

The Corporation of the City of North Bay

By-Law No. 2016-40

**Being a By-law to Regulate Parking on Private Property
in the City of North Bay, and to Repeal By-law No.201-90, as Amended.**

Whereas section 9 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under that Act or any other Act;

And whereas section 10(1) of the *Municipal Act, 2001* provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas section 10(2) of the *Municipal Act, 2001* provides that a single-tier municipality may pass by-laws respecting: in paragraph 5, social and environmental well-being of the municipality; in paragraph 6, health, safety and well-being of persons; in paragraph 7, services and things that the municipality is authorized to provide under section 10(1); in paragraph 8, protection of persons and property; and in paragraph 10, structures, including signs;

And whereas it is deemed expedient to regulate or prohibit certain parking on private properties within the limits of the City of North Bay;

And whereas Resolution No. 2016-109 was passed by Council at its Regular Meeting held on Monday, March 7, 2016 to authorize a new by-law to regulate parking on private property in the City of North Bay, and to repeal By-law No. 201-90.

Now therefore the Council of the Corporation of the City of North Bay hereby enacts as follows:

1. Definitions

1.1

"Bus" means a motor vehicle designed for carrying ten (10) or more passengers for hire and used for the transportation of persons.

"By-Law Enforcement Coordinator" means the By-Law Enforcement Coordinator of the City, or his or her delegate.

"City" means The Corporation of the City of North Bay.

"Commercial Motor Vehicle" means a motor vehicle which is used for the purpose of delivery of materials, and which is identified by a sign painted or firmly attached to the outside of the vehicle, bearing the name or style of the business.

"Council" means the municipal council of The Corporation of the City of North Bay.

"Local Board" means a local board as defined by the Municipal Affairs Act, R.S.O. 1990, c. M.46

"Motor Vehicle" includes an automobile, a motorcycle, a motor-assisted bicycle unless otherwise indicated in this by-law, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine.

“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 or she is a tenant and any parking spaces allotted to him or her 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 Section 1 to act on the occupant’s behalf for requesting the enforcement of the provisions of this By-law.

“Owner” 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 or she is owner and any parking spaces allotted to him or her by the condominium corporation or reserved for his or her exclusive use in the declaration or description of the property,
- (c) the spouse of a person described in Subsection (a) or (b),
- (d) where the property is included in a description registered under the Condominium Act 1998, S.O. 1998, c.19 as amended, the board of directors of the condominium corporation, and
- (e) a person authorized in writing by the property owner as defined in Subsection (a), (b), (c), or (d) to act on the owner’s behalf for requesting the enforcement of the provisions of this By-law.

“Park” or “Parking” means the stopping or standing of a vehicle, whether occupied or not, with or without the engine activated.

“Provincial Offences Officer” means an officer as defined by the *Provincial Offences Act, RSO 1990, c. P.33*

“Sign” means any sign, device, or barricade erected for the purpose or regulating, directing, warning, guiding, or prohibiting parking on private property, and includes pavement markings.

2. General Parking Provisions

- 2.1 No person shall park or leave a motor vehicle on private property without the consent of the owner or occupant of the property.
- 2.2 No person shall park or leave a motor vehicle on property owned or occupied by the City of any local board thereof without the consent of the City or local board as the case may be.
- 2.3 Where an owner or occupant of a property has posted a sign stating the 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.

3. Private Parking Lots

- 3.1 No person shall park or leave a motor vehicle in a private parking lot:
 - (a) outside the parking space limits as indicated by pavement markings or any other sign;
 - (b) so as to obstruct the passage of another vehicle;
 - (c) on a pedestrian crossing as indicated by pavement markings or any other sign;
 - (d) in a bus stop as indicated by a sign;

- (e) in an area prohibited for parking as indicated by a sign or pavement cross-hatching;
 - (f) in an area designated as a loading zone unless the vehicle is a commercial motor vehicle and is being actively loaded or unloaded;
 - (g) for longer time than as authorized by a sign that restricts the length of time a motor vehicle can be parked in that location.
- 3.2 In a private parking lot where signs are posted indicating that the lot is a paid parking lot and that a parking stub can be purchased at a parking payment kiosk, no person shall occupy a parking space within the lot without a current and valid parking stub that is displayed on the dash of the motor vehicle.
- 3.3 In a private parking lot where signs are posted indicating that the lot is a paid parking lot and a parking stub is provided at a gate kiosk, no person shall park in the lot without first obtaining a parking stub from the gate kiosk.
- 3.4 No person shall deposit any slug, device metallic or other, as a substitute for coins in a parking payment kiosk in a private parking lot.

4. Obstruction

No person shall hinder or obstruct, or attempt to hinder or obstruct, any Provincial Offences Officer who is exercising a power or performing a duty under this by-law.

5. Officers

- 5.1 This By-law, and any of its provisions can be enforced by any Provincial Offences Officer, including City of North Bay By-law Officers, the By-law Enforcement Coordinator, members of the North Bay Police Service, and any authorized agents of the City.
- 5.2 Authorized agents of the City are licensed security guards that meet the following conditions,
- (a) Shall have completed a Part II ticket training as provided for by the By-Law Enforcement Coordinator;
 - (b) Shall currently be employed by a security company that is contracted by the private property owner to conduct parking enforcement on the private property;
 - (c) Shall only conduct parking enforcement on the private property that they are contracted to work on;
 - (d) In the case where the security guard is employed by the owner of the property, the guard shall only conduct parking enforcement on the private property owned or leased by the employer;
 - (e) Shall appear in Provincial Offences Court as required by the City; and
 - (f) Shall cease all parking enforcement duties when suspended as an authorized agent of the City by the By-law Enforcement Coordinator.

6. Offences and Penalties

Any person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the Provincial Offences Act, R.S.O. 1990, c. P.33.

7. Owner Liability

Where a vehicle has been parked in contravention of this by-law, the owner of the vehicle is guilty of an offence, even if the owner was not the driver of the vehicle at the time of the contravention and, upon conviction, is subject to a fine as provided in the Provincial Offences Act unless, at the time of the offence, the vehicle was in the possession of another person without the owner's consent.

8. Vehicle Towing

Upon receiving a written complaint by an owner or occupant of a private property, a Provincial Offences Officer that is authorized to enforce the provisions of this By-law may cause any vehicle found in contravention of the provisions of this By-law to be moved or taken to and placed or stored in a

suitable place. Removal of the vehicle shall be at the vehicle owner's risk and expense and all such costs and charges for the removal, care and storage, if any, shall be collectable pursuant to the provisions of the Repair and Storage Liens Act, R.S.O. 1990, c.R.25.

9. Coming into Force and Repeal of Previous By-laws

- (a) This By-Law No. 2016-40 shall not come into force and effect until the date that Orders made by the Regional Senior Justice of the Ontario Court of Justice pursuant to the Provincial Offences Act, and the Courts of Justice Act, RSO 1990, c. C.43, and regulations thereunder take effect, approving set fines for offences under this By-law.
- (b) Upon the coming into force of this By-law, By-Law No. 201-90 and all amendments thereto are hereby repealed.

Read a First Time in Open Council this 21st day of March, 2016.

Read a Second Time in Open Council this 21st day of March, 2016.

Read a Third Time in Open Council and Enacted and Passed this 21st day of March, 2016.

Mayor Allan McDonald

City Clerk Karen McIsaac