DEFIELD
BUSINESS SYSTEMS
NO. N4167

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 1981-65

A by-law to prohibit the parking or leaving of motor vehicles on private property without the consent of the owner or occupant of the property.

THE COUNCIL ENACTS AS FOLLOWS:

1. In this by-law:-

   (a) "enforcement officer" means and includes a constable, an officer appointed for the carrying out of the provisions of The Highway Traffic Act, a special constable or a municipal law enforcement officer assigned to the enforcement of this by-law.

   (b) "motor vehicle" includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power; but does not include the cars of electric or steam railways, 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.

   (c) "park" or "parking", when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

2. No person shall park or leave a motor vehicle on private property without the consent of the owner or occupant of the property.

3. The enforcement officer shall report, in the case of a constable, to the Chief Constable of the Region of Halton and otherwise to the Treasurer of the Town, particulars of every violation of this by-law which comes to his attention and the report shall include:

   (a) the date and time of the violation;

   (b) the location of the parking space involved;

   (c) the permit number, year of permit, issuing jurisdiction,

NORFIELD BUSINESS SYSTEMS NO. N4167

make and any other identification tag marking of the vehicle involved;

(d) any other facts necessary to a thorough understanding of the circumstances attending the violation.

4. The enforcement officer shall also attach to every vehicle parked contrary to this by-law a serially numbered notice to the operator or owner thereof that such vehicle has been parked in violation of this by-law and advising him that he may make a voluntary payment to the Town Treasurer as hereinafter set out and that failing his doing so that a summons will be issued.

5. The enforcement officer not being a constable, shall furnish to the Treasurer of the Town a duplicate of each serially numbered notice of violation which he has attached to a vehicle.

6. The Chief Constable of the Region of Halton shall furnish to the Treasurer of the Town a duplicate of each serially numbered notice of violation attached to a vehicle by a police officer.

7. A constable, an officer appointed for the carrying out of the provisions of The Highway Traffic Act, or a special constable appointed to enforce this by-law upon discovery of a vehicle parked in contravention 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 moving, care, and storage thereof, if any, are a lien upon the vehicle, which may be enforced in the manner provided by Section 48 of The Mechanics' Lien Act. The payment of the cost of moving, care and storage does not excuse the driver or owner from paying the penalty provided for in Section 8 of this by-law or facing prosecution under The Summary Convictions Act in default of so doing.

8. Any person within forty-eight hours (excluding Sundays and public holidays) of the time when a notice of violation has been attached to his vehicle may pay to the Treasurer of

NORFIELD BUSINESS SYSTEMS NO. N4167

AMENDED By-law 1989-239

AMENDED By-law 1989-107 Sects. 3,4,5,6,7,8,9,10+11

the Town, who is authorized to accept such payment and furnish an official receipt therefor, the sum of Seven Dollars ($7.00) in full satisfaction of the penalty for the violation.

9. Every person who contravenes this by-law is guilty of an offence and upon conviction is liable to a fine of not less than Twenty Dollars ($20.00) and not mroe than Fifty Dollars ($50.00) exclusive of costs.

10. The owner of a vehicle which contravenes this by-law is guilty of an offence and upon conviction is liable to a fine of not less than Twenty Dollars ($20.00) and not more than Fifty Dollars ($50.00) unless he proves to the satisfaction of the court that at the time of the offence the vehicle was in the possession of another person without the owner's consent, express or implied.

11. By-law 1641 passed by the Council of the Town of Oakville on the 19th day of September, 1960 is hereby repealed.

PASSED by the Council this 4th day of May, 1981.

Mayor

Deputy Clerk

Note: The enforcement of this by-law involves the application of paragraph 112 of subsection (1) of Section 354 of The Municipal Act which provides as follows:

"354.(1) By-laws may be passed by the councils of local municipalities:

112. For prohibiting the parking or leaving of motor vehicles,

i. on private property without the consent of the owner or occupant of the property, and

ii. 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.

(a) A by-law passed under this paragraph may provide for the removal or impounding of any vehicle, at its owner's expense, parked or left contrary to the by-law.

(b) Subsection 13 of section 116 of The Highway Traffic Act and clause a of paragraph 107 of this section apply, with necessary modifications,

NO. N4167

to a by-law passed under this paragraph.

(c) The driver of a motor vehicle, not being the owner, is liable to any penalty provided under a by-law passed under this paragraph, and the owner of a motor vehicle is also liable to such a penalty unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner without the owner's consent.

(d) Subject to clause f, the driver or owner of a motor vehicle parked or left on private property is not liable to any penalty or to have the motor vehicle removed from such property or impounded under a by-law passed under this paragraph except upon the written complaint of the owner or occupant of the property given to a constable or officer appointed for the carrying out of the provisions of the by-law.

(e) Where an owner or occupant of property affected by a by-law passed under this paragraph has posted signs stating conditions on which a motor vehicle may be parked or left on the property or prohibiting the parking or leaving of a motor vehicle on the property, a motor vehicle parked or left on the property contrary to such conditions or prohibition shall be deemed to have been parked or left without consent.

(f) A special constable appointed under The Police Act, in respect of a particular property, to enforce a by-law passed under this paragraph shall be deemed to have the written authority of the owner or occupant of the property to enforce the by-law, and such special constable is not required to receive a written complaint before enforcing the by-law.

(g) In this paragraph,

(i) "owner" when used in relation the property means,

(A) the registered owner of the property,

(B) the registered owner of a condominium unit, whose consent shall extend only to the control of the unit of which he is owner and any parking spaces allotted to him by the condominium corporation or reserved for his exclusive use in the declaration or description of the property,

(C) the spouse of a person described in sub-subclause A or B,

(D) where the property is included in a description registered under The Condominium Act, the board of directors of the condominium corporation,

(E) a person authorized in writing by the property owner as defined in sub-subclause A, B, C or D to act on the owner's behalf for requesting the enforcement of a by-law passed under this paragraph,

FORKELD
BUSINESS SYSTEMS
NO. N4167

(ii) "occupant" means,

(A) the tenant of the property or part thereof whose consent shall extend only to the control of the land of which he is tenant and any parking spaces allotted to him under his lease or tenancy agreement,

(B) the spouse of a tenant,

(C) a person or a municipality, or a local board thereof, having an interest in the property under an easement or right of way granted to or expropriated by the person, municipality or local board whose consent shall extend only to the part of the property that is subject to the easement or right of way,

(D) a person authorized in writing by an occupant as defined in sub-subclause A, B or C to act on the occupant's behalf for requesting the enforcement of a by-law passed under this paragraph."

In addition, subsection 13 of Section 116 of The Highway Traffic Act provides:-

"(13) A constable or an officer appointed for the carrying out of the provisions of this Act, upon discovery of any vehicle parked or standing in contravention of subsection 10 or of a municipal 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, are a lien upon the vehicle, which may be enforced in the manner provided by section 48 of The Mechanic's Lien Act."

AMENDED
By-law 1984-174

AMENDED
By-law 1985-86

AMENDED
By-law 1989-239

AMENDED
By-law 1989-197
Sol. 3 4 5 6 7 8 9 10 11

see pg. 3