

THE CORPORATION OF THE CITY OF DRYDEN

BY-LAW 4794-2020

BEING A BY-LAW TO RESCIND BY-LAW 3475-2007, TO AMEND THE MUNICIPAL CODE OF THE CORPORATION OF THE CITY OF DRYDEN BY DELETING CHAPTER 154 – PARKING ON MUNICIPAL OR PRIVATE PARKING LOTS AND TO ADOPT A NEW PARKING LOTS BY-LAW.

WHEREAS subsection 9. of the Municipal Act, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, and powers of a natural person for the purpose of exercising its authority under this or any other Act; and,

WHEREAS subsection 5 (1) of the Municipal Act, S.O. 2001, c. 25, as amended, provides that the powers of a municipality shall be exercised by Council; and,

WHEREAS subsection 5 (3) of the Municipal Act, S.O. 2001, c. 25, as amended, provides that a municipal power, including a municipality's capacity, rights, powers and privileges under section 9. shall be exercised by by-law unless the municipality is specifically authorized to do otherwise.

NOW THEREFORE The Council of The Corporation of The City of Dryden enacts as follows:

1. That the Municipal Code of The Corporation of The City of Dryden is hereby amended by deleting Chapter 154 - Parking on Municipal or Private Parking Lots and is replaced by this by-law as follows:

Title

The by-law may be cited as the "Parking Lots By-law."

Scope

This By-law shall apply to all land within the City of Dryden, including private, public, residential, non-residential and vacant land as well as to the land at the Dryden Regional Airport.

Definitions

As used in this by-law, the following terms shall have the meanings indicated:

ACCESSIBLE PARKING SPACE – means a parking space set aside for use by operators of vehicles displaying a permit in accordance with requirements of Part III of the Highway Traffic Act and/or this by law. These spaces are distinctly indicated as such by signs and/or markings directed or placed in accordance with the same requirements. Accessible parking spaces may exist on Municipal Property and Private Property.

AUTHORIZED SIGN – Any sign or any device placed or erected on a municipal or private parking lot under the authority of this by-law and authorized by the Dryden Police Service for the purpose of regulating parking thereon.

BY-LAW ENFORCEMENT OFFICER – means police officer, special constable, by-law enforcement officer, or Municipal Law Enforcement Officer empowered by this by-law.

CITY – The Corporation of The City of Dryden or, where referring to geographic area, the City of Dryden.

DESIGNATED MUNICIPAL PARKING LOT – The whole or any part of a parcel of real property owned or occupied by the City on which there are designated parking spaces intended for the temporary parking of motor vehicles which require permits issued by the City of Dryden as listed in Schedule A. Map of these Lots is Schedule H.

EMPLOYEE – Any employee or elected official of the City.

MUNICIPAL PARKING LOT – The whole or any part of a parcel of real property owned or occupied by the City on which there are designated parking spaces intended to be used for the temporary parking of motor vehicles and/or trailers, whether their use involves payment of a fee or otherwise. Includes the Dryden Regional Airport Parking Lot, Schedule D.

MUNICIPAL PROPERTY – Real property or premises owned or occupied by the City or any local board thereof other than a municipal parking lot.

NON-RESTRICTED PARKING LOT - The whole or any part of a parcel of real property owned or occupied by the City on which there are designated parking spaces intended for the temporary parking of motor vehicles and/or trailers, which does not require a permit issued by the City of Dryden, as listed in Schedule C (i.e. Recreation Centre north and south parking lots).

OCCUPANT – One of the following:

- A. The tenant of the property or part thereof whose consent shall extend only to the control of the land held by such tenant and any parking spaces allotted to such tenant under the lease or tenancy agreement;
- B. A person or a municipality, or a local board thereof, having an interest in the property under an easement or right of way granted to or expropriated by the persons, municipality or local board whose consent shall extend only to the part of the property that is subject to the easement or right of way; or
- C. A person authorized in writing by an occupant as defined in Subsection A or B of this definition to act on the occupant's behalf for requesting enforcement of this by-law.

PARK or PARKING – The parking, standing or stopping of a motor vehicle or trailer, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

PARKING PERMIT – A valid parking permit issued by the City of Dryden which exempts the vehicle from the parking prohibition(s) in force and effect on the designated municipal or private parking lot.

PARKING SPACE – A portion of the surface of a parking lot of sufficient length and depth to accommodate a vehicle to be parked and which may be outlined on the surface of a lot or structure with surface markings or stall numbers.

PRIVATE PARKING LOT - Any real property owned or occupied by a person or persons other than the City or any local board thereof and includes property owned or occupied by a corporation on which there are designated parking spaces as listed in Schedule F.

PRIVATE PROPERTY – Any property other than municipal property.

PROPERTY OWNER – The registered owner of the property.

RESTRICTED PARKING LOT -The whole or any part of a parcel of real property owned or occupied by the City on which there are designated parking spaces restricted by the use of authorized signs, for the sole use by the City of Dryden and its employees as listed in Schedule B (i.e. Princess Street, Museum).

STAND or STANDING – The halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.

STOP or STOPPING – 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 a constable or other police officer or of a traffic control sign or signal.

TRAILER – A vehicle that is designed to be drawn upon a highway by a motor vehicle, except an implement of husbandry, a mobile home, another motor vehicle or any device or apparatus not designed to transport persons or property, and except a side car attached to a motorcycle.

VALID PARKING PERMIT - issued by the Corporation of the City of Dryden exempts the vehicle from the parking prohibition(s) in force and effect on the designated municipal, restricted or non-restricted or private parking lot.

VEHICLE – A motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle, the cars of electric or steam railways running only upon rails.

2. Parking in designated private parking lots.

The private parking lots described in Schedules F and G are designated as private parking lots to which regulations established in 3.B and 3.D apply when a Private Parking Lot Enforcement Agreement is in place with the City of Dryden.

3. Parking prohibitions.

- A. No person shall park a motor vehicle on any property or portion of any municipal property owned or occupied by the City of Dryden that is a Designated Municipal Parking Lot or a Restricted Parking Lot Monday-Friday between the hours of 8:00 a.m. and 5:30 p.m. without an authorized or paid permit issued by the City of Dryden. (Schedules A and B)
- B. No person shall park a motor vehicle in a Designated Private Parking Lot described in Schedule F without an authorized paid permit issued by the City of Dryden.
- C. No person shall park a motor vehicle at any time in an accessible parking space in any Designated Municipal, Non-Restricted or Municipal Parking Lot described in the Schedule E to this by-law except a vehicle with a valid accessible parking permit that is displayed so as to be clearly visible from the outside of the vehicle as per the Highway Traffic Act, R.S.O. 1990, c. H.8, and the regulations made thereunder. Permit holders are required to pay the same parking fee as other parking lot users, unless signs indicate otherwise.
- D. No person shall park a motor vehicle at any time in an accessible parking space in a Designated Private Parking Lot described in Schedule G, except a vehicle with a valid accessible parking permit that is displayed so as to be clearly visible from the outside of the vehicle as per the Highway Traffic Act, R.S.O. 1990, c. H.8, and the regulations made thereunder. Permit holders are required to pay the same parking fee as other parking lot users, unless signs indicate otherwise.
- E. No person shall park a motor vehicle on any property or portion of any municipal property owner or occupied by the City of Dryden that is a Municipal Parking Lot without an authorized or paid permit issued by the City of Dryden.

(Schedule D)

4. Signage.

- A. The regulations referred to in 3 (Parking prohibitions) are not valid unless authorized signs are in place to identify them.
- B. The provision, erection and maintenance of authorized signs shall be the responsibility and at the expense of the owner or occupant of the property and shall be placed at each entrance to the land clearly indicating the parking regulation, condition or prohibition.
- C. The provision, erection and maintenance of signs for designated accessible parking spaces shall be the responsibility and at the expense of the owner or occupant of the property. All such signs and/or markings shall be placed in accordance with the requirement of the Highway Traffic Act and the regulations made thereunder. The signs shall be located at the front and in the centre of the parking stall on a support that has been permanently installed in the ground. The sign shall be mounted at a height of 1.0 metre to 1.5 metres from the ground to the bottom of the sign.
- D. All signage and its location(s) shall be reviewed and approved by municipal by-law enforcement.

5. Parking permits for parking lots.

- A. All parking permits shall be issued by The Corporation of The City of Dryden
- B. All parking permit fees shall be paid to The Corporation of The City of Dryden.
- C. No person shall be entitled to park in a parking lot unless a valid permit for the purpose of identifying the permit holder has been issued.
- D. The parking permit shall state that the City does not warrant that parking upon a parking lot will be available at any time.
- E. The parking permit shall not be transferable to other individuals.
- F. All vehicles utilizing municipal parking lots do so at the user's risk to vehicles and contents.

6. Enforcement.

- A. This by-law may be enforced by every municipal by-law enforcement officer, police officer and Airport Operator.
- B. Where the property owner or occupant has posted signs stating the conditions on which a motor vehicle may be parked or left on the property or prohibiting the parking or leaving of a motor vehicle on the property, (Schedules A, B, C, D and F) any motor vehicle parked or left on the property contrary to those conditions or prohibitions shall be deemed to have been parked or left without the consent of the property owner or occupant.
- C. Where a vehicle has been left parked, stopped or standing in contravention of this by-law passed under the Municipal Act, the owner of the vehicle is guilty of an offence, even though the owner was not the driver of this vehicle at the time of the contravention of the by-law, and is liable to the applicable fine unless, at the time of the offence, the vehicle was in the possession of another person without the owner's consent.

- D. A police officer, special constable, police cadet, municipal by-law enforcement officer, an officer appointed for carrying out the provisions of the Highway Traffic Act or an Airport Operator, upon discovery of any vehicle parked or left 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 Part IV in accordance with the Repair and Storage Liens Act, R.S.O. 1990, c. R.25.

7. **Offences; penalties.**


- A. Despite 6.A, any person who contravenes 3.C or 3.D, with respect to parking a motor vehicle in an accessible parking space is guilty of an offence and, upon conviction, is liable to a fine as required by subsection 427 of the Municipal Act, 2001, and to any other applicable penalty.
- B. Every person who contravenes any provision of this by-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than \$5,000, exclusive of costs, and every such fine is recoverable under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

THAT By-law 3475-2007 is hereby rescinded and the Municipal Code of The Corporation of The City of Dryden is hereby amended by deleting Chapter 154 – Parking on Municipal or Private Parking Lots.


THAT this By-law shall come into force and take effect upon approval by the Ministry of the Attorney General and Regional Senior Justice for the Province of Ontario.

ENACTED AND PASSED THIS 14th DAY OF DECEMBER 2020 as witnessed by the Corporate Seal of The Corporation of The City of Dryden and the hands of its proper Officers duly authorized in that behalf.

THE CORPORATION OF THE CITY OF DRYDEN



Mayor



A/ Clerk

READ A FIRST AND SECOND TIME THIS 14th DAY OF DECEMBER 2020.

READ A THIRD TIME AND PASSED AS READ THIS 14th DAY OF DECEMBER 2020.

Schedule A

Designated Municipal Parking Lots (see Schedule H for a map of these Lots)

Lot Name	Street Address/Location
Earl Avenue Lot	34 Earl Avenue
King Street Lot	69 King Street
Queen Street Lot	That portion of Queen Street on the north side west of the property line of 75 Queen Street
Queen Street – Off Street Parking Lot	That portion of Queen Street on the north side west of the west boundary of the Queen Street Lot to 100 metres west of the west property line of Earl Avenue

Schedule B

Restricted Municipal Parking Lots

Lot Name	Street Address/Location
Princess Street Lot	61 Princess Street (City Hall)
Dryden Museum Parking Lot	15 Van Horne Avenue

Schedule C

Non-Restricted Municipal Parking Lots

Lot Name	Street Address/Location
Dryden Recreation Complex North Side Lot	82 Whyte Avenue North Side Lot
Dryden Recreation Complex South Side Lot	82 Whyte Avenue South Side Lot

Schedule D

Municipal Parking Lots

Lot Name	Street Address/Location
Dryden Regional Airport Parking Lots	Dryden Regional Airport, 1012 Highway 601

Schedule E

Accessible Parking Spaces on Designated Municipal Parking Lots, Non-Restricted Municipal Parking Lots and Municipal Parking Lots

Lot Name	Street Address/Location	Number of Spaces
King Street Lot	69 King Street	2
Queen Street – Off Street Parking	That portion of Queen Street on the north side commencing west of the west boundary of the Queen Street Lot to 100 metres west of the west property line of Earl Avenue	4
Dryden Recreation Complex North Side Lot	82 Whyte Avenue North Side Lot	3
Dryden Recreation Complex South Side Lot	82 Whyte Avenue South Side Lot	3
Earl Avenue Lot	34 Earl Avenue	1
Queen Street	That portion of Queen Street on the north side west of the property line of 75 Queen Street	1
Dryden Regional Airport Lot	1012 Highway 601	2

Schedule F

Designated Private Parking Lots

Owner/Establishment	Municipal Street Address	Number of Spaces
Keewatin-Patricia District School Board (Dryden Regional Training and Cultural Centre) [Added 03-14-2020 by By-law No. 4715-2020. Amended 11-23-2020 by By-law 4785-2020.]	100 Casimir Avenue	100

Schedule G

Accessible Parking Spaces on Private Parking Lots

Owner/Establishment	Municipal Street Address	Number of Spaces
Keewatin-Patricia District School Board (Dryden Regional Training and Cultural Centre) [Added 03-14-2020 by By-law No. 4715-2020. Amended 11-23-2020 by By-law 4785-2020]	100 Casimir Avenue	4

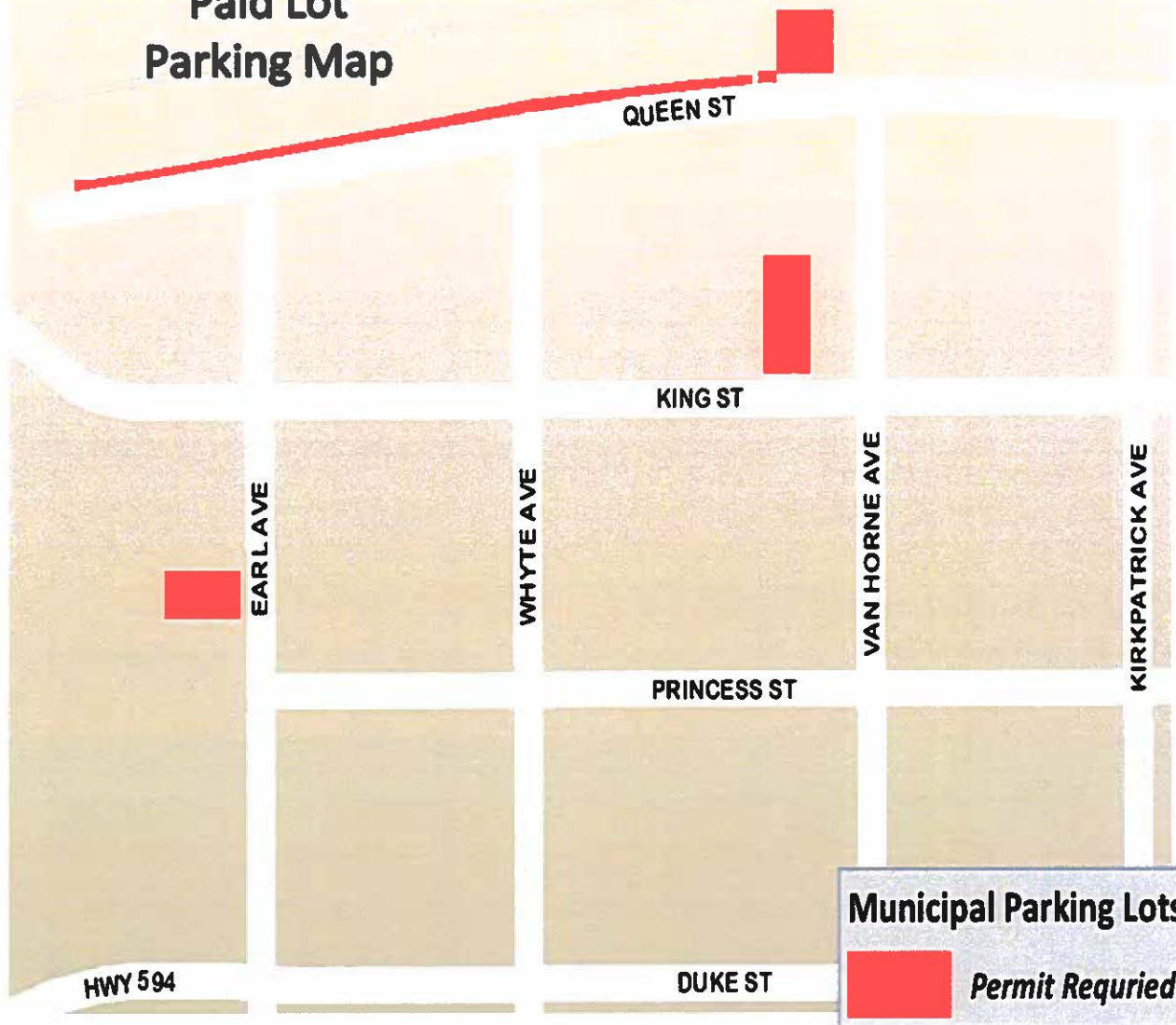
Schedule H

Designated Municipal Parking Lots Map

Downtown City of Dryden



Paid Lot Parking Map



City of Dryden

**Part 2 – Provincial Offences Act
 Set Fine Schedule "A" to By-Law Number 4794-2020**

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.	Unauthorized parking in a designated municipal parking lot	3.A	\$20.00	\$25.00
2.	Unauthorized parking in a restricted parking lot	3.A	\$20.00	\$25.00
3.	Unauthorized parking in a designated private parking lot	3.B	\$20.00	\$25.00
4.	Parked in an accessible parking space in a designated municipal parking lot without an accessible parking permit	3.C		\$ 300.00
5.	Parked in an accessible parking space in a municipal parking lot without an accessible parking permit	3.C		\$ 300.00
6.	Parked in an accessible parking space in a non-restricted parking lot without an accessible parking permit	3.C		\$300.00
7.	Parked in an accessible parking space in a private parking lot without an accessible parking permit	3.D		\$ 300.00
8.	Unauthorized parking in a municipal parking lot	3.E	\$20.00	\$25.00

The general penalty provisions for the offences listed above is section 61 of the Provincial

Offences Act, R.S.O. 1990, c. P.33 as amended.

