

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.

THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:

SHORT TITLE

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

INTERPRETATION

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

"City" means the Corporation of the City of Guelph;

"municipal property" means property owned or occupied by the City;

"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.

PROHIBITED PARKING

- 3.- (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.
- (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.

REMOVAL AND IMPOUNDING OF VEHICLE

4. 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.

OFFENCE

5. The owner of a vehicle which is found in contravention of any provision of this by-law is guilty of an offence.

PENALTY

6. 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.

MUNICIPAL CODE AMENDED

7. 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.



Joe Young

JOE YOUNG - MAYOR

L. A. Giles

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.”