

The Corporation of the City of Thorold

By-law No. 147-2019

A By-law to prohibit parking in or on yards within the City of Thorold

Whereas subsection 11(3) of the Municipal Act, 2001, c. 25, as amended, provides that Council may pass by-laws respecting matters of parking, except on highways; and

Whereas section 128 of the Municipal 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 for the Corporation of the City of Thorold, the act of parking, standing, or stopping a vehicle on organic material within a front yard or side yard is, or could become a public nuisance; and

Whereas section 425 of the Municipal 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 Municipal 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, stopped or standing in contravention of a by-law; and

Whereas section 436 of the Municipal 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; and

Now therefore, the Council of The Corporation of the City of Thorold enacts as follows:

**1 SHORT TITLE**

- (1) This by-law may be referred to as the “Yard Parking By-Law”.

**2 DEFINITIONS**

- (1) In this by-law:

“Front Lot Line” means the Lot line along a public street, but in the case of:

- (a) A corner Lot or through Lot, the shortest of the Lot Lines that divide the Lot from the street shall be deemed to be the Front Lot Line.
- (b) A corner Lot or through Lot with two (2) streets of equal length, the Lot Line that abuts the wider street, or abuts a regional road or provincial highway shall be deemed to be the Front Lot Line.
- (c) The street line facing the principal entrance to the main building shall be the Front Lot Line.
- (d) A corner Lot or through Lot where a 0.3m reserve abuts one of the Lot Lines, the Front Lot Line shall be the Lot Line not abutting the 0.3m reserve;

“Front Yard” means a Yard extending across the full Lot width, bounded by side Lot Lines, between the Front Lot Line and the nearest main wall of any principal building on the Lot but does not include a legal driveway and/or a legal parking area unless that driveway and/or parking area is made of organic matter;

“Lot” means a parcel or tract of land occupied by a building, structure or use;

“Lot Line” means any line that makes up the legally defined boundary of a Lot;

“Motor Vehicle” means an automobile or vehicle used for carrying passengers or for transporting goods and may include a farm implement, mobile home, motor home, travel trailer, snowmobile or marine craft;

“Municipality” means the Corporation of the City of Thorold;

“Officer” means a Person, appointed by Council, charged with the duty of enforcing this By-law;

“Organic Material” means matter derived from organisms;

“Person” means an individual, corporation, partnership or limited partnership and their authorized representative;

“Rear Lot Line” means the Lot Line opposite the Front Lot Line, but in the case of:

- (a) A triangular Lot, the Rear Lot Line is the point of intersection of the side Lot Lines.
- (b) Any other type of Lot, the furthest Lot Line opposite the Front Lot Line, including any contiguous line adjoining it at any angle of less than 45 degrees;

“Rear Yard” means a Yard, extending across the full Lot width, bounded by side Lot Lines, between the Rear Lot Line and the nearest main wall of any principal building on the Lot;

“Residential Property” means any property zoned for Residential Use in the City’s Zoning By-law, as amended.

“Residential Use” means the use of a building or structure as a dwelling;

“Side Yard” means a Yard, bounded by a Front Yard and a Rear Yard, between a side Lot Line and the nearest main wall of a principal building on the Lot but does not include a legal driveway and/or a legal parking area unless that driveway and/or parking area is made of organic matter;

“Yard” means a space on a Lot situated between a Lot Line and the nearest main wall of any principal building on the Lot.

### **3 PROHIBITIONS ON PARKING IN YARDS**

- (1) No Person shall, on a Residential Property, park, stand or stop or permit the parking, standing or stopping of a Motor Vehicle in a:
  - (a) Front Yard; or
  - (b) Side Yard;

### **4 ENFORCEMENT**

- (1) This by-law may be enforced by Officers appointed by the Council of the City of Thorold for the purposes of enforcing municipal by-laws.

## **5 PENALTY**

- (1) Each Person who contravenes a provision of this By-law may be given a Penalty Notice in accordance with the City of Thorold's Administrative Penalty By-law and be liable to pay to the City an Administrative Penalty in the amount specified by the Administrative Penalty By-law, for each day or part of a day on which the contravention continues.
- (2) In addition to any penalties provided for in this by-law, an 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 such 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.

## **6 POWERS OF INSPECTION**

- (1) The Municipality 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:
  - (a) this by-law;
  - (b) a direction or order of the Municipality made under this by-law; or,
  - (c) an order made under s. 431 of the Municipal Act 2001, S.O. 2001, c. 25, as amended.
- (2) For the purposes of conducting an inspection pursuant to section 6 of this by-law, the Municipality may, in accordance with the provisions of section 436 of the Municipal Act:
  - (a) require the production for inspection of documents or things relevant to the inspection;
  - (b) inspect and remove documents or things relevant to the inspection,
  - (c) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - (d) require information from any Person concerning a matter related to the inspection; and,
  - (e) 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.

## **7 HINDRANCE OR OBSTRUCTION**

- (1) 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.

## **8 ORDER TO DISCONTINUE ACTIVITY**

- (1) Where the Municipality is satisfied that a contravention of this by-law has occurred, the Municipality 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.
- (2) An order under section 7 of this by-law shall set out:

- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
  - (b) The municipal address of the property on which the contravention occurred;
  - (c) The name of the Person to whom the order is issued; and
  - (d) the date by which there must be compliance with the order.
- (3) Any Person who contravenes an order under section 7 of this by-law is guilty of an offence.

## **9 REMEDIAL ACTION**

- (1) 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 Municipality may, in default of it being done by the Person directed or required to do it, do the matter or thing from the Person directed or required to do it by action and by adding the costs to the tax roll and collecting them in the same manner as municipal taxes.
- (2) 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 Municipality shall register a discharge of the lien in the proper land registry office.

## **10 SEVERABILITY**

- (1) 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 of 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.

## **11 COMING INTO FORCE**

- (1) This by-law shall come into force and effect on the day it is passed.

Read a first, second and third time and finally passed by Council this 17<sup>th</sup> day of December, 2019.

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Terry Ugolini, Mayor

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Donna Delvecchio, City Clerk