

Bill No. 228
2016

By-law No. PS-111-16____

A By-law to amend By-law PS-111 entitled, "A by-law to regulate traffic and the parking of motor vehicles in the City of London".

WHEREAS subsection 5(3) of the Municipal Act, 2001 S.O. 2001, c.25, provides that a municipal power shall be exercised by by-law;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Section 1 of by-law PS-111 is amended by:
 - (a) deleting the definition of "General Manager" in its entirety;
 - (b) adding the following new definitions of "city-approved mobile payment application" and "city mobile enforcement system" after the definition of "Category 7 Refreshment Vehicle":

“**city-approved mobile payment application**” means a mobile payment application approved by the City Engineer 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 as identified by the vehicle’s licence plate;

“**city mobile enforcement system**” means the Corporation’s mobile system for determining whether the payment required for the use of a parking space has been made based on the licence plate of the parked vehicle and for determining whether a vehicle is parked in a parking space for a period longer than that for which payment has been made;”
 - (c) adding the following new defined term and definition of "City Engineer" after the definition of "city-approved mobile payment application":

“**City Engineer**” means Managing Director and City Engineer or any employee or agent of the Corporation designated by the said Managing Director and City Engineer to act on his or her behalf;”
2. By-law PS-111 is amended by deleting all references to "General Manager" and replacing them with the defined term "City Engineer".
3. Section 41 of by-law PS-111 is amended by deleting subsections 41.(1) and 41.(2) and replacing them with the following:

“41.(1) In this By-law, where payment is required for the use of a parking space, such payment may only be made as follows:

 - a) in the case of an individual parking meter by:
 - (i) depositing coin or coins into the parking meter controlling such parking space; or
 - (ii) making a payment through a city-approved mobile payment application for the vehicle occupying such space as identified by the vehicle’s licence plate;
 - b) in the case of a pay and display parking meter by:
 - (i) depositing coin or coins or inserting a credit card into the pay and display parking meter controlling such space and immediately

placing the paper receipt dispensed by the pay and display parking meter face up on the interior right-hand side of the front windshield of the vehicle so as to be clearly visible; or

- (ii) making a payment through a city-approved mobile payment application for the vehicle occupying such space as identified by the vehicle's licence plate.

41.(2) Where a vehicle by reason of its size necessarily occupies more than one parking space or portion thereof payment must be made in accordance with subsection 41(1) for each parking space or part thereof occupied."

4. Section 41 of by-law PS-111 is amended by inserting the following new subsections 41.(4) and 41.(5):

"(4) The City Engineer is authorized to designate mobile payment applications as city-approved mobile payment applications under this by-law.

(5) The City Clerk shall maintain a record of all mobile payment applications designated by the City Engineer as city-approved mobile payment applications under this by-law. The record shall be available for public inspection at the City of London Parking Services Office and the office of the City Clerk during normal business hours."

5. Section 42 of by-law PS-111 is amended by deleting subsections 42.(1), 42.(3) and 42.(4) and replacing them with the following:

"42. (1) No person shall park a vehicle in any parking space within a parking meter zone as set out in the Schedule listed in Column 1 of Table 1 herein, during the times set out in Column 5 of the applicable Schedule, without immediately depositing to the appropriate parking meter or immediately making through a city-approved mobile payment application payment for the vehicle occupying such space as identified by the vehicle's licence plate for the parking time at the rate set out in Schedule 1 of the Corporation's Various Fees and Charges By-law as amended from time to time.

42. (3) No person shall park a motorcycle in any parking space in a parking meter zone set out in Columns 1 and 2 of Table 1 herein without immediately depositing to the appropriate parking meter or immediately making through a city-approved mobile payment application payment for the vehicle occupying such space as identified by the vehicle's licence plate for the parking time set out in Schedule 1 of the Corporation's Various Fees and Charges By-law as amended from time to time.

42. (4) Subsection (3) of this section does not apply if the motorcycle is one of three motorcycles parked in a parking space and the individual parking meter indicates time remaining.

42. (5) Subsection (1) of this section does not apply to a person who parks a vehicle of a disabled person displaying an identifying marker as described in section 73 of this by-law, in a municipally owned off street parking lot utilizing a designated disabled parking space, for a period of less than a daily maximum of two hours."

6. Section 47 of by-law PS-111 is amended by deleting subsections 47.a) and b) and replacing them with the following:

"47.(1) No person shall park a vehicle in any parking space or part thereof for a period longer than that for which payment has been made.

(2) For the purpose of subsection (1) a vehicle is deemed to have been parked for a period longer than that for which payment has been made:

a) in the case where an individual parking meter is installed adjacent to the space used in whole or in part by such vehicle:

(i) if the parking meter indicates no time remaining; or

- (ii) if payment for a pre-determined period of time has been made through a city-approved mobile payment application for the vehicle occupying such space as identified by the vehicle's licence plate and the city mobile enforcement system indicates no time remaining or unpaid;
- b) in the case where the parking space used in whole or in part by such vehicle is timed by a pay and display parking meter:
 - (i) if the paper receipt dispensed by the pay and display parking meter is not displayed face up on the interior right-hand side of the front windshield of the vehicle so as to be clearly visible;
 - (ii) if the paper receipt dispensed by the pay and display parking meter indicates a time or date that has expired; or
 - (iii) if payment for a pre-determined period of time has been made through a city-approved mobile payment application for the vehicle occupying such space as identified by the vehicle's licence plate and the city mobile enforcement system indicates no time remaining or unpaid."

7. Section 54 of by-law PS-111 is amended by deleting subsections a) and b) and adding the following phrase after the word "forthwith":

"by depositing payment into the parking meter controlling the parking space occupied or by making a payment through a city-approved mobile payment application for the vehicle occupying such space as identified by the vehicle's licence plate ."

8. Section 55 of by-law PS-111 is amended by adding "42(4)" after "42(3)".

9. This by-law shall come into force and effect on September 1, 2016.

PASSED in Open Council on June 14, 2016.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – June 14, 2016
Second Reading – June 14, 2016
Third Reading – June 14, 2016