

Regulation of Off-Street Residential Parking By-law

PS-112 – Enacted July 26, 2010

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London
CANADA

Bill No. 299
2010

By-law No. PS-112

A By-law to Regulate Off-street Parking,
Standing and Stopping of Motor Vehicles
in Residential Areas within the City of
London.

WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25 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 8 of the *Municipal Act, 2001* provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on municipalities to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) paragraphs 7, 8 and 10 of the *Municipal Act, 2001* provide that Council may pass by-laws respecting services and things that the municipality is authorized to provide under subsection (1), respecting protection of persons and property, and respecting structures;

AND WHEREAS section 100.1(1) of the *Municipal Act, 2001* provides that, without limiting sections 9 and 10, 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, without limiting sections 9 and 10, a 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 off-street parking, standing or stopping of a motor vehicle in residential areas that are contrary to certain regulations is or could become a public nuisance;

AND WHEREAS section 425 of the *Municipal Act, 2001* establishes 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, 2001* provides that a by-law may provide that, where a vehicle has been left parked, stopped or standing in contravention of a by-law passed under this Act, the owner of the vehicle is guilty of an offence, even though the owner was not the driver of the vehicle at the time of the contravention of the by-law, and is liable to the applicable fine unless, at the time of the offence, the vehicle was in the possession of another person without the owner's consent;

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

1. DEFINITIONS

1.1 In this by-law,

“**City**” means The Corporation of the City of London;

“**Driveway**” means a vehicle access provided between a street or lane and a Parking Space, and includes a mutual driveway;

“Lot” means a parcel of land that is;

- (i) shown on a registered plan of subdivision; or
- (ii) described in a single Transfer/Deed of Land of legal effect registered in the Land Registry Office or the Land Titles Office for the Land Registry Division of Middlesex.

“Motor Vehicle” includes an automobile, a truck, and any other vehicle propelled or driven otherwise than by muscular power;

“Parking Space” means an outdoor space not located on the travelled portion of the street on which is parked, standing, or stopped a Motor Vehicle;

2. PROHIBITIONS

2.1 No person shall park, stand or stop a Motor Vehicle on a Parking Space that does not comply with one or more of the Parking Space requirements set out in section 3.1 of this by-law.

2.2 No person shall permit to park, stand or stop a Motor Vehicle on a Parking Space that does not comply with one or more of the Parking Space requirements set out in section 3.1 of this by-law.

3. PARKING SPACE REQUIREMENTS

3.1 The following Parking Space requirements apply to any Parking Space under this by-law:

- (1) a Parking Space shall only be accessed directly via a Driveway located on the same Lot, or directly via a street or lane;
- (2) a Parking Space shall not include any part of a City sidewalk;
- (3) a Parking Space shall be comprised of a stable surface that does not produce dust or loose particles;
- (4) where a Parking Space is located on a Front Yard or Boulevard, as those terms are defined in the City’s Residential Front Yard and Boulevard Parking Policy, it shall comply with the City’s Residential Front Yard and Boulevard Parking Policy; and
- (5) a Parking Space shall conform to the requirements contained in any applicable City by-law, including but not limited to the City’s Zoning By-law.

4. EXEMPTIONS

4.1 This by-law does not apply to a Parking Space that is located on land not zoned for residential use under the City’s Zoning By-law.

4.2 This by-law does not apply to a Parking Space that is subject to a Boulevard Parking Agreement with the City that is registered on title.

4.3 This by-law does not apply to a Parking Space that is set out in a plan or drawing approved under section 41 of the *Planning Act*, R.S.O. 1990, c. P.13, or a development agreement under that section.

5. ENFORCEMENT

5.1 The provisions of this by-law may be enforced by a City municipal by-law enforcement officer, London Police Service police officer, or other individual duly appointed for the purpose of enforcing this by-law.

5.2 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, including carrying out an inspection.

6. OFFENCE AND PENALTY

Offence

- 6.1 (1) Every person who contravenes any provision of this by-law is guilty of an offence.
- (2) A director or officer of a corporation who knowingly concurs in the contravention of this by-law is guilty of an offence.

Offence - Owner of Motor Vehicle

- 6.2 Where a Motor Vehicle has been left parked, stopped or standing in contravention of this by-law, the owner of the Motor Vehicle is guilty of an offence, even though the owner was not the driver of the Motor Vehicle at the time of the contravention of the by-law, and is liable to the fine for the offence unless, at the time of the offence, the Motor Vehicle was in the possession of another person without the owner's consent.

Penalty

Fine - contravention

- 6.3 Any person convicted under this by-law is liable to a maximum fine of \$5,000.00.
- 6.4 Despite section 6.3, where the person convicted is a corporation, the corporation is liable to a maximum fine of \$10,000.00.

Continuation – repetition – prohibited by order

- 6.5 If this by-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

7. SHORT TITLE OF BY-LAW

- 7.1 This by-law may be referred to as the “Regulation of Off-Street Residential Parking By-law”.

8. FORCE AND EFFECT

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

PASSED in Open Council on July 26, 2010.

Anne Marie DeCicco-Best
Mayor

Catharine Saunders
City Clerk

First Reading - July 26, 2010
Second Reading - July 26, 2010
Third Reading – July 26, 2010