

AMENDED BY
BY-LAW NO. 2011-128
August 30, 2011
DATE
Schedule "A" only
+
Definition (g)

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 11027

A BY-LAW TO CONTROL THE PARKING OF MOTOR VEHICLES ON THE PROPERTY OF NIAGARA COLLEGE OF APPLIED ARTS & TECHNOLOGY; AND TO REPEAL BY-LAWS 11027, 1999-147 AND 2002-138

WHEREAS it is necessary and advisable to repeal By-laws 11027, 1999-147 and 2002-138, and to enact as a re-enactment By-law 11027 with the text and schedules herein provided.

AND WHEREAS **section 100** of the **Municipal Act, S.O. 2001, c.25, as amended** provides that a local municipality may, in respect of land not owned or occupied by the municipality that is used as a parking lot, regulate or prohibit the parking or leaving of motor vehicles on that land without the consent of the owner of the land or regulate or prohibit traffic on that land if, the owner or occupant of the land has filed with the clerk of the municipality written consent to the application of the by-law to the land; and a sign is erected at each entrance to the land clearly indicating the regulation or prohibition;

AND WHEREAS **section 207 (1)** of the **Highway Traffic Act, R.S.O. 1990, c.H.8, as amended**, provides that the owner of a vehicle may be charged with and convicted of an offence under this Act or the regulations or any municipal by-law regulating traffic for which the driver of the vehicle is subject to be charged unless, at the time of the offence, the vehicle was in the possession of some person other than the owner without the owner's consent and on conviction the owner is liable to the penalty prescribed for the offence.

AND WHEREAS **section 170 (15)** of the **Highway Traffic Act, R.S.O. 1990, c.H.8, as amended**, provides that 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 4 (1)** of the **Repair and Storage Liens Act, R.S.O. 1990, c.R.25, as amended.**

AND WHEREAS it is deemed expedient, pursuant to the request of the Niagara College of Applied Arts & Technology, that a by-law be passed governing the parking of motor vehicles and the leaving of motor vehicles on lands owned by the said College and more particularly known as Lots 233 and 234 for the former Township of Thorold, now known as the City of Welland, and lying north of Woodlawn Road in the City of Welland.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

1. Definitions

For the purposes of this By-law,

- (a) “bus stop” means a location designated by signage as an area at which buses will stop to receive or discharge passengers;
- (b) “City” or “City of Welland” means the Corporation of the City of Welland;
- (c) “motor vehicle” includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in the **Highway Traffic Act**, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, 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**, as amended;
- (d) “officer” means a police officer, auxiliary officer, municipal law enforcement officer or other person authorized to enforce the

Highway Traffic Act, are hereby vested with the authority of administering and enforcing the provisions of this bylaw;

- (e) “park” or “parking” means when prohibited, 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;
- (f) “parking lot space” means a portion of the surface of a parking lot normally designated by lines painted or marked on the surface of the parking lot;
- (g) “parking permit” means a permit issued by Niagara College, which indicates the permit number, expiry date and the designated parking lot;
- (h) “parking ticket dispenser” means a device which shall have a receptacle for receiving and storing coins, a slot or place in which coins may be deposited, an indicator which shows the amount of deposit and the time paid for, a ticket button that when pressed will dispense a parking ticket which shall indicate thereon the location, amount paid and valid time purchased;
- (i) “side, approach” means that side closest to lawfully approaching vehicular traffic;
- (j) “side, remote” means that side most distant from lawfully approaching vehicular traffic;
- (k) “stand” or “standing” means when prohibited, the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers;
- (l) “stop” or “stopping” means when prohibited, the halting of a vehicle, even momentarily whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of an officer or of a traffic control sign or signal;
- (m) “vehicle” means a motor vehicle.

2. Permit Parking

Where permit parking is permitted under the authority of this by-law as shown in Schedule A, no person shall park a vehicle or permit a vehicle to remain parked unless:

- (a) A valid parking permit is displayed; and
- (b) affixed to the sun visor on the driver's side of the vehicle with the visor turned down; or
- (c) on the driver's side of the dashboard of the vehicle; or
- (d) attached to the rear view mirror.

3. Parking Ticket Dispenser

Where a parking a parking ticket dispenser has been installed under the authority of this by-law as shown in Schedule A, no person shall park a vehicle or permit a vehicle to remain parked:

- (a) for a period of time longer than the times and days indicated on the ticket issued
- (b) unless a valid parking machine receipt is displayed on the driver's side of the dashboard of the vehicle.
- (c) if the parking machine has been covered by a parking meter cover or parking prohibition sign.

4. General Parking Regulations

No person shall park, stop or leave standing any motor vehicle on the lands and premises owned by the Niagara College of Applied Arts & Technology,

- (a) If a parking space has been designated by lines painted on the surface of the parking area, no person shall park any vehicle in

such manner that is not wholly within the area designated as a parking space.

- (b) Stand within 12 meters of remote or 28 meters on the approach side of a designated bus stop.
- (c) Park within 3 meters of a Fire Hydrant.
- (d) Park for longer than 12 hours.
- (e) Park obstructing driveway or laneway.
- (f) Park in prohibited area
- (g) Park within 1.5 meters of a driveway or laneway
- (h) Stopped on a sidewalk
- (i) Stopped in a prohibited area.
- (j) Park exceeding time limit

5. Offences and Penalties

Where a motor vehicle is parked or left standing on the lands and premises owned by the Niagara College of Applied Arts & Technology, without the consent of the College, in an area not designated for the parking of motor vehicles, a By-law Enforcement Officer may, upon discovery of a motor vehicles so parked or left, cause such motor vehicle to be moved, or taken to and placed in a suitable place and all costs and charges for removing, care and storage thereof, if any, are a lien upon such a vehicle which may be enforced in the manner provided by **section 4 (1) of the Repair and Storage Liens Act, R.S.O. 1990, c.R.25.**

6. Notwithstanding any other provision of this By-law, a By-law Enforcement Officer may, instead of removing the motor vehicle as provided in section 5, issue and attach to the vehicle a City of Welland Parking Violation Tag.

6.1 Any person who contravenes any of the provisions of this by-law set out in Column 1 of Schedule B of this bylaw and wishes to

make a voluntary payment pursuant to the by-law, may pay the amount set out in column 3 of the said schedule, such amount to be payable in lawful money of Canada, and all such penalties are exclusive of costs.

7. Notwithstanding all other provisions of this By-law, any person may upon presentation to the City of the Corporation of the City of Welland at City Hall, 60 East Main Street, a Parking Violation Tag, pay to the said or any other person appointed by council to accept such payments, within seven (7) days from the date of such Parking Violation Tag.
8. Notwithstanding any other provision of this By-law, the driver of a motor vehicle not being the owner is liable to any penalty provided under this By-law, and the owner of the motor vehicle is also liable to such penalty, unless at the time of the offence, the motor vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent.
9. Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction therefore is liable to a fine of not more than five thousand dollars (\$5,000.00) as prescribed in **section 61 of the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.**
10. If payment is not made as provided in section 7 of this By-law, the provisions of the **Provincial Offences Act** as provided in section 9 of this By-law shall apply.



11. Effective Date

The provisions of this by-law shall come into force and take effect upon the date of approval of the set fines set out in Schedule B by the Chief Justice of Ontario.

12. Repeal

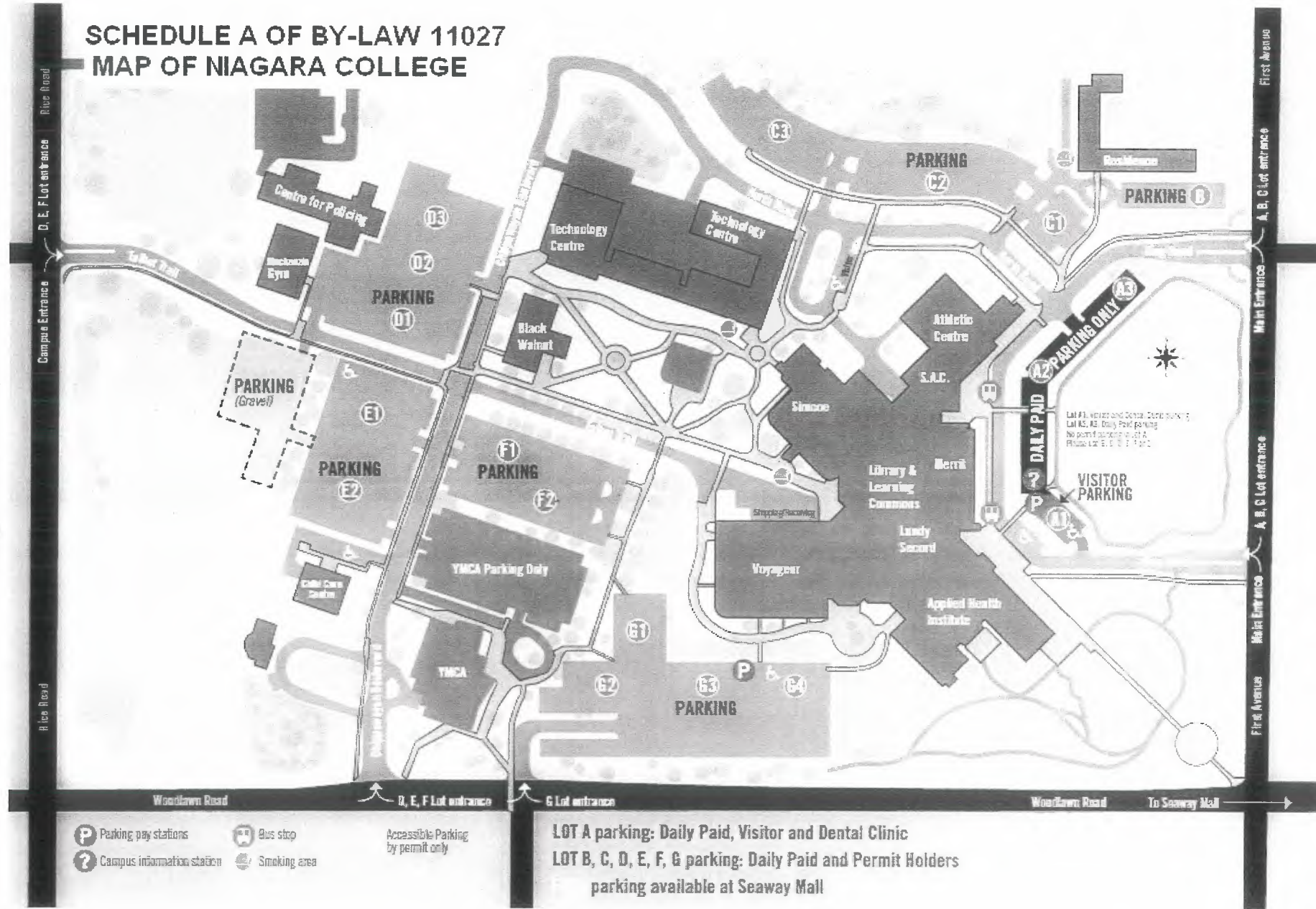
Bylaw number 11027 passed on the 15th day of June, 1997 and all subsequent amending by-laws, shall be and the same are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND PASSED
BY COUNCIL THIS 12th DAY OF SEPTEMBER, 2006.


MAYOR

ACTING
CLERK

SCHEDULE A OF BY-LAW 11027 MAP OF NIAGARA COLLEGE

SCHEDULE A



PROVINCIAL OFFENCES ACT

Part II

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 11027, of the Corporation of the City of Welland, attached hereto is the set fine for those offences. This Order is to take effect April 23, 2009.

Dated at Hamilton this 23rd day of April 2009.



Kathryn Hawke
A/Regional Senior Justice
Central South Region

THE CORPORATION OF THE CITY OF WELLAND
 BY-LAW 11027
 SCHEDULE "B"
 Part II - Provincial Offences Act, R.S.O. 1990, c.P.33, as amended

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Voluntary Payment Payable within 7 days	Column 4 Set Fine
1	Park without valid permit	2	\$20.00	\$25.00
2	Park displaying expired/no ticket	3	\$20.00	\$25.00
3	(Stop/Stand/Park) not within designated space	4(a)	\$20.00	\$25.00
4	Stand within 12m of remote or 28m approach side of designated bus stop	4(b)	\$20.00	\$25.00
5	Park within 3m of a fire hydrant	4(c)	\$20.00	\$25.00
6	Park for longer than 12 hours	4(d)	\$20.00	\$25.00
7	Park obstructing driveway/laneway	4(e)	\$20.00	\$25.00
8	Park where prohibited	4(f)	\$20.00	\$25.00
9	Park within 1.5m of driveway/laneway	4(g)	\$20.00	\$25.00
10	Stop on sidewalk	4(h)	\$30.00	\$45.00
11	Stop where prohibited	4(i)	\$30.00	\$45.00
12	Park exceeding time limit	4(j)	\$10.00	\$14.00

*Zal
Apr 10/07*

"NOTE: The general penalty provision for the offences listed is found at section 9 of By-law 11027, as amended, a certified copy of which has been filed".