

THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 4910-01

BEING A BY-LAW TO ESTABLISH MUNICIPAL PARKING LOTS ON CERTAIN LANDS OWNED BY THE TOWN OF WHITBY AND TO REGULATE THE PARKING OF VEHICLES ON SUCH LANDS

WHEREAS, the Council of the Corporation of the Town of Whitby considers it appropriate to establish municipal parking lots on certain lands owned by the Town of Whitby and to regulate the parking of vehicles on such lands;

AND WHEREAS, Subsection 207(56) of the Municipal Act, R.S.O. 1990, c. M.45, provides that by-laws may be passed by councils for establishing land where vehicles may be parked, and for erecting structures for or in connection with the parking of vehicles on any land vested in the municipality, and for leasing such land, and for regulating, supervising and governing the parking of vehicles therein or thereon;

NOW THEREFORE, the Council of the Corporation of the Town of Whitby enacts as follows:

DEFINITIONS

1. In this by-law,
 - (a) "designated parking space" means a parking space identified by an official sign for the exclusive use of a vehicle displaying a disabled person parking permit in accordance with the requirements of the Highway Traffic Act and this by-law;
 - (b) "disabled person parking permit" means a disabled person parking permit issued under the Highway Traffic Act or a permit, number plate or other marker or device issued by another jurisdiction and recognized under the Highway Traffic Act;
 - (c) "commercial motor vehicle" means a motor vehicle having permanently attached thereto a truck or delivery body and includes buses and tractors used for hauling purposes on the highways;
 - (d) "Corporation" means the Corporation of the Town of Whitby;
 - (e) "Highway Traffic Act" means the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended from time to time, any regulations passed in accordance with that Act, and any successor legislation thereto;

- (f) "official sign" means a sign as defined in the Highway Traffic Act;
- (g) "municipal parking lot" means lands established in accordance with the provisions of this by-law to be used for the parking of vehicles;
- (h) "parking space" means a portion of a municipal parking lot, marked by lines, or otherwise, for the parking of a vehicle;
- (i) "person" includes an individual, sole proprietorship, partnership, unincorporated association, unincorporated syndicate, unincorporated organization, trust, body corporate, and a natural person in his capacity as trustee, executor, administrator or other legal representative;
- (j) "Provincial Offences Officer" means a police officer or a person designated as such under the Provincial Offences Act, R.S.O. 1990, c. P.33, as may be amended from time to time;
- (k) "ticket machine" means any device used for issuing a ticket authorizing parking as specified on the ticket; and,
- (l) "vehicle" includes an automobile, motorcycle, motor assisted bicycle, trailer and any other vehicle drawn, propelled or driven otherwise than by muscular power.

GENERAL

- 2.(1) 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 standard time except in periods when daylight saving time is in effect, in which periods it shall be daylight saving time.
- (2) The Director of Public Works for the Corporation, or his/her designate, is authorized to place or erect and to maintain such authorized signs and ticket machines as are required to give effect to the provisions of this by-law.
- (3) No person shall place, maintain or display on any municipal parking lot, any sign or marking which purports to be or is an imitation of or resembles an authorized sign or ticket machine.
- (4) The schedules referred to in this by-law shall form part of this by-law.

- (5) If any section, subsection or part of this by-law is declared by any court of law to be bad, illegal or ultravires, such part or parts of this by-law should be declared to be separate and independent and the by-law is enacted as such.
- (6) The provisions of this by-law shall be enforced by the Durham Regional Police and the Municipal Law Enforcement Officers of the Corporation.

MUNICIPAL PARKING LOTS

- 3.(1) The lands shown on Schedules "A" and "B", attached hereto, as more specifically described in Schedule "C", attached hereto, are established as municipal parking lots.
- (2) The Director of Public Works for the Corporation, or his/her designate, is authorized to place, erect, maintain and operate ticket machines and to designate parking spaces in the municipal parking lots.
- (3) No person shall park, stop or leave standing any vehicle in a municipal parking lot when otherwise directed by the Director of Public Works for the Corporation, or his/her designate.
- (4) No person shall park, stop or leave standing a commercial motor vehicle in a municipal parking lot unless otherwise approved, in writing, by the Director of Public Works for the Corporation, or his/her designate.
- (5) No person shall park, stop or leave standing any vehicle in a parking space in a municipal parking lot during the days and hours set out in column two of Schedule "D", attached hereto, unless the ticket machine controlling such parking space is used and a fee is deposited in the ticket machine in accordance with the rates set out in column three of the said Schedule "D" or after a ticket purchased for a specified time has expired.
- (6) Where the parking space has been designated by lines painted on the pavement in a municipal parking lot, no person shall park, stop or leave standing any vehicle in such a manner that it is not wholly within the area designated as a parking space unless such vehicle is of such length as to render it impossible to park it in one parking space in which case the adjoining space shall, in addition, be used and the necessary deposit of coins shall be made in the ticket machine controlling such parking space.

- (7) Every person receiving a ticket from a ticket machine shall place the ticket face up on the top of the instrument panel of the vehicle, near the left side, so that the entire ticket is clearly visible through the windshield from the outside and, if the vehicle is other than an automobile, the ticket shall be placed face up in an equally conspicuous place on the vehicle.
- (8) Where, by means of one or more signs, an area within a municipal parking lot is set aside for leased parking, no person, other than a person authorized by the Corporation, shall park in such an area.
- (9) No person shall deposit in a ticket machine any slug, device or other substitute for a coin of the Dominion of Canada or the United States of America.

VEHICLES OPERATED BY OR FOR DISABLED PERSONS

- 4.(1) It shall constitute an offence for any person to do any one or more of the following acts:
 - (a) park, stand or stop a vehicle in a designated parking space; or,
 - (b) be entitled to the benefit of an exemption under this by-law, unless a currently valid disabled person parking permit has been issued to that person and such permit is displayed on or in the vehicle in accordance with the requirements of the Highway Traffic Act and this by-law.
- (2) Any vehicle on which or in which a disabled person parking permit is displayed in accordance with the requirements of the Highway Traffic Act and this by-law is exempt from Subsection 3(5) of this by-law with respect to use of ticket machines providing that no such vehicle shall be parked for a period exceeding 24 consecutive hours.

EXCEPTIONS

5. The provisions of this by-law shall not apply to ambulances, police, fire department or public utility emergency vehicles or vehicles actually engaged in works undertaken for or on behalf of the Corporation.

FINES

- 6.(1) Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction, where a penalty for the offence is not otherwise provided, is liable to a fine of not less than \$5.00 and not more than \$200.00, excluding costs, recoverable under the Provincial Offences Act.
- (2) A Provincial Offences Officer upon discovery of any vehicle parked, stopped or standing in contravention of this by-law, may cause the vehicle 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, shall be a lien upon the vehicle which may be enforced in the manner provided by the Repair and Storage Liens Act, R.S.O. 1990, c. R.25, as amended from time to time and any successor legislation in substitution thereof.
- (3) The owner of a vehicle shall incur the fines and penalties for any contravention of this by-law unless at the time of the contravention the vehicle was in the possession of some person other than the owner or the owner's chauffeur without the owner's consent in which case the driver or the operator of the vehicle not being the owner shall be liable to incur the fines and the penalties provided for any such contravention.

SHORT TITLE

7. This by-law may be cited as the "Municipal Parking Lot By-law".

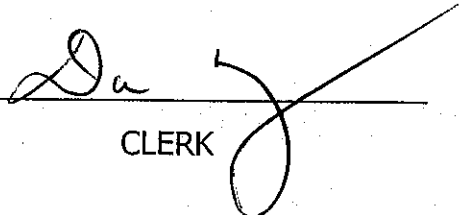
REPEAL OF EXISTING BY-LAWS

8. By-law Nos. 3106-92, 3259-93 and 3690-95 are repealed.

EFFECTIVE DATE

9. The provisions of this by-law shall come into force and take effect on the day of the final passing thereof.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 24TH DAY OF SEPTEMBER, A.D., 2001.



CLERK



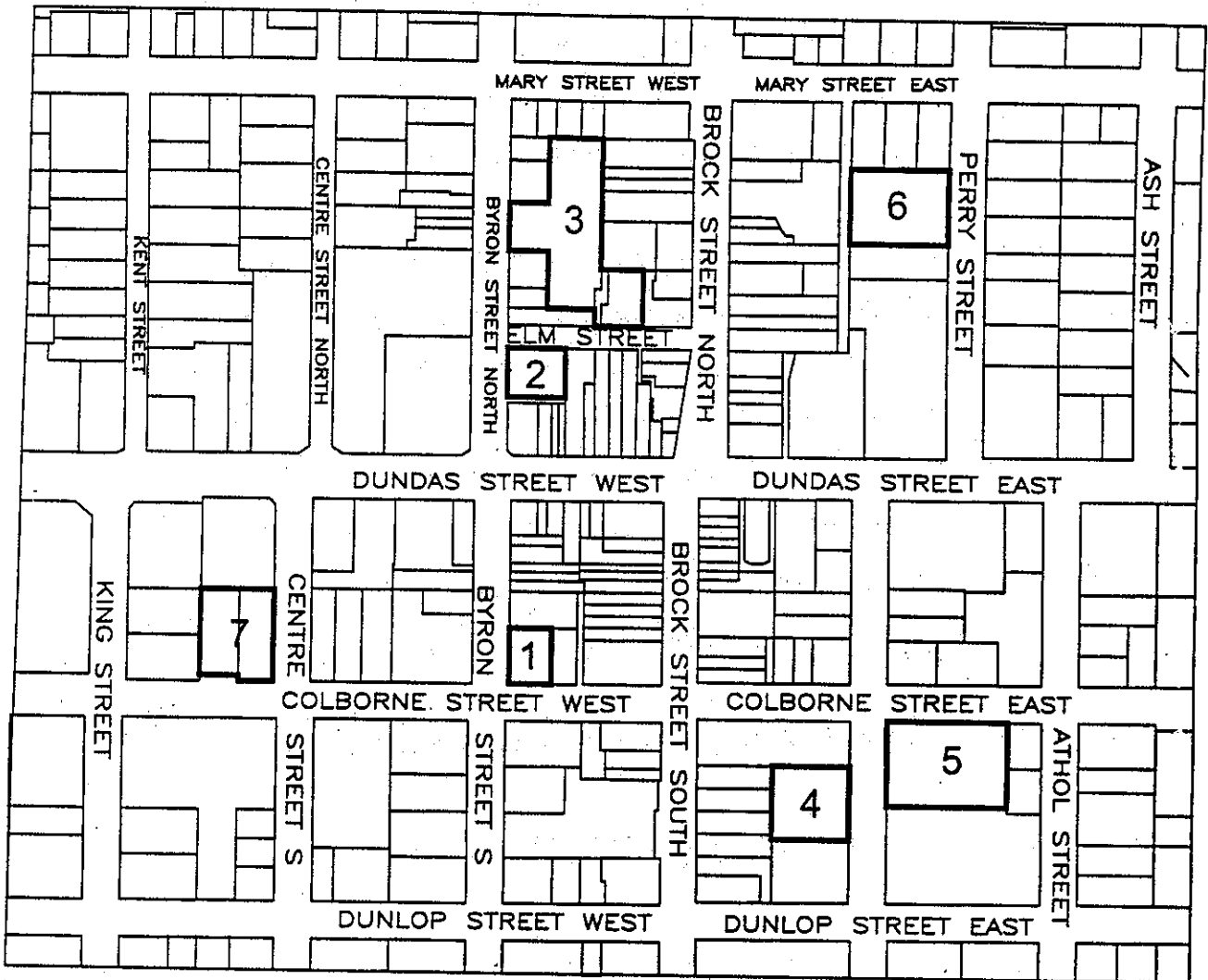
MAYOR

SCHEDULE "A"

TO

BY-LAW NO. 4910-01

MUNICIPAL PARKING LOTS

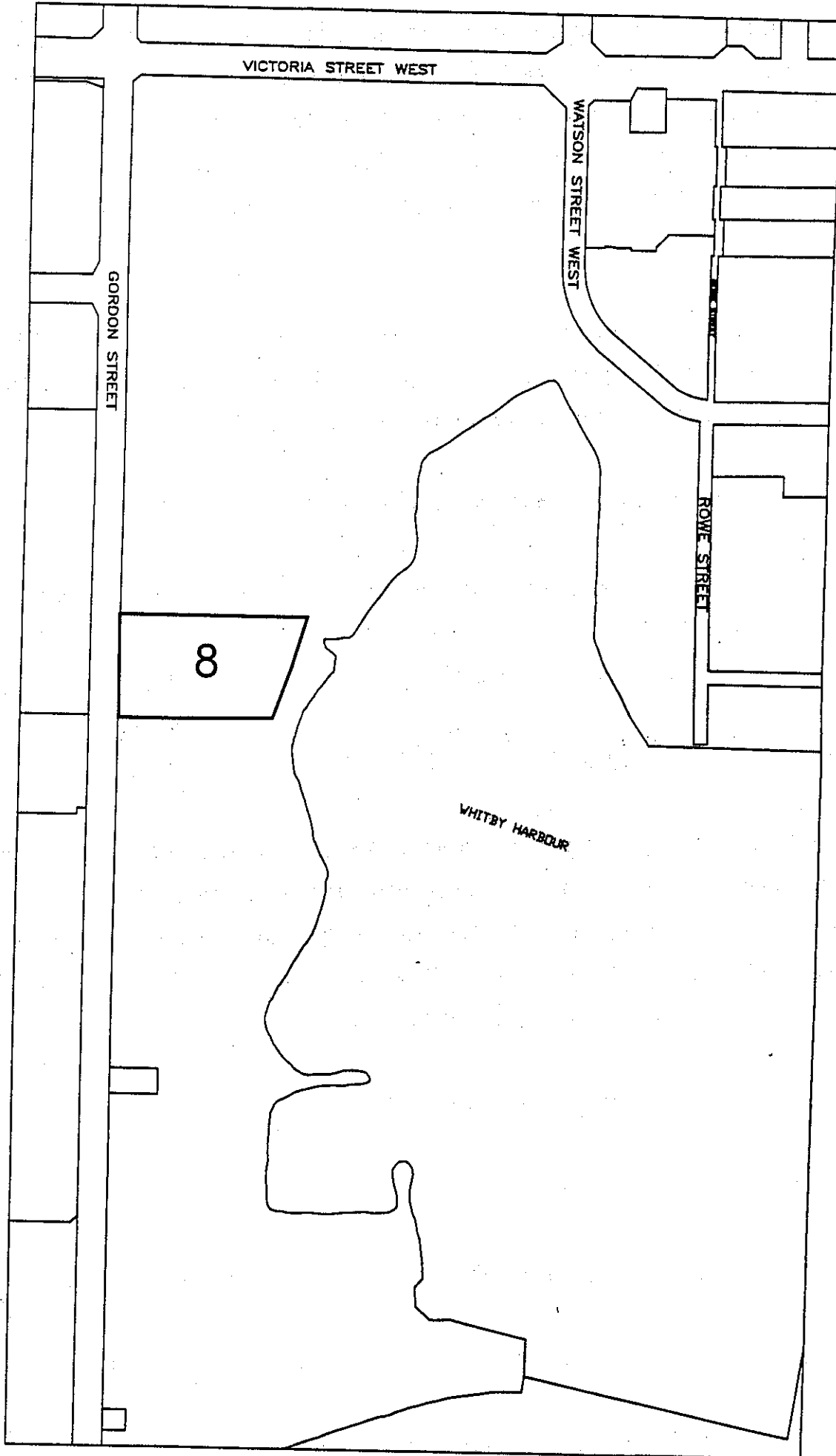


SCHEDULE "B"

TO

BY-LAW 4910-01

MUNICIPAL PARKING LOTS



SCHEDULE "C"
TO
BY-LAW NO. 4910-01
MUNICIPAL PARKING LOTS

LOT 1 - NORTHEAST CORNER OF BYRON STREET SOUTH AND COLBORNE STREET EAST

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying, and being in the Town of Whitby, in the Regional Municipality of Durham, (formerly the Town of Whitby in the County and Province of Ontario) and being that Part of Lot Nos. 29 and 30 in the Second Tier of Lots in the First Double Range of Lots West of Brock Street, in the said Town of Whitby, as laid out in Werden's Plan and being Part of Lot 27 in the First Concession of the Township of Whitby, in the said County of Ontario (now the Town of Whitby in the Regional Municipality of Durham) more particularly known and described as follows:

COMMENCING at the intersection of the easterly limit of Byron Street with the northerly limit of Colborne Street, being the southwest angle of said Lot No. 29 and running thence along the said northerly limit of Colborne Street, 75 feet:

THENCE north on a line parallel with the easterly limit of Byron Street, 98 feet;

THENCE west on a line parallel with the north boundary of Colborne Street, 75 feet;

THENCE south along the easterly limit of Byron Street, 98 feet to the place of beginning.

LOT 2 - SOUTHEAST CORNER OF BYRON STREET NORTH AND ELM STREET

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Town of Whitby, in the Region of Durham, and being composed of Part of Lot No. 27 in the Second Concession of the Town of Whitby, and better known on a plan thereof made by John Shier, P.L.S. as Part of Town Lots 5, 6 and 7 in Block "A", west of Brock Street, and better known and described as follows:

COMMENCING at the northwest corner of said Lot No. 7;

THENCE north 74 degrees east along Elm Street, 99 feet;

THENCE south 16 degrees east parallel with Byron Street, 88 feet more or less to a lane;

THENCE south 74 degrees west along said lane, 99 feet more or less to Byron Street;

THENCE north 16 degrees west 88 feet more or less to the place of beginning.

LOT 3 - NORTH SIDE OF ELM STREET BETWEEN BROCK STREET NORTH AND BYRON STREET NORTH

FIRSTLY

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Town of Whitby, in the Region of Durham, and being composed of Part of Lots 1 and 2, as shown on Perry's Plan West of Brock Street for the said Town of Whitby, which said parcel may be more particularly described as follows:

PREMISING that the bearing of the south limit of the said Lot 1 is north 72 degrees, 11 minutes 30 seconds east and relating all bearings used herein thereto;

COMMENCING at the southwest angle of the said Lot 1, Perry's Plan West of Brock Street;

THENCE north 72 degrees, 11 minutes 30 seconds east along the said south limit of Lot 1, a distance of 76.57 feet;

THENCE north 18 degrees, 23 minutes 00 seconds west to a point of intersection with the west limit of the said Lot 2, a distance of 76.38 feet;

THENCE south 16 degrees, 56 minutes 00 seconds east along the west limit of the said Lot 2 to the southwest angle thereof, a distance of 33.48 feet;

THENCE south 19 degrees, 05 minutes 10 seconds east along the west limit of the said Lot 1, a distance of 66.0 feet more or less to the Point of Commencement.

SUBJECT to a right-of-way for all purposes over those parts of Lots 1 and 2, according to said plan described as follows:

COMMENCING at a point in the west limit of the said Lot 2, a distance of 33 feet south of the northwest angle thereof;

THENCE south along the west limits of Lots 2 and 1, a distance of 58.0 feet;

THENCE easterly parallel to Elm Street, a distance of 12 feet;

THENCE northerly parallel to the west limits of Lots 1 and 2, a distance of 38 feet;

THENCE westerly in a straight line 12 feet more or less to the Place of Commencement;

AND TOGETHER WITH a similar right-of-way over the most easterly 12 feet throughout from front to rear of Lot 36 on the Perry's Plan West of Brock Street for the said Town of Whitby.

SECONDLY

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Town of Whitby, in the Region of Durham, and being composed of property designated as Parts 2 and 4, Plan 40R-11858, Part 1, Plan 40R-10164, Part 1, Plan 40R-5540 and Part 3, Plan 40R-9947.

LOT 4 - WEST SIDE OF GREEN STREET BETWEEN COLBORNE STREET EAST AND DUNLOP STREET EAST

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Town of Whitby, in the Regional Municipality of Durham, and being composed of,

FIRSTLY, the south halves of Lots 3 and 4, in the Second Double Range, east of Brock Street, as shown on Werden's Plan, now Plan H-50031; and,

SECONDLY, the north 50 feet 7 inches more or less of Town Lot Numbers 19 and 20 in the Second Tier of the Second Double Range of Lots east of Brock Street as marked on Werden's Plan, now known as Plan H-50031 laid out on part of Lot Number 26 in the First Concession of the Town of Whitby, and which may be more particularly described as follows:

COMMENCING at the northeast angle of the said Lot Number 20;

THENCE southerly along the west limit of Green Street 50 feet 7 inches more or less to the northern limit of that portion of the said Lots;

THENCE westerly along the northerly limit of the said lands 136 feet more or less to the westerly limit of the said Lot Number 19;

THENCE northerly along the westerly limit of the said Lot 19, 50 feet 7 inches to the northwest angle of said Lot Number 19; and,

THENCE easterly along the northerly limits of said Lots 19 and 20 to the place of beginning.

LOT 5 - SOUTHEAST CORNER OF GREEN STREET AND COLBORNE STREET EAST

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Town of Whitby, in the Regional Municipality of Durham, and being composed of Part of Lots 5, 6, 7 and 8, Second Double Range according to Plan H-50031.

LOT 6 - WEST SIDE OF PERRY STREET BETWEEN DUNDAS STREET EAST AND MARY STREET EAST

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Town of Whitby, in the Regional Municipality of Durham, and being composed of Lots 24 and 25, and Part of Lot 26, according to Plan H-50029.

LOT 7 - NORTHWEST CORNER OF COLBORNE STREET WEST AND CENTRE STREET SOUTH

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying, and being in the Town of Whitby, in the Regional Municipality of Durham, and being composed of Lots 21, 22, 23 and 24, according to Plan H-50032.

LOT 8 - EAST SIDE OF GORDON STREET, SOUTH OF VICTORIA STREET WEST

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying, and being in the Town of Whitby, in the Regional Municipality of Durham, and being composed of Part of Lot 28, Broken Front Concession, designated as Part 1, Plan 40R-14726.

SCHEDULE "D"

TO

BY-LAW NO. 4910-01

PARKING SPACES IN MUNICIPAL PARKING LOTS

COLUMN ONE	COLUMN TWO	COLUMN THREE
<u>Municipal Parking Lot</u>	<u>Days and Hours</u>	<u>Rate</u>
Lots 1, 2, 3, 4, 5, 6 & 7	8:00 a.m. - 6:00 p.m. Monday to Friday Except Holidays	.25 per hour
Lot 8	May 1st to October 31st Yearly	\$2.50 per day per vehicle