

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 201-90

A BY-LAW TO PROHIBIT UNAUTHORIZED PARKING
ON PRIVATE OR MUNICIPAL PROPERTY.

WHEREAS Section 210 (1) (125) of the Municipal Act, R.S.O. 1980, c. 302 as amended, provides that by-laws may be passed by the Council of a municipality for prohibiting the parking or leaving of motor vehicles on private or municipal property;

AND WHEREAS it is deemed advisable that a by-law should be passed in accordance with section 20 (1) (125) of the Municipal Act.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. In this By-law:
 - (a) "City" means The Corporation of the City of North Bay.
 - (b) "Local Board" means a local board as defined by the Municipal Affairs Act.
 - (c) "Occupant" means
 - (a) the tenant of the property or part thereof whose consent shall extend only to the control of the land of which he is tenant and any parking spaces allotted to him under his lease or tenancy agreement.
 - (b) the spouse of a tenant
 - (c) 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.
 - (d) a person authorized in writing by an occupant as defined in sub-subclauses (a), (b) or (c) to act on the occupant's behalf for requesting the enforcement of a by-law passed under this paragraph.
 - (d) "Owner" when used in relation to property means:
 - (a) the registered owner of the property.
 - (b) the registered owner of a condominium unit, whose consent shall extend only to the control of the unit of which he is owner and any parking spaces allotted to him by the condominium corporation or reserved for his exclusive use in the declaration or description of the property.

- (c) the spouse of a person described in sub-subclauses (a) or (b).
- (d) where the property is included in a description registered under the Condominium Act, the Board of Directors of the condominium corporation.
- (e) a person authorized in writing by the property owner as defined in sub-subclauses (a), (b), (c) or (d) to act on the owner's behalf for requesting the enforcement of a by-law passed under this paragraph.

PARK WITHOUT CONSENT

2. (e) "Parking infraction notice" means a notice indicating the set fine for an infraction under this by-law, issued by a provincial offences officer.

No person shall park or leave a motor vehicle on private property without the consent of the owner or occupant of the property.

PARK ON CITY PROPERTY

3. No person shall park or leave a motor vehicle on property owned or occupied by the City or any local board thereof without the consent of the City or local board as the case may be.

REMOVAL

4. (a) The owner or occupant of the property, upon a written complaint given to a constable or officer appointed for carrying out the provisions of this by-law, may require the constable or officer to have the motor vehicle, parked or left contrary to the by-law, removed or impounded at the expense of the owner of the vehicle.
- (b) A constable or officer receiving the written complaint may cause the motor vehicle to be moved or taken to and placed or stored in a suitable place and all costs or 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 Construction Lien Act.

PARKING INFRACTION NOTICE

5. A constable or officer receiving the written complaint may place a parking infraction notice on the motor vehicle.

DEEMED CONSENT

6. Where an owner or occupant of property 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 the consent of the owner or occupant of the property.

PARKING SPACE

7. No person shall park or leave any motor vehicle on lands described on Schedule "A" unless such motor vehicle has been parked within a designated parking space, which is governed by a sign erected by the owner of the said lands.

PERMIT

8. No person shall park or leave any motor vehicle in a designated parking area on lands described on Schedule "A" without a valid permit for such parking area issued by the owner of the said lands.

OFFENCES

9. No person shall park or leave any motor vehicle on lands described on Schedule "A":
- (a) which is parked over the time permitted by authorized signs;
 - (b) so as to obstruct the passage of another vehicle;
 - (c) which are designated by signs as a disabled parking space without a valid disabled parking permit;
 - (d) which are designated by signs as a fire route;
 - (e) which are designated by signs as a pedestrian crossing;
 - (f) which are designated by signs as a bus stop;
 - (g) which are designated by signs to prohibit parking;
 - (h) which are designated by signs as a loading zone;

TICKETS

10. (a) No person shall park or leave any motor vehicle on lands described on Schedule "A" for which entry is through gates unless such motor vehicle has been parked within an individual parking space, and the driver or operator of such motor vehicle has a current ticket issued at the parking gate by the owner of the said lands on display in the front window of such vehicle.
- (b) No person shall permit a motor vehicle under his or her control to occupy an individual parking space beyond the period of legal parking time acquired by the said current ticket, and if any motor vehicle shall remain in such individual parking space after the expired time, such vehicle shall be considered as remaining in such individual parking space beyond the said period of legal parking time.
- (c) No person shall deposit or cause to be deposited in any parking gate, any slug, device, metallic or other substitute for coins.

OFFICERS

11. Any officer, employed by an owner of the lands described in Schedule "A" and appointed to enforce this by-law:
- (a) shall be insured by the owner of the lands for any liability arising during the course of his employment;
 - (b) shall have participated in and passed the training session of the City Parking Manager on the issuance of Parking Infraction Notices under the Provincial Offences Act;
 - (c) shall have clearance from the North Bay Police Force as to good character;
 - (d) appear in Provincial Offences Court as required.
12. Officers responsible for carrying out the provisions of this by-law are:
- (i) employees, officers or authorized agents of the City.
 - (ii) members of the Police Force of the City of North Bay.
 - (iii) persons appointed as constables in accordance with the Railway Act, R.S.C. 1970, c. R-2, or The Ontario Northland Transportation Commission Act, R.S.O. 1980, c. 226.
 - (iv) those persons named on Schedule "C" hereto at the premises of the lands described on Schedule "A" hereto only, and only:
 - (i) for enforcing the terms of this by-law;
 - (ii) while such person is employed by the owner of the said lands; and
 - (iii) such person has not been suspended by the City Clerk as an officer for the purpose of enforcing this by-law.

VOLUNTARY PAYMENTS AND FINES

13. (a) Voluntary payment of a parking infraction notice according to the amounts set out in Schedule "B" in strict compliance with the conditions set out on the parking infraction notice shall be in lieu of any penalty otherwise provided by law.
- (b) Any person who contravenes any provision of this by-law is subject to a fine, recoverable under the Provincial Offences Act, of not more than \$100.00 for each offence, exclusive of costs.
- (c) The driver of a motor vehicle and the owner of the motor vehicle are liable to the penalty provided in this section unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner without the owner's consent.

15. By-law number 53-79 is hereby repealed.
16. This by-law shall come into force and effect as of December 1, 1990.

READ A FIRST TIME IN OPEN COUNCIL THE 15TH DAY OF OCTOBER, 1990.

READ A SECOND TIME IN OPEN COUNCIL THE 29TH DAY OF OCTOBER, 1990.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 29TH DAY OF OCTOBER , 1990.


MAYOR


CITY CLERK

THIS IS SCHEDULE "A" TO BY-LAW NO. 201-90 OF THE CORPORATION
OF THE CITY OF NORTH BAY

.....

LEGAL DESCRIPTION OF PARKING AREAS TO BE REGULATED:

1. CANADORE HELIPORT

- FIRSTLY: The Remainder of Parcel 3600 in the Register for Widdifield and Ferris;
- SECONDLY: The Whole of Parcel 6844 in the Register for Widdifield and Ferris;
- THIRDLY: The Whole of Parcel 6917 in the Register for Widdifield and Ferris;
- FOURTHLY: ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Widdifield in the District of Nipissing and Province of Ontario and being composed of part of the west half of Lot 21, Concession V in the said Township.

2. COMMERCE COURT CAMPUS

- FIRSTLY: Block "L" in the said Township of Widdifield now City of North Bay, as shown on Plan M-455 registered in the Office of Land Titles at North Bay.
- SECONDLY: Block "Q" in the said Township of Widdifield now City of North Bay, as shown on Plan M-455 registered in the Office of Land Titles at North Bay.
- THIRDLY: Part of Block "A" in the said Township of Widdifield now City of North Bay, as shown on Plan M-455 registered in the Office of Land Titles at North Bay, said Part shown on a plan of survey recorded in the said Land Titles Office as Plan 36R-3508 and designated thereon as Part 1.
- FOURTHLY: Part of Block B, in the said Township of Widdifield, now City of North Bay, as shown on Plan M-455 registered in the Office of Land Titles at North Bay, said Part shown on a plan of survey recorded in the said Land Titles Office as Plan 36R-3508 and designated thereon as Part 2.
- Being the Whole of Parcel 12450 in the Register for Widdifield and Ferris, in the District of Nipissing.

3. ST. JOSEPH'S HOSPITAL

Pt. Lot 9, Lots 10 to 15 incl. s/s Bloem St.
Plan 99
Lots 19 to 21, s/s Bloem St. Plan 99
Lots 12 to 13 N.E. McLaren St.

THIS IS SCHEDULE "B" TO BY-LAW NO. 201-90 OF THE CORPORATION OF
THE CITY OF NORTH BAY

.....

VOLUNTARY PAYMENT OF PENALTIES FOR SPECIFIED OFFENCES

<u>OFFENCE</u>	<u>PENALTY</u>
(a) Parked overtime	\$ 5.00
(b) Parking in an area other than an area designated as a parking area.	
(c) Parking in an area designated as a safety zone.	\$ 10.00
(d) Parking in an area designated as a fire route.	\$ 10.00
(e) Parking so as to obstruct the passage of another vehicle.	\$ 10.00
(f) Parking in a disabled parking place.	\$ 50.00
(g) Parking in a loading zone.	\$ 10.00
(h) Parking in a bus stop.	\$ 10.00

THIS IS SCHEDULE "C" TO BY-LAW NO. 201-90 OF THE CORPORATION
OF THE CITY OF NORTH BAY

.....

CANADORE COLLEGE PREMISES:

- Mr. Ken Brown
- Mr. Jerry Masse
- Mr. Rene Groulx
- Mr. Michel Bisailon
- Mr. Richard Guy
- Mr. John Davey

ST. JOSEPH'S HOSPITAL PREMISES:

- Mr. Bryan Evans
- Mr. Ray Barbe
- Mr. Leo Rousselle
- Mr. Albert Couchie
- Mr. David Ruck
- Mr. Stephen Hele
- Mr. Graham Rice