

The Corporation of the City Of Guelph

By-law Number (1997) - 15402

A By-law for regulating the parking or leaving of vehicles on private or municipal property , and to adopt Municipal Code Amendment # 195 which amends the Corporation of the City of Guelph's Municipal Code, and to repeal By-law Number (1968)-6711 [Amended by By-laws (2002)-16789, (2003)-17227, (2004)-17492].

The Corporation of the City Of Guelph enacts as follows:

1. Short Title

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

2. Interpretation

For the purposes of this by-law, the following terms shall have the corresponding meanings:

- a) "City" means the Corporation of the City of Guelph;
- b) "municipal property" means property owned or occupied by the City;
- c) "private property" includes:
 - i. a private road or driveway;
 - ii. property on which a legible sign is displayed by the owner or occupant or an agent therefor which sets out a prohibition against trespassing or parking; and
 - iii. property on which a legible sign is displayed by the owner or occupant or an agent therefor which sets prohibitions or regulations in respect of the parking or leaving of a vehicle on such property.

3. Prohibited Parking

- 1. No person shall park or leave any vehicle on private property without the consent of the owner or of the occupant of such property.
- 2. Where parking on private property is controlled by a parking meter, no person shall park or leave any vehicle at such parking meter without depositing Canadian coinage in such parking meter or by using an automated cash card device authorized by the City to be used in such parking meter in an amount sufficient to cover the length of parking duration of such vehicle and setting such parking meter into operation so that an expired or violation signal is not visible for the duration of the time the vehicle is parked or left.

2.1.

- a) Where parking on private property is controlled by a pay and display parking system, no person shall park or leave a vehicle on such property without first purchasing the required parking stub(s) to cover the vehicle's length of stay.

- b) Where parking on private property is controlled by a pay and display parking system, no person shall park or leave a vehicle on such property without clearly displaying each parking stub required to cover the vehicle's length of stay upon the dashboard of the motor vehicle so that the time and date printed upon the stub are clearly visible from the outside windshield.
3. No person shall park or leave any vehicle on municipal property without the consent of the City or of the occupant of such property.
4. Where parking on municipal property is controlled by a parking meter, no person shall park or leave any vehicle at such parking meter without depositing Canadian coinage in such parking meter or by using an automated cash card device authorized by the City to be used in such parking meter in an amount sufficient to cover the length of parking duration of such vehicle and setting such parking meter into operation so that an expired or violation signal is not visible for the duration of the time the vehicle is parked or left.

4. Removal and Impounding Of Vehicle

Where a vehicle is found parked or left in violation of any provision of this by-law, a police officer or a by-law enforcement officer employed by the City, may cause such vehicle to be removed from the location of violation and impounded, and any costs incurred therein shall be at the expense of the owner of the vehicle.

5. Enforcement

1. Any person who contravenes any provision of this by-law is guilty of an offence.
2. The owner of a motor vehicle that is found in contravention of any provision of this by-law is guilty of an offence and, upon conviction, shall be subject to the governing penalties unless, at the time of the offence, the motor vehicle was in the possession of a person other than the owner without the owner's consent.
3. In addition to the powers set out in section 4 of this by-law, where a vehicle is found parked or left in violation of any provision of this by-law, a police officer, a by-law enforcement officer employed by the City, or an agent duly appointed by the City, may attach to the vehicle a parking infraction notice in the form of a serially numbered notice as prescribed in the Regulations of the Provincial Offences Act, R.S.O. 1990, Chapter P. 33, or any successor thereof.
4. The owner or operator of a vehicle to which a parking infraction notice is issued may, within fifteen (15) calendar days after the parking infraction notice is attached to the vehicle, pay to the Director of Works or his or her designate, the set fine amount, which shall be accepted as payment of the penalty in full satisfaction of the alleged offence, and a receipt therefor shall be given to the person making payment.

5. Notwithstanding subsection 5(3), the Director of Works or his or her designate may, within seven (7) calendar days after the parking infraction notice is attached to the vehicle, accept a lesser fine than the set fine, which shall be deemed to be early payment of the penalty, in full satisfaction of the alleged offence, and a receipt therefor shall be given to the person making payment.
6. The owner or operator of the vehicle to which a parking infraction notice is issued may, within fifteen (15) calendar days after the parking infraction notice is attached to the vehicle, plead not guilty to the offence and request a trial of the matter by completing and signing Option No. 2 on the reverse side of the parking infraction notice and delivering the notice to the Director of Works or his or her designate.
7. If the owner or operator of a vehicle issued with a parking infraction notice does not exercise one of the options set out in subsections 5(3), 5(4) and 5(5) of this by-law with respect to the parking infraction notice, a conviction may be entered in accordance with the Provincial Offences Act, R.S.O. 1990, Chapter P. 33, or any successor thereof

6. Penalty

Every person who is convicted of an offence under any provision of this by-law shall be liable to a penalty as set out in the Provincial Offences Act, R.S.O. 1990, Chapter P.33, or any successor thereof.

6.1 Repeal of By-law Number (1968)-6711

By-law Number (1968)-6711 is hereby repealed.

7. Municipal Code Amended

Chapter 207 of The Corporation of the City of Guelph's Municipal Code is hereby deleted, and this by-law substituted therefor, being Municipal Code Amendment# 195.

Passed this 7th day of April, 1997.

Original signed by:

Joe Young – Mayor

Lois A. Giles – City Clerk

Notes to By-law Number (1997) - 15402

The Private Property Parking By-law

1.

- a) In relation to the removal and impounding of vehicles, Section 210 (131) (b) of the Municipal Act, R.S.O. 1990, Chap. M. 45 states as follows:

"Subsection 170(15) of the Highway Traffic Act applies with necessary modifications to a by-law passed under this paragraph."

- b) Section 170(15) of the Highway Traffic Act, R.S.O. 1990, Chap. H. 8 states as follows:

"A police officer, police cadet, municipal law enforcement officer or an officer appointed for carrying out the provisions of this Act, upon discovery of any vehicle parked or standing in contravention of subsection (12) or of a municipal 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 removing, care and storage thereof, if any, are a lien upon the vehicle, which may be enforced in the manner provided by the Repair and Storage Liens Act.

2. Section 210 (131) (f) of the Municipal Act, R.S.O. 1990, Chap. M. 45 states as follows:

"Where an owner or occupant of property affected by a by-law passed under this paragraph 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 prohibitions shall be deemed to have been parked or left without consent."

3. Section 210 (131) (i) of the Municipal Act, R.S.O. 1990, Chap. M. 45 states as follows:

"Definitions.-In this paragraph, "occupant" means,

- i. the tenant of the property or part thereof whose consent shall extend only to the control of the land held by the tenant and any parking spaces allotted to the tenant under the lease or tenancy agreement,
- ii. the spouse of a tenant,
- iii. a person or a municipality, 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, municipality or local board whose consent shall extend only to the part of the property that is subject to the easement or right of way,
- iv. a person authorized in writing by an occupant as defined in clause (i), (ii) or (iii) of this definition to act on the occupant's behalf for requesting the enforcement of a by-law passed under this paragraph;

"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 owner's unit and any parking spaces allotted to the owner by the condominium corporation or reserved for the owner's exclusive use in the declaration or description of the property,
- iii. the spouse of a person described in clause (i) or (ii) of this definition,
- iv. where the property is included in a description registered under the Condominium Act, the board of directors of the condominium corporation,
- v. a person authorized in writing by the property owner as defined in clause (i), (ii), (iii) or (iv) of this definition to act on the owner's behalf for requesting the enforcement of a by-law passed under this paragraph."

4. Section 15.-(1) of the Provincial Offences Act, R.S.O. 1990, Chap. P. 33 states as follows:

"A provincial offences officer who believes from his or her personal knowledge that one or more persons have committed a parking infraction may issue,

- a) a certificate of parking infraction certifying that a parking infraction has been committed; and
- b) a parking infraction notice indicating the set fine for the infraction."

5. Section 16 of the Provincial Offences Act, R.S.O. 1990, Chap. P. 33 states as follows:

"A defendant who does not wish to dispute the charge may deliver the notice and amount of the set fine to the place shown on the notice."

6. Section 17. (1) of the Provincial Offences Act, R.S.O. 1990, Chap. P. 33 states as follows:

"A defendant who is served with a parking infraction notice may give notice of intention to appear in court for the purpose of entering a plea and having a trial of the matter by so indicating on the parking infraction notice and delivering the notice to the place specified in it."