

Highway - Street Chapter 506 Parking - Private – Public Property

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Article 1 - Short Title

506.1.1 Citation

This Chapter may be cited as the "Parking on Municipal or Private Property By-law."

Article 2 - Interpretation

506.2.1 Motor vehicle - defined

"motor vehicle" includes an automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular power.

506.2.2 Municipal property - defined

"municipal property" means property of The Corporation of the City of Woodstock or any local board thereof.

506.2.3 Private property - defined

"private property" means all property owned or occupied by a person or persons other than The Corporation of the City of Woodstock or any local board thereof and includes property owned or occupied by a corporation.

Article 3 - Parking - Private - Municipal Property

506.3.1 Parking - without authorization - prohibited

No person shall park or leave a motor vehicle on private property without authority from the owner or occupant of such property, or a person authorized to act on his/her behalf, or on property of the municipality or any local board thereof where parking by the public is not authorized. (See Set Fines)

Article 4 - Parking - Violations

506.4.1 Penalty - removal - impoundment - requirements

The driver or owner of a motor vehicle parked or left on private property or on property of the municipality or any local board thereof is not liable to a penalty or to have the motor vehicle removed from such property or impounded for a contravention of Section 506.3.1 unless:

- a) such property is clearly marked by signs erected thereon which state that unauthorized parking on such property is prohibited; or
- b) a written complaint is received:
 - (i) in the case of private property, from the occupant or any adult resident of the property;
 - (ii) in the case of property of the municipality, from an official of the municipality; or
 - (iii) in the case of property of a local board, from an official of the local board.

506.4.2 Removal - impoundment - authorized

A peace officer or constable or an officer appointed for the carrying out of the provisions of the *Highway Traffic Act* or an officer appointed for the enforcement of municipal by-laws may, upon discovery of a motor vehicle parked or left contrary to Section 506.3.1, cause such vehicle to be moved or taken to and placed in a suitable place.

506.4.3 Removal - impoundment - costs - lien on vehicle

All costs and charges for removing, care and storage of a vehicle pursuant to Section 506.4.2, if any, shall be a lien upon the vehicle, which may be enforced in the manner provided for under subsection 221(2) of the *Highway Traffic Act*, R.S.O. 1990, c. H.8.

506.4.4 Driver - not owner - owner liable - exception

The driver of a motor vehicle, not being the owner, is liable to any penalty provided under this Chapter, and the owner of the motor vehicle is also liable to such penalty unless at the time the offence was committed, the motor vehicle was in possession of a person other than the owner or his/her chauffeur without the owner's consent.

506.4.5 Violation tag - issue - authorized

A peace officer or a constable or an officer appointed for the carrying out of the provisions of the *Highway Traffic Act* or an officer appointed for the enforcement of municipal by-laws may issue and attach to a vehicle a City of Woodstock Police parking violation tag alleging that the provisions of this Chapter have been contravened.

506.4.6 Payment - voluntary - procedure

Notwithstanding any other provisions of this Chapter, any person may, upon presentation of a parking violation tag issued under this Chapter, pay out of court within seven days from the date of issue of the said tag, exclusive of Saturdays, Sundays and holidays, the sum of \$10 for violations on the private or public property to which this Chapter may apply.

506.4.7 Payment - voluntary - proceedings – discontinued

Upon payment as set out in Section 506.4.6, no further proceedings shall be taken under this Chapter in respect of the said offence alleged in the parking violation tag.

506.4.8 Payment - not made - procedure

If payment is not made as provided in Section 506.4.6, the provisions of the *Provincial Offences Act* and the penalty provided for in Article 5 shall apply.

Article 5 - Enforcement

506.5.1 Fine - for contravention

Every person who contravenes any of the provisions of this by-law (Chapter) is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than five thousand dollars (\$5,000), exclusive of costs and every such fine is recoverable under the *Provincial Offences Act*.

506.5.2 Early payment and set fine

Every person who contravenes Section 506.3.1 is guilty of an offence and subject to a parking infraction notice by way of Part II of the *Provincial Offences Act*, issued by a municipal law enforcement officer appointed by the City of Woodstock. The parking infraction notice shall identify that the early payment for said offence is twenty-five dollars (\$25), and the set fine is thirty-five dollars (\$35).

Article 6 - Enactment

506.6.1 Effective date

The by-law upon which this Chapter is founded came into force and took effect as of the final date of passing thereof. By-law 8335-07, March 15, 2007.