

**Attachment 1 – Amendments to Chapter 545, Licensing, re: Commercial Parking Lots**

**Chapter 545**

**LICENSING**

**ARTICLE I**

**General Licensing Provisions**

**§ 545-1. Definitions.**

COMMERCIAL PARKING LOT – Any location that demands compensation in relation to the use of a parking space.

**§ 545-2. Licence requirement.**

Every operator of a commercial parking lot.

**ARTICLE \_\_\_\_\_**

**Commercial Parking Lots**

**§ 545-\_\_\_\_. Application of article.**

The provisions of this article and the requirement to obtain a commercial parking lot operator's licence do not apply to:

- A. the activities of the Toronto Parking Authority, regulated under Chapter 179, Parking Authority, of the Municipal Code;
- B. any City agency, board, commission, or division; or
- C. any parking space rented on a weekly, monthly, or yearly basis for one person's exclusive use.

**§ 545-\_\_\_\_. Definitions**

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

OPERATOR – The operator of a commercial parking lot.

**§ 545-\_\_\_\_. Separate licence required for each commercial parking lot.**

Every operator shall take out a separate licence for each commercial parking lot.

**§ 545-\_\_\_. Owners of commercial parking lots to ensure operators are licensed.**

No owner of a property shall permit any person to operate a commercial parking lot at such property unless that person holds a commercial parking lot operator's licence under this chapter.

**§ 545-\_\_\_. Operators of commercial parking lots to ensure agencies are licensed.**

No operator of a commercial parking lot shall permit any person to conduct parking enforcement services at the commercial parking lot unless that person holds a private parking enforcement agency licence under this chapter or is a Municipal Law Enforcement Officer appointed to operate at that commercial parking lot.

**§ 545-\_\_\_. Information to be provided upon licence application.**

Every applicant for a licence to operate a commercial parking lot shall include in his or her application a statement setting forth:

- A. The location and dimensions of the lands in respect of which he or she seeks such licence;
- B. The maximum number of motor vehicles proposed to be parked or stored at the commercial parking lot;
- C. The hours during which such the commercial parking lot shall be open for business;
- D. The location of each proposed entrance to and exit from the commercial parking lot;
- E. The location, size and type of construction of any office proposed to be used or erected at or upon the commercial parking lot; and
- F. If no public garage licence or commercial parking lot licence was issued in respect of a building in the previous year, plans approved by the Ministry of Labour for the Province of Ontario for providing adequate ventilation facilities in the part of the building where motor cars may be stored.

**§ 545-\_\_\_. Regulations concerning agreements with property owners.**

A. No person shall operate a commercial parking lot at a property unless he or she has filed proof, to the satisfaction of the Executive Director, Municipal Licensing and Standards, or his or her designate, that the owner of such property has authorized the operator to do so.

B. The authorization referred to in Subsection A may be in the form of a letter signed by the owner of such property, or in the form of a copy of an operating agreement to which the operator is party that has been signed by the owner of such property.

C. Every operator shall notify the Municipal Licensing and Standards Division in writing of any expiration, termination, or change in such authorization within 5 days thereof.

**§ 545-\_\_\_. General requirements of operators of commercial parking lots.**

A. No operator shall store or park or allow to be stored or parked at the commercial parking lot for a period longer than 48 hours any trailer used for human habitation while so stored or parked.

B. No operator shall employ or permit any person to engage in driving, operating, or moving motor vehicles parked or stored at the commercial parking lot unless that person holds a valid driver's licence under the *Highway Traffic Act*.

C. Every operator shall:

- (1) Provide proper means of ingress and egress to and from the commercial parking lot, to the satisfaction of the Executive Director, Municipal Licensing and Standards, or his or her designate; in the case of any commercial parking lot located at a corner lot, no entrance or exit shall be located less than 7.6 metres from the nearest intersection of the curb of the intersecting streets unless, on the 19th day of December, 1956, the entrance or exit was properly located less than 7.6 metres from such intersection in accordance with all local by-laws applicable thereto.
- (2) Keep the commercial parking lot free from rubbish and in a clean and neat condition, and keep any sidewalk or street abutting such premises free from any dirt or other foreign substance derived from such premises; and
- (3) Prevent the drainage of surface water across any sidewalk abutting the commercial parking lot.

D. No operator shall:

- (1) Move or cause to be moved any snow from the commercial parking lot to any abutting sidewalk or roadway;
- (2) Park or store any motor vehicle on any highway that abuts the commercial parking lot;
- (3) Use, lend, hire, rent, or cause or permit any employee to use, lend, hire or rent any motor vehicle that has been received for the purpose of parking or storing it upon the commercial parking lot, except for purposes necessarily incidental to parking or storing the vehicle; or

- (4) Permit the engine of a motor vehicle in any building to run, while stationary, unless adequate ventilation is provided to ensure dilution of any fumes.

E. Every operator shall at all times permit the Municipal Licensing and Standards Division to enter a commercial parking lot licensed or required to be licensed under this chapter and make such inspection as may be deemed necessary to ascertain whether or not the provisions of this chapter are being followed.

**§ 545-\_\_\_\_. Operator to charge time-based rate for parking.**

Every operator shall charge a time-based rate for parking, the payment of which shall indicate the operator's unqualified consent for a vehicle to park during that time period, subject to Section \_\_\_\_ of this article.

**§ 545-\_\_\_\_. Signage required upon premises.**

A. Every operator shall display at each public entrance to the commercial parking lot and at each pay station, so as to be clearly visible to every driver of a vehicle about to enter the premises and any patron paying for parking, identical signs bearing:

- (1) In letters and figures of a uniform size not less than three inches in height at each public entrance, and not less than one inch in height at each pay station, the rates for parking;
- (2) In readily legible text, the ways in which patrons may pay for parking;
- (3) In readily legible text, the hours during which the licensed premises is open for business; and
- (4) In readily legible text, the operator's name or registered business name and licence number, together with a telephone number where a voice message can be left and e-mail address to which inquiries may be directed.

B. No operator shall issue any demand for payment or private invoice in relation to a vehicle parked at the commercial parking lot unless the signs referred to in Subsection A bear, in letters and figures of a uniform size not less than 1½ inches in height at each public entrance, and not less than ¾ inches in height at each pay station:

- (1) The text, "VEHICLES PARKED WITHOUT PAYMENT OF THE POSTED RATE MAY BE SUBJECT TO A DEMAND FOR PAYMENT"; and
- (2) the amount of any demand for payment and any associated charge.

C. Every operator shall file clear photographs of the signage required by this section with the Executive Director, Municipal Licensing and Standards, or his or her designate, prior to posting such signage at the commercial parking lot.

D. No operator shall post any signage at the commercial parking lot setting out parking rates, charges or conditions, except in accordance with this section.

**§ 545-\_\_\_\_. Operator deemed not to consent to improperly parked vehicles.**

For the purpose of this article and Chapter 915, Parking on Private or Municipal Property, of the Municipal Code and despite the requirements of Section \_\_\_\_ and \_\_\_\_, an operator shall be deemed to not consent to the parking, stopping or standing of any vehicle:

- A. In a marked, designated accessible parking space for which no accessible parking permit is displayed;
- B. In any location where parking is prohibited by the operator and clear signage is posted to indicate such prohibition;
- C. In a designated emergency access or fire route;
- D. That is occupying more than one parking space;
- E. That is preventing other vehicles from entering or exiting the licensed premises; or
- F. That does not bear vehicle licence plates.

**§ 545-\_\_\_\_. Duty to provide attendant or maintain automatic payment systems.**

A. Every operator, except in the case of a metered or automatically controlled parking lot, or where payment for parking can be made through a mobile application, shall ensure that an attendant is on duty at all times during business hours to provide patrons an opportunity to pay for parking.

B. Every operator, in the case of a metered or automatically controlled parking lot, or where payment for parking can be made through a mobile application, shall ensure that all devices and systems used to accept payment for parking are maintained in good working order at all times to provide patrons an opportunity to pay for parking.

**§ 545-\_\_\_\_. Duty to provide parking receipt.**

A. Every operator shall, at the time of receiving each motor vehicle for the purpose of parking or storing it upon the commercial parking lot, provide each customer a numbered receipt bearing on the same side as the number:

- (1) A clear statement of the extent of responsibility accepted by the operator with respect to loss of, or damage to, such motor vehicle and the contents thereof

while the vehicle is parked, stored or otherwise in the care and custody of the operator or any of his or her employees; and

- (2) The operator's name or registered business name, the location of the commercial parking lot, and the business hours specified on the sign or signs required by Section \_\_\_\_.

**§ 545-\_\_\_\_. Duty to respond to public inquiries.**

Every operator shall:

- A. Maintain the telephone number and e-mail address provided upon the signage referred to in Subsection \_\_\_\_ of this article;
- B. Ensure that a live person responds to inquiries at such telephone number during the business hours of the commercial parking lot; and
- C. Ensure that a voice message can be left at such telephone number outside the business hours of the commercial parking lot.

**§ 545-\_\_\_\_. Issuance of demands for payment.**

A. No person shall issue any demand for payment in relation to vehicles parked at a commercial parking lot except as prescribed by this section, though nothing in this section shall prevent an operator from attempting to collect upon a demand for payment previously issued in accordance with this section or to bring a court proceeding.

B. Where signage is posted upon the commercial parking lot in accordance with Section \_\_\_\_, an operator may issue a written demand for payment in the form of a private invoice in relation to vehicles parked on the commercial parking lot, provided that the invoice:

- (1) Clearly outlines the alleged contravention of parking terms and conditions;
- (2) Does not resemble, in colour or design, or simulate the colour or design, of a City of Toronto Parking Infraction Notice;
- (3) Does not include the City of Toronto logo;
- (4) Indicates in bold lettering on the front and back of each notice, in a font size larger than the rest of the notice:

“This is not a City of Toronto Parking Infraction Notice”, and

“This is private invoice issued by (operator name and licence number).”

- (5) Provides detailed information on the process for making payment;
- (6) Provides detailed information on how an invoice may be disputed;
- (7) Includes on the face of the notice:
  - (a) the operator's registered name and licence number;
  - (b) the address of the commercial parking lot;
  - (c) the commercial parking lot's hours of operation; and
  - (d) a telephone number and e-mail address to patrons may address inquiries regarding the payment process or dispute the invoice; and
- (8) Is consistent with the terms and conditions posted upon the commercial parking lot in accordance with section \_\_\_\_\_.

C. Every operator shall file a blank copy of the invoice referred to in Subsection B with the Executive Director, Municipal Licensing and Standards, or his or her designate, prior to issuing such an invoice.

D. No operator shall issue a certificate of parking infraction or parking infraction notice under Part II of the *Provincial Offences Act*, or a Toronto Police Service Tow Card.

**§ 545-\_\_\_\_. Operator not to restrain or immobilize vehicles.**

No operator shall restrain or immobilize or cause to be restrained or immobilized any vehicle parked, stopped, or standing at the commercial parking lot by any means whatsoever.