

# The Corporation of the City of Pickering

## By-law No. 6604/05

Being a by-law to regulate traffic and parking on highways, private property and municipal property within the City of Pickering.

Whereas, pursuant to the *Municipal Act, 2001* and the *Highway Traffic Act*, by-laws may be passed by the councils of municipalities to regulate traffic and parking on highways, private property and municipal property.

Now therefore, the Council of The Corporation of the City of Pickering hereby enacts as follows:

### Interpretation

1. In this by-law:
  - (a) “**AODA**” means the *Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11* and any regulations passed under it;
  - (b) “**authorized sign**” means a sign or other device placed or erected on a highway or elsewhere pursuant to the provisions of this by-law and includes official signs;
  - (c) “**boulevard**” means all parts of a highway except any roadway, shoulder or sidewalk;
  - (d) “**City**” means the Corporation of the City of Pickering;
  - (e) “**Director**” means the City’s Director, Engineering Services or a designate;
  - (f) “**driveway**” means improved land on a highway which provides vehicular access from a roadway to a laneway or a parking area on adjacent land;
  - (g) “**driveway apron**” means the hard surfaced portion of the boulevard in front of and leading from the travelled portion of the roadway to a private residential driveway;
  - (h) “**emergency vehicle**” has the same meaning as in section 144 of the *HTA*;
  - (i) “**highway**” has the same meaning as in subsection 1(1) of the *HTA* and includes unopened and unassumed road allowances;
  - (j) “**HTA**” means the *Highway Traffic Act, R.S.O. 1990, c. H.8* and any regulations passed under it;

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- (k) “**holiday**” has the same meaning as in subsection 29(1) of the *Interpretation Act, R.S.O. 1990, c.l.11*;
  - (l) “**laneway**” means improved land adjacent to a highway which provides access from the highway to adjacent property and includes routes constructed for the purposes of providing site access for emergency vehicles, maintenance vehicles, pedestrians and/or stormwater management;
  - (m) “**municipal property**” means property of the City or any board of the City;
  - (n) “**operative**” means a vehicle that is ready for immediate use. This includes but is not limited to: valid plates, insurance, in running condition, and is not outwardly in a state of disrepair, or incapable of being operated on the road immediately;
  - (o) “**parking space**” means that part of the surface of a roadway, municipal property or private property designated by painted lines for the purpose of parking a vehicle;
  - (p) “**pedestrian**” means a person on foot or using a mobility device such as a wheelchair, scooter, baby carriage, or stroller;
  - (q) “**shoulder**” means that part of a highway immediately adjacent to the travelled portion of the roadway and having a surface that has been improved with asphalt, concrete or gravel for the use of vehicles.
  - (r) “**sidewalk**” means that part of a highway set aside for the use of pedestrians or used by the general public for the passage of pedestrians;
2. Unless the term is otherwise defined in this by-law, terms defined in subsection 1(1) of the *HTA* shall have the same meanings when used in this by-law.
  3. Unless the term is otherwise defined in this by-law, terms defined in the *AODA* shall have the same meanings when used in this by-law.
  4. Where any expression of time occurs or where any hour or other period of time is stated in this by-law, the time referred to shall be Eastern Standard Time except in periods when Daylight Saving Time is in effect, in which periods it shall be Daylight Saving Time.
  5. The Schedules referred to in this by-law shall form part of this by-law and each entry in a column of a Schedule shall be read in conjunction with the entry or entries across from it.
  6. Unless otherwise specified, references in this by-law to sections, subsections, clauses and Schedules are references to sections, subsections, clauses and Schedules in this by-law.

7. If a court of competent jurisdiction declares any section or any part of any section of this by-law to be invalid or to be of no force or effect, it is the intention of the City that every other provision of this by-law be applied and enforced in accordance with its terms to the extent possible according to law.
8. The distances identified in the Schedules shall be determined by measuring from the extension of the nearest curb line or, if there is no curb, from the nearest edge of the pavement.

### **General**

9. The Director is authorized to:
  - (a) place, erect and maintain such signs as are required to give effect to the provisions of this by-law;
  - (b) designate a highway or portion of a highway as a construction zone;
  - (c) designate the rate of speed for motor vehicles driven in a construction zone;
  - (d) designate any highway or portion of highway that is adjacent to a school as a "U" turn prohibited area;
  - (e) temporarily place "No Parking" or "No Stopping" signs to temporarily create "No Parking" or "No Stopping" on any highway;
  - (f) temporarily designate accessible parking spaces to create temporary accessible parking on-any highway or City maintained off-street parking facility.
10. No person shall place, maintain or display on any highway, any sign, marking or device, which purports to be or is an imitation of or resembles an authorized sign or an official sign.

### **General Stopping and Parking Restrictions**

11. No person shall park or stop any vehicle on any highway except:
  - (a) where there is a curb on the right side of the roadway having regard to the direction such vehicle was proceeding, with the right front and right rear wheels parallel to and not more than 15 centimetres out from such curb; or
  - (b) where there is no curb with the right front and right rear wheels parallel to, and as near to the right hand limit of the highway as is practicable without parking or stopping on or over a sidewalk, footpath or boulevard.
12. No person shall park or stop any vehicle:
  - (a) except wholly within a parking space;

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- (b) so as to occupy more than one parking space; or
  - (c) in such a manner that will prevent other persons from utilizing adjacent parking spaces or obstruct the flow of traffic.
13. (1) In this section:
- (a) “**bus stop**” means that part of the highway designated by a sign where buses will stop to take on or let off passengers; and
  - (b) “**crosswalk**” has the same meaning as in subsection 1(1) of the HTA and includes pedestrian crossovers and school crossings.
- (2) No person shall stop any vehicle on any highway:
- (a) on or over a sidewalk, footpath, access aisle, or accessible path of travel;
  - (b) within an intersection or crosswalk;
  - (c) within 10 metres of a crosswalk or where authorized signs to that effect are erected within a distance of up to 30 metres of a crosswalk;
  - (d) while salt or sand is being applied to or when snow is being ploughed or removed from any highway in the City;
  - (e) in such a manner as to interfere with seasonally required road maintenance activities, including snow ploughing and or removal, sanding, salting and sweeping;
  - (f) on the roadway alongside of any stopped or parked vehicle;
  - (g) upon any bridge or elevated structure or within any tunnel or underpass;
  - (h) on any median strip separating two roadways or adjacent to either side or ends of such median strip;
  - (i) in a bus stop, except to temporarily stop for the purpose of and while actively engaged in loading or unloading passengers when such stopping does not interfere with any bus;
  - (j) alongside or across a highway from any excavation or obstruction in the roadway where the free flow of traffic would thereby be impeded; or
  - (k) in such a manner as to interfere with the movement of traffic or pedestrians.
14. Where authorized signs that clearly indicate the regulation have been installed, no person shall stop a vehicle on a highway between the hours of 8:30 a.m. and

4:30 p.m., Monday to Friday inclusive, on either side of a highway or portion of a highway that is adjacent to a school.

15. No person shall park any vehicle on a highway:
- (a) within 1 metre of a driveway or laneway or so as to obstruct vehicles in the use of the driveway or laneway;
  - (b) within 3 metres of a point on the curb or edge of the roadway adjacent to any fire hydrant;
  - (b.1) within a distance of 3 metres of a supermailbox or transit stop;
  - (c) within 10 metres of an intersecting roadway or where authorized signs to that effect are erected within a distance of up to 30 metres of an intersection;
  - (d) for the purpose of displaying the vehicle for sale;
  - (e) for the purpose of washing, greasing or repairing the vehicle except for such repairs as have been necessitated by an emergency;
  - (f) alongside the tracks of any railway;
  - (g) within 30 metres of the approach side of the nearest rail of any level crossing of a railway;
  - (h) within 15 metres of the leaving side of the nearest rail of any level crossing of a roadway;
  - (i) on any boulevard except on a Driveway Apron provided that the vehicle is Operative, not encroaching into the travelled portion of the roadway, into the sidewalk, or on the grassed portion of the boulevard, and this section shall allow Driveway Apron parking either perpendicular or parallel to the roadway. In addition, a vehicle may park on a boulevard at the locations specified and in accordance with the specific time limits set forth in Schedule 13 of this by-law;
  - (j) for a period longer than three (3) hours;
  - (k) within the turning circle of a cul-de-sac;
  - (l) within 15 metres of the end of the roadway on a dead end highway;
  - (m) without a valid licence plate attached, unless the vehicle does not require a licence plate in accordance with the *HTA*; or
  - (n) between the hours of 2:00 a.m. and 5:00 a.m. commencing on December 1<sup>st</sup> of each year and ending on March 31<sup>st</sup> of each year.

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16. Where authorized signs that clearly indicate the regulation have been installed, no person shall park any vehicle on:
- (a) private property without the consent of the owner or occupant of such property; or
  - (b) any roadway or laneway on private property marked as a fire route by a sign displaying the information "No Parking" or a symbol in lieu thereof and the words "Fire Route".
17. (1) No person shall park or stop any vehicle on municipal property where, by means of one or more authorized signs, it is indicated that parking or stopping is not permitted.
- (2) Where authorized signs which clearly indicate the regulation have been installed, no person shall park on municipal property between the hours of 1:00 a.m. and 5:00 a.m.
18. Where authorized signs that clearly indicate the regulation have been installed, no person shall park any vehicle:
- (a) within 30 metres of a Regional road on an intersecting highway under the jurisdiction of the City;
  - (b) on any highway within 8 metres of any fire hall on the side of the highway on which the fire hall is located or within 30 metres of such fire hall on the opposite side of the highway; or
  - (c) on either side of a highway or portion of a highway which is immediately adjacent to a park or playground.
19. Nothing in sections 11 through 19 shall be deemed to permit the stopping or parking of a vehicle where stopping or parking is prohibited.

### **Stopping Prohibitions on Specific Highways**

20. Where authorized signs that clearly indicate the regulation have been installed, no person shall stop a vehicle on any highway on that side and between those limits set out in Columns 1, 2 and 3 of Schedule 1 during the prohibited times or days set out in Column 4 of Schedule 1.

### **Parking Prohibitions on Specific Highways**

21. Where authorized signs that clearly indicate the regulation have been installed, no person shall park a vehicle on any highway on that side and between those limits set out in Columns 1, 2 and 3 of Schedule 2 during the prohibited times or days set out in Column 4 of Schedule 2.

### Commercial/Oversized Vehicles

22. (1) In this section, “commercial/oversized vehicle” means any vehicle, or a combination of a vehicle and a trailer that exceeds 6.7 metres in length or has more than 4 wheels and is designed or operated for a commercial purpose.
- (2) No person shall park any commercial/oversize vehicle on any highway unless the commercial/oversize vehicle is actually engaged in the loading and unloading, delivery and receipt of goods, wares, merchandise or passengers to adjacent premises.

### School Bus Loading Zones

23. Where authorized signs that clearly indicate the regulation have been installed, no person shall stop a vehicle, other than a school bus actually engaged in the receiving or discharging of school children, in any school bus loading zone on any highway on that side and between those limits set out in Columns 1, 2 and 3 of Schedule 3 during the prohibited times and days set out in Column 4 of Schedule 3.

### Accessible Parking

24. (1) In this section:
- (a) “**accessible parking permit**” has the same meaning as in *Reg. 581, R.R.O. 1990* as amended in *O. Reg. 419/12*;
  - (b) “**accessible parking space**” means a parking space identified by an official sign for the exclusive use of a vehicle displaying an accessible parking permit;
  - (c) “**dwelling**” shall mean a building or part of a building containing one or more dwelling units, but does not include a mobile home or trailer;
  - (d) “**dwelling unit**” shall mean one or more habitable rooms occupied or capable of being occupied as a single, independent and separate housekeeping unit containing a separate kitchen and sanitary facilities;
  - (e) “**person with a disability**” has the same meaning as in section 1 of *Reg. 581, R.R.O. 1990*, as amended in regulation *O. Reg. 419/12*;
  - (f) “**parking lot**” means any parking lot or other parking facility, to which the public has access, whether on payment of a fee or otherwise, for the purpose of parking vehicles;
  - (g) “**temporary accessible parking**” means a parking space, on-street or off-street, that has been temporarily designated as an accessible parking space by the Director.

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- (2) An accessible parking permit issued to an individual is not valid when displayed on a vehicle that is not being used to pick up, drop off, or otherwise transport the holder of the accessible parking permit.
  - (3) An accessible parking permit issued to a corporation or organization is not valid when displayed on a vehicle that is not being used to pick up drop off, or otherwise transport a person with a disability.
  - (4) An accessible parking permit shall be displayed on the sun visor or on the dashboard of a vehicle so that; the International Symbol of Access for the disabled, the permit number and the expiry date of the permit are clearly visible from the outside of the vehicle.



- (5) Every owner and operator of a parking lot shall provide a minimum number of accessible parking spaces therein in accordance with the following:

(a) Minimum Number of Accessible Parking Spaces

Total number of parking spaces provided	Required Type 'A' Spaces*	Required Type 'B' Spaces*
1-25	1	0
26-50	1	1
51-75	1	2**
76-100	2	2
101-133	2	3*
134-166	3	3
167-250	3	4*
251-300	4	4
301-350	4	5*
351-400	5	5
401-450	5	6*
451-500	6	6
501-550	6	7*
551-600	7	7
601-650	7	8*
651-700	8	8
701-750	8	9*
751-800	9	9
801-850	9	10*
851-900	10	10
900-950	10	11*
951-1000	11	11
1001 and over	11 spaces plus 1% of the total number of spaces (rounded up to the next whole number), to be divided equally between Types 'A' and 'B'. If an uneven number of spaces is required, the extra space may be Type 'B'	
*Where Type 'A' spaces have a minimum width of 3.4 metres and a Type 'B' space has a minimum width of 2.4 metres		
**Where an uneven number of accessible parking spaces are required, the extra Type 'B' space may be changed to a Type 'A' space		

- (b) A minimum of 10 percent of the required parking spaces for a medical office established after December 12, 2016 must comply with the minimum dimensions for accessible parking space and any accessible parking spaces lawfully existing on the lot must be retained.

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- (c) The City may require accessible parking spaces which exceed the number prescribed in subsection 5(a) should the use on site necessitate additional spaces. Such spaces shall be a size approved by the City.
- (6) For the purpose of calculating the required minimum number of accessible parking spaces for multi-unit residential developments consisting of 10 or more dwelling units, the requirements of subsection (5) shall be applied only to the visitor parking provided for the development.
- (7) Subsection (5) shall not apply to residential developments consisting of less than 10 dwelling units.
- (8) Each accessible parking space shall:
- (a) be hard surfaced;
  - (b) have the International Symbol of Access painted in white or yellow paint overlaid on a bright blue background with a white or yellow border, with a minimum size of 1.4 metres in width and 1.4 metres in length;
  - (c) have the width of either a Type 'A' or Type 'B' accessible parking space or another size approved by the City;
  - (d) have an access aisle that has a minimum width of 1.5 metres and extends the full length of an accessible parking space, and marked with diagonal lines;
  - (e) be levelled;
  - (f) have a minimum length of 5.3 metres;
  - (g) have a minimum vertical clearance of 2.75 metres;
  - (h) be located so sidewalks, paths, accessible access aisles or walkways will be accessible to persons with a disability whether via ramps, aisles, depressed curbs, or other appropriate means without requiring a person to pass behind parked cars or cross a traffic lane;
  - (i) be located with sufficient clearance around the vehicle in terms of other vehicles or obstacles such as light standards and waste receptacles to permit free access by a wheelchair;
  - (j) be identified by the official sign to be mounted with the base no more than 2.0 metres above grade; and
  - (k) be located in a place approved by the City.

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- (9) Where the City permits a gravel surfaced parking space, each accessible parking space shall:
- (a) be identified with a pre-cast bumper curb across its entire width painted bright blue and securely anchored in place; and
  - (b) meet the requirements of clauses (e) through (k) inclusive of subsection (8).
- (10) No person shall park a vehicle in an accessible parking space unless:
- (a) the vehicle is displaying a valid accessible parking permit; and
  - (b) the vehicle is being operated by or is transporting the person with a disability to whom the accessible parking permit has been issued.
- (11) No person shall stop a vehicle in a manner that obstructs an accessible parking space, accessible access aisles, or accessible path of travel.
- (12) Where the City permits a temporary accessible parking space, each accessible parking space shall:
- (a) be identified with an official sign and placed on a post, temporary or permanent, no more than 2 metres above grade; and
  - (b) meet the requirements of clauses (g) through (k) inclusive of subsection (8).
- (13) Nothing in this by-law shall prevent the maintenance and use of an accessible parking space that is not in compliance with Section 24 of this by-law after December 12, 2016; provided that it was lawfully constructed and continues to be maintained as it was constructed.

### **Permit Parking**

25. (1) In this section, the term "parking permit" means a permit issued by the City for the purpose of providing for exemptions from certain parking prohibitions.
- (2) The City Clerk is authorized to issue a parking permit to one occupant of each residence identified in Schedule 4.
- (3) No person other than a lawful holder of a valid parking permit shall park in an area on any highway or portion of highway identified in Schedule 4 and which is signed as a Permit Parking Only area.
- (4) No person shall use a parking permit in a manner or for a purpose not provided for in this section.

- (5) A parking permit shall be displayed by affixing it to the sun visor on the passenger's side of a motor vehicle parked on the street named on the parking permit, and by turning the sun visor so that the parking permit is readily visible from the outside of the vehicle on the passenger's side.
- (6) A parking permit shall be valid for a period of one year from its date of issuance unless it has been cancelled pursuant to subsection (7).
- (7) A parking permit shall be cancelled by the City Clerk where:
  - (a) it was issued on false or mistaken information;
  - (b) the person to whom it is issued ceases to be an occupant of a residence on a street named in Schedule 4; or
  - (c) a valid parking permit has already been issued to an occupant of the same residence.
- (8) Notwithstanding the provisions of any section of this by-law, the owner and the driver of a vehicle on which a valid parking permit is displayed in accordance with subsection (5), and the vehicle, if parked within the designated Permit Parking Only area on the street named on the permit; is exempt from Sections 15(j) and (n) of this by-law.

### **Turning Movement Prohibited**

26. (1) No vehicle in any intersection or portion of highway set out in Column 1 of Schedule 5 proceeding in the direction or emerging from a property set out in Column 2 of Schedule 5, shall be turned in the direction set out in Column 3 of Schedule 5 during the times or days set out in Column 4 of Schedule 5.
- (2) Where authorized signs that clearly indicate the regulation have been installed, no person shall at any time make a "U" Turn upon any highway or portion of highway that is adjacent to a school.

### **Through Highways**

27. (1) The highways set out in Schedule 6 are designated as through highways for the purposes of the *HTA*.
- (2) The designation in subsection (1) of a highway or portion of highway as a through highway shall not include any intersection where the highway intersected is a King's highway or where traffic control signals are installed.

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**Stop Signs**

28. The erection of stop signs is authorized at each of the intersections set out in Column 1 on the highway approaches as identified in Column 2 of Schedule 7.

**Yield Signs**

29. The erection of yield right-of-way signs is authorized at each of the intersections set out in Column 1 on the highway approaches as identified in Column 2 of Schedule 8.

**Rate of Speed**

30. No person shall drive a vehicle at a rate of speed greater than 50 km/h unless otherwise posted.
31. Where any highway or portion of highway set out in Schedule 9 is signed in compliance with the regulations under the *HTA*, the maximum rate of speed thereon shall be the rate of speed prescribed in Schedule 9.

**Heavy Vehicles**

32. (1) In this section, “heavy vehicle” means a vehicle, object or contrivance for moving loads, having a gross weight, including vehicle, object or contrivance and load, in excess of 4,500 kilograms but does not include emergency vehicles, school purpose vehicles or any vehicle operated by or on behalf of the City, regardless of weight, while on City business.
- (2) Heavy vehicles are prohibited on highways or parts of highways set out in Column 1 of Schedule 10 between the limits set out in Column 2 of Schedule 10.
- (3) Subsection (2) shall not apply to the use of highways or parts of highways for deliveries to or removals from any premises abutting the highway that cannot be reached except by way of the highway or a portion of highway.
- (4) The Director is authorized to issue permits for the movement on highways under the jurisdiction of the City of vehicles, loads, objects or structures which are in excess of the dimensional limits set out in Part VII of the *HTA* or the weight limits set out in Part VIII of the *HTA*.

**Community Safety**

33. (1) In this section, “community safety zone” has the same meaning as in the *HTA*.
- (2) Where authorized signs are displayed, highways and sections of highways as described in Columns 1 and 2 of Schedule 14 are designated as community safety zones during the prohibited times and days as set out in Column 3 of Schedule 14.

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**Reduced Load Highways**

34. For the purposes of subsections 122(1), (2) and (3) of the *HTA*, the reduced load period shall be that period commencing on March 1<sup>st</sup> of each year and ending on April 30<sup>th</sup> of each year.
35. The reduced load period designation shall apply to all highways save and except those highways or portions of highways set out in Schedule 12.

**Retail Sales**

36. (1) No person shall sell or offer for sale by retail any goods, wares, merchandise, produce, food or other edible substance or beverage within the limits of any highway.
- (2) Any person who has the authority to enforce this by-law who has reason to believe that any object or thing referred to in subsection (1) is placed or left on any highway in contravention of this by-law, may cause the object or thing to be removed and taken to and stored in a suitable place and all costs and charges for such removal and storage shall be a lien upon it which may be enforced in the manner provided by the *Repair and Storage Liens Act*, R.S.O. 1990 c. R.25
- (3) If there is a person in charge of the object or thing referred to in subsection (1), the person authorized to enforce this by-law shall produce appropriate identification and inform the person that the object or thing is on a public highway contrary to by-law and shall give a receipt to the person for the objects or things removed.
- (4) Any object or thing removed and stored in accordance with subsection (2) and not claimed by the owner within sixty (60) days shall become the property of the City and may be sold and the proceeds shall form part of the general funds of the City.
- (5) Notwithstanding subsections (2) and (4), anything that is perishable shall become the property of the City immediately upon being removed and may be destroyed or given to any charitable institution.
- (6) None of the provisions of this section shall apply to any retail activity in respect of which the City has issued a licence.

**Highway Obstructions**

- 36.1 (1) In this section, "obstruction" means any basketball net, hockey net, skateboard ramp or any other object that can interfere with or obstruct the safe passage of vehicular traffic on a highway.
- (2) No person shall leave unattended any obstruction on any highway.

- (3) The City may remove any obstruction from a highway and store it in a suitable place.
- (4) The owner of any obstruction removed by the City may contact the City to arrange for the return of the obstruction upon payment of a fee of \$50.00.
- (5) Any obstruction removed by the City that has not been claimed by its owner within 30 days shall become the property of the City and may be disposed of in any manner the City deems appropriate.

### **Shopping Carts**

- 36.2 (1) In this section:
- (a) “shopping cart” means any device used by customers to convey goods purchased from an owner; and
  - (b) “owner” means any person owning or operating a business.
- (2) Every owner shall have the name of its business displayed on each of its shopping carts for identification purposes.
  - (3) No owner shall permit any person to remove shopping carts from its property.
  - (4) No person shall remove a shopping cart from an owner’s property.
  - (5) No person shall abandon a shopping cart on any highway or private property.
  - (6) The City may remove any shopping cart found anywhere other than the owner’s property and store it in a suitable place.
  - (7) The owner of any shopping cart removed and stored by the City may contact the City to arrange for the return of the shopping cart upon payment of a fee of \$50.00.
  - (8) Any shopping cart removed by the City that has not been claimed by its owner within 30 day shall become the property of the City and may be disposed of in any manner the City deems appropriate.

### **Tow Trucks**

- 36.3 (1) In this section:
- (a) “firefighter” means a firefighter as defined in subsection 1(1) of the *Fire Protection and Prevention Act, 1997, S.O. 1997 c.4*; and
  - (b) “tow truck” means a motor vehicle that is designed, modified or used for pulling, towing, carrying or lifting of other motor vehicles with or without

the assistance or use of lifts, winches, dollies, trailers or any like equipment.

- (2) No person shall solicit, make or convey an offer of services of a tow truck while that person is within 200 metres of:
  - (a) the scene of an accident or apparent accident; or
  - (b) a vehicle involved in an accident on any highway.
- (3) No owner shall park, stop or stand a tow truck on any highway within 200 metres of:
  - (a) the scene of an accident or apparent accident; or
  - (b) a vehicle involved in an accident.
- (4) Subsections (2) and (3) do not apply to a person who is at the scene of an accident at the request or direction of a police officer, a firefighter, a municipal by-law enforcement officer or a person involved in the accident.
- (5) Any person operating a tow truck or other motor vehicle parked, stopped or standing within 200 metres of the scene of an accident or apparent accident or a vehicle involved in an accident shall, immediately on the direction of any police officer or firefighter, move their tow truck or motor vehicle to a location more than 200 metres from the scene of an accident or apparent accident or to any other location as directed by a police officer or firefighter.

### **Private Property Parking Enforcement**

- 36.4 (1) In this section:
- (a) “owner” means the person identified in the most recent tax roll as the owner of any private property;
  - (b) “person” includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;
  - (c) “private property parking enforcement officer” means a person who has met the requirements outlined by the City Clerk and been issued a license as a private property parking enforcement officer;
  - (d) “private property” means buildings, lands and premises within the City of Pickering that are not owned or occupied by the City, the Provincial Crown or the Federal Crown;



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- (e) “private property parking enforcement” means the issuance of a parking infraction notice to a vehicle(s) parked or stopped on private property in contravention of the parking regulations posted on the property; and,
  - (f) “private property security contractor” means a company hired by the property owner or property management to provide private property parking enforcement.
- (2) The City Clerk shall implement policies and procedures establishing the requirements for the licensing of private property parking enforcement officers to enforce municipal parking by-laws on private property. The policies and procedures shall include application and training requirements, site registration requirements and fees, and shall include any and all requirements for becoming licensed, for remaining licensed, and for having a license revoked.
  - (3) In addition to Section 42 of this by-law, any person who has been licensed pursuant to the policies and procedures established by the City Clerk, and who complies with the requirements to maintain the license, is appointed as a private property parking enforcement officer for the purposes of enforcing the City’s Traffic & Parking By-law 6604/05, as amended, and any subsequent by-law, on private property.
  - (4) No owner shall cause or permit private property parking enforcement to take place on their property unless provided by a private property parking enforcement officer.
  - (5) No owner shall cause or permit the issuance of any document in relation to a vehicle parked, stopped or standing on their property other than:
    - (a) A certificate of parking infraction and parking infraction notice issued under Part II of the *Provincial Offences Act*;
    - (b) A Tow Notice in a form authorized by the City;
    - (c) Other documents, if any, approved by the City.
  - (6) No owner shall cause or permit private property parking enforcement without registering the property with the City.
  - (7) No private property security contractor shall cause or permit the issuance of any document in relation to a vehicle parked, stopped or standing on private property other than:
    - (a) A certificate of parking infraction and parking infraction notice issued under Part II of the *Provincial Offences Act*;
    - (b) A Tow Notice in a form authorized by the City;
    - (c) Other documents, if any, approved by the City.

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- (8) No private property security contractor shall provide parking enforcement on private property without registering the site with the City Clerk.
  - (9) No private property security contractor shall request or require payment of an administrative or any other fee by the owner or driver of a vehicle parked, stopped, or standing on private property.
  - (10) Every private property security contractor must provide an indemnity agreement, maintain liability insurance and file a current certificate in a form and amount satisfactory to the City.
  - (11) Private property security contractors may only employ licensed private property parking enforcement officers for the purposes of parking enforcement on private property in the City.
  - (12) Signs must be posted on the property indicating policies to be enforced and must be reviewed and approved by the City prior to enforcement.
  - (13) A Private Property Parking Enforcement Officer must carry, and provide upon request, licensing identification issued by the City.
  - (14) No private property parking enforcement officer shall prepare or issue any document in relation to a vehicle parked, stopped or standing on private property other than:
  - (15) No person shall request or require payment of an administrative or any other fee by the owner or driver of a vehicle parked, stopped or standing on private property.
  - (16) The towing of vehicles from private property in relation to parking contraventions may only be undertaken by a towing company under contract to Durham Regional Police, or the City of Pickering, utilizing the Durham Regional Police impound facility.
  - (17) No private property parking enforcement officer shall cause the removal, towing or impounding of a vehicle from private property unless:
    - (i) The vehicle is parked, stopped, standing or left, as the case may be, in contravention of a municipal by-law.
    - (ii) The property that the vehicle is parked or left on has been inspected and approved by the City confirming that:
      - a) The boundaries of the property are clearly defined;
      - b) Signage posted has been approved by the City and indicates the policies in effect and enforced.

- (iii) A parking infraction notice is issued and served at the time of the alleged parking infraction in accordance with Part II of the *Provincial Offences Act*.
  - (iv) A Tow Notice in a form authorized by the City has been issued with a minimum of 24 hours for removal of the vehicle, with the exception of vehicles located in signed fire routes, designated disabled parking spaces, or if the vehicle is blocking access to a driveway or assigned parking space.
- (18) The provisions of this by-law do not apply to any person demanding or obtaining parking fees from customers for the consensual purchase of a permit for parking on private property, where the parking rates are posted in clear view of all drivers upon entering the private property, and the property is in compliance with all other municipal by-laws.

### **Enforcement**

37. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine for each offence as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33. For purposes of this section a separate violation shall be deemed to have been committed for each and every day during which any such contravention continues, and conviction in respect of a contravention shall not operate as a bar to further prosecution if such contravention continues.
38. Part II of the *Provincial Offences Act* applies in respect of all parking infractions under this by-law.
39. Any person who has the authority to enforce this by-law, upon discovery of any vehicle parked, stopped or standing in contravention 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 removing, care and storage thereof, if any, are a lien upon the vehicle, which may be enforced in the manner provided by the *Repair and Storage Liens Act*.
40. Where a vehicle has been parked, stopped or left standing in contravention of this by-law, the owner of the vehicle, notwithstanding that the owner was not the driver of the vehicle at the time of the contravention, is guilty of an offence 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.
41. For the purposes of this by-law, where a number plate issued pursuant to the HTA is exposed on a vehicle, the holder of the permit corresponding to such plate shall be deemed to be the owner of that vehicle and, if such vehicle is found in contravention of this by-law, the owner shall be guilty of an offence, unless the number plate was used without the owner's consent.
42. The provisions of this by-law may be enforced by,

- (a) a police officer pursuant to subsection 42(1)(h) of the *Police Services Act*, R.S.O. 1990, c. P.15; and
- (b) municipal by-law enforcement officers appointed by the City pursuant to subsection 15(1) of the *Police Services Act* or any other City staff whose duties include the enforcement of this By-law.

42.1 No person shall prevent, hinder or interfere with or attempt to prevent, hinder, or interfere with the enforcement of any provision of this by-law by a police officer, municipal by-law enforcement officer or a firefighter.

### **Application**

43. This by-law applies to all highways under the jurisdiction of the City and, where applicable, to municipal property and private property.
44. This by-law shall not, if compliance therewith would be impracticable, apply to,
- (a) emergency vehicles or public utility vehicles;
  - (b) vehicles actually engaged in works undertaken for or on behalf of any municipal corporation;
  - (c) vehicles actually forming part of a funeral procession for as long as may reasonably be required for the purpose of such funeral;
  - (d) any armoured vehicle, while the operator is actively engaged in the performance of their duties;
  - (e) deleted;
  - (f) any vehicle owned or operated by a federal or provincial Ministry or government agency or organization provided that such vehicles are clearly identified by a crest or other markings and that the operator is actively engaged in the performance of their duties;
45. This by-law shall come into force and take effect on the date that the Chief Judge of the Ontario Court (Provincial Division) approves set fines for offences under this by-law.
46. Sections 28, 29, 31, 32, 33 and 34 shall not be effective unless authorized signs that clearly indicate the regulation or prohibition have been erected.
47. If a provision of this by-law conflicts with a provision of any applicable Act, Regulation or By-law, the provision that establishes the higher or more restrictive standard to protect the health, safety and welfare of the general public shall prevail.

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**Repeal**

48. (1) The following by-laws, as amended, are repealed:
- (g) 55/74, prohibiting heavy traffic on municipal highways;
  - (h) 1660/83, prohibiting the sale of goods on highways;
  - (i) 1684/83, establishing pedestrian crossovers on municipal highways;
  - (j) 2359/87, establishing various stopping, parking and standing controls;
  - (k) 2366/87, providing for the designation of through highways;
  - (l) 2632/88, providing for the erection of stop controls;
  - (m) 3604/90, prohibiting turning movements on municipal highways;
  - (n) 6181/03, establishing speed limits on municipal highways; and
  - (o) 6300/04, providing for the designation of reduced loads highways.
- (2) After the date of the passing of this by-law, the repealed by-laws as noted in subsection (1) shall apply only to those enforcement proceedings that had been initiated prior to the date this by-law is enacted, and then only until such enforcement proceedings have been concluded.

By-law passed this 19<sup>th</sup> day of December, 2005.

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David Ryan, Mayor

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Debi A. Wilcox, City Clerk