

**STAFF REPORT: BUILDING & BY-LAW DEPARTMENT**



**REPORT TO:** Planning & Building Committee  
**MEETING DATE:** March 7, 2011  
**REPORT NO.:** B.11.13  
**SUBJECT:** Appointment of Municipal Law Enforcement Officers  
**PREPARED BY:** Sharon Long, Administrative Assistant Building & By-law

**A. Recommendations**

**THAT** Council enact an amendment to By-law No. 2008-92, as amended, being a By-law to appoint Municipal Law Enforcement Officers, so as to appoint additional persons as Municipal Law Enforcement Officers for the purposes of enforcing specific parking related by-laws of the municipality.

**B. Background**

On February 19<sup>th</sup>, 2007, Council enacted By-law No. 2007-12 (Addendum 1) to regulate the parking or leaving of a motor vehicle on privately-owned land that is used as a parking lot without the consent of the owner of the land.

As part of Council's consideration of this by-law, Council were advised that it would be incumbent upon the property owners to take the lead role in enforcement with it being noted that for a vehicle to be removed a tow truck operator would require that the vehicle be tagged.

On June 19<sup>th</sup>, 2007, the Town received set fine approval from the Office of the Regional Senior Justice – Ontario Court of Justice for offences related to By-law No. 2007-12.

Since that time, numerous training sessions have taken place for the Municipal Law Enforcement Officers who will be enforcing this by-law.

We have received a request from E&H Property Management to add Catherine Gallinger to the list and Town Staff are recommending that Catherine Gallinger be appointed as Municipal Law Enforcement Officers for the enforcement of the By-law Nos. 2007-12, 2004-116 (Disabled Person Parking By-law) and 2001-88 (Fire Route) for properties that E&H Property maintain.

**C. The Blue Mountains' Strategic Plan**

*"Providing a strong, well managed municipal government."*

**D. Budget Impact**

Marginal increase in parking related fines are expected.

**E. Addendums**

1. Copy of By-law 2007-12.
2. Draft Appointment By-law.

Prepared by:

Authorized by:

Respectfully submitted by:

Sharon Long  
Administrative Assistant  
Planning & Building Services  
Building & By-law

Greg Miller  
Manager, Building & By-law/  
CBO

David Finbow  
Director, Planning &  
Building Services

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**TOWN OF THE BLUE MOUNTAINS**  
**BY-LAW NO. 2007 - 12**

**WHEREAS** Section 100 of the *Municipal Act, 2001*, S.O. 2001, enables a local municipality to enact a by-law to regulate or prohibit the parking or leaving of a motor vehicle on privately-owned land that is used as a parking lot without the consent of the owner of the land;

**AND WHEREAS** Section 100.1 of the *Municipal Act, 2001*, S.O. 2001, enables a local municipality to enact a by-law to regulate or prohibit parking or leaving of a motor vehicle on privately-owned land without the consent of the owner of the land;

**AND WHEREAS** Section 101 of the *Municipal Act, 2001*, S.O. 2001, enables a local municipality to enact a by-law to provide for the removal and impounding or restraining and immobilizing of a motor vehicle on privately-owned land without the consent of the owner of the motor vehicle and at the motor vehicle owner's expense;

**AND WHEREAS** Section 170(15) of the *Highway Traffic Act*, R.S.O. 1990, applies in the instance of the removal and impounding of a motor vehicle on privately-owned land;

**NOW THEREFORE** Council of the Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. No person shall park or leave a motor vehicle on privately-owned land without the consent of the owner of the land clearly visible on the sun visor, front driver side windshield, rear view mirror or dashboard of the motor vehicle.
2. Upon discovery of a motor vehicle parked or left standing in contravention of Section 1 of this By-law, a municipal law enforcement officer may cause the removal and impounding of the motor vehicle and all costs and charges associated with the removal, care and storage of the motor vehicle are at the motor vehicle owner's expense.
3. For the purposes of this by-law,

"consent of the owner" shall mean a sticker, placard or permit issued by and bearing the name of the owner of the land; and,

"privately-owned land" shall mean any land that is not owned or occupied by the Town of The Blue Mountains, County of Grey, Province of Ontario or the Government of Canada.

4. A sign required to be erected at each entrance to the land pursuant to Section 100 (b) of the *Municipal Act, 2001*, shall contain wording and be in a form in accordance with Schedule "A" attached hereto and forming part of this By-law.
5. Every person who contravenes any provision of this by-law is guilty of an offence and shall be liable to a penalty as provided in the *Provincial Offences Act*.

Read a first and second time this 19<sup>th</sup> day of February 2007.

Read and third time and passed this 19<sup>th</sup> day of February, 2007.

  
E. Anderson, Mayor

  
Serena Wilgress, Deputy Clerk

SCHEDULE 'A'

FORM OF SIGN

SIGN REQUIRED TO BE PREDOMINATELY DISPLAYED AT EACH ENTRANCE TO THE LAND PURSUANT TO SECTION 100(B) OF THE MUNICIPAL ACT, 2001

MINIMUM SIGN OF SIZE: 30 CM X 45 CM

MINIMUM LETTERING HEIGHT: "PARKING BY PERMIT ONLY" - 3 CM  
ALL OTHER LETTERING - 1 CM

SIGN CONSTRUCTION: GALVANIZED STEEL WITH A REFLECTIVE BACKGROUND C/W A SOLID BLACK BORDER

TOWN OF THE BLUE MOUNTAINS BY-LAW NO. 2007-XX TO BE INCORPORATED ON SIGN

TOWN OF THE BLUE MOUNTAINS LOGO NOT TO APPEAR ON THE SIGN

OWNER'S LOGO AND/OR NAME  
OR  
PROPERTY NAME

**PARKING BY  
PERMIT ONLY**

VEHICLES LEFT PARKED OR STANDING  
WITHOUT THE PROPERTY OWNER'S  
CONSENT WILL BE TAGGED AND/OR  
TOWED AWAY AND IMPOUNDED  
AT THE VEHICLE OWNER'S SOLE  
EXPENSE AND RISK

TOWN OF THE BLUE MOUNTAINS BY-LAW NO. 2007-XX

OWNER'S NAME  
&  
MAILING ADDRESS

# THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

## BY-LAW NO. 2011-

Being a By-law to amend By-law No. 2010-15, being a By-law to amend By-law No. 2008-92, being a By-law to appoint Municipal Law Enforcement Officers.

WHEREAS the *Municipal Act, 2001*, authorizes the Council of a local municipality to enact by-laws respecting matters within its sphere of jurisdiction;

AND WHEREAS Council of The Town of The Blue Mountains has enacted By-law No. 2008-92 to appoint various persons as Municipal Law Enforcement Officers for the purposes of enforcing specific Town By-laws related to specific privately owned-lands;

AND WHEREAS Council has previously amended By-law No. 2008-92 and is desirous of amending same;

NOW THEREFORE Council of The Corporation of the Town of The Blue Mountains does hereby enact as follows:

- Sections 2 & 4 of By-law No. 2008-92, as amended, is hereby further amended to add Catherine Gallinger as a Municipal Law Enforcement Officer for the purposes of enforcing the following By-laws on lands known legally as Grey Condominium Corporation No. 52 ("Woods At Applejack") and Grey Condominium Corporation No. 31 (Heritage).

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|--------------------------|--|
| Town By-law No. 2004-116 | "Disabled Person Parking By-law"   |
| Town by-law 2001-88      | "Fire Routes By-law"   |
| Town By-law No. 2007-12  | "Parking on Privately-Owned land Without Consent of the Owner, fail to visibly display permit" |

- This By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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Ellen Anderson, Mayor

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Corrina Giles, Town Clerk