

Authority: Corporate Services Committee Report No. 19, Clause No. 16,
as adopted by City of Toronto Council on December 16 and 17, 1998
Enacted by Council: December 17, 1998

CITY OF TORONTO

BY-LAW No. 912-1998

To authorize the erection, operation, use and maintenance of parking machines on the highways under the jurisdiction of the City of Toronto, including the setting of fee amounts or fee scales.

WHEREAS, by the *City of Toronto Act, 1997 (No. 2)* and the *Municipal Act*, the Council of the City may delegate to the Toronto Parking Authority the construction, maintenance, operation and management of parking operations and facilities; and

WHEREAS City Council has transferred the responsibility for on-street parking machine facilities within the former Metro and Area municipalities from City staff to the Toronto Parking Authority; and

WHEREAS City Council has therefore chosen to enact regulations for the designation of locations, installation and use of on-street parking machines within the City of Toronto;

The Council of The City of Toronto HEREBY ENACTS as follows:

1. (1) As used in this by-law, the following terms shall have the meanings indicated:
 - (a) “City” means the City of Toronto.
 - (b) “Motor Vehicle” includes an automobile, motor cycle, streetcar and any other vehicle propelled or driven otherwise than by muscular power, but does not include motor vehicles running only upon rails other than streetcars.
 - (c) “Parking” means the standing still of a vehicle, whether occupied or not.
 - (d) “Parking Machine” means an automatic or other electronic, electromechanical or mechanical device, with the necessary standard for the device, for the purpose of controlling and regulating the parking of any vehicle in a parking space and which, when a coin or credit card has been inserted into the parking machine and the machine activated, issues a receipt indicating the date and time of that activating and the duration of the parking in or on the parking space permitted.

- (e) “Parking Space” means that portion of the surface of the roadway which for parking use is controlled and regulated by a parking machine.
- (f) “Permitted Period” means the duration of parking in or on a parking space as indicated on a receipt from a parking machine.
- (g) “Roadway” means the part of a highway under the jurisdiction of the City that is designed or ordinarily used for vehicular traffic, but does not include the shoulder or portion of a driveway or laneway connecting the roadway with land adjoining the highway, and where a highway includes two (2) or more separate roadways, the term "roadway" refers to any one (1) roadway separately and not to all of the roadways collectively.
- (h) “Vehicle” means a motor vehicle, trailer, traction engine, tractor, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or streetcar.

(2) A term not defined in this section shall have the same meaning as the term has in the Highway Traffic Act.

2. Where a fee is stipulated in Schedule A to this by-law for a given parking period in a parking space, the fee shall be paid for that period or any portion of it, and the period shall be as measured by the parking machine controlling that parking space.

3. The erection, maintenance and operation of parking machines on the highways, at the sides and between the limits set out in Schedule A to this by-law for the purpose of controlling and regulating parking during the days and hours set out in Schedule A and the designation of parking spaces in connection with parking machines is authorized.

4. (1) Except where persons or vehicles are exempted by a by-law of the City from compliance with City by-laws respecting the use of parking meters or parking machines, where parking machines have been erected under the authority of section 3 and are in operation with respect to any parking space set out in Schedule A, the duration of the permitted period shall be measured by the parking machine, and no person shall park any vehicle in or on any such parking space where a parking machine is in operation:

- (a) At any time unless the parking machine controlling the parking space is used and a fee deposited in the machine in accordance with the rate set out in Schedule A and the machine is activated; or
- (b) At any time not within the permitted period.

(2) Subsection (1) does not apply to a portion of any parking space where the parking of vehicles on that portion of a roadway is regulated and controlled by parking meters.

(3) The receipt issued by the parking machine shall be placed inside the windshield of the vehicle while the vehicle is parked in or on the parking space in a position so that the writing and markings on the receipt face outward so as to be easily seen from outside the vehicle.

5. Where parking machines have been erected under authority of section 3, no person shall park any vehicle on any roadway at the side and between the limits set out in Schedule A other than in a parking space.

6. Where parking machines have been erected under the authority of section 3, no person shall park any vehicle in a parking space on any roadway, at the side and between the limits set out in Schedule A during the days and hours set out in Schedule A for a longer period than that set out in Schedule A.

7. (1) No person shall deposit or cause to be deposited in any parking machine any slug, device or other substitute for a coin of the Dominion of Canada or of the United States of America.

(2) No person shall deface, conceal, injure, tamper with, open or wilfully break, destroy or impair the usefulness of any parking machine erected under the authority of this by-law.

8. Nothing in this by-law shall permit a driver to stop or park at any location where or at any time when stopping or parking is otherwise prohibited.

9. (1) None of the provisions of this by-law shall prevent the holder of a filming permit issued under § 313-26 of Chapter 313, Streets and Sidewalks, of the Municipal Code of the former Corporation of the City of Toronto from parking on any street and during the period for which the permit is issued, despite the fact that parking is restricted by this by-law.

(2) Where compliance would be impracticable, none of the provisions of this by-law shall apply to:

- (a) Ambulances, police or fire department vehicles or public utility emergency vehicles; or
- (b) Vehicles actually engaged in works undertaken for or on behalf of the City or any municipal corporation or the Toronto Transit Commission.

10. (1) Any person who contravenes any provision of this by-law is guilty of an offence and, under the Provincial Offences Act, on conviction, is liable to a penalty not exceeding five thousand dollars (\$5,000.) for each offence.

(2) The owner of a vehicle may be charged with and convicted of a parking offence under this by-law for which the driver of the vehicle is subject to be charged unless, at the time of the offence, the vehicle was in the possession of some person other than the owner without the owner's express or implied consent proved to the satisfaction of the court, and, on conviction, the owner is liable to the penalty prescribed or provided for the offence.

(3) Despite any other provision of this by-law, any person may, upon presentation of a parking infraction notice issued by a police officer, police cadet, municipal law enforcement officer, parking enforcement officer, constable or an officer appointed for the carrying out of the provisions of the Highway Traffic Act, alleging the commission of an offence under this by-law, pay out of court, within seven (7) days from the date of issuance of the notice, \$10.00, and upon receipt of the payment, no further proceedings shall be taken under this by-law in respect of the offence alleged in the parking infraction notice. After seven (7) days and before fifteen (15) days from the date of issuance of that notice, \$15.00 may be paid out of court, and upon receipt of the payment, no further proceedings shall be taken under this by-law in respect of the offence alleged in the parking infraction notice.

11. (1) Despite this by-law, §400-42 of Chapter 400 of the Municipal Code of the former Corporation of the City of Toronto shall remain in force until expressly repealed.

(2) In the event of conflict with any other by-law of the City with respect to parking machines, the provisions of this by-law shall prevail.

ENACTED AND PASSED this 17th day of December, A.D. 1998.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)

SCHEDULE “A” TO BY-LAW No. 912-1998

HIGHWAY	SIDE PARKING	BETWEEN	HOURS (DAILY AS INDICATED BELOW, EXCEPT PUBLIC HOLIDAYS)	FEE/TIME LIMIT	MAXIMUM PARKING PERIOD