

STAFF REPORT: BUILDING & BY-LAW DEPARTMENT



REPORT TO: Planning & Building Committee
MEETING DATE: January 16, 2012
REPORT NO.: B.12.02
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 19th, 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 19th, 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 are o who will be enforcing this by-law.

We have received a request from Blue Mountain Security to add Derrick A. R. Galati, Vanessa Boulding, Ben Collins, William Bostock, Matthew Bostock, Rich Downey, John Tzavragos, Scott C. Gordon, Ben Parsons & James Cardwell to the list. Town Staff are recommending that these people 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 Blue Mountain Security are responsible for.

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,

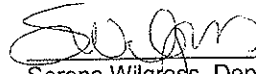
"privately-owned land" shall mean any land that is not owned or occupied by the Town of The Blue Mountains, County of Grey, Province of Ontario or the Government of Canada.

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 19th day of February 2007.

Read and third time and passed this 19th 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

**CORPORATION OF THE TOWN OF
THE BLUE MOUNTAINS**

BY-LAW NO. 2012 -

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 is desirous of amending By-law No. 2008-92;

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

1. Sections 1, 3 & 6 of By-law No. 2008-92, as amended is hereby amended by adding the following:

1. Derrick A. R. Galati, Vanessa Boulding, Ben Collins, William Bostock, Matthew Bostock, Rick Downer, John Tzavragos, Scott C. Gordon, Ben Parsons and James Cardwell are hereby appointed as a Municipal Law Enforcement Officers for the purposes of enforcing the following By-laws on lands known legally as Grey Condominium Corporation No. 24 ("Chateau Crossing"):

- Town By-law No. 2004-116 "Disabled Person Parking By-law"
- Town By-law No. 2001-88 "Fire Routes By-law"
- Town By-law No. 2007-12 "Parking on Privately-Owned land Without the Consent of the Owner"

3. Derrick A. R. Galati, Vanessa Boulding, Ben Collins, William Bostock, Matthew Bostock, Rick Downer, John Tzavragos, Scott C. Gordon, Ben Parsons and James Cardwell are hereby appointed as a Municipal Law Enforcement Officers for the purposes of enforcing the following By-laws on lands known legally as Grey Condominium Corporation No. 18 ("Chateau Ridge"):

- Town By-law No. 2004-116 "Disabled Person Parking By-law"
- Town By-law No. 2001-88 "Fire Routes By-law"
- Town By-law No. 2007-12 "Parking on Privately-Owned land Without the Consent of the Owner"

6. Derrick A. R. Galati, Vanessa Boulding, Ben Collins, William Bostock, Matthew Bostock, Rick Downer, John Tzavragos, Scott C. Gordon, Ben Parsons and James Cardwell are hereby appointed as a Municipal Law Enforcement Officers for the purposes of enforcing the following By-laws on lands known legally as Grey Condominium Corporation No. 27 ("Wintergreen Place"):

- Town By-law No. 2004-116 "Disabled Person Parking By-law"
- Town By-law No. 2001-88 "Fire Routes By-law"
- Town By-law No. 2007-12 "Parking on Privately-Owned land Without the Consent of the Owner"

2. Sections 1, 3 & 6 of By-law No. 2008-92, as amended is hereby amended by deleting the following:

1. Catrina Burley, Andrew Cowan, Steven Hobbs, Ronald Ian Jenson, Alexander McKean and Annette Patrick are hereby deleted as a Municipal Law

Enforcement Officers for the purposes of enforcing the following By-laws on lands known legally as Grey Condominium Corporation No. 24 ("Cateau Crossing");

Town By-law No. 2004-116	"Disabled Person Parking By-law"
Town By-law No. 2001-88	"Fire Routes By-law"
Town By-law No. 2007-12	"Parking on Privately-Owned land Without the Consent of the Owner"

3. Catrina Burley, Andrew Cowan, Steven Hobbs, Ronald Ian Jenson, Alexander McKean and Annette Patrick are hereby deleted as a Municipal Law Enforcement Officers for the purposes of enforcing the following By-laws on lands known legally as Grey Condominium Corporation No. 18 ("Chateau Ridge");

Town By-law No. 2004-116	"Disabled Person Parking By-law"
Town By-law No. 2001-88	"Fire Routes By-law"
Town By-law No. 2007-12	"Parking on Privately-Owned land Without the Consent of the Owner"

6. Catrina Burley, Andrew Cowan, Steven Hobbs, Ronald Ian Jenson, Alexander McKean and Annette Patrick are hereby deleted as a Municipal Law Enforcement Officers for the purposes of enforcing the following By-laws on lands known legally as Grey Condominium Corporation No. 27 ("Wintergreen Place");

Town By-law No. 2004-116	"Disabled Person Parking By-law"
Town By-law No. 2001-88	"Fire Routes By-law"
Town By-law No. 2007-12	"Parking on Privately-Owned land Without the Consent of the Owner"

3. That number 5 be renumbered to 6.
4. That number 6 be renumbered to 5.
5. That the attached Schedule "A" identifies all the active Municipal Law Enforcement Officers for issuing tickets on privately owned lands.
6. This By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this _____ day of _____, 2012.

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E. Anderson, Mayor

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C. Giles, Town Clerk

SCHEDULE "A"

NAME	BY-LAW NO.	PROPERTY
Howard Heipel	2008-92	GCC 18, GCC 24 & GCC 27
Melissa McInnes	2008-92	GCC 18, GCC 24 & GCC 27
Ryan Norris	2008-92	GCC 18, GCC 24 & GCC 27
Rick Ouellet	2008-92	GCC 18, GCC 24 & GCC 27
Michael Robinson	2008-92	GCC 18, GCC 24 & GCC 27
Michael Beesley	2010-15	GCC 18, GCC 24 & GCC 27
Rosalynn Blackwell	2010-15	GCC 18, GCC 24 & GCC 27
Harold Cornish	2010-15	GCC 18, GCC 24 & GCC 27
Nicholas Edens	2010-15	GCC 18, GCC 24 & GCC 27
Kendra Gibson	2010-15	GCC 18, GCC 24 & GCC 27
Jim Hay	2010-15	GCC 18, GCC 24 & GCC 27
Caleigh McGuigan	2010-15	GCC 18, GCC 24 & GCC 27
Kurtis Richardson	2010-15	GCC 18, GCC 24 & GCC 27
Michael Robinson	2010-15	GCC 18, GCC 24 & GCC 27
Marius Turuta	2010-15	GCC 18, GCC 24 & GCC 27
Shawn Willette	2010-15	GCC 18, GCC 24 & GCC 27
Derrick A. R. Galati	2012-	GCC 18, GCC 24 & GCC 27
Vanessa Boulding	2012-	GCC 18, GCC 24 & GCC 27
Ben Collins	2012-	GCC 18, GCC 24 & GCC 27
William Bostock	2012-	GCC 18, GCC 24 & GCC 27
Matthew Bostock	2012-	GCC 18, GCC 24 & GCC 27
Rick Downey	2012-	GCC 18, GCC 24 & GCC 27
John Tzavragos	2012-	GCC 18, GCC 24 & GCC 27
Scott C. Gordon	2012	GCC 18, GCC 24 & GCC 27
Ben Parsons	2012	GCC 18, GCC 24 & GCC 27
James Cardwell	2012	GCC 18, GCC 24 & GCC 27
Allan Hobbs	2008-92	GCC 31 & GCC 52
Scott Maxwell Skinner	2008-92	GCC 31 & GCC 52
Carmelo Colangelo	2010-15	GCC 31 & GCC 52
Cindy Gretton	2010-15	GCC 31 & GCC 52
Nichole Gretton	2010-15	GCC 31 & GCC 52
Catherine Gallinger	2011-21	GCC 31 & GCC 52

- GCC 18 - Chateau Ridge
- GCC 24 - Cachet Crossing
- GCC 27 - Wintergreen Place
- GCC 31 - Heritage Corners
- GCC 52 - Woods at Applejack