

**BY-LAW NUMBER 43/97 OF THE CORPORATION OF THE TOWN OF ST. MARYS**

**BEING** a By-Law to regulate parking on parking lots.

The Municipal Council of The Corporation of the Town of St. Marys (hereinafter sometimes referred to as "the Corporation") enacts as a By-law as follows:

1. **DEFINITIONS**

For the purposes of this By-law:

- (a) **PARKING LOT** means an area not on public highway designated by this By-law constituting a parking lot.
- (b) **PARKING SPACE** means a portion of the surface of a parking lot designated by suitable markings.
- (c) **VEHICLE** includes 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.
- (d) **PARK OR PARKING** means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in the loading or unloading of merchandise or passengers.

2. No owner or operator shall allow a vehicle to remain parked on a parking lot described in Schedule "A" to this By-law for a period of longer than Fifteen (15) minutes at any one time.

3. The Corporation may consent to the parking of vehicles in the parking lot for more than fifteen (15) minutes at any one time. The Corporation may issue a parking device which shall be displayed in or upon such vehicle while it is occupying a parking space upon such lot.

4. It shall be the duty of the persons responsible for the enforcement of this By-law to report:

- (a) The location of each vehicle that has been parked in violation of any of the provisions of this By-law.
- (b) The permit number and a concise description of such vehicle.
- (c) The time during which such vehicle is parking in violation of any of the provisions of this By-law.
- (d) Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending a violation of any of the provisions of this By-law. Each enforcement officer shall also attach to the vehicle a serially numbered notice indicating that the vehicle has been parked in violation of the provisions of this By-law and instructing the operator to report to the office of the Clerk of the Town of St. Marys in regard to such violation.
- (e) It shall be the duty of the enforcement officer to furnish to the Clerk a report of each serially numbered notice of violation.
- (f) It shall be the duty of the enforcement officer to ascertain the name and address of the owner of any vehicle parked in violation of this By-law as soon as possible following the occurrence of the violation.

5. The owner or operator of any vehicle parked in violation of the provisions of this By-law may, within one hundred and twenty hours (5 days) of the time when such notice is attached to such vehicle (exclusive of Sundays and Public Holidays), pay to the Clerk or other designated official on duty at the office who is authorized to accept such payment and furnish an official receipt if requested therefore, the sum of Twenty-Five (\$25.00) Dollars as a penalty for and in full satisfaction for such violation. Upon failure of the owner or operator to make the foregoing payment within one hundred and twenty hours (exclusive of Sundays and Public Holidays) the said owner shall become liable for prosecution as provided for by this By-law.

6. Any vehicle found to be parked or left contrary to this By-law may be removed and

impounded at its owner's expense and the Corporation or any person acting on its behalf or any person acting pursuant to the provisions of this By-law shall not be liable for damage to such vehicle arising out of or caused by such removal and impounding.

7. Any Police Officer or person responsible for the enforcement of this By-law are and they are hereby designated as the persons authorized to request the removal of vehicles parked contrary to the provision of this By-law.

8. If any section, clause, or provisions of this By-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof other than the section, clause, or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses, or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

9. Any owner or operator of any vehicle which is parked in violation of any provision of this By-law is guilty of an offence and upon conviction, shall be liable to a fine in accordance with the Provincial Offences Act as amended.

10. All By-laws heretofore passed respecting the regulation of parking on the parking lots described in Schedule "A" to this By-law are hereby repealed.

**FINALLY PASSED** this      day of September, 1997.



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Jamie Hahn - Mayor



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Kenneth Storey - Clerk

**SCHEDULE "A"****NAME****DESCRIPTION**

Post Office Parking Lot

West Part Lots 1, 2 & 3,  
Registered Plan 225, East Side  
Wellington Street South  
(Also Known as Part 1 on  
RP 44R-2257)