

TOWNSHIP OF WOOLWICH

BY-LAW 57-2014

**BEING A BY-LAW TO PROHIBIT PARKING
OF MOTOR VEHICLES AND/OR TRAILERS
IN OR ON FRONT YARDS, SIDE YARDS AND REAR YARDS
ON PROPERTIES WITHIN THE TOWNSHIP OF WOOLWICH**

WHEREAS Section 11(3)8 of the *Municipal Act, 2001*, S.O. 2001,c.25, as amended (the "Act"), provides that Council may pass by-laws respecting matters within the sphere of jurisdiction of "Parking, except on highways",

AND WHEREAS Section 128 of the Act provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council are or could become public nuisances;

AND WHEREAS in the opinion of Council the act of parking a motor vehicle or trailer on a front yard, side yard or rear yard is, or could become, a public nuisance;

AND WHEREAS Section 425 of the Act provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality is guilty of an offence;

AND WHEREAS Section 428 of the Act provides that the owner of a vehicle is guilty of an offence even if the owner is not the driver of the vehicle, where a vehicle has been left parked, in contravention of a by-law;

AND WHEREAS Section 436 of the Act provides that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a by-law of the municipality is being complied with;

NOW THEREFORE the Council of The Corporation of the Township of Woolwich enacts as follows:

DEFINITIONS

1. In this by-law:

- 1.1 Council - means the Council of the Corporation of the Township of Woolwich;
- 1.2 Driveway - means a surface area in a residential Zone between a Street and a main Structure consisting of, but not limited to, asphalt, concrete, compact gravel, interlocking brick, paving stone or the like used or designed to be used for the driving or parking of Vehicles;
- 1.3 Front Lot Line - means the lot line that divides a lot from the street provided that, in the case of a corner lot, the shorter lot line that abuts the street shall be deemed to be the front lot lines and the longer line that abuts a street shall be deemed the flankage;
- 1.4 Front Yard - means a yard extending across a full width of a lot between the front lot line and the nearest main wall of the main building on the lot but does not include a legal driveway;

- 1.5 Lot - means a parcel of land occupied or to be occupied by one main building, structure, or use with any accessory buildings or uses and includes all yards and open spaces;
- 1.6 Lot Line - means any boundary of a lot;
- 1.7 Motor Vehicle - includes an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven other than by muscular power, but does not include a street car, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the *Highway Traffic Act*, R.S.O. 1990,c.H.8, as amended;
- 1.8 Municipal Law Enforcement Officer - means an individual appointed by the Council of the Township of Woolwich pursuant to s. 15 of the *Police Services Act*, R.S.O. 1990,c. P. 15, as amended;
- 1.9 Rear Lot Line - means the lot line opposite the front lot line;
- 1.10 Rear Yard - means a yard extending across the width of the lot between the rear lot line and the nearest wall of the main building or, in the case of a triangular lot, between the apex of the triangle formed by the intersection of the side lot lines and the nearest wall of the main building; but does not include a legal driveway.
- 1.11 Residential Property - means any property zoned for residential use in the Township's Zoning By-law 55-86, as amended, and, for greater certainty, includes the following zones: R-1 Residential, R-2 Residential, R-2A Residential, R-2B Residential, R-3 Residential, R-3A Residential, R-4/R-5 Residential, R-4A Residential, R-5A Residential, R-6 Residential, R-7 Residential, R-?A Residential;
- 1.12 Side Yard - means a yard extending from the front yard to the rear yard between the side lot line and the nearest main wall of the main building, excluding any chimney breast, but does not include a legal driveway;
- 1.13 Township - means The Corporation of the Township of Woolwich;
- 1.14 Trailer - means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by a motor vehicle upon a highway at any time and capable of transporting persons or property;
- 1.15 Yard - means a space open to the sky, inclusive of any awning or umbrella or other covering but exclusive of eaves up to sixty centimeters (60cm), on the same lot with a building unoccupied except for such accessory buildings as are specially permitted elsewhere in this by-law.

PROHIBITIONS ON PARKING IN YARDS

2. No person shall, on a residential property, park or permit the parking, of a motor vehicle or trailer.
 - (i) in a front yard, side yard or rear yard.

3. Notwithstanding Section 2 of this by-law, parking of a motor vehicle or trailer is permitted on the residential properties listed in Schedule "A", attached to and forming a part of this by-law, only on front or side yards in the manner authorized by Council.

ENFORCEMENT

4. This by-law may be enforced by Municipal Law Enforcement Officers appointed by the Township of Woolwich or by Police Officers of the Waterloo Regional Police Service.

PENALTY

5. Every person who contravenes any of the provisions of this by-law is guilty of an offence pursuant to section 429 of the *Municipal Act* and all contraventions of this by-law are designated as continuing offences.
6. Every person who is convicted of an offence is liable to a minimum fine of Two Hundred and Fifty Dollars (\$250) and a maximum fine of Twenty-Five Thousand Dollars (\$25,000.00) for the first offence and a maximum fine of Fifty Thousand Dollars (\$50,000.00) for a subsequent offence.
7. Notwithstanding Section 6, 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.
8. In addition to any other penalties provided for in this by-law, a Police Officer or a Municipal Law Enforcement Officer may cause a vehicle to be moved or taken to and placed or stored in a suitable place and all costs and charges for the removal, care and storage of the vehicle, if any, are a lien upon the vehicle, which may be enforced in the manner provided by the Repair and Storage Liens Act, R. S.O. 1990 C. R.25, as amended.

POWERS OF INSPECTION

9. The Township may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - 9.1 this By-Law;
 - 9.2 a direction or order of the Township made under this by-law; or,
 - 9.3 an order made under s.431 of the *Municipal Act, 2001*, S.O. 2001,c.25, as amended.
- 10 For the purpose of conducting an inspection pursuant to s. 7 of this by-law, the Township may, in accordance with the provisions of s. 436 of the Act:
 - 10.1 require the production for inspection of documents or things relevant to the inspection;
 - 10.2 inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

- 10.3 require information from any person concerning a matter related to the inspection; and,
- 10.4 alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

HINDERANCE OR OBSTRUCTION

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

ORDER TO DISCONTINUE ACTIVITY

- 12 Where the Township is satisfied that a contravention of this by-law has occurred, the Township may make an order requiring the person who contravened this by-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity.
- 13 An order under s. 10 of this by-law shall set out:
- 13.1 Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
- 13.2 The date by which there must be compliance with the order.
- 14 Any person who contravenes an order under s. 10 of this by-law is guilty of an offence.

REMEDIAL ACTION

- 15 If a person fails to do a matter or thing, including comply with an order under this by-law, as directed or required by this by-law, the Township may, in default of it being done by the person directed or required to do it, do the matter or thing at the person's expense. The Township may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as municipal taxes.
- 16 The cost outlined in s.13 of this by-law shall include interest calculated at a rate of 15 percent, calculated for the period commencing on the day the Township incurs the cost and ending on the day the costs, including the interest, are paid in full.
- 17 The amount of the costs, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien. The lien is in respect of all costs that are payable at the time the notice is registered plus interest accrued to the date the payment is made. Upon receiving payment of all costs payable plus interest accrued to the date of payment, the Township shall register a discharge of the lien in the proper land registry office.

SEVERABILITY

- 18 If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of section shall not be construed as having persuaded

or influenced Council to pass the remainder to this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in full force and effect.

COMING INTO FORCE

19 This by-law shall come into force and effect on the day it is passed by Council.

REPEAL

20 By-law 26-2012 is hereby repealed.

SHORT TITLE

21 This by-law may be referred to as the "Front Yard Parking By-law".

PASSED this 25th day of November, 2014.

Signature on file _____
Mayor

Signature on file _____
Clerk

Corporation of the Township of Woolwich

PART II Provincial Offences Act

By-law #57-2014 being a by-law to prohibit the parking of motor vehicles and/ or trailers in or on front yards, side yards and rear yards on properties within the Township of Woolwich

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1.	Park vehicle in a front yard	2 (i)	\$75.00
2.	Park vehicle in a side yard	2 (i)	\$75.00
3.	Park vehicle in rear yard	2 (i)	\$75.00

Note: Penalty provisions for the offences indicated above are Sections 5, 6 and 7 of By-law 57-2014, a certified copy of which has been filed.