

THE CORPORATION OF THE CITY OF THUNDER BAY

BY-LAW NUMBER 100-2007

A By-law to consolidate and replace The Corporation's various by-laws regulating parking in Thunder Bay.

Recitals:

- I. The *Municipal Act, 2001* gives municipalities full authority for the control of their lands, including highways, for the purposes of Parking Vehicles.
- II. The Corporation historically regulated Parking (including: Parking on and off streets, the creation and maintenance of Parking Facilities and the issuing of Parking Permits, including those for Parking for disabled persons) in separate by-laws which became chapters of the Municipal Code.
- III. For a variety of reasons, the Corporation is replacing its Municipal Code.
- IV. This by-law consolidates and replaces several Municipal Code chapters relating to Parking.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

Article 1.00 Definitions & Interpretation

- 1.01 **Definitions:** Wherever a term set out below appears in the text of this By-law with its initial letter capitalized, the term is intended to have the meaning set out for it in this Section 1.01. Wherever a term below appears in the text of this By-law in regular case, it is intended to have the meaning ordinarily attributed to it in the English language.
- (a) “Authorized Sign” means a sign the wording, symbols and/or form of which have been approved by the Parking Authority. The term includes a cover or hood over a Parking Meter placed with the approval of the Parking Authority.
 - (b) “Boulevard” means that portion of the Highway not intended for vehicular travel (excepting crossings at driveways). It is comprised of the Highway excepting the Roadway and Islands. It may or may not contain a Sidewalk or other facilities or features.
 - (c) “By-law” usually means this By-law, including its recitals and schedules which form integral parts of it. When the capitalized term By-law appears with a number after it, however, it is a reference to that particular numbered by-law of the Corporation.
 - (d) “Corporation” means The Corporation of the City of Thunder Bay. The term includes its officers and employees.

- (e) “Curb” means a concrete ledge installed during road construction on some Highways which marks the boundary between the Shoulder and the Boulevard or Island.
- (f) “Disabled Parking Space” means a Parking Space set aside for use by Operators of Vehicles displaying a permit in accordance with the requirements of Part III of the *Highway Traffic Act* and/or this By-law. These spaces are distinctly indicated as such by signs and/or markings directed or placed in accordance with the same requirements. The term includes “Individually Designated Disabled Parking Spaces” as defined below. Disabled Parking Spaces may exist on Municipal Property or private property.
- (g) “DP Permit” means a disabled person parking permit issued under the *Highway Traffic Act* or a permit, number plate or other marker or device issued by another jurisdiction and recognized by law in that jurisdiction.
- (h) “Highway” means property owned by the Corporation that is opened to the public as a route for vehicular traffic. The term includes the entire property, encompassing all of the Roadway, any Islands and the Boulevard. The term expressly excludes Private Roads.
- (i) “Holiday” means a statutory holiday recognized by the Province of Ontario or a day proclaimed by the Mayor of the Corporation to be a holiday within Thunder Bay.
- (j) “Individually Designated Disabled Parking Space” means a Disabled Parking Space established under Article 9.00 of this By-law.
- (k) “Island” means a paved or vegetated portion of the Highway which is not a Boulevard but exists to longitudinally separate lanes of traffic or to mark the centre portions of Highways known as “cul-de-sacs”. The term includes features commonly referred to as “medians”.
- (l) “Municipal Law Enforcement Officer” means a person appointed by the Council of the Corporation to enforce its by-laws.
- (m) “Municipal Property” means any property owned or leased by the Corporation, excluding Highways.
- (n) “Officer” means any Municipal Law Enforcement Officer, Police Officer or Provincial Offences Officer.
- (o) “Operator” means a person other than the Owner who has care and/or control of personal property.
- (p) “Owner” means a person who holds title to real or personal property.
- (q) “Park” is a verb describing the act of leaving a Vehicle Stopped or Standing without the engine running with the intention not to return to it for a period of time. “Parked” is an adjective describing a Vehicle which has been left in that fashion.

- (r) “Parking Authority” means the Corporation’s Municipal Services Board known as the “Thunder Bay Parking Authority”, re-established by By-law 101-2007.
- (s) “Parking Device” means a machine that accepts payment and provides proof of payment as permission to park within a Parking Lot or Parking Space governed by the device for the amount of time paid for.
- (t) “Parking Facility” means any real or personal property set aside for use by the public for the Parking of Vehicles. The term includes: Parking Lots, Parking Structures, Parking Meters, Parking Spaces, and erected signage regarding Parking.
- (u) “Parking Infraction” means any unlawful Parking, Standing, or Stopping of a Vehicle that constitutes an offence under this By-law.
- (v) “Parking Lot” means a parcel of land set aside by the Corporation or the Parking Authority, and operated by the Parking Authority, for the purpose of permitting the general public, or certain members of the general public, to Park Vehicles on that land from time to time, whether for a fee or otherwise. The term includes a Parking Structure.
- (w) “Parking Meter” means a Parking Device that accepts payment of a fee for use of a Parking Space and measures the passage of time after deposit of the fee. It indicates in some fashion when the time covered by the fee deposited has expired.
- (x) “Parking Meter Zone” means a portion of Highway designated in Schedule “B” to this By-law.
- (y) “Parking Space” means an area of land set aside for the Parking of a single Vehicle.
- (z) “Parking Structure” means a building erected for the purpose of Parking Vehicles within it.
- (aa) “Permit” means evidence of permission granted by the Parking Authority. It may be in the form of a windshield sticker, a tag to hang on a rear-view mirror, a document to display on a dashboard, or any other usable form, as prescribed by the Parking Authority. It may grant an exemption to a requirement of this By-law or it may signify payment under a rental arrangement for permission to Park.
- (bb) “PIN” is an acronym which stands for “parking infraction notice”. This is a notice, often referred to as a “ticket”, which details the particulars of a Parking Infraction. In particular, the PIN may indicate:
- I. the license number of the Vehicle;
 - II. a description of the alleged offence;
 - III. the date, time and location of the alleged offence;
 - IV. the set fine for the alleged offence;

- V. that the Owner or Operator may make a voluntary payment in the manner set forth in Section 2.07 or pay the set fine as indication on the PIN prior to the 15th day as set out in Part II of the *Provincial Offences Act*;
- VI. that in the event of failure to make payment, a conviction may be registered under Part II of the *Provincial Offences Act*; and
- VII. the address of the Parking Authority payment depots.

(cc)“Police Officer” means a uniformed member of the Thunder Bay Police Service, the Ontario Provincial Police, or the Royal Canadian Mounted Police.

(dd)“Private Road” includes access routes for Vehicles located on property which is:

- I. not owned by the Corporation; or
- II. owned by, but not maintained by, the Corporation.

(ee)“Provincial Offences Officer” means a person designated under subsection 1(3) of the *Provincial Offences Act*.

(ff) “Roadway” means that portion of a Highway maintained by the Corporation for the passage, Stopping, Standing or Parking of Vehicles. It is the Highway, including the Shoulders, but excluding Boulevards and Islands.

(gg)“Shoulder” means that portion of the Roadway immediately adjacent to a Boulevard or an Island. It is not intended as a route for regular Vehicle travel, but is available for the Stopping, Standing or Parking of Vehicles in accordance with this By-law or in emergency situations.

(hh)“Sidewalk” means a portion of a Boulevard which is improved with concrete or pavement to accommodate pedestrian travel. The term expressly excludes any such walkway that is considered to be part of the Corporation’s recreational trail system and signed as such.

(ii) “Standing” describes a Vehicle which has halted, whether occupied or not, unless it has halted for the purpose of, and is actually engaged in, receiving or discharging passengers. The term “Stand” has a corresponding meaning.

(jj) “Stopped” describes a Vehicle which has halted, even momentarily, whether occupied or not, unless it has halted out of necessity to avoid a collision or to respond to the directions of a Municipal Law Enforcement Officer or to comply with traffic control signs or signals. The terms “Stop” and “Stopping” have corresponding meanings.

(kk)“Thunder Bay” means the geographic area under jurisdiction of the Corporation.

(ll) “Time Limit Sign” means an Authorized Sign which is erected on a Parking Lot for the purposes of limiting the time allowed for the Parking of Vehicles on the Parking Lot where the sign is erected.

(mm) “Traffic” means, collectively, all persons and animals using the Highway. The term includes: pedestrians, ridden or herded animals, Vehicles, and other conveyances.

(nn) “User Fee By-law” means the Corporation’s By-law Number 28-2007.

(oo) “Vehicle” means a motor vehicle, trailer, traction engine, farm tractor, road-building machine or any vehicle drawn, propelled or driven by any kind of power, including muscular power. The term expressly excludes motorized snow vehicles or the cars of railway trains running only upon rails.

1.02 **Short Title:** This By-law is referred to as the “Parking By-law”.

1.03 **Legislation:** Each reference to Provincial Legislation in this By-law is printed in Italic font. Unless the year of the statute is part of its name, the reference is to the Revised Statutes of Ontario, 1990 edition, and, in every case, includes all applicable amendments to the legislation, including successor legislation. Where the name of the legislation includes the year, the reference is to the Statutes of Ontario in that year. Reference to legislation includes reference to any regulations passed under the authority of that legislation.

1.04 **By-laws:** Each reference to a by-law in this By-law, unless otherwise specified, is a reference to a by-law of the Corporation, and, in every case, includes all applicable amendments to the by-law, including successor by-laws.

1.05 **Interpretation Rules:** This section sets out the rules for interpreting the text used in this By-law.

- (a) The captions, articles and section names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation.
- (b) This By-law is to be read with all changes of gender or number required by the context.
- (c) The words “include”, “includes”, “including” and “included” are not to be interpreted as restricting or modifying the words or phrases which precede them.
- (d) If any article, section, subsection, paragraph, clause or subclause or any of the words contained in this By-law is held wholly or partially illegal, invalid, or unenforceable by any court or tribunal or competent jurisdiction, the remainder of this By-law shall not be affected by the judicial holding, but shall remain in full force and effect.
- (e) This By-law takes precedence over any by-law of the Corporation which pre-dates it and is inconsistent with it.
- (f) References within this By-law to the titles of the Corporation’s employees are references to the positions that held those titles at the time that this By-law was enacted.

Where a corporate restructuring has occurred such that there is no longer a person within the organization who holds a referenced title, the reference is to the person who undertakes the duties of the title-holder at the time this By-law was enacted. In any case of doubt, the Chief Administrative Officer for the Corporation shall delegate the authority to the appropriate person and direct that this By-law be amended to reflect the new title.

- 1.06 **Fees:** Fees for the use of Parking Facilities are set out in User Fee By-law. Where monthly rental arrangements have been made with the Parking Authority, the rental is payable before the fifth (5th) business day of each month.
- 1.07 **Schedules:** The schedules to this By-law form integral parts of it. They are:
- I. Schedule “A”: Maximum Time Limits for Parking within Parking Lots
 - II. Schedule “B”: Parking Meter Zones
 - III. Schedule “C”: Streets with 2 hour Parking limits
 - IV. Schedule “D”: Residences For Which Permits are not Available
 - V. Schedule “E”: Highways Designated as “No Parking” without Permit
 - VI. Schedule “F”: Set Fines and Voluntary Payments

Article 2.00 Parking Lots

- 2.01 **Establishment:** Parking Lots may be established by the Parking Authority and, once established, are subject to the terms and conditions of this By-law. Parking Lots may be established for the Parking of Vehicles for which monthly fees have been paid and Permits issued; for the Parking of Vehicles at Parking Meters; for the Parking of Vehicles controlled by mechanical payment devices, or controlled through personal attendants, or in any other configuration the Parking Authority sees fit.
- 2.02 **Marking of Parking Spaces:** The Parking Authority may demark Parking Spaces within Parking Lots in an orderly fashion in a manner it sees fit.
- 2.03 **General Prohibition:** It is an offence for any person to Park a Vehicle in a Parking Lot except in the manner provided for in this By-law.
- 2.04 **Maximum Time Limits:** Schedule “A” to this By-law sets out the maximum time, when there is one, within which any particular Vehicle may be Parked, Stopped or Standing within a Parking Lot on any day.
- 2.05 **Exceed Time Limit:** It is an offence to Stop, Stand or Park a Vehicle within a Parking Lot for a period of time longer than that set out in Schedule “A”.
- 2.06 **Oversized Vehicles:** It is an offence to Stop, Stand or Park a Vehicle or a combination of Vehicles and/or trailers, with an overall length of more than seven (7m) metres in any Parking Lot.

- 2.07 **Unlocked Vehicles:** It is an offence to Stop, Stand or Park a Vehicle in a Parking Lot unless it is locked in a manner which will prevent its entry or operation by any person not authorized by the Owner or Operator.
- 2.08 **Speed Limit:** It is an offence to operate a vehicle in any Parking Lot at a rate of speed greater than fifteen (15 km/hr) kilometers per hour.
- 2.09 **Parking Lot Closure:** When and so often as it is necessary to do so, the Parking Authority may close some or all of any Parking Lot in order to undertake maintenance or snow removal, or for any other purpose it considers necessary. Closure will be indicated by way of posted signs and/or entry barriers.
- 2.10 **Parking in Closed Lot:** It is an offence to Park a Vehicle in a Parking Lot which has been closed in accordance with Section 2.09.
- 2.11 **Exemption to Section 2.10:** The provisions of Section 2.10 do not apply to any Vehicle that was Parked within the Parking Lot prior to the erection of the signs or barriers indicating that the Parking Lot is closed.
- 2.12 **Controls Other than Parking Meters:** The City may employ a parking attendant or provide any other means of controlling a Parking Lot as the Council may consider appropriate, including the use of Parking Devices other than Parking Meters. Mechanical gates or mechanical ticket issuers may be utilized.
- 2.13 **Permit Required:** Where Authorized Signs are posted at a Parking Lot indicating that a Permit is required for permission to Park, it is an offence for a person who does not have the required Permit to Park a Vehicle in that Parking Lot.

Article 3.00 Parking Meters

- 3.01 **All Meters:** This Article applies to all Parking Meters, whether they govern Parking Spaces on Highways, within Parking Lots or Parking Structures, or on Municipal Property or private property.
- 3.02 **Display:** Parking Meters shall be set to display a signal showing legal Parking upon the deposit of the fee established by User Fee By-law for the period of time conforming to the time limits provided for in this By-law.
- 3.03 **Use of Parking Meter:** Where any Vehicle is Parked or Stopped in any Parking Space along side of or next to a Parking Meter, the Operator of the Vehicle shall, upon entering the Parking Space, immediately deposit the fee established by User Fee By-law for use of the Parking Space to cover the amount of time the Operator wishes to have the Vehicle occupy the Space (subject to maximum time limits). Where the Parking Meter indicates unexpired time, the driver may utilize that time without payment of a fee.
- 3.04 **Damaged Meters:** Where a Parking Meter is damaged, it may be temporarily replaced with an Authorized Sign stipulating the conditions of use of the Parking Space.

- 3.05 **Park Contrary to Sign:** Where an Authorized Sign is erected in accordance with Section 3.04, it is an offence for a person to Park a Vehicle in a manner inconsistent with the conditions outlined on the sign.
- 3.06 **Exceed Time for Which Fee was Paid:** It is an offence for any person to allow a Vehicle to occupy a Parking Space governed by a Parking Meter when the Parking Meter shows that the time for which a fee has been paid has expired.
- 3.07 **Exceed Maximum Time Limit:** It is a separate and continuing offence for any person to allow a Vehicle to occupy a Parking Space governed by a Parking Device for a period of time greater than the maximum time limit prescribed for that Parking Space, regardless of whether or not a fee is paid.
- 3.08 **Parking Meter Covers:** The Parking Authority may grant exclusive rights to occupy a metered Parking Space to persons who apply for that right and are approved. In that case, the Parking Authority shall issue a cover or hood for each Parking Meter for which this right has been granted. The person authorized to use the Parking Meter cover is exempt from the requirements of Section 3.03 of this By-law. No other person is entitled to occupy the Parking Space without the consent of the person to whom the Parking Meter cover was issued.
- 3.09 **No Parking at Covered Meter:** It is an offence for any person other than the person to whom a Parking Meter cover was issued under Section 3.08 to Park at a Parking Space for which the Parking Meter is covered.
- 3.10 **Improper use of Parking Meter Cover:** It is an offence for any person who is issued a Parking Meter cover under Section 308, to use that Parking Meter cover in a manner or for a purpose other than that for which it was issued.
- 3.11 **Applicable Time - Generally:** The provisions of Articles 3.00 and 6.00 apply between the hours of nine o'clock in the forenoon (9:00 a.m.) to six o'clock in the afternoon (6:00 p.m.) of the same day, each day from Monday through and including Friday, excluding Holidays.
- 3.12 **Park within Parking Space:** It is an offence to Park a Vehicle in a Parking Space governed by a Parking Meter unless the Parked Vehicle is situated as closely as practicable to the Parking Meter.

Article 4.00 Permits and Rentals

- 4.01 **Rental Arrangements:** The Parking Authority may establish Parking Facilities for which rental arrangements can be made on a monthly (or other) basis.
- 4.02 **Exemption Permits:** The Parking Authority may issue Permits in circumstances where this By-law provides for a Permit giving an exemption from any provisions or signifying permission to Park a Vehicle.

- 4.03 **User Fees:** User Fees apply to Rental Arrangements and Exemption Permits.
- 4.04 **Key Cards and Tokens:** Where access to a Parking Facility is controlled by the use of an access key card and/or tokens, these may be obtained from the Parking Authority. Key cards may be validated for certain prescribed periods of time upon payment of the relevant fee. Failure to renew the payment on the key card will result in the key card being deactivated.
- 4.05 **Permit for Exemption from 6.06:** Any person wishing an exemption from the two (2) hour Parking time limit set out in Section 6.06 of this By-law may apply to the Parking Authority for an exemption Permit.
- 4.06 **Permit for Exemption from 6.05:** Any person wishing an exemption from the Parking prohibition set out in Section 6.05 of this By-law may apply to the Parking Authority for an exemption Permit.
- 4.07 **Visitor Permits:** The Parking Authority may issue a Permit to a resident of Thunder Bay for exemption from either Section 6.05 or 6.06 to allow persons visiting that person to Park Vehicles on Highways. These Permits may only be issued to visitors to the residence abutting the Highway for which the Permit was issued. The onus of establishing the legitimacy of the visit lies upon the person to whom the Permit was issued.
- 4.08 **Limitations on Availability of Permits:**
- (a) Permits issued under Sections 4.05 or 4.06 may only be provided to persons who reside on property abutting the Highway to which the Permit applies.
 - (b) No more than four (4) Permits under Section 4.07 may be issued to any particular household at any given time.
 - (c) Permits issued under Section 4.07 are valid for a maximum time period of two (2) weeks.
 - (d) Permits may not be issued to persons who are residents of the institutions, buildings or premises listed in Schedule “D” to this By-law.
 - (e) All Permits expire two (2) years from the date they are issued unless they have previously been revoked by the Parking Authority.
 - (f) A Permit is considered to be revoked when the person to whom it was issued is no longer eligible for it. For example, if the Permit-holder ceases to reside on land abutting the Highway for which the Permit was issued, the Permit is considered to have been revoked.
 - (g) Permits may be revoked by the Parking Authority where the Permit-holder has used the Permit in contravention of this By-law.
 - (h) Permits cannot be transferred.
 - (i) Permits may be revoked or cancelled by the Parking Authority at any time, at the Parking Authority’s discretion, for any reason.
- 4.09 **No Guarantee:** Neither the Corporation nor the Parking Authority warrants that Parking on the Highway to which a Permit applies will be available at any time.

- 4.10 **Improper Permit Display:** Permits are issued in prescribed form by the Parking Authority. Where a Permit is in the form of a rear-view mirror hang tag, it must be displayed by hanging it from the rear-view mirror. Where the Permit is in the form of a windshield sticker, it must be affixed to the windshield. Where the Permit is in the form of a dashboard display document, it must be displayed in visible fashion on the dashboard of the Vehicle. Where a Permit is displayed or used in a manner other than that prescribed for that form of Permit, it does not provide the protection or grant the privileges that it was issued to protect or grant. Permits cannot be relied upon as defences to offences under this By-law unless they were properly displayed at the time of the alleged offence.
- 4.11 **Improper Use:** It is an offence to use a Permit for a purpose other than that for which it was issued.
- 4.12 **No Lending of Permits:** It is an offence for the holder of a Permit to lend the Permit to another person.
- 4.13 **Use by Third Party:** It is an offence for a person to use a Permit which was not issued to him or her.
- 4.14 **Permits Applicable to Vehicles Rather than to Persons:** Where a specific Permit is issued to a Vehicle rather than to a person, Sections 4.12 and 4.13 do not apply, provided the Permit is being used for the Vehicle to which it was issued.

Article 5.00 Parking Structures

- 5.01 **Payment Required at All Times:** Fees for the use of Parking Structures apply seven (7) days per week, twenty-four (24) hours per day.
- 5.02 **Pay on Exit:** The fee for use of the Parking Structure as stipulated in the User-Fee By-law is deposited in the Parking Device upon exiting the Parking Structure. Failure to deposit the prescribed fee is an offence.
- 5.03 **Prohibition Against Blocking Traffic:** It is an offence to Stand, Stop or Park a Vehicle within a Parking Structure in a manner that prevents vehicular traffic from properly maneuvering between Parking Spaces.

Article 6.00 Parking on Highways

- 6.01 **Parking Meter Zones:** The highways or portions of highways set out in Schedule “B” to this By-law are designated and established as Parking Meter Zones.
- 6.02 **Parking Meter Erection:** The Parking Authority may erect Parking Meters within any Parking Meter Zone. Parking Meters shall be placed as closely as practicable to the Parking Spaces they govern. Each Parking Meter shall be set so as to display a signal showing the amount of Parking time for which payment has been deposited, and shall be set such that payment for any amount of time over the maximum shall not be registered or acknowledged.

- 6.03 **Park within Parking Space:** It is an offence to Park a Vehicle in a Parking Meter Zone except at a Parking Meter, with the Vehicle being situated as closely as practicable to the Parking Meter governing the Parking Space.
- 6.04 **Applicability of Article 3.00:** The provisions of Article 3.00 govern the use of Parking Meters within Parking Meter Zones on Highways.
- 6.05 **Prohibition Against Parking on Highways:** It is an offence to Park a Vehicle on any Highway listed in Schedule “E” to this By-law.
- 6.06 **Two-Hour Time Limit for Parking on Highways:** It is an offence to Park a Vehicle for a cumulative period of more than two (2) hours on any Highway (or part of a Highway) listed on Schedule “C” to this By-law.
- 6.07 **Exemption Available:** Sections 4.05 and 4.06 of this By-law govern the issuance of Permits granting exemptions from Sections 6.05 and 6.06.

Article 7.00 Parking on Municipal Property

- 7.01 **Consent Required:** It is an offence for a person to Park, Stand or Stop a Vehicle on Municipal Property without the Corporation’s consent.
- 7.02 **Indicators of Consent:** The following are indicators that the Corporation has consented to the Parking, Standing or Stopping of Vehicles:
- I. signs have been posted on the Municipal Property that indicate the terms and conditions under which members of the public may Park, Stand or Stop Vehicles, provided the terms and conditions are complied with;
 - II. the Parking Authority has issued a permit to the Owner or Operator of the Vehicle in question, and the permit is displayed within the Vehicle so as to be readily readable by an Officer;
 - III. the Municipal Property is a Parking Lot and the Vehicle is Parked, Stopped or Standing within the Parking Lot in accordance with the terms and conditions of this By-law;
 - IV. the Municipal Property is a Parking Space and the Vehicle is Parked, Stopped or Standing within the Parking Lot in accordance with the terms and conditions of this By-law; or
 - V. the Vehicle is Parked, Stopped or Standing on Municipal Property in accordance with the terms and conditions of a Permit authorizing same.
- 7.03 **No Driving at Transit Terminals:** It is an offence for a person to drive a Vehicle on to any portion of the Municipal Property on Water Street in Thunder Bay which is operated as a transit terminal, or on any portion of the Municipal Property on Brodie Street in Thunder Bay which is operated as a transit terminal.

- 7.04 **No Parking at Transit Terminals:** It is an offence for a person to Park, Stand or Stop a Vehicle on the Municipal Property on Water Street in Thunder Bay which is operated as a transit terminal, or on the Municipal Property on Brodie Street in Thunder Bay which is operated as a transit terminal.

Article 8.00 Parking on Private Property

- 8.01 **Consent Required:** It is an offence for a person to Park, Stand or Stop a Vehicle on private property without the consent of the Owner of the private property.
- 8.02 **Indicators of Consent:** The following are indicators that the Owner of private property has consented to the Parking, Standing or Stopping of Vehicles:
- I. signs have been posted on the property that indicate the terms and conditions under which members of the public may Park, Stand or Stop Vehicles, provided the terms and conditions are complied with; and/or
 - II. the Owner of the property has issued a permit to the Owner or Operator of the Vehicle in question, and the permit is displayed within the Vehicle so as to be readily readable by an Officer.

Article 9.00 Parking for Disabled Persons

- 9.01 **Establishment of Disabled Parking Space:** Disabled Parking Spaces or Individually Designated Disabled Parking Space may be established by the Parking Authority of its own accord or upon the application permitted in Section 9.02.
- 9.02 **Application:** An application for the establishment of an Individually Designated Disabled Parking Space shall be made to the Parking Authority. The application will be denied unless the applicant holds a disabled permit issued by the Ministry of Transportation.
- 9.03 **Approval:** Where it is satisfied that the application should be granted, having regard to the nature and permanence of the disability, as well as to location, traffic and safety considerations, the Parking Authority may establish an Individually Designated Disabled Parking Space.
- 9.04 **No Guarantee:** Neither the Corporation nor the Parking Authority warrants that Parking within the Individually Designated Disabled Parking Space will be available at any time.
- 9.05 **Confirmation of Eligibility:** An application for an Individually Designated Disabled Parking Space is granted subject to the right of the Parking Authority to require that an applicant confirm his or her medical status in order to determine whether the Individually Designated Disabled Parking Space continues to be required and whether the applicant continues to be eligible for it.
- 9.06 **Revocation:** The Parking Authority has the right to revoke the designation for any Individually Designated Disabled Parking Space at any time without notice.
- 9.07 **Park Without DP Permit:** It is an offence for any person to Park a Vehicle in a Disabled Parking Space unless:

- (a) a currently valid DP Permit has been issued to that person or to a passenger being or about to be picked up or transported in the Vehicle; and
- (b) that DP Permit is displayed on or in the Vehicle in accordance with the requirements of the *Highway Traffic Act*.

9.08 **Assume Benefit without DP Permit:** It is an offence for any person to claim the benefit of an exemption or privilege set aside for disabled persons under this By-law unless:

- (a) a currently valid DP Permit has been issued to that person or to a passenger being or about to be picked up or transported in the Vehicle; and
- (b) that DP Permit is displayed on or in the Vehicle in accordance with the requirements of the *Highway Traffic Act*.

9.09 **Exemption:** Any Vehicle in which a DP Permit is displayed in accordance with the requirements of the *Highway Traffic Act* and this By-law is exempt from subsection 22 (4) of By-law 237-2004.

Article 10.00 General Offences

10.01 **Counterfeit Money:** It is an offence to use counterfeit money to pay any fee authorized by this By-law to be collected by the Parking Authority. Tokens issued by the Parking Authority are not counterfeit money for the purposes of this Section.

10.02 **Park Within Designated Space:** Where a Parking Space is laid out on a Highway or within any Parking Facility, it is an offence for a person to Park a Vehicle in the Parking Space unless the whole of the Vehicle is within the appropriate markings or within the otherwise appropriately designated Parking Space.

10.03 **Obey Time Limit Sign:** It is an offence to Park, Stand or Stop a Vehicle for a time period greater than that permitted by any posted Time Limit Sign.

10.04 **Interfere with Officer:** It is an offence for a person to interfere with an Officer who is undertaking the duty of enforcement of this By-law.

Article 11.00: Enforcement, Towing & Penalties

11.01 **Enforcement:** This By-law may be enforced by any Officer.

11.02 **Penalties:** Every person who commits an offence pursuant to this By-law is liable, upon conviction, to the penalties outlined in Schedule "F" to this By-law.

11.03 **Owner Responsible:** The Owner of a Vehicle that is Parked, Stopped, or Standing in contravention of this By-law is responsible for the infraction regardless of whether or not he or she was the Operator of the Vehicle at the time of the offence, unless the Owner

proves to the satisfaction of the court that at the time of the event, the Vehicle was in the possession of someone other than the Owner without the Owner's consent.

- 11.04 **Placement of PIN:** Where a Vehicle is found Parked, Standing, or Stopped in contravention of the provisions of this By-law, an Officer finding the Vehicle may complete and place upon or attach to the Vehicle a PIN.
- 11.05 **PIN Copies:** The ticket shall be completed in triplicate (parking infraction notice, certificate of parking infraction and office copy) and the issuing Officer shall attach one copy to the Vehicle, and deliver the other copies to the Parking Authority. Any copies referred to in this By-law may be electronic where permitted by law.
- 11.06 **Voluntary Payment:** The Owner or Operator of the Vehicle may, within five (5) days, exclusive of Sundays and holidays, after the date of the alleged offence, report to a Parking Authority payment depot and pay to the Parking Authority the sum designated on the PIN for voluntary payment. These amounts are listed in Schedule "F" to this By-law.
- 11.07 **Receipts:** Voluntary payment as set out in Section 11.06 is accepted as payment of a penalty in full satisfaction of the alleged offence. Receipt of the payment shall be given to the person making the payment. Receipts shall be sent to persons remitting payment by mail only if a self-addressed stamped envelope is mailed with the payment and the ticket.
- 11.08 **No Receipt of PIN:** Where a PIN is not placed upon a Vehicle as set out in Section 11.04, or where a PIN was placed but was dislodged or removed before coming to the attention of the Vehicle Owner or Operator, any prosecution for any offence under this By-law is not prejudiced.
- 11.09 **Towing:** In addition to or in lieu of the issuance of a PIN or the imposition of any penalty under this By-law, an Officer may cause any Vehicle found Parked, Stopped or Standing in contravention of this By-law to be moved or taken to and placed or stored in a suitable place. In those circumstances, all costs and charges for removing, care and storage of the Vehicle, if any, are a lien upon the Vehicle, which may be enforced in a manner provided by the *Repair and Storage Liens Act*.

Article 12.00 General

- 12.01 **Repeal of Predecessor By-laws:** The following by-laws of the Corporation are repealed:
- (a) 116-1992 (Parking for the Disabled);
 - (b) 37-1988 (Parking Regulations on Streets);
 - (c) 39-1988 (Parking on Municipal & Private Property);
 - (d) 41-1988 (Permit Parking);
 - (e) 109-1988 (Parking Stickers); and

(f) 213-1994 (Parking Lots).

12.02 **Repeal of Municipal Code Chapters:** The following Chapters of the Corporation's Municipal Code are repealed:

(a) 980 (Parking for the Disabled);

(b) 989 (Parking Regulations on Streets);

(c) 987 (Parking on Municipal & Private Property);

(d) 985 (Permit Parking);

(e) 991 (Parking Stickers); and

(f) 983 (Parking Lots).

12.03 **Effective Date:** This By-law shall come into force and take effect upon a date set by the Parking Authority. The date shall be set by the Parking Authority when it is advised by the City Solicitor that the set fines established by this By-law have been approved by the Ministry of the Attorney General.

Enacted and passed this 26th day of November, A.D. 2007 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Lynn Peterson

Mayor

John S. Hannam

City Clerk