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Consolidated By-Law

THE CORPORATION OF THE CITY OF THOROLD

BY-LAW NO. 131-2007

A BY-LAW TO CONTROL THE PARKING OR LEAVING OF MOTOR VEHICLES ON PRIVATE PROPERTY WITHOUT THE CONSENT OF THE OWNER OCCUPANT OF THE PROPERTY

WHEREAS the Council of the Corporation of the City of Thorold approved the recommendations of Report PBS2007-94 at a Special Council meeting held on November 20, 2007.

AND WHEREAS Section 100 of the Municipal Act, S.O. 2001 c.25, as amended, provides that a local municipality may, in respect of land not owned or occupied by the municipality that is used as a parking lot, regulate or prohibit the parking or leaving of motor vehicles on that land without the consent of the owner of the land or regulate or prohibit traffic on that land, if the owner or occupant of the land has filed with the clerk of the municipality written consent to the application of the by-law to the land; and a sign is erected at each entrance to the land clearly indicating the regulation or prohibition;

AND WHEREAS Section 170 (15) of the Highway Traffic Act, R.S.O. 1990 c.H.8, as amended, provides that a police officer, police cadet, municipal law enforcement officer or an officer appointed for the carrying out of the provisions of this Act, upon discovery of any vehicle parked or standing in contravention of subsection (12) or of a municipal by-law, may cause it to be moved or taken to and placed or stored in a suitable place and all costs and 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 Repair and Storage Liens Act

AND WHEREAS Section 207 (1) of the Highway Traffic Act, R.S.O. 1990, c.H.8, as amended, provides that the owner of a vehicle may be charged with and convicted of an offence under this Act or the regulations or any municipal by-law regulating traffic for which the driver of the vehicle is subject to be charged unless, at the time of the offence, the vehicle was in the possession of some person other than the owner without the owner's consent and on conviction the owner is liable to the penalty prescribed for the offence;

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF THOROLD HEREBY ENACTS AS FOLLOWS:

SECTION 1 SHORT TITLE

This by-law shall be known as "Private Property Parking By-law".

SECTION 2 DEFINITIONS

In this By-law:

- 2.1** **"City"** means the Corporation of the City of Thorold;
- 2.2** **"Council"** means the Council of the City of Thorold;
- 2.3** **"Highway Traffic Act"** means the *Highway Traffic Act, R.S.O. 1990, c.H8*, as amended;

- 2.4 "Motor Vehicle"** includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in the Highway Traffic Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, or any 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 with the meaning of the Highway Traffic Act, as amended;
- 2.5 "Officer"** means a police officer, or other person authorized to enforce the Highway Traffic Act, are hereby vested with the authority of administering and enforcing the provisions of this by-law;
- 2.6 "Park" or "Parking"** means when prohibited, the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise of passengers;
- 2.7 "Parking Lot"** means the parking facilities established on the private property described in Schedule "A", hereto;
- 2.8 "Parking Lot Space"** means a portion of the surface of a parking lot normally designated by lines painted or marked on the surface of the parking lot;
- 2.9 "Parking Permit"** means a permit issued the owner or occupant of the property which indicates:
- (a) the permit number;
 - (b) the expiry date, or
 - (c) the designated parking lot;
- 2.10 "Parking Ticket Dispenser"** means a device which shall have a receptacle for receiving and storing coins, a slot or place in which coins may be deposited, an indicator which shows the amount of deposit and the time paid for, a ticket button that when pressed will dispense a parking ticket which shall indicate thereon the location, amount paid, and valid time purchased;
- 2.11 "Repair and Storage Liens Act"** means the Repair and Storage Liens Act, R.S.O. 1990, c.25;
- 2.12 "Stand" or "Standing"** means when prohibited, the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers;
- 2.13 "Stop" or "Stopping"** means when prohibited, 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 an officer or of a traffic control sign or device;
- 2.14 "Vehicle"** means a motor vehicle.

SECTION 3 PERMIT PARKING

- 3.1** Where permit *parking* is permitted on lands and premises under the authority of this by-law as shown in Schedule "A", no person shall *park* a *vehicle* or permit a *vehicle* to remain *parked* unless:
- (a) a valid *parking* permit is displayed; and
 - (b) affixed to the sun visor on the driver's side of the *vehicle* with the visor turned down; or
 - (c) on the driver's side of the dashboard of the *vehicle*; or
 - (d) attached to the rear view mirror.

SECTION 4 PARKING TICKET DISPENSER

- 4.1** Where a *parking ticket dispenser* has been installed on lands and premises under the authority of this by-law as shown in Schedule "A", no person shall *park a vehicle* or permit a *vehicle* to remain *parked*:
- (a) for a period of time longer than the times and days indicated on the ticket issued;
 - (b) unless a valid parking machine receipt is displayed on the driver's side of the dashboard of the *vehicle*;
 - (c) if the parking machine has been covered by a *parking metre* cover or *parking* prohibition sign.

SECTION 5 GENERAL PARKING REGULATION

- 5.1** No person shall *park, stop* or leave *standing* any *motor vehicle* on the lands and premises under the authority of his by-law as shown in Schedule "A",
- (a) if a *parking space* has been designated by lines painted on the surface of the *parking area*, no person shall *park* any *vehicle* in such manner that is not wholly within the area designated as a *parking space*;
 - (b) *park* longer than 12 hours,
 - (c) *park* obstructing driveway or laneway,
 - (d) *park* in prohibited area
 - (e) *stopped* on a sidewalk
 - (f) *stopped* in a prohibited area
 - (g) *park* over time limit

SECTION 6 OFFENCES AND PENALTIES

- 6.1** Each person and/or corporation who contravenes a provision of this By-law shall:
- a) When given a Penalty Notice in accordance with the City of Thorold's Administrative Penalty By-law, 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 contraventions continues.
- 6.2** Where a *motor vehicle* is *parked* or left *standing* on the lands and premises described in Schedule "A" without consent of the owner, in an area not designated for the *parking* of *motor vehicles*, a *By-law Enforcement Officer* may, upon discovery of a *motor vehicle* so *parked* or left, cause such *motor vehicle* to be moved, or taken to and placed in a suitable place and all costs and charges for removing, car and storage thereof, if any are a lien upon such a *vehicle* which may be enforced in the manner provided by the *Repair and Storage Liens Act*.
- 6.3** Each person who permits a vehicle to be parked, standing or stopped contrary to a part of this by-law to which the administrative penalty by-law applies and each owner of that vehicle are, when given a Penalty Notice in accordance with the City's Administrative Penalty By-law 71-2014, is liable to pay to the City an Administrative Penalty in the amount specified in Schedule "B" to this By-law for each day or part of a day on which the contravention continues.

Section 6.1 amended by By-law 148-2019, and prior sections 6.3 and 6.4 deleted by By-law 148-2019; section 6.5 amended by By-law 79-2014 and renumbered to 6.3 after By-law 148-2019 deleted sections 6.3 and 6.4.

SECTION 7 BY-LAWS REPEALED

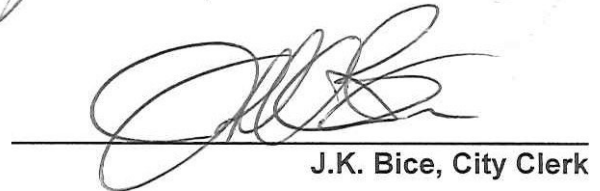
7.1 That By-law No. 1865(94) and any amendments are hereby repealed.

SECTION 8 ENACTMENT

8.1 This by-law shall come into force and effect on February 1, 2008.

**EAD A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED BY COUNCIL THIS
20th DAY OF NOVEMBER, 2007.**


H. D'Angela, Mayor


J.K. Bice, City Clerk

SCHEDULE "A"
By-law 131-2007
Private Parking Lot By-law

PRIVATE PROPERTY PARKING LOTS

Property Owner	Location of Property
RBC Royal Bank of Canada	52 Front Street South Part Lot 5 George Keefer Plan NP889
Niagara Regional Municipality (Regional Headquarters)	2201 St. Davids Road Part Twp Lot 38 Part Twp Lot 39 PT BF
The Lofts	3490 Schmon Parkway Plan 59M131 Lot 3
The Lofts	3510 Schmon Parkway Plan 59M131 Part Lot 2 RP 59R15210 Parts 7, 9 to 14

Schedule "A" amended through By-law 150-2015. Schedule "B"
deleted through By-law 148-2019.