

BY-LAW NUMBER XX-24

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THE CORPORATION OF THE COUNTY OF BRANT (As amended by By-law 48-23 & 43-24)

Being a By-law to regulate
parking, as amended.

WHEREAS section 10 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a single-tier municipality may pass bylaws with respect to any public assets of the municipality acquired for the purpose of exercising its authority under this or any other Act;

AND WHEREAS section 63 of the Municipal Act, 2001, S.O. 2001, c. 25, provides that if a municipality passes a by-law for prohibiting or regulating the stopping, standing or parking of a vehicle on or near a highway, it may provide for the removal and impounding or restraining and immobilizing of any vehicle stopped, standing or parked on or near a highway in contravention of the by-law, may at any reasonable time, enter upon land near a highway for that purpose and that subsection 170 (15) of the *Highway Traffic Act* applies with necessary modifications;

AND WHEREAS section 100 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a local municipality may, in respect of land not owned or occupied by the municipality that is used as a parking lot, regulate or prohibit the parking or leaving of motor vehicles on that land without the consent of the owner of the land if a sign is erected at each entrance to the land clearly indicating the regulation or prohibition;

AND WHEREAS section 101 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that if a municipality passes a by-law regulating or prohibiting the parking or leaving of a vehicle on land, it may provide for the removal and impounding or restraining and immobilizing of any vehicle, at the vehicle owner's expense, parked or left in contravention of the by-law and subsection 170 (15) of the *Highway Traffic Act* applies with necessary modifications to the by-law;

AND WHEREAS section 102 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that if a municipality passes a by-law for establishing a system of accessible parking, the sole manner of identifying vehicles shall be an accessible parking permit issued and displayed in accordance with the *Highway Traffic Act* and the regulations made under it and further may require the owners or operators of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, to provide designated parking spaces for vehicles displaying an accessible parking permit and if it does so, the local municipality shall prescribe the conditions of use of the accessible parking permit, shall prohibit the improper use of the permit and may provide for the removal and impounding of any vehicle, at its owner's expense, parked or left contrary to the by-law;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT
HEREBY ENACTS** as follows:

1. **THAT** the following operating clause be added: WHEREAS section 102.1 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes a municipality to require a person to pay an administrative penalty for a contravention of any by-law respecting the parking, standing, or stopping of vehicles.
2. **AND THAT** the following definitions be added:

Administrative Penalty System By-law - means any By-law passed by the County to implement administrative penalties related to parking or stopping of vehicles and general by-law enforcement as amended from time to time or any successor thereof;

Administrative Penalty - means monetary penalties as defined under the County of Brant Administrative Penalty System By-law and set out in Schedule "A" of Administrative Penalty By-law as amended.
3. **AND THAT** the remainder of Section 1, Definitions, be renumbered to reflect the addition of 1. (a) and (b).
4. **AND THAT** "as amended" follow reference to the Polic Service Act, under the definition of Municipal Law Enforcement Officer.
5. **AND THAT** Section 28 (b) be repealed and replaced with the following: Fire Route – means a private roadway, lane, ramp, or other means of vehicular access to a building required to be constructed and maintained pursuant to Section 2.5.1.1 (1) of the Ontario Fire Code, O. Reg 213/07, as amended.
6. **AND THAT** Section 40 be repealed and replaced with the following: Any person who contravenes any provision of this By-law, is guilty of an offence and when issued a Penalty Notice in accordance with the Administrative Penalty System By-law, is liable to pay the early payment or penalty amount as set out in Schedule "A" and administrative fees as set out in Schedule "C" of the Administrative Penalty System By-law.
7. **AND THAT** Section 41 be repealed.
8. **AND THAT** the remainder of Section 41 to 54 be renumbered to reflect the removal of section 41.
9. **AND THAT** the newly numbered Section 41 be repealed and replaced with the following: A Police Officer, Police Cadet, Municipal Law Enforcement Officer, or an Officer appointed for carrying out the provisions of the Highway Traffic Act, R.S.O. 1990, as amended, upon discovery of any vehicle parked or stopped in contravention of the provisions of this by-law, may issue a Penalty Notice pursuant to the Administrative Penalty System By-law.
10. **AND THAT** the newly numbered Section 42 be repealed and replaced with the following: Where a vehicle has been left parked, stopped, or standing in contravention of this by-law, the owner of the vehicle is guilty of an offence, even though the owner was not the driver of the vehicle at the time of the contravention of the by-law, and is liable to the applicable fees as set out in the Administrative Penalty System By-law and Schedules.
11. **AND THAT** Section 43 be repealed.

12. **AND THAT** the remainder of Section 43 to 54 be renumbered to reflect the removal of section 43.
13. **AND THAT** the by-law simultaneously come into force and effect upon the execution and delivery of the Authorized Requestor Agreement between the County of Brant and the Ontario Ministry of Transportation.

READ a first and second time, this XX day of XX , 2024.

READ a third time and finally passed in Council, this XX day of XX, 2024.

THE CORPORATION OF THE COUNTY OF BRANT

David Bailey, Mayor

Alysha Dyjach, Clerk