

Authority: Planning and Transportation Committee Report No. 4, Clause No. 1,  
adopted, as amended, by City Council on May 30, 31 and June 1, 2001  
Enacted by Council: June 1, 2001

## **CITY OF TORONTO**

### **BY-LAW No. 465-2001**

#### **To adopt a new City of Toronto Municipal Code, Chapter 150, Municipal Law Enforcement Officers.**

WHEREAS under section 15 of the *Police Services Act* Council may appoint persons to enforce the by-laws of the municipality and under subsection 170(15) of the *Highway Traffic Act* municipal law enforcement officers are empowered, upon the discovery of any vehicle parked or standing in contravention of a municipal by-law, to cause the vehicle to be moved or impounded; and

WHEREAS under subsection 3(1) of the *Provincial Offences Act* the Solicitor General of Ontario designated all municipal law enforcement officers as provincial offences officers and under section 15 of the *Provincial Offences Act* a provincial offences officer may issue certificates of parking infraction and parking infraction notices; and

WHEREAS the Toronto Police Service continues to train and recommend competent persons for enforcing one or more municipal parking by-laws within the City of Toronto; and

WHEREAS by Part XII of the *City of Toronto Act, 1997 (No. 2)* and paragraph 57 of section 207 of the *Municipal Act*, Council may delegate to the Toronto Parking Authority the construction, maintenance, operation and management of parking operations and facilities;

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

1. The City of Toronto Municipal Code is amended as follows:
  - A. By repealing Chapter 150, Municipal Law Enforcement Officers.
  - B. By adding the following as a new Chapter 150, Municipal Law Enforcement Officers.

### **Chapter 150**

#### **MUNICIPAL LAW ENFORCEMENT OFFICERS**

##### **ARTICLE I Definitions**

###### **§ 150-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

CHIEF – The Chief of the Toronto Police Service.

**MOTOR VEHICLE** – Includes an automobile, motorcycle, motor-assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include a streetcar or other motor vehicles running only upon rails.

**MUNICIPAL PROPERTY** –

- A. Except in Article II (Parking Authority) and in the case of actions by a municipal law enforcement officer as defined in Article II, property owned or occupied by the City or any local board of the City.
- B. In Article II (Parking Authority) and in the case of actions by a municipal law enforcement officer as defined in Article II, off-street municipal parking facilities placed by Council under the jurisdiction of the Parking Authority.

**PARK or PARKING** –

- A. Except in Article II (Parking Authority) and Article III (private agencies) and in the case of actions by a municipal law enforcement officer as defined in Article II or Article III, the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
- B. In Article II (Parking Authority) and Article III (private agencies) and in the case of actions by a municipal law enforcement officer as defined in Article II or Article III, the standing still of a vehicle, whether occupied or not.

**PARKING AUTHORITY** – The Toronto Parking Authority as established by the *City of Toronto Act, 1997 (No. 2)* and Chapter 179, Parking Authority.

**PRIVATE PROPERTY** – Property other than municipal property as defined in Subsection A of the definition of municipal property.

**RELOCATING** – The moving or towing of a vehicle to a location where parking is permitted.

**STAND or STANDING** – The halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.

**STOP or STOPPING** – The halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or of a traffic control sign or signal.

**TORONTO POLICE SERVICE TOW CARD** – A Toronto Police Service tow card approved by the Chief.

**VEHICLE** – Includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, 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 a streetcar.

WAITING PERIOD –

- A. In the case of actions by a municipal law enforcement officer as defined in Article II (Parking Authority), Article III (private agencies) or Article IV (TTC), the length of elapsed time between the service of a parking infraction notice in accordance with Part II of the *Provincial Offences Act* and the attaching of the towing vehicle to a vehicle to be moved.
- B. In the case of actions by a municipal law enforcement officer as defined in Article V (police), the length of elapsed time between the receipt by the Toronto Police Service of the request for service requesting that a vehicle be removed and the attaching of the towing vehicle to the vehicle to be moved.

ARTICLE II  
**Employees of Parking Authority**

**§ 150-2. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**CERTIFIED OFFICER (PARKING OFFENCES)** – Any person employed by the Parking Authority whose duties include the enforcement of parking regulations and who has been or is certified by the Chief as competent for the purposes of enforcing one or more municipal parking by-laws within the City or any specified part or parts of it for any period set out in the certificate and whose certificate has not lapsed or been suspended or cancelled by the Chief.

**MUNICIPAL LAW ENFORCEMENT OFFICER** – A municipal law enforcement officer appointed as such under this article.

**§ 150-3. Authority to issue certificates of parking infraction and parking infraction notices on municipal property; towing and impounding.**

Every certified officer (parking offences) is appointed a municipal law enforcement officer for the period of time and area of the City set out in the certification of the Chief and for the following purposes:

- A. Issuing certificates of parking infraction and parking infraction notices under Part II of the *Provincial Offences Act* for the purpose of enforcing by-laws respecting parking on municipal property within the City; and
- B. If they comply with the conditions in Article VII, authorizing the removal, towing and impounding, of vehicles parked or left in contravention of those by-laws.

ARTICLE III  
**Employees of Licensed Private Parking Enforcement Agencies**

**§ 150-4. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**CERTIFIED OFFICER (PARKING OFFENCES)** – Any principal, officer or employee of a business holding a valid Private Parking Enforcement Agency licence issued under Licensing By-law No. 574-2000 who has been or is certified by the Chief as competent for the purposes of enforcing one or more municipal parking by-laws within the City or any specified part or parts of it for any period set out in the certificate and whose certificate has not lapsed or been suspended or cancelled by the Chief.

**MUNICIPAL LAW ENFORCEMENT OFFICER** – A municipal law enforcement officer appointed as such under this article.

**§ 150-5. Authority to issue certificates of parking infraction and parking infraction notices on municipal property; towing and impounding.**

- A. Every certified officer (parking offences) who complies with the conditions in Subsection B is appointed a municipal law enforcement officer for the period of time and area of the City set out in the certification of the Chief and for the following purposes:
- (1) Issuing certificates of parking infraction and parking infraction notices under Part II of the *Provincial Offences Act* for enforcing by-laws respecting the parking of vehicles on private property and municipal property; and
  - (2) If they comply with the conditions in Article VII, for authorizing the removal, towing and impounding, of vehicles parked, left, stopped or standing in contravention of those by-laws.
- B. The conditions applicable to every certified officer (parking offences) are:
- (1) The person is at least 18 years of age.
  - (2) The person is entitled to work in Canada.
  - (3) The person is employed by or is a principal or officer of a business currently licensed as a Private Parking Enforcement Agency under Licensing By-law No. 574-2000.
  - (4) The person and the Private Parking Enforcement Agency are not, directly or indirectly, the owner or operator of a tow truck or an employee of an owner or operator of a tow truck.
  - (5) The person authorizes and agrees to personal background checks as necessary to confirm that he or she is of good character.

- (6) The person is not facing criminal or federal statute charges and does not have a criminal record that would adversely affect his or her credibility in court proceedings, unless a pardon has been granted.
- (7) The licensed Private Parking Enforcement Agency that the person is an employee principal or officer of executes an indemnity agreement with the City substantially in a form satisfactory to the City's Commissioner of Works and Emergency Services and the City Solicitor and provides and maintains liability insurance and files a current certificate in a form and amount satisfactory to the City Treasurer.
- (8) Neither the person nor any other individual associated with the licensed Private Parking Enforcement Agency that the person is an employee, officer or principal of shall prepare or issue any document in relation to a vehicle parked, stopped or standing on private property or municipal property other than:
  - (a) A certificate of parking infraction and parking infraction notice issued under Part II of the *Provincial Offences Act*;
  - (b) A Toronto Police Services tow card; and
  - (c) Other documents, if any, approved by the Chief.
- C. No municipal law enforcement officer shall request or require the payment of an administrative or any other fee by the owner or driver of a vehicle to whom a parking infraction notice has been issued.
- D. The appointment of each certified officer (parking offences) as a municipal law enforcement officer terminates immediately when the certified officer (parking offences) ceases to be an employee, officer or principal of a business licensed by the City as a Private Parking Enforcement Agency under By-law No. 574-2000.
- E. The Chief may suspend or cancel the certificate of any certified officer (parking offences) who violates or ceases to comply with any of the conditions in Subsection B or C.

#### ARTICLE IV

#### **Transit Commission Route Supervisors**

##### **§ 150-6. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**CERTIFIED OFFICER (PARKING OFFENCES)** – Any person employed by the Toronto Transit Commission as a route supervisor and who has been or is certified by the Chief as competent for the purposes of enforcing one or more municipal parking by-laws within the City or any specified part or parts of it for any period set out in the certificate and whose certificate has not lapsed or been suspended or cancelled by the Chief.

MUNICIPAL LAW ENFORCEMENT OFFICER – A municipal law enforcement officer appointed as such under this article.

**§ 150-7. Authority to issue certificates of parking infraction and parking infraction notices on municipal property; towing and impounding.**

- A. Every certified officer (parking offences) who complies with the conditions in Subsection B is appointed a municipal law enforcement officer for the periods of time and the area of the City set out in the certification of the Chief and for the following purposes:
- (1) Issuing certificates of parking infraction and parking infraction notices under Part II of the *Provincial Offences Act* for the purposes of enforcing municipal by-laws respecting parking, stopping and standing on Toronto Transit Commission transit routes and on municipal property occupied or used by the Toronto Transit Commission;
  - (2) If they comply with the conditions in Article VII, authorizing the removing, towing and impounding, of vehicles parked, left, stopped or standing in contravention of those by-laws on municipal property occupied or used by the Toronto Transit Commission; and
  - (3) If they comply with the conditions in Article VII, authorizing the removing, towing and impounding, of vehicles parked, left, stopped or standing in contravention of those by-laws on Toronto Transit Commission transit routes, and the relocating of vehicles during snow removal.
- B. The conditions applicable to every certified officer (parking offences) are as follows:
- (1) The Toronto Transit Commission which employs the person execute an indemnity agreement with the City in a form satisfactory to the City's Commissioner of Works and Emergency Services and the City Solicitor; and
  - (2) The Toronto Transit Commission which employs the person provides and maintains liability insurance and files a current certificate in a form and amount satisfactory to the City Treasurer.

ARTICLE V

**Employees of the Toronto Police Service**

**§ 150-8. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

CERTIFIED OFFICER (PARKING OFFENCES) – Any person employed by the Toronto Police Service who has been or is certified by the Chief as competent for the purposes of enforcing one or more municipal parking by-laws within the City or any

specified part or parts of it for any period set out in the certificate and whose certificate has not lapsed or been suspended or cancelled by the Chief.

MUNICIPAL LAW ENFORCEMENT OFFICER – A municipal law enforcement officer appointed as such under this article.

**§ 150-9. Authority to issue certificates of parking infraction and parking infraction notices on municipal property; towing and impounding.**

Every certified officer (parking offences) is appointed a municipal law enforcement officer for the period of time and area of the City set out in the certification of the Chief and for the following purposes:

- A. Issuing certificates of parking infraction and parking infraction notices under Part II of the *Provincial Offences Act* for the purpose of enforcing by-laws respecting the parking, standing or stopping of vehicles within the City; and
- B. If they comply with the conditions in Article VII, authorizing the relocating, removal, towing and impounding of vehicles parked, left, stopped or standing in contravention of those by-laws.

ARTICLE VI

**Employees of the Works and Emergency Services Department**

**§ 150-10. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

BOULEVARD – That part of any highway between the curb or edge of roadway and the highway line, exclusive of the area covered by sidewalk.

CERTIFIED OFFICER (PARKING OFFENCES) – Any person employed by the City's Works and Emergency Services Department who has been or is certified by the Chief as competent for the purposes of enforcing one or more municipal parking by-laws within the City or any specified part or parts of it for any period set out in the certificate and whose certificate has not lapsed or been suspended or cancelled by the Chief.

MUNICIPAL LAW ENFORCEMENT OFFICER – A municipal law enforcement officer appointed as such under this article.

**§ 150-11. Authority to issue certificates of parking infraction and parking infraction notices on municipal property; towing and impounding.**

Every certified officer (parking offences) is appointed a municipal law enforcement officer for the period of time and area of the City set out in the certification of the Chief and for the following purposes:

- A. Issuing certificates of parking infraction and parking infraction notices under Part II of the *Provincial Offences Act* for the purpose of enforcing by-laws respecting parking, standing or stopping of vehicles on highways during snow removal and by-laws respecting parking or standing of vehicles on boulevards; and
- B. If they comply with the conditions in Article VII, authorizing the removing, towing and impounding, of vehicles parked, left, stopped or standing in contravention of those by-laws, or authorizing the relocating of vehicles during snow removal.

**ARTICLE VII**  
**Removal of Vehicles**

**§ 150-12. Compliance with licensing by-law.**

- A. The relocation, removal or impoundment of any vehicle shall be done only by a tow truck owner or operator holding a valid towing licence issued under Licensing By-law No. 574-2000.
- B. The removal of any vehicle shall be carried out in accordance with the relevant provisions respecting towing of Licensing By-law No. 574-2000.

**§ 150-13. Removal and impoundment of vehicles by Parking Authority, private agencies or Toronto Transit Commission.**

A municipal law enforcement officer as defined in Article II (Parking Authority), Article III (private agencies) or Article IV (TTC), shall not cause the removal, towing and impounding of a vehicle from municipal property or private property unless:

- A. The vehicle is parked, stopped, standing or left, as the case may be, in contravention of a municipal by-law.
- B. The municipal property or private property that the vehicle is parked or left on has been inspected and approved by the Chief with satisfactory information furnished to satisfy the Chief that:
  - (1) The boundaries of the property are clearly defined;
  - (2) Signs with dimensions, contents and in sufficient locations as approved by the Chief are posted on the property;
  - (3) There are no signs on the property that refer to the tagging and towing of vehicles except signs that have been approved by the Chief;
  - (4) All signs posted on the property that refer to the towing of vehicles will be removed if the Chief of Police's approval of the property is cancelled;
  - (5) In the case of a municipal law enforcement officer as defined in Article III (private agencies), if the property is a residential property with visitor parking for



which a permit is required, signs satisfactory to the Chief have been posted on the property advising visitors of the means by which to obtain a permit and the Chief is satisfied that a permit may readily be obtained within a thirty-minute waiting period;

- (6) Only private roadways designated as fire routes by municipal by-law are signed as fire routes;
  - (7) Any reference to a municipal by-law in a sign posted on the property is a reference to a by-law currently in force;
  - (8) The Toronto Police Service has current information on file as to the licensed tow operator contracted to provide services to the property and the public garage where vehicles removed from the property will be stored;
  - (9) The owner of any vehicle removed from the property will have 24-hour access to information as to where the removed vehicle is stored; and
  - (10) The owner of any vehicle removed from the property will be entitled to a Toronto Police Service review of actions taken to remove the vehicle from the property;
- C. A parking infraction notice is issued and served at the time of the alleged parking infraction in accordance with Part II of the *Provincial Offences Act*;
- D. A waiting period of 30 minutes has expired; and
- E. The municipal law enforcement officer who issued the parking infraction notice issues a Toronto Police Service tow card in respect of the vehicle at the time of the tow.

**§ 150-14. Removal or impoundment of vehicles parked on Transit Routes by TTC.**

- A. A municipal law enforcement officer as defined in Article IV (TTC) shall not cause the removing, towing and impounding of a vehicle parked, stopped or standing on a transit route unless:
- (1) The vehicle is parked, stopped or standing in contravention of a municipal by-law;
  - (2) A parking infraction notice is issued and served at the time of the alleged parking infraction in accordance with Part II of the *Provincial Offences Act*; and
  - (3) The municipal law enforcement officer who issued the parking infraction notice issues a Toronto Police Service tow card in respect of the vehicle at the time of the tow.
- B. A municipal law enforcement officer as defined in Article IV (TTC) shall not cause the relocating of a vehicle during snow removal unless:

- (1) Staff employed by the City's Works and Emergency Services Department have determined that vehicles are to be relocated to facilitate snow removal operations;
- (2) The municipal law enforcement officer has been trained by the Toronto Police Service in respect of relocation procedures;
- (3) The municipal law enforcement officer follows Toronto Police Service relocation procedures; and
- (4) The municipal law enforcement officer issues a Toronto Police Service tow card in respect of the vehicle at the time of the relocation.

**§ 150-15. Removal or impoundment of vehicles by police.**

- A. A municipal law enforcement officer as defined in Article V (police) shall not cause the removal, towing or impounding of a vehicle unless,
- (1) The vehicle is parked, stopped or standing in contravention of a municipal by-law;
  - (2) The municipal law enforcement officer issues a Toronto Police Service tow card in respect of the vehicle at the time of the tow;
  - (3) If the vehicle bears a number plate issued under the *Highway Traffic Act*, a parking infraction notice is issued and served at the time of the alleged parking infraction in accordance with Part II of the *Provincial Offences Act*; and
  - (4) If the vehicle is being removed, towed or impounded from private property or municipal property, a waiting period of 30 minutes has expired.
- B. A municipal law enforcement officer shall not cause the relocating of a vehicle unless the municipal law enforcement officer issues a Toronto Police Service tow card in respect of the vehicle at the time of the moving or relocation.

**§ 150-16. Removal or impoundment of vehicles by Works and Emergency Services.**

- A. A municipal law enforcement officer as defined in Article VI (WES Department) shall not cause the removal, towing or impounding of a vehicle unless:
- (1) The vehicle is parked, stopped or standing in contravention of a municipal by-law;
  - (2) A parking infraction notice is issued and served at the time of the alleged parking infraction in accordance with Part II of the *Provincial Offences Act*; and
  - (3) The municipal law enforcement officer who issued the parking infraction notice issues a Toronto Police Service tow card in respect of the vehicle at the time of the tow.

- B. A municipal law enforcement officer as defined in Article VI (WES Department) shall not cause the relocation of a vehicle during snow removal unless a Toronto Police Service tow card is issued by the municipal law enforcement officer in respect of the vehicle at the time of the moving or relocation.

**§ 150-17. Waiting period exceptions.**

The waiting period required by §§ 150-13D and 150-15A(4) does not apply in respect of:

- A. A vehicle parked on a private roadway designated by municipal by-law as a fire route and marked by one or more signs posted under the supervision of the City of Toronto Works and Emergency Services Department;
- B. A vehicle parked in a designated disabled parking space in contravention of a municipal by-law;
- C. A vehicle parked in a loading space;
- D. A vehicle parked in a driveway;
- E. A vehicle parked on a lot or area, other than a licensed commercial parking lot, containing three or fewer parking spaces;
- F. A vehicle parked in a parking space reserved for a resident of a residential building if the resident who has an exclusive right to use the space has signed a complaint in relation to the parked vehicle prior to the vehicle being removed;
- G. A vehicle parked in a parking space reserved for employee parking provided that signs are posted to that effect.

**2. The following are repealed:**

- A. Former Borough of East York By-law No. 110-90, as amended.
- B. Former Borough of East York By-law No. 25-91, as amended.
- C. Former City of Etobicoke By-law No. 1989-172, as amended.
- D. Former City of North York By-law No. 30975, as amended.
- E. Former City of North York By-law No. 31328, as amended.
- F. Former City of Scarborough By-law No. 22742, as amended.
- G. Former City of Scarborough By-law No. 23034, as amended.
- H. Former City of Toronto By-law No. 586-89, as amended.

- I. Former City of York By-law No. 1708-89, as amended and as codified in former City of York Municipal Code Chapter 202, Municipal By-law Enforcement Officer.
  - J. Former City of York By-law No. 1993-90, as amended.
- 3.** This by-law comes into force on January 1, 2002.

ENACTED AND PASSED this 1st day of June, A.D. 2001.

CASE OOTES,  
Deputy Mayor

JEFFREY A. ABRAMS,  
Acting City Clerk

(Corporate Seal)