfere with the snow and ice removal functions, regular highway maintenance or the proper use and movement of vehicles on the highway;
- (b) reinstate the operation of subsection (1) as provided for in subsection (2);
- (c) amend the dates and times prescribed in subsection (1) as may be necessary to facilitate snow and ice removal functions, regular highway maintenance, or proper use and movement of vehicles on the highway.
18. (1) Where an angle parking space is designated by lines or other markings on the roadway, or otherwise, no person shall stop, stand or park a vehicle or permit a vehicle to remain parked or standing therein except entirely within the area so designated as a parking space.
- (2) Where angle parking is permitted on a highway, no person shall stop, stand or park any vehicle or permit a vehicle to remain parked or standing except at the angle designated by signs or markings on the roadway.
- (3) Where angle parking on a highway other than at an angle of 90 degrees to the curb or edge of roadway is permitted, no person shall park a vehicle or permit a vehicle to remain parked on such highway except with the front end of the vehicle at the curb or edge of the roadway.
- (4) No person shall park a vehicle or permit a vehicle to remain parked at an angle on a highway contrary to official or authorized signs.

### PART III

#### LOADING ZONES

19. (1) Official or authorized signs designate parts of a highway that are established as loading zones during the time or days identified on the signs.

- (2) When authorized signs have been erected, no person shall park or stop a vehicle or permit a vehicle to remain parked or stopped in a loading zone except for the purpose of, and while actually engaged in, loading thereon or unloading therefrom, passengers, freight or merchandise.
- 20. (1) Official or authorized signs shall designate the parts of highways that are established as school bus loading zones for use during the days and times identified on the signs.
- (2) No person shall park or stop a vehicle other than a school purposes vehicle, or permit a vehicle other than a school purposes vehicle to remain parked or stopped, in a school bus loading zone contrary to official or authorized signs.
- 21. The provisions of Sections 16(1) and 16(2) of this by-law shall not apply to a motor vehicle displaying a valid accessible parking permit on the dashboard or on the sun visor in accordance with the provisions of the Highway Traffic Act provided that said vehicle does not remain parked for a period of time of more than four (4) hours.

#### PART IV

##### DRIVING AND RELATED RULES

- 22. The driver or operator of a vehicle emerging from a driveway, laneway, lot or building onto a highway shall, upon driving onto a sidewalk or onto the roadway, yield the right-of-way to pedestrians upon such sidewalk or roadway.
- 23. No person shall drive, operate or park a vehicle or permit a vehicle to remain parked on any highway barricaded and marked by Corporation signs showing that its use is prohibited or restricted for a specified time.
- 24. No person shall coast on a roadway, whether on a sleigh, skateboard, roller skate, in-line skate, cart, children's wagon or toboggan, by attaching it, them, himself or herself to a vehicle on a highway.
- 25. (1) No person shall drive or park a vehicle other than a Peace officer or Fire Department vehicle on any highway within ninety (90m) metres of a fire scene, an accident scene, a fire apparatus or fire-fighting equipment, except as directed by a peace officer, police officer or officer of the Fire Department.
- (2) Unless directed by a peace officer, police officer or officer of the Fire Department, no person shall drive a vehicle over a fire hose on any highway.
- 26. Notwithstanding any provisions of this by-law to the contrary, a police officer, peace officer or the Engineer may, during any emergency or special circumstance, by the erection of



appropriate signs or signals, prohibit or regulate the movement of vehicles on any highway or part of a highway and no person shall drive or operate a vehicle in contravention of any such sign or signal.

27. Despite any provisions of this by-law, every person shall promptly obey all signals given by a traffic control signal, traffic control device or an official or authorized sign and all directions given by a police officer, municipal law enforcement officer or firefighter and nothing in this by-law shall affect the powers to regulate traffic held by the Ontario Provincial Police.
28.
  - (1) No person shall drive a vehicle, or ride upon a skateboard, roller blade or roller skate, on a sidewalk except for the purpose of directly crossing the sidewalk.
  - (2) No person shall drive a vehicle over a raised curb or sidewalk except at a place where there is a ramp, rolled curb or depressed curb.
  - (3) Subsections (1) and (2) shall not apply to wheelchairs, baby carriages, children's tricycles, children's wagons, handcarts used for vending, or bicycles crossing between the roadway and any other cycling path or facility.
  - (4) Subsection (1) shall not apply to prevent the driving of bicycles on a sidewalk where it is permitted by official or authorized signs.
  - (5) Despite the provisions of subsection (4), a person driving a bicycle on a sidewalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.
  - (6) Nothing in this section shall relieve the pedestrian from the obligation of taking all due care to avoid a collision.
29. No person shall board or alight from any vehicle while such vehicle is in motion.
30. The provisions of Section 28 do not apply to municipal vehicles that are engaged in the performance of cleaning, clearing, maintenance, repair, construction or other work on any highway.
31. Parts I, II and III and Sections 23, 25 and 28 shall not, in the case of an emergency, apply to ambulances, police vehicles, fire apparatuses, municipal law enforcement vehicles or public works vehicles in the performance of their duties.

## PART V

### NO HEAVY TRUCK ROUTE

32. No person shall drive or cause to be driven a heavy truck on a highway or part of a highway where “no heavy truck signs” are erected or are on display on any highway.
33. (1) Subject to subsections (2) and (3), section 32 shall not apply to prevent the deviation from a truck route for the following purposes:
- (a) deliveries by a heavy truck to premises not abutting a truck route;
  - (b) the performance of services requiring a heavy truck at premises not abutting a truck route;
  - (c) a heavy truck proceeding to or from a garage or other premises not abutting a truck route for the purpose of housing, storing or repairing such heavy truck;
  - (d) the performance of public works by the Corporation or a local board thereof or,
  - (e) emergency services.
- (2) Every such deviation shall be made from the point on a truck route nearest by highway distance to the premises or location of performance of services referred to in subsection (1).
- (3) When successive deliveries are to be made in an area bounded by truck routes, after the last delivery, the heavy truck shall be driven to the nearest truck route.

## PART VI

### PEDESTRIANS

34. Except where traffic control signals are in operation or where traffic is being controlled by a constable, no pedestrian shall cross a highway without yielding the right-of-way to all vehicles upon the roadway, but nothing in this section shall relieve the driver of a vehicle from the obligation of taking all due care to avoid a collision.
35. Except for the purpose of crossing a roadway, where there is a sidewalk that is reasonably passable on one side or on both sides of a roadway, a pedestrian shall use the available sidewalk.
36. No person shall go over or under a pedestrian barrier installed on a sidewalk, or at any other location within a highway.
37. (1) No person shall play or take part in any game or sport upon a roadway, except while engaged in ball hockey where a free flow of traffic is not impeded.
- (2) Where there are sidewalks, no person on or riding in or by means of any children's wagon, toboggan, or similar device shall go upon a roadway, except for the purpose of crossing it, and when so crossing, such person shall have the rights and be subject

to the obligations of a pedestrian.

38. No pedestrian shall enter on or cross a roadway contrary to official or authorized signs.

## PART VII

### BICYCLES

39. (1) A person driving a bicycle upon a roadway shall
- (a) where practicable, drive in the right-hand lane when available for traffic or as close as practicable to the right-hand curb or edge of the roadway.
  - (b) exercise due care when passing a parked, stopped or standing vehicle or one proceeding in the same direction.
- (2) A person driving a bicycle upon a highway designated for one-way traffic shall:
- (a) where practicable, drive in the right-hand or left-hand lane when available for traffic or as close as practicable to the right-end or left-hand curb or edge of the roadway.
  - (b) exercise due care when passing a parked, stopped or standing vehicle or one proceeding in the same direction.
- (3) Persons driving bicycles upon a roadway shall do so in single file.
- (4) No person driving a bicycle upon a highway shall carry any package, bundle or article which prevents the rider from keeping both hands on the handlebars or interferes with the normal operation of the bicycle.
- (5) No person shall place a bicycle upon a highway except in such a manner as to cause the least possible obstruction to pedestrian or vehicular traffic.
- (6) No person shall ride or cause to be ridden, or use, a bicycle, motor-assisted bicycle or animal on any highway or part of a highway contrary to official or authorized signs.

## PART VIII

### SIGNS

40. No person shall place, maintain or display upon, or visible from, any highway, any sign, signal, marking, device or vegetation which,
- (a) conceals a traffic control device, traffic control signal from view,
  - (b) interferes with the effectiveness of a traffic control device or traffic control signal.
  - (c) appears to be or is an imitation of or resembles any official or authorized sign, traffic

control signal or traffic control device.

41. No person shall move, remove, deface or in any manner interfere with any authorized or official sign, traffic control signal, marking or other traffic control device placed, erected or maintained under this by-law.
42.
  - (1) No person shall drive any vehicle over any marking on the roadway where markers such as pylons are in place to indicate that the marking material has been freshly applied.
  - (2) No person shall drive any vehicle onto any marker such as pylons placed on the roadway.

## **PART "B"**

### **PROPERTY - PRIVATE PROPERTY AND PROPERTY OF THE CORPORATION**

43. In this part:
  - (a) "owner", when used in relation to property, means,
    - (i) the registered owner of the property,
    - (ii) the registered owner of a condominium unit whose consent shall extend only to the control of the unit of which he is owner and any parking spaces allotted to him by the condominium corporation or reserved for his exclusive use in the declaration or description of the property,
    - (iii) the spouse of a person described in subparagraph (i) or (ii) hereof,
    - (iv) where the property is included in description registered under The Condominium Act, the board of directors of the condominium corporation, or
    - (v) a person authorized in writing by the property owner as defined in subparagraph (i), (ii) or (iii) or (iv) hereof to act on the owner's behalf for requesting the enforcement of this part of the by-law;
  - (b) "occupant" means,
    - (i) the tenant of the property or part thereof whose consent shall extend only to the control of the land of which he is tenant and any parking spaces allotted to him under his lease or tenancy agreement,
    - (ii) the spouse of a tenant,
    - (iii) a person, the City of Clarence-Rockland, or a local board thereof having an interest in the property under an easement or right of way granted to or expropriated by the person, the City of Clarence-Rockland or local board whose consent shall extend only to the part of the property that is subject to the easement or right of way, or
    - (iv) a person authorized in writing by an occupant as defined in subparagraph (i), (ii) or (iii) hereof to act on the occupant's behalf for requesting the

enforcement of this part of the by-law.

44. (1) The driver of a motor vehicle, not being the owner, is liable to any penalty provided under this part of the by-law, and the owner of a motor vehicle is also liable to such a penalty unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner without the owner's consent.
- (2) Subject to subsection 4, the driver or owner of a motor vehicle parked or left on private property is not liable to any penalty or to have the motor vehicle removed from such property or impounded under this part of the by-law, except upon the written complaint of the owner or occupant of the property given to a constable, a municipal by-law enforcement officer or officer appointed for the carrying out of the provisions of this part of the by-law;
- (3) Where an owner or occupant of property affected by this part of the by-law has posted signs stating conditions on which a motor vehicle may be parked or left on the property or prohibiting the parking or leaving of a motor vehicle on the property, a motor vehicle parked or left on the property contrary to such conditions or prohibition shall be deemed to have been parked or left without consent;
- (4) If it is alleged in a proceeding that a provision of Part "B" of this by-law has been contravened, the oral or written evidence of a police officer, police cadet or municipal by-law enforcement officer is receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated therein in respect of,
- (a) the ownership or occupancy of the property,
  - (b) the absence of the consent of the owner or occupant, and
  - (c) whether any person is an owner or an occupant as defined in Section 43.
- (5) A document offered as evidence under subsection (4) shall be admitted without notice under the Evidence Act.
45. No person shall park or leave any motor vehicle on private property without the consent of the owner or occupant of the property.
46. Whenever a motor vehicle is parked or left on private property without the express authority of the owner or occupant of such property, a police officer, police cadet, municipal law enforcement officer or an officer appointed for the carrying out of this By-law, upon the written complaint of the owner or occupant of the property, shall cause the said motor vehicle to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, shall be paid by the owner of the said motor vehicle and such costs and charges shall be a lien upon the said motor vehicle which may be enforced in the manner provided by the Repair and Storage Liens Act, R.S.O. 1990, Chapter R.25.

47. The engineer, for the purpose of controlling and regulating parking in or on parking lots and for the purpose of measuring and recording the time during which a motor vehicle has been parked and for the amount of fee to be collected, is hereby authorized to:
- (a) erect, maintain and operate parking meters in or on municipal parking lots,
  - (b) erect, maintain and operate parking machines or station attendances in or on municipal parking lots, and
  - (c) designate parking spaces in connection therewith.
48. Where parking meters have been erected, no person shall park any motor vehicle in a parking space or in any municipal parking lots during the hours of operation unless the meter controlling such parking space is used and the fee deposited thereunder in accordance with the rate indicated for the parking space and the meter is set in operation in accordance with the instructions given thereon.
49. (1) Municipal parking lots that are equipped with parking machines are designated as pay and display parking lots.
- (2) The Corporation may erect and display signs and machines in any pay and display parking lot to require payment for parking for the times of operation.
50. (1) No person shall park a vehicle or permit it to remain parked in a pay and display parking lot unless:
- (a) a fee is deposited in the parking machine for the time the vehicle is parked and a receipt is obtained; and
  - (b) the receipt is placed on the dashboard of the vehicle, face up, and easy to read from outside the vehicle and left there for the duration of the time paid for.
- (2) No driver of a vehicle shall allow a vehicle to be parked in a pay and display parking lot for a time of day that is later than the time of day indicated on the receipt.
51. (1) No person shall deposit or cause to be deposited in any parking machine any slug, device or other substitute for a coin of Canada or the United States of America.
- (2) No person shall deface, conceal, tamper with, open, break, destroy or impair the usefulness of any parking machine.
- (3) Nothing in this section shall permit a person to stop or park a vehicle at any location where stopping or parking is otherwise prohibited.
52. No person shall park or leave any motor vehicle on a property of the Corporation which parking is by sign designated as an area in which parking is prohibited.
53. No person shall park or leave any motor vehicle on a property of the Corporation where an area is by sign designated as reserved, unless the area is reserved for such person or class of persons.

54. No person shall park or leave any motor vehicle on a property of the Corporation where parking is by sign regulated by time limits for a longer period of time than that set out on the sign.
55. No person shall park or stop a motor vehicle or permit a motor vehicle to remain parked or stopped on a property of the Corporation in an area designated by sign as a loading zone, except for the purpose of and while actually engaged in loading thereon or unloading therefrom, passengers, freight or merchandise.
56. where an electric vehicle parking space has been identified on a property of the Corporation, no person shall park a motor vehicle or permit a motor vehicle to remain parked that does not conform to the following;
- (a) the electric vehicle charging station has been activated for its intended purpose;
  - (b) any required fee is deposited therein in accordance with the rate displaced on each electric vehicle charging station; and
  - (c) any other posted electric vehicle parking space restrictions.
57. Whenever a motor vehicle is parked or left in an unauthorized area on a property of the Corporation and is in contravention of any provision of part "B" of this by-law, a police officer, police cadet, municipal law enforcement officer or an officer appointed for the carrying out of the provisions of this By-law, shall upon the written complaint of an authorized employee of the Corporation may cause the said motor vehicle to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, shall be paid by the owner of the said motor vehicle and such costs and charges shall be a lien upon the said motor vehicle, which may be enforced in the manner provided by the Repair and Storage Liens Act, R.S.O. 1990, Chapter R. 25 as amended.

## **PART "C"**

### **PARKING FOR PERSONS WITH DISABILITY**

59. Reserved parking spaces for persons with disabilities shall be identified with authorized signs that comply with the signs described under section 11 of Ontario regulation 581 made under the Highway Traffic Act.
60. (1) The public parking area owner and operator shall be jointly responsible for the procurement and installation of the authorized signs referred to in Section 59.
- (2) The public parking area owner and operator shall be jointly responsible:
- (a) for the maintenance of the authorized signs referred to in Section 59, and

- (b) for ensuring that the shape, symbols and colours of the authorized signs conform to the provisions of Section 59.
- 61. Persons with disabilities shall not be required to pay an amount in excess of the normal fee paid by other users of the same public parking facility.
- 62.
  - (1) No person shall park or leave a motor vehicle in a public parking area in a parking space reserved persons with disabilities and identified by authorized signs unless a valid accessible parking permit is visibly displayed on its dashboard or on the sun visor in accordance with the provisions of the Highway Traffic Act.
  - (2) The provisions respecting the placement of a valid accessible parking permit referred to in subsection (1) hereof shall be deemed to be satisfied if a valid accessible parking permit is visibly displayed on the dashboard or on the sun visor of the motor vehicle at the request of a constable, municipal law enforcement officer or a public parking area owner or operator.
  - (3) No public parking area owner or operator shall authorize any person to park or leave a motor vehicle in a space reserved for persons with disabilities and identified by authorized signs unless,
    - (a) the driver is a person with a disability or a person conveying a person with a disability; and
    - (b) a valid accessible parking permit is visibly displayed on the dashboard or on the sun visor of said vehicle in accordance with the provisions of the Highway Traffic Act.
  - (4) A displayed accessible parking permit shall not be valid when the motor vehicle in or on which it is displayed is not actually being used for the purposes of picking up or transporting a person with a disability.
  - (5) No person, other than the person to whom it was issued or a person conveying the person to whom it was issued, or a person providing transportation services for a corporation or organization to whom it was issued to provide transportation services primarily to persons with disabilities shall use or display an accessible parking permit issued to a person with a disability.
  - (6) Notwithstanding the other provisions of this by-law, a municipal law enforcement officer, a constable or an officer appointed for carrying out the provisions of Part "C" of this by-law does not require a complaint of the public parking area owner or operator to enforce the provisions of subsection (1) hereof.
  - (7) The appointment of municipal law enforcement officers to enforce Part "C" of this by-law shall be deemed to be sufficient authority to enforce the provisions of subsection (1) hereof.



63. Public parking area owners and operators shall maintain unobstructed access to each parking space for persons with disabilities identified by authorized signs and each space shall be kept free of snow or otherwise maintained to the same standards as all other parking spaces in the same parking facility.

## **PART “D”**

### **REQUESTS FOR CHANGES**

64. Members of the community may submit requests for changes to infrastructure elements such as authorized or official signs, traffic control signals, markings or other traffic control devices in accordance with the Corporation’s established procedures.

## **PART “E”**

### **OFFENCES AND PENALTIES**

65. (1) Any person who contravenes any of the provisions of this By-law is guilty of an offence and is subject to the provisions of the Provincial Offences Act, R.S.O.1990, Chapter P.33, and amendments thereto.
- (2) Any person who contravenes any of the provisions of this By-law is guilty of an offence and is subject to the provisions of the Municipal Act, S.O. 2001, c.25 as amended.
- (3) Any person who is issued a parking infraction notice for alleged violation of Section 62(1) hereof because a valid accessible parking permit was not displayed and who within thirty (30) days (exclusive of Saturdays, Sundays and Public Holidays) from the date of issue of the parking infraction notice obtains a valid accessible parking permit, upon presentation of the said notice and the said permit at the office of the issuer of the said Notice, shall not be required to pay the penalty for the alleged violation of the provisions of the said Notice.
66. In addition to any other penalties provided by this by-law, upon discovery of any vehicle parked, stopped or standing on any highway in contravention of the provisions of this by-law, a police officer, police cadet, municipal law enforcement officer or an officer appointed for the carrying out of the provisions of this By-law, may cause such vehicle to be moved or taken to and placed or stored in a suitable place and all costs and charges for the removing, care and storage thereof, if any, are a lien upon the vehicle being released and may be enforced in the manner provided by the Repair and Storage Liens Act, R.S.O. 1990, Chapter R.25 as amended.

67. (1) The owner of a vehicle that is parked, stopped or left standing in contravention of this by-law is guilty of an offence unless the owner proves to the satisfaction of the court that at the time of the offence, the vehicle was in the possession of another person without the owner's consent, express or implied.
- (2) The owner of a vehicle shall incur the penalties provided for any contravention of this by-law unless, at the time of the contravention, the vehicle was in the possession of some person other than the owner or his chauffeur without the owner's consent and the driver or operator of a vehicle not being the owner shall also incur the penalties provided for any such contravention.

## PART IX

### ADMINISTRATIVE PENALTIES

68. All the provisions of this by-law are hereby designated for the purposes of section 3 (1) (b) of the Administrative Penalty Regulation, O. reg 333/07 as parts of the by-law to which the Corporation's Penalty by-law applies.
69. Every person who contravenes a designated provision of this by-law shall, when given a penalty notice, in accordance with the Corporation's Administrative Penalty by-law, be liable to pay to the Corporation an administrative penalty in the amount specified.
70. The Provincial Offences Act, R.S.O. 1990, c.P.33, as amended does not apply to a contravention of a provision in this by-law that is designated as part of this by-law to which the Corporation's Administrative Penalty by-law applies.

## PART X

### APPLICATION AND ADMINISTRATION

71. (1) This by-law shall be enforced by the Police or designate and the Municipal Law Enforcement Officers of the Corporation.
- (2) The Police or designate and the Municipal Law Enforcement Officers are exempt from complying with the provisions of this by-law while actively engaged in its enforcement on the parts thereof that they have been appointed to enforce when no suitable parking is available.
- (3) No person shall obstruct, hinder or interfere with the Municipal Law Enforcement Officer in the lawful performance of his/her duties.

72. This by-law applies to all highways under the jurisdiction of the Corporation.
73. The provisions of this by-law are subject to the provisions of the Highway Traffic Act as amended.
74. By-law number 1998-85 and 2007-01 are hereby repealed on the day that by-law 2019- comes into force.
75. This by-law shall come into force and take effect on June 1<sup>st</sup>, 2020.

READ, DONE AND PASSED IN OPEN COUNCIL THIS 16<sup>TH</sup> DAY OF DECEMBER, 2019

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**GUY DESJARDINS, MAYOR**

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**MONIQUE OUELLET, CLERK**