

THE CORPORATION OF THE TOWN OF MILTON
BY-LAW NO. 12-81

A By-law to prohibit unauthorized parking on private property.

W H E R E A S Section 354(1) 112 of The Municipal Act, R.S.O. 1970, as amended, provides that by-laws may be passed by the Council of a local municipality for prohibiting the parking or leaving of motor vehicles on private property without authority from the owner or occupant of such property or on property of the municipality or any local board thereof where parking by the public is not authorized and providing for the removal and impounding of any vehicle so parked or left at the expense of the owners thereof;

N O W T H E R E F O R E the Council of the Corporation of the Town of Milton enacts as follows:

- 1) In this By-law, "private property" means private property that is:
 - a) occupied or
 - b) marked by fences or hedges or other enclosures, or
 - c) on which a legible sign has been placed forbidding trespassing or parking, or
 - d) a private road or driveway

In this By-law "motor vehicle" includes an automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular power.

2. No person shall park or leave any motor vehicle on private property without authority from the owner or occupant of such property, or on property of the municipality or any local board thereof where parking by the public is not authorized.

Amended by By-law No. 72-90

- 2b) Where an owner or occupant of private property posts a suitable sign stating conditions on which a motor vehicle may be parked or left on the property, or prohibiting the parking or leaving of a motor vehicle on the property, a motor vehicle parked or left on the property contrary to such conditions or prohibitions, shall be deemed to have been parked or left without authority or consent.
4. A constable or an officer appointed for carrying out the provisions of The Highway Traffic Act upon receipt of a written complaint of any vehicle parked or left in contravention of this By-law, may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, shall be a lien upon the vehicle, which may be enforced in the manner provided by Section 48 of The Mechanics Lien Act.

Amended by By-law No. 72-90

- 4b. A constable or a By-law Enforcement Officer observing a vehicle alleged to be parked contrary to Section 2 may attach a Parking Infraction Notice to the vehicle.
5. The driver or owner of a motor vehicle parked or left on private property shall not be liable to a penalty or to have the motor vehicle removed from such property or impounded under this By-

law except upon the written complaint of the owner, lessee, occupant or any adult resident of the property.

6. The driver of a motor vehicle, not being the owner, is liable to any penalty provided under this By-law and the owner of the motor vehicle is also liable to such a penalty unless at the time the offence was committed, the motor vehicle was in the possession of a person other than the owner or his chauffeur without the owners consent.

Amended by By-law No. 44-89

7. The owner of a vehicle who is not the driver, is also in contravention of this By-law and is guilty of an offence and, upon conviction, is liable to a fine as prescribed unless the owner provides, to the satisfaction of the court, that at the time of the offence, the vehicle was in the possession of another person without the owners consent, expressed or implied.
8. The constable or other officer placing a card or ticket on a motor vehicle or causing a motor vehicle to be removed pursuant to this By-law, shall forthwith provides the Town Clerk with a copy of the ticket or with particulars of the vehicle removed similar to the requirements for a ticket.

Amended by By-law No. 46-92

9. PENALTIES

By-law Any person who violates any provisions of this By-law is, upon conviction, guilty of an offence and shall be liable to a fine, subject to the provisions of The Provincial offences Act, R.S.O. 1990, Chapter p.33, as amended, and be subjected to any other penalties permitted by law for each offence. Each day such violation continues, shall constitute a separate offence and shall be punishable as such.

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED-this "16th" day of "February, 1981".

Donald F. Gordon, Mayor
Roy Main, Clerk Co-ordinator