

Township of Woolwich

By-law Number 71-2012

A By-law for Establishing the Parking of Motor Vehicles on Private Property or in Municipal Lots

Whereas Section 11 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes municipalities to regulate parking on highways as well as parking, except on highways;

And Whereas Sections 100 and 100.1 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorize municipalities to regulate or prohibit parking or leaving of motor vehicles without the owner's consent on land not owned or occupied by the municipality;

And Whereas Sections 170(15) of the Highway Traffic Act, R.S.O 1990, c,H.8, as amended and Section 101(1) of the Municipal Act, 2001 S.O 2001, c.25, as amended, authorizes the removal and storage of any motor vehicle left in contravention of a municipal by-law;

Now Therefore the Council for the Corporation of the Township of Woolwich enacts as follows:

1. Where used herein, the following words and phrases shall be deemed to have the following meanings:
 - a) "Motor Vehicle" includes an automobile, a motorcycle, a motor-assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power.
 - b) "Park" shall mean the standing of a vehicle, whether the vehicle is occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
 - c) "Parking Lot" means an area or structure or a portion of an area of structure intended for the parking of motor vehicles off the street or highway which may include a private lot or a municipal lot which name appears in Schedule "B" of this By-law.
 - d) "Private Property" means land not owned or occupied by the Township.

e) "Parking Permit" means a clearly displayed decal or a specially designed card as authorized by the Township of Woolwich Municipal Clerk or a permit issued by the owner of a private parking lot.

f) "Specially Appointed By-law Enforcement Officer" means an individual appointed by Council to enforce the provisions of this by-law, except Section 6, at specific locations throughout the Township and whose name appears in Schedule "A" of this By-law.

g) "Stop" or "Stopping", when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or of a traffic control sign or signal.

h) "Officer" means a Police Officer, Municipal Law Enforcement Officer and, in respect to specified properties, a Private Enforcement Officer whose name appears in Schedule "A" to this by-law.

i) "Township" means the Township of Woolwich.

2. No person shall park or leave a motor vehicle on private property without authority from the owner or occupant of such property.

3. Regulations in parking lots:

Parking in a parking lot shall be subject to the following provisions:

a) No person shall park a motor vehicle on any parking lot between 2:30 a.m. and 6:00 a.m. at any time.

b) No vehicle having a gross motor vehicle weight of more than 3 tonnes shall be parked on any parking lot, except that buses may be parked in designated areas which have been appropriately signed.

c) No person shall park a motor vehicle on any part of a parking lot except within a parking stall as marked on the pavement.

- d) No person shall park a motor vehicle in such a manner as to encroach on a contiguous parking space unless the vehicle cannot be accommodated in one parking space.
 - e) No person shall park or stop a bus for the purpose of loading and unloading passengers on a parking lot except in an area designated for the purposes which have been appropriately signed.
 - f) No person shall drive a motor vehicle on a parking lot so as to propel the vehicle in a direction opposite to the direction for movement which is indicated by signs or pavement markings.
 - g) No person shall race or speed a motor vehicle on any parking lot in excess of 20 km/hour.
 - h) No person shall park a motor vehicle in an area which is designated for permit parking unless they display a currently valid permit to do so and providing that the said permit is posted within the motor vehicle in such a manner that is visible to the enforcement official.
 - i) No person shall park a motor vehicle in any area designated by signs to be reserved for horse-drawn vehicles.
 - j) No person shall park a horse-drawn vehicle in an area other than that which is designated for the purpose by signs.
 - k) No person shall park a motor vehicle on any parking lot in contravention of signs posted by the Corporation of the Township of Woolwich or the owner of a private parking lot.
4. Where any portion of a motor vehicle is parked in contravention of this by-law the entire motor vehicle shall be deemed to be parked in contravention of this by-law.
 5. Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33.
 6. A police officer, police cadet, municipal law enforcement officer upon discovery of any motor vehicle parked in contravention this by-law, may cause it to be moved or taken to and placed or stored in a suitable place. All costs and charges for the removal, care and storage of the motor vehicle, if any, are a lien upon the motor

vehicle, which may be enforced in the manner provided by the *Repair and Storage Liens Act*. 2005, c. 26, Sched. A, s. 28 (2).

7. Where a motor vehicle has been parked in contravention of this by-law, the owner of the motor vehicle, even though the owner was not the driver of the motor vehicle at the time of the contravention of the by-law, is guilty of an offence and is liable to the fine prescribed for the offence.
8. An Officer engaged in enforcing the provisions of this or other municipal by-laws, or laws is exempt from such provisions of this by-law as reasonably necessary for the performance of such enforcement.
9. Council may, by by-law, appoint Specially Appointed By-law Enforcement Officers to enforce the provisions of this by-law, except section 6, at certain locations throughout the Township and may also remove said appointments by-law.
10. Should any section or provision of this by-law be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or in part thereof other than the part which was declared to be invalid.
11. Nothing in this by-law shall be construed to allow parking on private property in contravention of the Township's Zoning By-law or Front Yard Parking By-law even where the owner's consent is obtained.
12. Any reference to By-law #82 or #34-89 on a sign is hereby deemed to be a reference to this by-law.
13. This By-law may be referred to as Municipal and Private Property Parking By-law.
14. By-law number 33-2012, 71-2011, 46-2005, 42-2002, 70-2001, 92-2000, 89-99, 99-90, 128-1989, 34-89, and 82 of The Corporation of the Township of Woolwich, and all by-laws amending the same, are hereby repealed effective on the coming into force of this By-law.
15. This by-law shall come into force and take effect on the final day of passing thereof by the Council of the Corporation of the Township of Woolwich.

Passed this 5th day of November, 2012.

Signature on file

Mayor

Signature on file

Clerk

Schedule "A"
By-law 71-2012

Column 1 Specially Appointed Enforcement Officers	Column 2 Municipal Address of Property
<p>Securitas Canada Limited employees that hold the position of Security Officer contracted by the Region of Waterloo to perform security for the Region of Waterloo International Airport including: Doug Hardman, Darryn Chidley, Tim Woolner, Leonard Hewlett, Ewa Kalita, Mike Shaw, Paul Smith.</p> <p>Waterloo Region International Airport staff: Jeremy Gardner, Sean Carroll, Peter Roth, Ross Dettweiler, Mike Moniz, Blake Smith.</p>	<p>Waterloo Region International Airport 4881 Fountain Street North, Breslau</p>
<p>Peka Jozo Branko Mrvalj</p>	<p>31 Flamingo Drive, Elmira 35 Flamingo Drive, Elmira 110 Oriole Parkway, Elmira 15 Snyder Avenue North, Elmira</p>
<p>Ryan Rozema Todd Burnside</p>	<p>St. Jacobs Farmers Market 878 Weber Street North</p>
<p>Marilyn Rudow</p>	<p>North Waterloo Condominium Corporation 30 Flamingo Drive, Elmira</p>
<p>Jen Lipki-Crawford</p>	<p>Elmira District High School 4 University Avenue West</p>

Schedule "B"
By-law 71-2012

Albert Street Parking Lot, St. Jacobs

Bolender Park, Elmira

Bloomingtondale Community Centre and Park, Bloomingtondale

Breslau Community Centre Parking Lot, Breslau

Breslau Memorial Park, Breslau

Conestogo Community Park, Conestogo

Gibson Park Parking Lot and Tennis Court Lot, Elmira

Heidelberg Park, Heidelberg

Maple Street Parking Lot, Elmira

Maryhill Heritage Community Centre and Park, Maryhill

Mill Street Parking Lot, Elmira

Municipal Office Parking Lot, Elmira

Water Street Municipal Parking Lot, St. Jacobs

Woolwich Memorial Centre and Lions Hall Parking Lot, Elmira

Woolwich Township Arena and Community Centre Parking Lot, St. Jacobs

Wyatt Street Parking Lot, Elmira

Set Fines

Township of Woolwich Part 1 Provincial Offences Act By-law Number 71-2012: Municipal and Private Parking By-law

Column 1 Item	Column 2 Short Form Wording	Column 3 Provision Creating or Defining Offence	Column 4 Set Fine
1.	Parked on private property without owners consent	Section 2	\$40.00
2.	Parked between 2:30 a.m. and 6:00 a.m.	Section 3(a)	\$40.00
3.	Parked vehicle weighing greater than 3 tonnes	Section 3(b)	\$40.00
4.	Parked in area other than parking space	Section 3(c)	\$40.00
5.	Parked in more than one space	Section 3(d)	\$40.00
6.	Parked/Stopped bus for loading/unloading passengers	Section 3(e)	\$40.00
7.	Parked in area restricted to parking permits	Section 3(h)	\$40.00
8.	Parked motor vehicle in area designated for horse-drawn vehicles	Section 3(i)	\$40.00
9.	Parked horse-drawn vehicle in area designated for motor vehicles	Section 3(j)	\$40.00
10.	Parked in parking lot where prohibited by signage	Section 3(k)	\$40.00

Note: The general penalty provision for the offences listed above is section 5 of By-law number 71-2012, a certified copy of which has been filed.