

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 156-2009

A By-law to further amend Parking By-law 1-96, as amended, to provide for a system of administrative penalties and administrative fees.

WHEREAS section 102.1 of the *Municipal Act, 2001*, provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any by-laws respecting the parking, standing or stopping of vehicles

AND WHEREAS Council for The Corporation of the City of Vaughan considers it desirable and necessary to further amend Parking By-law 1-96, as amended, to provide for a system of administrative penalties and administrative fees as an additional means of encouraging compliance with the Parking By-law

NOW THEREFORE the Council for The Corporation of the City of Vaughan ENACTS AS FOLLOWS;

1. Section 2(1) of Parking By-law 1-96, as amended, (the "Parking By-law") is hereby amended by adding the following definitions in alphabetical sequence:

"Hearings Officer" means a person from time to time appointed by Council pursuant to the Screening and Hearings Officer By-law.

"Screening Officer" means a person from time to time appointed by Council pursuant to the Screening and Hearings Officer By-law.

2. The following section is hereby added to the Parking By-law:

10.1 ADMINISTRATIVE PENALTIES

- (1) If a motor vehicle has been left parked, standing or stopped in contravention of this By-law, except for section 8, the motor vehicle owner shall, upon issuance of a penalty notice in accordance with this section, be liable to pay to the City an administrative penalty in the amount prescribed in Schedule "A" Part 10 of this By-law
- (2) For the purposes of this section, the motor vehicle owner is deemed to be,
 - i) the person whose name appears on the permit for the vehicle; and
 - ii) if the vehicle permit consists of a motor vehicle portion and plate portion and different persons are named on each portion, the person whose name appears on the plate portion.
- (3) The *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, shall not apply to a contravention of this By-law, except for section 8.
- (4) A Municipal Law Enforcement Officer who finds a motor vehicle parked, standing or stopped in contravention of this By-law, except for section 8, may issue a penalty

notice addressed to the motor vehicle owner, which shall include the following information:

- i) Particulars of the contravention;
 - ii) The amount of the administrative penalty;
 - iii) Information respecting the process by which the person may exercise the person's right to request a review of the administrative penalty; and
 - iv) A statement advising that an administrative penalty will, unless cancelled or reduced pursuant to the review process, constitute a debt to the City.
- (5) The issuing Municipal Law Enforcement Officer shall serve the penalty notice on the motor vehicle owner by:
- i) affixing it to the motor vehicle in a conspicuous place at the time of the contravention;
 - ii) delivering it personally to the person having care and control of the motor vehicle at the time of the contravention;
 - iii) delivering it personally to the operator of the motor vehicle at the time of the contravention; or
 - iv) delivering it personally to the motor vehicle owner as soon as reasonably practicable.
- (6) No Municipal Law Enforcement Officer may accept payment in respect of the administrative penalty.
- (7) A motor vehicle owner who is served with a penalty notice may request a review of the administrative penalty by the Screening Officer within fifteen days after the penalty notice was served on to the motor vehicle owner.
- (8) A motor vehicle owner may request that the Screening Officer extend the time to request a review within thirty days after the penalty notice was served at which time the administrative penalty shall be deemed to be affirmed.
- (9) The Screening Officer may extend the time to request a review of an administrative penalty where the motor vehicle owner demonstrates extenuating circumstances that warrant the extension of time.
- (10) On a review of the administrative penalty, the Screening Officer may affirm the administrative penalty, or the Screening Officer may cancel, reduce, or extend the time for payment of the administrative penalty, including any late payment administrative fees, on the following grounds:
- i) Where the motor vehicle owner establishes, on a balance of probabilities, that the motor vehicle was not parked, standing or stopped as described in the penalty notice; or

- ii) the cancellation, reduction or extension of the time for payment of the administrative penalty, including any late payment administrative fees, is necessary to relieve undue hardship
- (11) Before making a decision under subsections 9 or 10, the Screening Officer shall hold a meeting with the motor vehicle owner.
- (12) A motor vehicle owner who receives notice of the Screening Officer's decision may request a review of the Screening Officer's decision by a Hearings Officer within fifteen days of receiving notification of the Screening Officer's decision.
- (13) A motor vehicle owner may request that the Hearings Officer extend the time to request a review the Screening Officer's decision within thirty days of notification of the Screening Officer's decision at which time the decision of the Screening Officer's decision shall be deemed to be affirmed.
- (14) The Hearings Officer may extend the time to request a review of the Screening Officer's decision where the motor vehicle owner demonstrates extenuating circumstances that warrant the extension of time.
- (15) Upon review of the Screening Officer's decision, the Hearings Officer may affirm the administrative penalty, or the Hearings Officer may cancel, reduce, or extend the time for payment of the administrative penalty on the following grounds:
 - i) where the motor vehicle owner establishes, on a balance of probabilities, that the motor vehicle was not parked, standing or stopped as described in the penalty notice; or
 - ii) the cancellation, reduction or extension of the time of payment of the administrative penalty is necessary to relieve undue hardship
- (16) Before making a decision under subsections 14 or 15, the Hearings Officer shall conduct a hearing where the motor vehicle owner, the Municipal Law Enforcement Officer, and the Director of Enforcement Services are given an opportunity to be heard.
- (17) All hearings conducted by the Hearings Officer shall be in accordance with the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended.
- (18) Any decision of the Hearings Officer is final.
- (19) Where a motor vehicle owner has paid an administrative penalty that is then cancelled or reduced pursuant to subsections 10 or 15, the City shall refund the amount cancelled or reduced.
- (20) Where a motor vehicle owner fails to attend a meeting with a Screening Officer or a hearing in front of a Hearings Officer, the administrative penalty shall be affirmed, and the City may levy against the motor vehicle owner a failure to attend fee as prescribed by the City's Fees and Charges By-law, as amended from time to time.

- (21) Where an administrative penalty is not paid within 15 days after the date it becomes due and payable to the City, the City may levy against the motor vehicle owner a late payment administrative fee as prescribed by the City's Fees and Charges By-law, as amended from time to time.
- (22) Where the City is required to obtain documents or information about the motor vehicle or motor vehicle owner, the City may levy against the motor vehicle owner an administrative fee as prescribed by the City's Fees and Charges By-law, as amended from time to time.
- (23) An administrative penalty that is deemed to be affirmed pursuant to subsections 8 or 20, or affirmed, reduced or in respect of which the time for payment has been extended pursuant subsections 10 or 15, the administrative penalty becomes a debt to the City of each motor vehicle owner to whom the penalty notice was served.
- (24) If an administrative penalty is not paid within 15 days after the date that it becomes due and payable to the City, the City may file a certificate of default in a court of competent jurisdiction, upon which time the certificate shall be deemed to be an order of the court and the City may enforced it as such.
- (25) If an administrative penalty is not paid within 15 days after the date that it becomes due and payable to the City, the City may notify the Registrar of Motor Vehicles of the default and the Registrar shall not validate the permit of the motor vehicle owner nor issue a new permit to the motor vehicle owner until the penalty is paid.

3. The following section is hereby added to the Parking By-law:

10.2 DELEGATION

- (1) For the purposes of subsection 23.2(4) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, it is the opinion of Council that the powers delegated to the Screening Officer and Hearings Officer pursuant to this By-law are of a minor nature.
4. Section 11(1) of the Parking By-law is hereby deleted and the following substituted therefor:
- (1) Every person who contravenes section 8 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.
5. Section 12(1) of the Parking By-law is hereby amended by inserting the words "section 8 of" in between the words "under" and "this".
6. This By-law shall come into effect on August 10, 2009.

READ a FIRST, SECOND and THIRD time and finally passed this 30th day of June, 2009.

Linda D. Jackson, Mayor

Jeffrey A. Abrams, City Clerk

Comprehensive Parking By-law
Schedule "A" Part 10
Parking Infraction Table for Administrative Penalties

Infraction	Description	Fine Amount
1	Park on highway, left wheels to curb	\$25.00
2	Park in a non-designated area	\$35.00
3	Park on highway, within 30m of intersection	\$30.00
4	Park on highway, within 25m of a bus stop	\$25.00
5	Park on highway, within 6m of a bus stop	\$25.00
6	Park on highway, within 3m of fire hydrant	\$30.00
7	Park in an area designated Police Vehicles Only	\$25.00
8	Park in an area designated Taxi Cab Stand	\$25.00
9	Park in an area designated Emergency No Parking	\$30.00
10	Park in front of or within .6m of a private roadway	\$35.00
11	Park so as to obstruct sidewalk	\$25.00
12	Park so as to obstruct pedestrian crossover	\$35.00
13	Park within 9m of pedestrian crossover	\$35.00
14	Park interfere with movement of traffic	\$35.00
15	Park interfere with snow clearing	\$100.00
16	Park on highway between 2:00 a.m. & 6:00 a.m.	\$35.00
17	Park on boulevard	\$35.00
18	Park on highway, within 9m of intersection	\$30.00
19	Park on highway during prohibited time	\$35.00
20	Stop on a highway beside stopped or parked vehicle	\$30.00
21	Stopping on highway during prohibited time	\$35.00
22	Stop on highway within an intersection	\$30.00
23	Stop on a bridge of tunnel/underpass	\$30.00
24	Parking in a fire route	\$100.00
25	Park within 3m of a Fire Department Connection	\$35.00
26	Parking on private/municipal property	\$35.00
27	Park in a school bus loading zone	\$25.00
28	Park within 15m of level railway crossing	\$55.00
29	Park more than 0.15m from curb	\$35.00
30	Park-longer than 3hr between 6am & 2am	\$35.00