

Unauthorized Area Parking By-law

S-3 - Enacted March 27, 2006

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Bill No. 150
2006

By-law No. S-3

A By-law to prohibit Front Yard, Side Yard and Boulevard Parking within the City of London.

AND WHEREAS section 8 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that section 8 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

AND WHEREAS section 11(1) paragraph 8 of the *Municipal Act, 2001* provides that Council may pass by-laws respecting matters within the sphere of jurisdiction of "Parking, except on highways";

AND WHEREAS section 11(1) paragraph 1 of the *Municipal Act, 2001* provides that Council may pass by-laws respecting matters within the sphere of jurisdiction of "Highways, including parking and traffic on highways";

AND WHEREAS section 100.1(1) of the *Municipal Act, 2001* provides that a municipality may, in respect of land not owned or occupied by the municipality, regulate or prohibit the parking or leaving of motor vehicles without the consent of the owner of the land;

AND WHEREAS section 128 of the *Municipal Act, 2001* 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 City of London, the act of parking, standing or stopping a vehicle on a front yard, side yard or boulevard is or could become a public nuisance;

AND WHEREAS section 425 of the *Municipal Act, 2001* establishes that any person who contravenes any by-law of the municipality is guilty of an offence;

AND WHEREAS section 439 of the *Municipal Act, 2001* 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;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. DEFINITIONS

1.1 In this by-law,

"Boulevard" means that portion of every road allowance within the limits of the City of London which is not used as a sidewalk, driveway access, traveled roadway or shoulder;

"City" means The Corporation of the City of London;

"Front Yard" means a Yard extending across the full width of a Lot between the front Lot Line and the nearest main wall of any building or structure on the Lot;

"Lot" means a separate parcel of land which has been assigned a property identifier under section 141 of the *Land Titles Act*, R.S.O. 1990, c. L.5;

"Lot Line" means any boundary of a Lot;

"front Lot Line", **"rear Lot Line"** and **"side Lot Line"** have the meanings ascribed to them in the City's Zoning By-law, Z-1, as amended;

“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 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*,

“Rear Yard” means a Yard extending across the full width of a Lot between the rear Lot Line and the nearest main wall of any main building or structure on the Lot;

“Side Yard” means a Yard extending from the Front Yard to the Rear Yard of a Lot and between a side Lot Line and the nearest main wall of any building or structure on the Lot;

“Unauthorized Area” means:

- (a) a Front Yard or Side Yard, except as otherwise permitted under the City’s Zoning By-law; or
- (b) the Boulevard, except where parking, standing or stopping is permitted by a City of London by-law;

“Yard” means an open space on a Lot appurtenant to a building and unoccupied by buildings or structures.

2. PROHIBITIONS

- 2.1 No person shall park, stand or stop a motor vehicle in an Unauthorized Area.
- 2.2 No person shall permit the parking, standing or stopping of a motor vehicle in an Unauthorized Area.

3. ENFORCEMENT

- 3.1 The provisions of this by-law may be enforced by a Municipal Law Enforcement Officer, Police Officer, or other individual duly appointed for the purpose of enforcing this by-law.
- 3.4 Where a motor vehicle has been left parked, stopped or left standing in contravention of this by-law as passed, the owner of the motor vehicle, notwithstanding that he 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 unless, at the time of the offence, the motor vehicle was in the possession of some person other than the owner without the owner’s consent.

4. PENALTY

- 4.1 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, as amended.

5. SHORT TITLE OF BY-LAW

- 5.1 This by-law may be referred to as the “Unauthorized Area Parking By-law”.

6. FORCE AND EFFECT

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

PASSED in Open Council March 27, 2006.

Anne Marie DeCicco
Mayor

Kevin Bain
City Clerk