BY-LAW No. 2015-069

OF THE

CORPORATION OF THE TOWN OF COLLINGWOOD

Being a by-law to prohibit the parking or leaving of motor vehicles on private property without the consent of the owner.

WHEREAS Section 100 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the "Act"), provides that a local municipality may, in respect of land not owned or occupied by the municipality that is used as a parking lot, regulate or prohibit the parking or leaving of motor vehicles on that land without the consent of the owner of the land or regulate or prohibit traffic on that land if a sign is erected at each entrance to the land clearly indicating the regulation or prohibition;

AND WHEREAS Section 100.1(1) of the Act provides that a local municipality may, in respect of land not owned or occupied by the municipality, regulate or prohibit the parking or leaving of motor vehicles without the consent of the owner of the land;

AND WHEREAS Section 101(1) of the of the Act provides that, if a municipality passed a by-law regulating or prohibiting the parking or leaving of a motor vehicle on land, it may provide for the removal and impounding or restraining and immobilizing of any vehicle, at the vehicle owner's expense, parked or left in contravention of the by-law and subsection 170(15) of the Highway Traffic Act, R.S.O. 1990, c. H. 8, as amended (the "HTA"), applies with necessary modifications to the by-law;

AND WHEREAS Section 101(2) of the Act provides that a municipality may enter on land at reasonable times for the purposes described in section 101(1) of the Act;

AND WHEREAS Section 101(3) of the Act provides that, if signs are erected on land specifying conditions on which a motor vehicle may be parked or left on the land or regulating or prohibiting the parking or leaving of a motor vehicle on the land, a motor vehicle parked or left on the land contrary to the conditions or prohibition shall be deemed to have been parked or left without consent;

AND WHEREAS Section 102(1) of the Act provides that if a municipality passes a by-law for establishing a system of disabled parking, the sole manner of identifying vehicles shall be a disabled parking permit issued under and displayed in accordance with the HTA and the regulations made under it;

AND WHEREAS Section 102(2) of the Act provides that, without limiting sections 9, 10 and 11, a local municipality may require the owners or operators of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, to provide designated parking spaces for vehicles displaying a disabled parking permit and if it does so, the local municipality shall prescribe the conditions of use of the disabled parking permit and shall prohibit the improper use of the permit;

AND WHEREAS Section 102(3) of the Act provides that a by-law passed in accordance with subsection 102(2) may provide for the removal and impounding of any vehicle, at its owner's expense, parked or left contrary to the by-law;

AND WHEREAS Section 427 of the Act provides that a by-law establishing a system of disabled parking shall provide that every person who contravenes the by-law is guilty of an offence and on conviction is liable to a fine of not less than $300.

AND WHEREAS Section 7.1(1) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended (the "FPPA"), provides that a council of a municipality may pass by-laws designating private roads as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle parked or left along any of the fire routes at the expense of the owner of the vehicle;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF COLLINGWOOD ENACTS AS FOLLOWS:

1.Short Title

1.1. This by-law may be cited as the "Parking on Private Property By-Law"

2.Definitions

2.1. The definitions contained within the HTA shall apply in the interpretation of this by-law except where they are inconsistent with the definitions contained in this by-law, in which case the definitions in this by-law shall apply.

2.2. For the purposes of this by-law:

"Council" means the Council of the Town (hereinafter defined);

“Designated Parking Space” means a parking space, other than one located on a highway, distinctly indicated for the exclusive use of a Person with a Disability (hereinafter defined) in accordance with the requirements of R.R.O. 1990, Regulation 581 under the HTA, as amended;

“Fire Route” means private roads that are designated as fire routes by Council;

“Leave” or **“Left”** means to stand or stop;

“Motor Vehicle” means an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power;

“Officer” means a police officer, a police cadet or a municipal law enforcement officer;

“Permit” means a disabled person parking permit issued under and displayed in accordance with the HTA and the regulations made thereunder;

“Person with a Disability” shall have the same meaning as found in R.R.O. 1990, Regulation 581 under the HTA, as amended;

“Private Enforcement Officer” means an individual, partnership or corporation appointed to enforce the provisions of this by-law at specific locations throughout the Town;

“Private Property” means land not owned or occupied by the Town (hereinafter defined); and,

"Town" means The Corporation of the Town of Collingwood.

3.General Provisions

Parking on Private Property

3.1. No person shall park or Leave a Motor Vehicle on Private Property without the consent of the owner of the Private Property.

3.2. No person shall park or Leave a Motor Vehicle on Private Property that is being used as a parking lot without the consent of the owner of the Private Property.

3.3. If a parking space has been designated by lines painted on the surface of the parking area on the Private Property, no person shall park or Leave a Motor Vehicle in such a manner that is not wholly within the area designated as a parking space.

Parking in a Fire Route

3.4. No person shall park or Leave a Motor Vehicle in a Fire Route at any time.

Parking in a Designated Parking Space

3.5. No person shall park or Leave a Motor Vehicle in a Designated Parking Space at any time without displaying a Permit.

3.6. No person shall park or Leave a Motor Vehicle displaying a Permit in a Designated Parking Space if the vehicle is not transporting or picking-up a Person with a Disability.

4.Parking Without Consent

4.1. If signs are erected on Private Property specifying conditions on which a Motor Vehicle may be parked or Left on Private Property or regulating or prohibiting the parking or Leaving of a Motor Vehicle on Private Property, a Motor Vehicle parked or Left on Private Property contrary to the conditions or prohibition shall be deemed to have been parked or Left without the consent of the owner.

5.Removal of Motor Vehicles

5.1. An Officer or a Private Enforcement Officer, upon discovery of any Motor Vehicle parked or Left in contravention of this by-law, may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for the removal, care and storage of the Motor Vehicle, if any, are a lien upon the Motor Vehicle, which may be enforced in the manner provided by the Repair and Storage Liens Act, R.S.O. 1990, c. R. 25, as amended.

6.Private Enforcement Officers

6.1. The Town Clerk may appoint Private Enforcement Officers, at any time, to enforce the provisions of this by-law at specified locations throughout the City and may also rescind such appointments, at any time.

6.2. The Town Clerk may:

a. prescribe the forms necessary for an individual, partnership or corporation to apply to become a Private Enforcement Officer; and,

b. establish reasonable criteria for an individual, partnership or corporation to be appointed as a Private Enforcement Officer.

6.3. The Town Clerk shall, at all times, maintain a list of all appointed Private Enforcement Officers, which shall include the following information:

a. the date of the Private Enforcement Officer's appointment;

b. the Private Property in the Town on which the Private Enforcement Officer is permitted to enforce the provisions of this by-law; and,

c. the date that a Private Enforcement Officer's appointment was rescinded, if applicable.

7. Enforcement

7.1. This by-law may be enforced by Officers or Private Enforcement Officers.

7.2. No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this by-law.

7.3. Officers may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not this by-law is being complied with.

8. Offence

8.1. Every person who contravenes any of the provisions of this by-law is guilty of an offence and, on conviction, is liable to a fine pursuant to the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended.

8.2. Every owner of a vehicle that has been parked or Left in contravention of this by-law is guilty of an offence unless at the time of the offence the vehicle was in the possession of another person without the owner's consent.

9. Severability

9.1. If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in full force and effect.

10. Coming into Force

10.1. This by-law shall come into force and effect on the date of its passage by Council.

ENACTED AND PASSED this 4th day of August, 2015.

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Mayor's Signature

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Clerk's Signature