



Part I. Preamble and Interpretation 3
 Short Title 3
 Purpose..... 3
 Scope 4

Part II. Interpretation 4
 Headings 4
 References to Applicable Law 4
 Definitions 4

Part III. General 5
 Parking Regulations 5
 Accessible Parking Spaces..... 5
 Part of Motor Vehicle 5

Part IV. Penalty and Enforcement 5
 Enforcement 5
 Removal of a Vehicle..... 5
 Penalty 5

Part V. Conflict and Transition 5
 Conflict 5
 Terms Severable 6
 Repeal 6
 Enactment..... 6

Consolidated Version

Revised August 14, 2018

Amended By By-law:	Passed On:
2014-094 (Original)	May 26, 2014 (Passed) July 7, 2014 (Enacted)
2014-164	September 22, 2014
2015-060	April 27, 2015
2015-069	May 11, 2015
2015-155	November 2, 2015
2015-169	November 30, 2015
2016-008	January 25, 2016
2016-104	July 11, 2016
2016-111	July 25, 2016
2016-149	October 17, 2016
2018-124	August 13, 2018

Consolidated for Convenience Only

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracy of this by-law, it is not an official version or a

legal document. The original by-law should be consulted for all interpretations and applications on this subject. For more information or to view by-laws please contact the Clerks Department.

The Corporation of the City of Owen Sound

By-Law No. 2014-094

A By-law to Regulate Unauthorized Parking, Parking in Fire Routes and Accessible Parking Spaces

WHEREAS sections 100, 100.1 and 101 of the *Municipal Act, 2001*, S.O. 2001, c. 25 provide that a municipality may pass a by-law to regulate parking or leaving of motor vehicles on land used as a parking lot or otherwise without the consent of the owner including the removal and impounding of any vehicle, at the vehicle owner's expense, which is parked or left in contravention of the by-law; and

WHEREAS sections 102 of the *Municipal Act, 2001* S.O. 2001, c. 25 provides that where a municipality requires owners of parking lots to provide parking spaces for vehicles with accessible parking permits, it shall prescribe the conditions for using the permit and prohibit improper use of the permit by by-law, and may provide for the removal and impounding of vehicles parked or left in contravention of said by-law; and

WHEREAS section 7.1 of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4 provides that a municipality may pass by-laws designating private roads as fire routes along which parking of vehicles is prohibited and providing for the removal and impound of vehicles parked or left along the fire routes; and

WHEREAS section 15 of the *Police Services Act*, R.S.O. 1990, c. P. 15 provides that a municipal council may appoint persons to enforce by-laws of the municipality; and

WHEREAS the Council of the Corporation of the City of Owen Sound (the "City") passed By-law No. 1990-092 regulating motor vehicle parking on private property, By-law No. 1993-018 regulating accessible off-street parking and By-law No. 2009-086 designating and restricting parking in fire routes; and

WHEREAS on May 12, 2014, City Council passed Resolution R-140512-014 to enact this by-law in place of By-law No. 1990-092, By-law No. 1993-018 and sections 7 and 8 of By-law No. 2009-086;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

Part I. Preamble and Interpretation

Short Title

1. This by-law shall be known as the "Unauthorized Parking By-law".

Purpose

2. This by-law has been enacted to:
 - a. provide recourse when a Motor Vehicle is parked on property without the consent of the Owner;
 - b. ensure that Designated Fire Routes are clear for emergency use;
 - c. ensure that Designated Accessible Parking Spaces are available for persons with a disability.

Scope

3. This by-law shall apply to:
 - a. all persons, except police, fire, emergency medical service or City personnel while actually engaged in the execution of their duties, and
 - b. all properties, Designated Fire Routes and Designated Accessible Parking Spaces in the City.

Part II. Interpretation

Headings

4. The division of this by-law into parts and the insertion of headings are for convenient reference only and shall not affect interpretation of the by-law.

References to Applicable Law

5. All references to applicable law are ambulatory and apply as amended from time to time.

Definitions

6. For the purposes of this by-law:

"Accessibility for Ontarians with Disabilities Act, 2005" means the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11;

"City" means the City of Owen Sound and a reference to the City is a reference to the geographical area of the City of Owen Sound or to the Corporation of the City of Owen Sound as the context requires;

"Designated Accessible Parking Space" means a parking space set aside for the use by persons with a disability displaying a valid accessible parking permit issued under the Highway Traffic Act;

"Designated Fire Route" means public or private land which is designated as a fire route under the City of Owen Sound Fire Route By-law;

"Enforcing Officer" means and includes the Chief of the Owen Sound Fire and Emergency Services Department or their designate, a Police Officer of the Owen Sound Police Service, or the Chief Building Official, a By-law Enforcement Officer or a Parking Enforcement Officer appointed by the City;

"*Highway Traffic Act*" means the *Highway Traffic Act*, RSO 1990, c H.8;

"Motor Vehicle" has the same meaning as in the *Highway Traffic Act*;

"*Municipal Act, 2001*" means the *Municipal Act, 2001*, S.O. 2001, c. 25;

"Owner" means the registered owner of the land and includes a lessee, mortgagee in possession, and the person in charge of the property, acting as the authorized agent of the owner;

"Park" or "Parking" has the same meaning as in the *Highway Traffic Act*;

"*Provincial Offences Act*" means *Provincial Offences Act*, R.S.O. 1990, c. P.33;

"Parking Lot" means an area on public or private property, other than a highway, designated or intended for the public to Park Motor Vehicles, whether on payment of a fee or otherwise;

"*Repair and Storage Liens Act*" means the *Repair and Storage Liens Act*, R.S.O. 1990, c. R.25; and

Amended by By-law No. 2014-094

"*Special Parking Enforcement Officer*" means an individual who is appointed by Council to enforce certain provisions of this by-law at specified locations as set out in the *Appointed Officers By-law*."

Part III. General

Parking Regulations

7. No person shall Park a Motor Vehicle:
 - a. without the consent of the owner; or
 - b. contrary to signs which prohibit Parking or state conditions on which a Motor Vehicle may be Parked.
8. No person shall Park a Motor Vehicle in a Designated Fire Route.
9. No person shall Park a Motor Vehicle in a Designated Accessible Parking Space without a valid accessible parking permit issued and displayed in accordance with the *Highway Traffic Act* and the regulations made under it.

Accessible Parking Spaces

10. All Designated Accessible Parking Spaces shall:
 - a. be clearly marked by the placement of a sign in accordance with the *Highway Traffic Act* and the regulations made under it; and
 - b. conform to the standards set out in the *Accessibility for Ontarians with Disabilities Act, 2005* and the regulations made under it.

Part of Motor Vehicle

11. 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.

Part IV. Penalty and Enforcement

Enforcement

12. Any Enforcing Officer may enforce the provisions of this by-law.
13. Any Enforcing Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine if this by-law is being complied with.

Amended by By-law No. 2016-149 and By-law No. 2018-124

14. *Specially Appointed By-law Enforcement Officers may enforce sections 7, 8, 9 and 10 of this by-law at the authorized locations of enforcement set out in Schedule A – Authorized Special Parking Enforcement Locations.*

Removal of a Vehicle

15. Any Owner or Enforcing Officer may remove and impound a Motor Vehicle Parked in contravention of this by-law.
16. All costs and charges for the removal, care and storage of a Motor Vehicle that is removed and impounded under section 15 of this by-law shall be paid by the owner thereof and shall be a lien against the Motor Vehicle which may be enforced in the manner provided by the *Repair and Storage Liens Act*.

Penalty

17. Any person, organization or business who contravenes the provisions of this by-law is guilty of an offense and, upon conviction, is subject to the penalty set out in the *Provincial Offences Act*.

Part V. Conflict and Transition

Conflict

18. In the event the provisions of this by-law are inconsistent with the provisions of the *Municipal Act, 2001* its Regulations or any other Act or Regulation, the provisions of the Act or Regulation shall prevail.

Terms Severable

- 19. The terms and provisions of this by-law shall be severable and should any term or provision be found by a court of competent jurisdiction to be legally unenforceable, inoperative or invalid, the remainder of the by-law shall continue to be in full force and effect.

Repeal

- 20. By-laws 1990-092 and 1993-018 are hereby repealed.
- 21. Sections 7 and 8 of by-law 2009-086 are hereby repealed.

Enactment

- 22. This by-law shall come into full force and effect on receipt of a Set Fine Order under the *Provincial Offences Act R.S.O. 1990* at which time all by-laws, policies and resolutions that are inconsistent with the provisions of this by-law are hereby repealed or rescinded insofar as it is necessary to give effect to the provisions of this by-law.

FINALLY PASSED this 26th day of May, 2014.

Signature on File

Mayor Deborah A Haswell

Signature on File

Kristen M. Van Alphen, City Clerk

Schedule A – Authorized Special Parking Enforcement Locations

Authorized Location of Special Parking Enforcement
Heritage Place Mall, 1350 16 th Street East, Owen Sound, ON
Grey Bruce Health Services 1800 8 th Street East, Owen Sound, ON
Harry Lumley Bayshore Community Centre 1900 3rd Avenue East, Owen Sound, ON
Women's House Serving Bruce & Grey 229 10th Street East, Owen Sound, ON
Professional Center 945 3rd Avenue East, Owen Sound, ON