



(as amended by By-law 13-2010, 49-2016)
By-Law 97-2009
of The Corporation of the City of Oshawa

Being a By-law to prohibit parking in unauthorized areas within the City of Oshawa.

Now therefore the Council of The Corporation of the City of Oshawa enacts as follows:

1. Short Title

1.1. The short title of this By-law is the “Unauthorized Parking By-law”.

2. Interpretation

2.1. In this By-law:

- (a) **Boulevard** means the portion of the highway, between the property line and the edge of the travelled roadway. A boulevard may or may not contain a sidewalk or driveway.
- (b) City means The Corporation of the City of Oshawa.
- (c) Director means the City’s Director, Municipal Law Enforcement and Licensing.
- (d) Emergency Vehicle means an ambulance, fire department vehicle or police vehicle.
- (e) Highway includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is used or intended for use by the general public for the passage of vehicles, and includes the entire area between its lateral property lines. Without limitation, highway includes unassumed and unopened road allowances.
- (f) Lot means a parcel of land within the City’s territorial limits which is:
 - (i) shown as a lot or block on a registered plan of subdivision; or
 - (ii) described in a single Transfer/Deed of Land of legal effect registered in the Land Registry Office or the Land Titles Office for the Land Registry Division of Durham.
- (g) Manager means the City’s Manager, Municipal Law Enforcement and Licensing.
- (h) Officer means each of
 - (i) the Director;
 - (ii) the Manager;
 - (iii) a Municipal Law Enforcement Officer appointed by Council or by the Director to enforce this By-law; and
 - (iv) a police officer employed by a municipal police force, by the Ontario Provincial Police or by the Royal Canadian Mounted Police.
- (i) Person includes an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent, and their heirs, executors, or legal representatives.
- (j) Surfaced means, when used to describe a driveway, aisle, parking space, parking area or loading space, an area covered with asphalt, concrete,

interlocking brick or block, crushed stone, gravel, slag or other material capable of providing and maintaining a hard dust free surface.

- (k) Unauthorized Area means:
 - (i) a front yard, side yard or exterior side yard, except as otherwise permitted under the City's Zoning By-law; or
 - (ii) an unsurfaced area.
- (l) Vehicle means an automobile, truck or other motor vehicle, including farm implement or equipment, motor home, motorized construction equipment, motorcycle, snowmobile, boat, recreational vehicle, aeroplane, trailer and any other device which is capable of being driven, propelled or drawn by any kind of power, excluding devices powered solely by means of human or animal effort, such as bicycles, wheelchairs, wagons, carts or skateboards.
- (m) Work Order means an order made pursuant to section 5 of this By-law.

2.2. The following definitions are incorporated from the City's Zoning By-law 60-94, as amended:

- (a) Front Lot Line;
- (b) Front Yard;
- (c) Lot Line;
- (d) Rear Lot Line;
- (e) Rear Yard;
- (f) Side Lot Line;
- (g) Side Yard; and
- (h) Yard.

3. Prohibited Activity

- 3.1. No person shall park, stand or stop a vehicle in an unauthorized area.
- 3.2. No person shall permit the parking, standing or stopping of a vehicle in an unauthorized area.
- 3.3. If compliance would be impractical, subsections 3.1 and 3.2 of this By-law shall not apply to:
 - (a) Emergency vehicles;
 - (b) Vehicles while engaged in works undertaken for or on behalf of any municipal corporation; or
 - (c) Vehicles engaged in activities identified on a Road Occupancy Permit or a Special Events Permit issued under authority of a By-law of the City. (49-2016)

4. Order to Discontinue

- 4.1. Where an officer is satisfied that a person has contravened this By-law, the officer may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity.
- 4.2. An order under subsection 4.1 shall set out:

- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
- (b) the date by which there must be compliance with the order.

4.3. No person shall contravene an order issued under subsection 4.1 of this By-law. (49-2016)

5. Work Order

5.1. Where an officer is satisfied that a person has failed to comply with any provision of this By-law, the officer may make a work order requiring the owner to do work to correct the contravention.

5.2. A work order shall set out:

- (a) reasonable particulars of the contravention adequate to identify the contravention; and
- (b) the work to be done and the date by which the work must be done.

5.3. Service of a work order on a person may be given in writing in any of the following ways and is effective:

- (a) when a copy is delivered to the person to whom it is addressed;
- (b) on the fifth (5th) day after a copy is sent by registered mail to the person's last known address;
- (c) upon the conclusion of the transmission of a copy by facsimile transmission to the Person's last known facsimile transmission number; or
- (d) upon the sending of a copy by e-mail transmission to the Person's last known e-mail address.

5.4. No person shall contravene a work order issued under subsection 5.1 of this By-law. (49-2016)

6. Administrative Penalties

6.1. This By-law is a designated by-law for the purposes of Administrative Penalty System – Parking By-law 24-2011, as amended (“APS 24-2011”), and accordingly, APS 24-2011 applies to each administrative penalty issued pursuant to this By-law. (49-2016)

6.2. Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with APS 24-2011, be liable to pay to the City an administrative penalty, for each day or part of a day on which the contravention occurs or continues, as follows:

6.2(a) First contravention: \$45 Penalty.

6.2(b) Second contravention: \$90 Penalty.

6.2(c) Third and subsequent contraventions: \$250 Penalty. (49-2016)

6.3. An officer may, upon observing any vehicle parked, stopped or standing in contravention of this Bylaw, cause it to be moved or taken away and stored in a suitable place. Towing may occur in addition to any other enforcement mechanism. All costs and charges for removing, taking away and storage 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. (49-2016)

7. Conflict

- 7.1. This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations.
- 7.2. If there is a conflict between a provision of this By-law and a provision of any other City By-law, the provision that establishes the higher standard to protect the health and safety of the public and to maintain clean and tidy condition on Land shall apply.

8. Severability

- 8.1. If any provision or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in certain circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

9. Effective Date

- 9.1. This By-law is effective on the date of its passing.

By-law passed this thirtieth day of November, 2009.

Mayor

City Clerk