

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

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) “Official Signage” means signage approved by the Ministry of Transportation of Ontario.
- (f) “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;
- (g) “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;
- (h) “parking permit” means a permit issued or approved by Niagara College which allows parking within a designated parking lot;
- (i) “parking ticket dispenser” means a device which shall have a receptacle for receiving and storing monies, a slot or place in which monies 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;
- (j) “Prohibited Area” means an area on or off street prohibiting parking and/or stopping of a vehicle when an official signage is displayed;
- (k) “side, approach” means that side closest to lawfully approaching vehicular traffic;
- (l) “side, remote” means that side most distant from lawfully approaching vehicular traffic;
- (m) “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;
- (n) “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;
- (o) “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 valid parking permit is obtained; and when required:

- (a) affixed to the sun visor on the driver’s side of the vehicle with the visor turned down; or
- (b) on the driver’s side of the dashboard of the vehicle; or
- (c) attached to the rear-view mirror.

Where a digital parking permit, approved by Niagara College is obtained, the digital permit is only valid for the vehicle identified by the licence plate provided. Only one (1) licence plate can be valid at one time.

### 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, an Officer may, upon discovery of a motor vehicle 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. Any person who contravenes any of the provisions of this By-law shall be subject to the procedures and penalties set out in the Administrative Penalty By-law.
10. Intentionally deleted.

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

By-law number 11027 passed on the 15<sup>th</sup> 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  
12<sup>TH</sup> DAY OF **SEPTEMBER, 2006.**

**"Damian Goulbourne" ACTING MAYOR**

**"Barbara Gallacio" CLERK**