



THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2025-072

A by-law respecting the maintenance, use and protection of Town-owned and/or leased municipal parking lots

WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, Chapter M.25, as amended (the Municipal Act), provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

WHEREAS section 8 of the Municipal Act provides that the powers of a municipality under that Act shall be interpreted broadly so as to confer broad authority on municipalities to enable municipalities to govern their own affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

WHEREAS subsection 11(2)4 of the Municipal Act provides that a lower tier municipality may pass by-laws respecting the public assets of the municipality acquired for the purpose of exercising its authority under the Municipal Act;

WHEREAS subsection 11(3)8 of the Municipal Act provides that a lower tier municipality may pass by-laws respecting parking, except on highways;

WHEREAS subsection 434.1 of the Municipal Act provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with a by-law of the municipality passed under the Municipal Act;

WHEREAS subsection 434.2(1) of the Municipal Act provides that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality;

WHEREAS the Corporation of the Town of Oakville is the registered owner or tenant of certain parking lots within the municipality of the Town of Oakville;

COUNCIL ENACTS AS FOLLOWS:

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1. Definitions

(1) In this By-law:

“Administrative Penalties for Non-Parking Violations and Orders By-law”
means the Town’s By-law 2021-038, or successor by-laws;

“Alter” means the actions of removal, replacement, widening, narrowing or abandoning;

“Busker” means a person or a group of persons who play, act, sing or otherwise perform or entertain for reward or payment in or upon any municipal right of way;

“Council” means the Municipal Council of the Town;

“Encroachment” means any type of vegetation, structure, building, manmade object or item of personal property of a person which exists wholly upon or extends from that person's premises onto Town property and shall include any aerial, surface, or subsurface encroachments;

“Hazard” or “Hazardous” means a potential source of harm or adverse health effect on a person;

“Municipal Rights-of-Way” means land owned by the Town as opened or unopened road allowances for the purposes of a public highway under the Municipal Act, 2001, but excludes Town lands owned or operated as parkland, creeks and watercourses, and related public trail systems;

“Newspaper Box” means any structure or container for the purposes of distributing newspapers or media;

“Obstruct” means to block, prevent, hinder, encumber, damage, foul, stop-up or close;

“Officer” means any person authorized by the Town to enforce by-laws and includes Municipal Law Enforcement Officers, Mobile Compliance Officers, police officers;

“Park” includes all public parks, gardens, gorges, trails, valleys, squares, athletic fields, harbor lands and recreation grounds within the Town under the management and control of the Parks and Open Space Department of the Town;

“Parking Lot ” means any land in the Town owned or leased by the Town for the purpose of providing a place for the parking of vehicles, excluding on-street parking;

“Penalty Notice” means a notice issued pursuant to the provisions of the Administrative Penalties for Non-Parking Violations and Orders Bylaw;

“Permit” means a permit issued under this By-law;

“Person” means an individual, corporation, unincorporated association or partnership;

“Rates and Fees Schedule” means the Town's current rates and fees schedule approved by Council as part of the annual budget approval process;

“Solicit” means to request, in person, the immediate provision of money or another thing of value, regardless of whether consideration is offered or provided in return, using the spoken, written or printed word, a gesture or other means;

“Town” means the Corporation of the Town of Oakville or the geographic area of the Town of Oakville as the context requires.

2. Interpretation

- (1) This By-law is a designated by-law under the Town of Oakville Administrative Penalties for Non-Parking Violations and Orders By-law.
- (2) The use of headings in this By-law are for convenient reference only and shall not form part of this By-law.
- (3) The words "include", "including" and "includes" are not to be read as limiting the phrases or descriptions that precede them. Any examples provided are intended to be representative examples and not intended to be an exhaustive list.

3. Exemptions

- (1) This By-law does not apply to:
 - (a) any municipal rights-of-way;
 - (b) any parking lots located in a park; or
 - (c) an employee or an agent of the Town when engaged in the proper delivery of a municipal service.

4. Prohibitions

- (1) No person shall obstruct any parking lot by any means whatsoever, unless authorized by the provisions of this By-law or by any other by-law of the Town or by a permit issued by the Town.
- (2) No person shall, unless specifically authorized by this By-law or by a permit issued by the Town:
 - (a) place equipment or materials of any kind upon or on a parking lot;
 - (b) close a parking lot in whole or in part;

- (c) undertake any activity that negatively impacts the use and function of a parking lot;
- (d) deface any structure in a parking lot;
- (e) permit or allow oils, chemicals or substances to be deposited or spilled on a parking lot;
- (f) encumber or damage a parking lot by any means;
- (g) permit or allow any materials to be transferred from private property onto or across a parking lot by any means including natural forces;
- (h) obstruct a drain, gutter, water course or culvert along or upon a parking lot;
- (i) cause any material to be thrown, piled or placed across or on a parking lot including the deposit of snow or ice so as to interfere with the safe passage of vehicles or pedestrians within the parking lot;
- (j) perform as a busker in a parking lot;
- (k) display or exhibit merchandise or articles of any nature or kind in a parking lot;
- (l) sell any real or personal property or merchandise in a parking lot;
- (m) solicit on a parking lot;
- (n) remove or alter any material, equipment or device placed in a parking lot;
- (o) place or maintain any newspaper box in a parking lot;
- (p) place or maintain a disposal bin in a parking lot;
- (q) install or construct a culvert within a parking lot;
- (r) construct, widen, remove or alter a parking lot;
- (s) cut into or excavate any portion of a parking lot;

- (t) allow any part of a tree, shrub, sapling, hedge or any other plant to extend over or upon any parking lot;
- (u) discharge water directly onto a parking lot;
- (v) congregate, sit, lie or stand so as to obstruct the free passage of either pedestrian or vehicular traffic in any parking lot;
- (w) pull down, destroy, deface or in any way interfere with, any municipal infrastructure, including but not limited to, any post, surveyor's mark, benchmark, traffic sign, name sign, sign board, or regulatory sign, affixed, or placed in a parking lot;
- (x) permit any flood light to directly or indirectly illuminate any parking lot;
- (y) bring a vehicle upon a parking lot unless there has been removed from the wheels thereof as completely as is reasonably practicable, all mud, clay, lime, and similar material, or any fertilizer or manure; or
- (z) load a vehicle or drive the same so as to permit or cause the contents thereof to fall, spill or be deposited upon or cause damage to a parking lot.

5. Delegation of Authority

- (1) Council hereby delegates the authority to issue or refuse to issue permits for activities, signs and encroachments on a parking lot to the Director of Transportation and Engineering or designate or the Director of Municipal Enforcement Services or designate, which delegation may be revoked at any time without notice.
- (2) Despite subsection 5(1) of this By-law
 - (a) Council, the Director of Transportation and Engineering or designate, and the Director of Municipal Enforcement Services or designate may exercise the authority to issue or refuse to issue permits for activities on parking lots;
 - (b) Council shall exercise the authority to issue or refuse to issue permits for activities on parking lots where:
 - (i) the Director of Transportation and Engineering or designate or the Director of Municipal Enforcement Services or designate refers the matter to Council; or

- (ii) any member of Council, in writing, asks the Director of Transportation and Engineering or designate or the Director of Municipal Enforcement Services or designate to refer a permit matter to Council.
- (3) In exercising delegated authority under subsections 5(1) or 5(2) or 6(1) or 6(2) to issue or refuse permits, Council, the Director of Transportation and Engineering or designate or the Director of Municipal Enforcement Services or designate as the case may be, shall first be sure there are no outstanding penalties owed to the town and then consider the impact of permitting the requested activities on a parking lot on:
 - (a) public health, safety and welfare;
 - (b) emergency access/egress routes;
 - (c) the effect on the particular municipal parking services of the parking lot; and
 - (d) area businesses and residents.

6. Permits

- (1) Permits for activities on a parking lot may be issued by the Director of Transportation and Engineering or designate or the Director of Municipal Enforcement Services or designate.
- (2) Any such permits issued under section 6(1) may be issued in a manner and form similar to that for municipal rights-of way under the following Town Procedures, as amended from time to time:
 - (a) Excavation Permit Procedure;
 - (b) Temporary Street Occupation Permit Procedure;
 - (c) Encroachment Agreement Permit Procedure; and
 - (d) Any other Town Procedures that may be added from time to time regarding municipal parking lots.
- (3) No person shall fail to comply with the terms and conditions of a permit issued in accordance with this By-law and any Town Procedures referred to in subsection 6(2) of this By-law.

- (4) The Director of Transportation and Engineering or designate or the Director of Municipal Enforcement Services or designate may impose terms and conditions on a permit at the time of issuance.
- (5) The Director of Transportation and Engineering or designate or the Director of Municipal Enforcement Services or designate may issue a permit if all provisions of this By-law, any applicable procedure referred to in subsection 6(2) of this By-law and any other applicable law have been complied with.
- (6) The permit issued by the Town must be affixed to the permitted item in a manner that is clearly visible to an Officer.
- (7) Despite subsection 5(6), where a permit issued by the Town cannot be affixed to the permitted item, the permit must be available on-site to present to an Officer, if required.
- (8) Permit fees may be collected and refunded in whole or in part pursuant to the Rates & Fees Schedule.
- (9) The applicant for a permit under this By-law may be required to provide a security deposit to the Town.
- (10) A person undertaking work within a parking lot with or without a permit, causing damage to the parking lot or municipal infrastructure in the parking lot is responsible for the cost of repairing and restoring the parking lot or the affected municipal infrastructure in the parking lot.
- (11) Where the cost of repairing and restoring the parking lot or the affected municipal infrastructure exceeds any amount held on deposit or posted as security, the excess amount of the costs shall be a debt owing to the Town, and in addition to any other remedy available to it, the Town may recover the excess amount of the costs by action or by adding the excess amount of the costs to the tax roll of the permit holder's lands and collecting them in the same manner as taxes.

7. Revocation of Permits

- (1) The Director of Transportation and Engineering or designate or the Director of Municipal Enforcement Services or designate may revoke a permit under any of the following circumstances:
 - (a) where the permit has been issued in error or on the basis of false, mistaken, incorrect or misleading information or undertakings provided to the Town;

- (b) where the permit does not conform to this By-law or any conditions of approval under this By-law, or any other applicable law within the jurisdiction of the Town; or
 - (c) where the permit holder is not complying with any or all conditions imposed or not complying with the terms, promises, plans or covenants contained in the application or upon which the application's approval was based.
- (2) Where a breach of any of the provisions of this By-law causes a permit to be revoked or withdrawn, no portion of the cost of such permit will be refundable.

8. Order

- (1) Where an Officer has reasonable grounds to believe that a contravention of this By-law has occurred, the Officer may issue an Order to the person contravening this By-law in accordance with the provisions of the Administrative Penalties for Non-Parking Violations and Orders By-law.
- (2) Any person who contravenes an Order under this By-law is guilty of an offence.

9. Remedial Action

- (1) The Town may take remedial action as set out in the Administrative Penalties for Non-Parking Violations and Orders By-law if a person fails to do a matter or thing as directed or required by this By-law, including complying with an Order issued under this By-law. Any costs associated with the remedial action may be charged back to the person as it constitutes a debt to the Town.

10. Fees and Charges

- (1) Council may, from time to time, impose fees and charges to recover costs in relation to the administration and enforcement of this By-law.

11. Administrative Penalties

- (1) An Officer who finds or has reasonable cause to believe that a person has contravened any provision of this By-law, including any Schedules, may issue a penalty notice to the person in accordance with the provisions of the Administrative Penalties for Non-Parking Violations and Orders By-law.

- (2) Each person who has been issued a penalty notice shall, upon issuance of the penalty notice, be liable to pay an administrative penalty to the Town in the amount of \$300 or as revised in the Town's Rates and Fees Schedule.
- (3) If an Officer has issued a penalty notice under subsection 11(1) of this By-law and has reasonable cause to believe that the same person has contravened the same provisions of this Bylaw, including any Schedules, for a second time within twenty-four (24) months of the date the first penalty notice is deemed to be served, the Officer may issue a second penalty notice to the person.
- (4) Upon issuance of the second penalty notice, the person shall be liable to pay an administrative penalty to the Town in the amount of \$400 or as revised in the Town's rates and fees schedule.
- (5) If an Officer has issued a penalty notice under subsection 11(3) of this By-law and has reasonable cause to believe that the same person has contravened the same provisions of this By-law, including any Schedules, for a third or subsequent time within twenty-four (24) months of the date the second penalty notice is deemed to be served, the Officer may issue a third or subsequent penalty notice to the person.
- (6) Upon issuance of a third or subsequent penalty notice, the person shall be liable to pay an administrative penalty to the Town in the amount of \$500 or as revised in the Town's rates and fees schedule.
- (7) A person who has been issued a penalty notice under this By-law may request a review of the penalty notice in accordance with the Administrative Penalties for Non-Parking Violations and Orders By-law.

12. Removal of Items Located on Parking Lots

- (1) The Director of Municipal Enforcement Services or designate may pull down or remove any item located in or on a parking lot where such item:
 - (a) is located in contravention of this By-law; or
 - (b) is deemed to constitute a safety hazard.
- (2) The Director of Municipal Enforcement or designate shall return items which have been seized to the item's owner or authorized agent upon payment of the fees specified in the Rates and Fees Schedule, provided:

- (a) the item's owner has contacted the Director of Municipal Enforcement Services or designate to make an appointment for the retrieval of the item; and
 - (b) the item's owner or authorized agent presents acceptable government issued identification and an authorization letter, where applicable, when retrieving items.
- (3) Any item that has been seized and is not retrieved by the item's owner or authorized agent within thirty (30) days of the date of removal may be disposed of or destroyed by the Director of Municipal Enforcement Services or designate.
- (4) The Town is not financially responsible for any item that has been removed from a parking lot in contravention of this By-law.
- (5) Where the action of a person contravenes this By-law and that action poses a danger to the public, despite subsection 8(1), and even if a penalty notice is issued under subsection 11(1), the Director of Municipal Enforcement Services or designate may immediately take the following action:
 - (a) remove any item, structure or material placed or deposited on a parking lot contrary to this By-law and take any necessary steps to repair or reinstate the parking lot; and
 - (b) send a notice to the owner or person responsible for the item, structure or material that the object has been removed at the owner or person's expense.
- (6) The Town may recover expenses resulting from actions taken in Sections 12 and 13 of this By-law by action, or in like manner as municipal taxes.

13. Removal of Hazardous Condition

- (1) If an Officer determines that an obstruction on a parking lot is or may create a hazardous condition to the safety of any person using the parking lot, the Officer may take any action necessary, without notice, to have the obstruction immediately removed and the parking lot repaired, if necessary. All the costs incurred by the Town in undertaking this work shall be expenses owed to the Town by the owner of the obstruction and/or the contractor from which the obstruction comes, relates to, or was created for.

14. Notices

- (1) Service of any penalty notice, order, or any other notice may be given as specified in the Administrative Penalties for Non-Parking Violations and Orders By-law.

15. Penalties

- (1) Every person who contravenes any provision of this By-law, including failing to comply with an Order made under this By-law, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the Provincial Offences Act and the Municipal Act, 2001.
- (2) Any person who is charged with an offence under this By-law including failing to comply with an Order issued pursuant to this By-law including every director or officer of a corporation, who knowingly concurs in the contravention who is charged by the laying of an information under Part III of the Provincial Offences Act is guilty of an offence and if found guilty of the offence is liable pursuant to the Municipal Act, 2001 to the following:
 - (a) on a first offence, to a fine not more than \$50,000.00; and
 - (b) on a second offence and each subsequent offence, to a fine of not more than \$100,000.00
- (3) Every person who is issued a Part 1 offence notice or summons and is convicted of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the Provincial Offences Act.
- (4) Upon conviction any fine imposed under this By-law may be collected under the authority of the Provincial Offences Act.
- (5) If a person is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

16. Transitional Provisions

- (1) If a permit or permit renewal had been issued under the provisions of By-law 2009-072, as amended, for a parking lot, the permit or permit renewal continues to apply for the term of that permit or permit renewal.
- (2) Permits or permit renewals issued after the date that this By-law comes into force must comply with the requirements of this By-law.

- (3) If an order or a penalty notice or a charge had been issued or laid under the provisions of By-law 2009-072, as amended, prior to the date of the passage of this By-law, the order or penalty notice, or charge concerned shall continue and be dealt with in accordance with the provisions of By-law 2009-072 as amended as existed on the day prior to the date of passage of this By-law.

17. References

- (1) References in this By-law to any legislation or by-law means as may be amended or successor by-laws or legislation, and includes any regulations thereunder.

18. Severability

- (1) In the event any provisions of this By-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

19. Title

- (1) This By-law may be known as the “Municipal Parking Lot Maintenance, Use and Protection By-law.”

20. Effective Date

- (1) This By-law comes into force and effect on the day it is passed.

PASSED this 1st day of May, 2025

MAYOR

CLERK