

**CORPORATION OF THE
TOWNSHIP OF WELLESLEY
BY-LAW NUMBER 48/2019**

**BEING A BY-LAW TO PROHIBIT THE PARKING AND/OR LEAVING
MOTOR VEHICLES ON PROPERTY OR MUNICIPAL PROPERTY
WITHOUT THE CONSENT OF THE OWNER.**

WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, gives The Township of Wellesley the power to pass by-laws respecting its highways, including parking and traffic on highways;

AND WHEREAS Sections 170(15) of the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended and Section 101(1) of the Municipal Act, 2001 S.O. 2001, c. 25 as amended, authorizes the removal and storage of any motor vehicle left in contravention of a municipal by-law;

NOW THEREFORE, the Council of The Township of Wellesley enacts as follows:

Part I – Short Title

This By-law may be cited as the Private Property Parking By-law.

Part II - Definitions

The definitions contained within the Highway Traffic Act shall apply in the interpretation of this By-law except where they are inconsistent, in which case the definition under this By-law shall apply. For purposes of this By-law:

“Authorized sign” means any sign that has been erected on private property or the Township’s property under the authority of this By-law for the purpose of regulating parking;

“Boulevard” means that part of a highway from the edge of the roadway to the nearest lateral property line, but does not include a shoulder, sidewalk or multi-use trail;

“Council” means the Council of the Township of Wellesley;

“Highway Traffic Act” means the Highway Traffic Act, R.S.O. 1990, c. H.8 as amended;

“Local municipality” means The Township of Wellesley;

“Municipal Law Enforcement Officer” means a police officer, municipal law enforcement officer of the Township appointed by Council pursuant to s. 15 of the Police Services Act, R.S.O. 1990, c. P.15, as amended and any other public officer engaged in the enforcing of the Townships By-laws;

“Owner” means the registered owner of the property in the case of private property and the Township in the case of a boulevard;

“Park” shall mean the standing of a vehicle, whether the vehicle is occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

“Private property” means land not owned or occupied by the Township;

“Private Enforcement Officer” means that Council may, by by-law, appoint Private Enforcement Officers to enforce provisions of this by-law, except Part V, at certain locations throughout the Township and may also remove said appointments, at any time, also by resolution or by-law.

“Region” means the Regional Municipality of Waterloo;

“Township” means the Township of Wellesley

“Unauthorized area” means (a) a front yard or side yard except where parking in such area is permitted under the Townships Zoning By-Law 28/2006, as amended; and

(b) a boulevard except where parking, standing or stopping is permitted by the Township.

Part III - General Prohibitions

- (a) No person shall park a motor vehicle on private property without authority from the owner or occupant of such property.
- (b) No person shall park a motor vehicle on private property that is being used as a parking lot without the consent of the owner of the property.
- (c) No person shall park a motor vehicle on property of the Township or any local board thereof where parking by the public is not authorized.
- (d) No person shall park a motor vehicle within an unauthorized area.
- (e) Where land not owned or occupied by the Township is used as a parking lot, the driver or owner of a motor vehicle parked or left on that parking lot is not liable to a penalty or to have the motor vehicle removed from such property or impounded for a contravention of section 3 of this by-law unless an authorized sign is erected at each entrance clearly indicating the regulation or prohibition.

Part IV – Enforcement

- (a) This by-law may be enforced by a Municipal Law Enforcement Officer or a Private Enforcement Officer (excluding Part V).
- (b) An officer engaged in enforcing the provisions of this or other municipal by-laws, or laws is exempt from such provisions of this by-law as reasonably necessary for the performance of such enforcement.
- (c) An officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not his by-law is being complied with.
- (d) 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.
- (e) Council may, by by-law, appoint Private Enforcement Officers to enforce provisions of this by-law, except Part V, at certain locations throughout the Township and may also remove said appointments, at any time, by by-law.

Part V – Impounding

- (a) A police officer, police cadet and/or a municipal law enforcement officer upon discovery of any motor vehicle parked in contravention of this by-law, may cause it to be moved or taken to and placed or stored in a suitable place. All costs and charges for the removal, care and storage of the motor vehicle, if any, are a lien upon the motor vehicle, which may be enforced in the manner provided by the Repair and Storage Liens Act, 2005, c. 26, Sched. A, s. 28 (2).

Part VI - Penalties

- a) Every person who contravenes a provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.
- b) Where a motor vehicle has been parked in contravention of the by-law, the owner of the motor vehicle, even though the owner 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 possession of some person other than the owner without the owner's consent.

Part VII - Exemptions

This By-law shall not, if compliance therewith would be impractical, apply to an emergency vehicle and/or a vehicle engaged in works undertaken for or on behalf of the Region, Township of Wellesley or public utilities.

Part VIII - Severability

Should any part, section or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or in part thereof, other than the part that was declared to be invalid.

Part IX – General

- (a) Any authorized reference to By-Law 48/2019 on a sign is hereby deemed to be a reference to this by-law.

Part X – Coming into Force

This by-law shall come into force and take effect on the final day of passing thereof by the Council of The Township of Wellesley.

Read a first and second time this 5th day of November, 2019.

Read a third and final time and passed this 5th day of November, 2019.

Mayor Joe Nowak

Clerk, Grace Kosch

Set Fine Schedule

To By-law 48/2019

Township of Wellesley

Part 2 Provincial Offences Act

By-law 48/2019 of The Corporation of The Township of Wellesley for parking on private property.

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fines
1	Parked on Private Property	3 (a)	\$35.00
2	Parked on Private Property – Parking Lot	3 (b)	\$35.00
3	Parked on Private Property - Municipal	3 (c)	\$35.00
4	Parked in an Unauthorized Area	3 (d)	\$35.00

Note: The penalty provision for the offences indicated above is section 6 (a) of By-Law 48/2019, of the Corporation of The Township of Wellesley, a certified copy of which has been filed.