

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. 3475/56/97

A BY-LAW TO PROVIDE FOR ESTABLISHING PARKING LOTS IN THE CITY OF PORT COLBORNE, AND FOR REGULATING, SUPERVISING AND GOVERNING THE PARKING OF VEHICLES THEREIN AND THEREON, AND TO PROHIBIT THE PARKING OR LEAVING OF MOTOR VEHICLES ON PRIVATE PROPERTY OWNED OR OCCUPIED BY THE CORPORATION OF THE CITY OF PORT COLBORNE OR ANY LOCAL BOARD THEREOF.

WHEREAS Section 207 Subsection 56 of the Municipal Act, R.S.O. 1990 M.45, provides for acquiring, establishing, laying out and improving land, buildings and structures where vehicles may be parked, and for erecting buildings or structures for or in connection with the parking of vehicles in, on or under and land vested for any purpose in a municipality, and for leasing such land, building or structures, and for regulating, supervising and governing the parking of vehicles therein or thereon and for the removal or impounding, at the owner's expense, of any vehicle parked or left contrary to the by-laws;

AND WHEREAS Section 210 Subsection 131 of the Municipal Act, R.S.O. 1990, Chap.M.45 provides for prohibiting the parking or leaving of motor vehicles on private property without the consent of the owner or occupant of the property and on property owned or occupied by the municipality or any local board thereof without the consent of the municipality or local board, as the case may be;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT COLBORNE ENACTS AS FOLLOWS:

1. In this By-law:

"boat" means a water going vehicle

"boat trailer" means a vehicle designed to transport a boat to/from land and/or water;

"bus" has the same meaning as in The Highway Traffic Act'

"commercial motor vehicle" has the same meaning as in The Truck Transportation Act;

"daily permit" means a ramp pass issued by the Corporation of the City of Port Colborne for the current day;

“driveway” means the improved land on a highway which provides vehicular access from the roadway to a laneway or parking area on adjacent land;

“mobile home” has the same meaning as in The Highway Traffic Act;

“motor vehicle” has the same meaning as in The Highway Traffic Act;

“official sign” has the same meaning as in The Highway Traffic Act and shall include any sign or other device placed or erected on a highway under authority of this By-law for the purpose of regulating, warning or guiding traffic;

“park” or “parking” has the same meaning as in The Highway Traffic Act;

“parking space” means a portion of the surface of a highway or parking lot designated by suitable markings;

“permit area” shall mean any area described in Schedule “A” and signed in accordance with this by-law as “Permit Parking Only”;

“Police Force” means the Niagara Regional Police Force;

“Police Officer” means a police constable, any municipal law enforcement officer or any person appointed for enforcing or carrying out the provisions of this by-law;

“ramp” means the municipal boat launch facility;

“school bus” has the same meaning as in The Highway Traffic Act;

“seasonal permit” means a ramp pass issued by the Corporation of the City of Port Colborne for the current boating season;

“sidewalk” means a foot path or any portion of a highway or parking lot set aside or improved for the use of pedestrians;

“stand” or “standing” has the same meaning as in The Highway Traffic Act;

“stop” or “stopping” has the same meaning as in The Highway Traffic Act;

“tongue” means the forward extension of the boat trailer used to attach to the motor vehicle;

“trailer” has the same meaning as in The Highway Traffic Act;

“vehicle” has the same meaning as in The Highway Traffic Act;.

- 2 The lands described in Schedule “A” attached hereto are hereby established as municipal parking facilities, hereinafter referred to as “parking lots”.

3 General Parking Regulations

- 3.1 Individual parking spaces to be occupied by the vehicles using the parking lots shall be designated by such lines or markings on the curbing, ground or pavement as may be determined from time to time by the City Engineer.
- 3.2 No person shall park any vehicle within the said parking lots unless such vehicle is so parked that all parts of the same are entirely within the limits of the lines or markers indicating an individual parking space.
- 3.3 No person shall park, stand or stop any vehicle within the said parking lots:
- (a) within 3m of a fire hydrant;
 - (b) in such a manner as to obstruct vehicles from entering and exiting the lot;
 - (c) in such a manner to obstruct or block removal or any other parked vehicle;
 - (d) on or partly on or over a sidewalk;
- 3.4 When official signs are on display, no person shall park, stand or stop any vehicle within the said parking lots:
- (a) in a prohibited area;
 - (b) in a reserved space;
 - (c) without a permit;
 - (d) during restricted times;
- 3.5 All persons in parking lots shall obey all regulatory, advisory and directional signs and markings;
- 3.6 No person shall fail or refuse to comply with any lawful order or direction of a police officer and such disobedience shall constitute an offence under this by-law;
- 3.7 Where any vehicle is parked or left on any parking lot contrary to any provisions of this by-law, such vehicle shall be deemed to have been parked or left without the consent of the Corporation of the City of Port Colborne;
- 3.8 A police officer appointed for carrying out the provisions of this by-law upon discovery of any vehicle parked or left in contravention of any of the provisions of this 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, shall constitute a lien upon such vehicle and may be enforced in the manner provided.

- 3.9 No person shall drive or operate a vehicle in a parking lot at a greater rate of speed than twenty (20) kilometres per hour.
- 4.0 Permit Parking
- 4.1 No person shall, unless authorized by the Corporation of the City of Port Colborne, park or leave a vehicle in a parking lot, where signs restricting have been erected.
- 4.2 Authorized vehicles shall be identified by a permit issued by the Corporation of the City of Port Colborne which shall be clearly displayed.
- 4.3 A daily permit must be clearly displayed in the front windshield of the vehicle. A seasonal permit must be clearly displayed on the tongue of the boat trailer.
- 4.4 The fee for such permit shall be the fee set out in Schedule "B" to this by-law and no person shall park a vehicle or permit a vehicle to remain parked for a longer period of time stated in the permit.
- 5 Penalty
- 5.1 Any fine imposed or offence caused by this by-law is subject to the provision of the Provincial Offences Act.
- 5.2 Any person who contravenes any section of this by-law for which a penalty is provided by The Highway Traffic Act is subject to such penalties.
- 5.3 Notwithstanding all other provisions of this By-law in respect to penalties, for violations of provisions of this By-law, any person may, upon presentation of a parking infraction notice at the office listed on such notice issued alleging commission of any of the offences provided in the said sections, pay out of court, within seven (7) days (exclusive of Sundays, Saturdays, and public holidays) from the date of issue of the said notice, the specific penalty provided for such offence by this By-law at the said offence, and upon such payment no further proceedings shall be taken under this By-law in respect to the said offence alleged in the notice.

5.4 Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction, is liable to a penalty as prescribed under The Provincial Offences Act.

6 Application

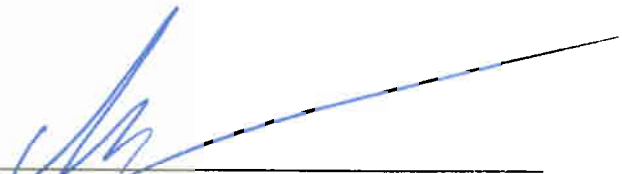
6.1 This by-law applies to all municipal parking facilities under the jurisdiction of the City of Port Colborne.

6.2 The provisions of this by-law are subject to the provisions of The Highway Traffic Act.

6.3 The driver of a vehicle, not being the owner, is liable to any penalty provided under this by-law and the owner of the vehicle is also liable to such penalty, unless, at the time of offence, the vehicle was in the possession of a person other than the owner, without the consent of the owner.

6.4 Should any provisions of this by-law be declared by a court of competent jurisdiction to be void or ultra vires for any reason, the remaining provisions shall, never the less, remain valid and binding and shall be read as if the offending section or subsection had been struck out.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED BY
COUNCIL THIS 28th DAY OF APRIL , 1997.**




**Neal Schoen
MAYOR**



**L.C. Hunt
CITY CLERK**

SCHEDULE "A" TO BY-LAW NO. 3475/56/97

- 1 Westside Arena - 54 Westside Road
 - 2 Centennial Pool - 124 Janet Street
 - 3 City Hall - 66 Charlotte Street
 - 4 Works Division - 11 King Street
 - 5 Sugarloaf Harbour Marina Complex - 3 Marina Drive
(including H.H. Knoll Park)
 - 6 CNR lands lot - E/S King St. and E/S Catharine St., south of Princess St.
 - 7 Market Square - N/S Charlotte St., E/S Catharine St., south of Clarence St.
(Roll #1-21-95 Charlotte St. Plan Merritt Survey, Lot 6, Pt. Lot 7)
 - 8 King St. Public Lot - E/S King St. north of Neff St. south of Main St. West
(Plan Neff Survey Lot 1, Pt. Lot 2, Pt. Lot 3)
 - 9 Teeder Kennedy Youth Arena - 550 Elizabeth St.
 - 10 Nickel Beach - 69 Lake Road
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SCHEDULE "B" TO BY-LAW NO. 3475/56/97

PERMIT FEE



BOAT RAMP

Daily Pass.....	\$ 7.00
Seasonal Pass.....	73.00
Seasonal Pass(Seniors).....	53.00