

## THE CORPORATION OF THE TOWN OF MILTON

### BY-LAW NO. 105- 2019

#### A BY-LAW TO REGULATE UNAUTHORIZED PARKING ON RESIDENTIAL LANDSCAPING

**WHEREAS** Section 11 of the *Municipal Act, 2001*, S.O. 2001 permits a municipality to pass by-laws necessary or desirable for the public, including by-laws relating to parking;

**AND WHEREAS** Section 128 of the *Municipal Act, 2001*, S.O. 2001 permits a municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

**AND WHEREAS** in the opinion of Council for the Town of Milton, parking on residential landscaping is or could become a public nuisance;

**AND WHEREAS** Section 102.1 of the *Municipal Act, 2001*, S.O. 2001 permits a municipality to 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** Section 170 (15) *Highway Traffic Act*, R.S.O. 1990, c H.8 permits the towing of motor vehicles parked in contravention of municipal by-laws and placement of a lien on the motor vehicle for all costs and charges for the removal, care and storage of the motor vehicle;

**NOW THEREFORE** the Council of the Corporation of the Town of Milton enacts as follows:

#### 1 SCOPE AND INTERPRETATION

- 1.1 Where the provisions of this by-law conflict with a provision of any other by-law in force in the Town, the provision that establishes the higher standard to protect the health, safety, welfare and good order of the Town shall prevail.
- 1.2 In the interpretation and application of the provisions of this by-law, any ambiguity shall be given to the interpretation that is most consistent with the protection of the health, safety, welfare and good order of the Town.
- 1.3 This bylaw shall apply to all lands that are within in a residential zone identified on Schedule A to the Town of Milton Zoning By-law, as amended from time to time.

## 2 DEFINITIONS

- 2.1 “**Council**” means the Council of the Corporation of the Town of Milton;
- 2.2 “**Emergency vehicle**” includes an ambulance, fire department vehicle or a police vehicle;
- 2.3 “**Motor vehicle**” includes an automobile, a motorcycle, a motor-assisted bicycle unless otherwise indicated in this by-law, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine; within the meaning of the *Highway Traffic Act*, as amended;
- 2.4 “**Municipal Law Enforcement Officer**” means any person authorized by the corporation of the Town of Milton to enforce by-laws and shall include Provincial Offences Officers under the *Police Services Act*, as amended, and Halton Regional Police Officers;
- 2.5 “**Municipality**” means the Corporation of the Town of Milton;
- 2.6 “**Person**” includes a natural person, company, corporation, partnership, firm, association, society, organization, party or other like entity;
- 2.7 “**Residential landscaping**” means the vegetative surface (level or otherwise) capable of supporting the growth of vegetation such as grass, trees, shrubs, flowers, berms, or other plants and shall include soil, river rock or decorative stone on lands that are within a residential zone as identified in the Town Zoning By-law;
- 2.8 “**Region**” means the Corporation of the Region of Halton;
- 2.9 “**Road Allowance**” includes all road allowances, highways, streets, roads, parkways, avenues, lanes, boulevards, squares, roundabouts, trails, paths, walkways, bridges, viaducts, trestles or other structure forming part of a highway, used by or intended for use by the general public for the passage of persons or vehicles;
- 2.10 “**Stop**” or “**stopping**” includes standing or parking and means the halting of a vehicle, even momentarily, whether occupied or not;
- 2.11 “**Town**” means The Corporation of the Town of Milton;
- 2.12 “**Unauthorized area**” includes residential landscaping.

### **3 PROHIBITION**

- 3.1 No person shall stop or permit the stopping of a motor vehicle in an unauthorized area.
- 3.2 Section 3.1 of this by-law shall not apply to:
- a) Emergency vehicles;
  - b) Motor vehicles while engaged in works undertaken for or on behalf of Town or Region; and
  - c) *Motor vehicles* engaged in activities authorized by a road occupancy permit or special event permit issued by the Town of Milton.

### **4 ENFORCEMENT**

- 4.1 This By-law shall be enforced by Municipal Law Enforcement Officers.
- 4.2 A Municipal Law Enforcement Officer may enter onto a property at a reasonable time in accordance with the conditions set out in Sections 435 and 437 of the *Municipal Act, S.O. 2001 c.25*, for the purpose of carrying out an inspection.
- 4.3 Where any motor vehicle has been stopped in contravention of this by-law, a Municipal Law Enforcement Officer may cause it to be moved or taken away and placed or stored in a suitable place at the motor vehicle owner's expense. Towing may occur in addition to any other enforcement mechanism. All costs and charges for the removal, care and storage thereof, if any, are a lien upon the vehicle that may be enforced in accordance with the *Repair and Storage Liens Act, R.S.O. 1990, c. R. 25*, as amended.

### **5 OFFENCES**

- 5.1 Every person who stops or permits the stopping of a motor vehicle contrary to this by-law is guilty of an offence and is liable, upon conviction, to a fine as provided for in the *Provincial Offences Act, R.S.O. 1993, c. P. 33*, as amended.
- 5.2 The owner of a motor vehicle that is stopped contrary to this by-law is deemed to permit the stopping of the motor vehicle, even if not the driver of the motor vehicle at the time of the contravention, and is guilty of an offence unless the owner establishes that the motor vehicle was in the possession of another *person* without the owner's consent.
- 5.3 Where a contravention of a provision of this by-law is committed on or continues for more than one day, the person who commits or is deemed to commit the contravention, as the case may be, is liable to be convicted for a separate offence for each day on which it is committed or continued.

**6 SEVERABILITY**

6.1 If a Court of competent jurisdiction declares any section or part of a section of this by-law invalid, the section or part of a section is deemed severable from this by-law and the remainder of this by-law shall continue in force.


**7 SHORT TITLE**

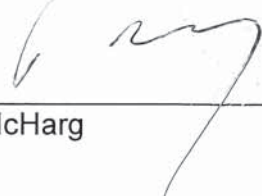
7.1 This by-law may be cited as the Unauthorized Parking on Residential Landscaping By-law.

**8 ENACTMENT**

8.1 This by-law shall come into full force and effect as of March 1, 2020.

**PASSED IN OPEN COUNCIL ON NOVEMBER 18, 2019.**

  
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Gordon A. Krantz Mayor

  
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Troy McHarg Town Clerk