

THE CORPORATION OF THE MUNICIPALITY OF NEEBING

**BY-LAW NUMBER 2024-055**

Being a By-law to regulate parking on municipal properties aside from public highways.

**Recitals:**

WHEREAS Subsection 10(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (“the Act”), provides municipalities the power to provide any service that the municipality considers necessary or desirable for the public.

AND WHEREAS Subsection 10(2) of the Act grants broad powers to municipalities to pass by-laws regarding, among other matters, the municipality’s public assets, the health and safety of people, and any services that the municipality is authorized to provide.

AND WHEREAS Section 100 of the Act grants municipalities the authority to regulate parking on any lands within its boundaries if signs are erected at each entrance.

AND WHEREAS Section 101 of the Act grants municipalities the authority to remove and impound vehicles violating by-law requirements for permission to park on municipal lands.

AND WHEREAS the Municipality of Neebing owns multiple properties with parking lots that are available for use by the public.

AND WHEREAS Council considers it appropriate to pass a by-law to regulate parking on municipal properties aside from public highways.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF NEEBING ENACTS AS FOLLOWS:**

1. **Definitions:** Where the words defined in the lettered paragraphs of this Section appear in the text of this By-law with their initial letters capitalized, it is intended that they are interpreted as defined. Where a word appears in the text of this by-law without its initial letter capitalized, it is intended that it is to be interpreted as ordinarily defined in the English language.
  - a) “Act” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time.
  - b) “Authorized Sign” means a parking control sign erected at the entrance of a Municipal Parking Lot used by the public for parking, pursuant to this By-law.
  - c) “By-law” means this by-law, as amended from time to time, including its recitals and schedules, which form integral parts of it, unless the word is followed by a number. Where the word “by-law” is capitalized and followed by a number, the reference is to the Corporation’s by-law that possesses that number.
  - d) “Corporation” means The Corporation of the Municipality of Neebing.

- e) "Council" means the Council of the Corporation, elected in accordance with the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched., as amended from time to time.
- f) "Municipal Law Enforcement Officer" means a person appointed by the Corporation to enforce its by-laws, or a member of any police force with jurisdiction to enforce the Corporation's by-laws.
- g) "Municipal Parking Lots" means the parking facilities at the following locations:
  - i. Alf Olsen Memorial Park
  - ii. Along the Bluffs Park (Cloud Lake Boat Launch)
  - iii. Century Park (Blake Hall)
  - iv. Journey's Middle Park (Municipal Office)
  - v. Little Pigeon Bay Boat Launch
  - vi. Scent of the Pine Park (Memory Road Boat Launch)
  - vii. Seeker's Rest Park (Cottage Drive Boat Launch)
  - viii. Shelter Shores Park (Margaret Street Boat Launch)
  - ix. Sturgeon Bay Boat Launch
  - x. West Oliver Lake Boat Launch
- h) "Neebing" means the geographic area under the jurisdiction of the Corporation.
- i) "Parking Permit" means a permit issued by the Corporation or its designate for purposes of permitting temporary parking in Municipal Parking Lots.
- j) "Public Authority" means an order of government or an agency of an order of government.
- k) "Vehicle" means a "vehicle" as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended from time to time.
- l) "Water Access Only Lot" means a property that can only be accessed by boat.

## **2. Parking Regulations**

### **a) Municipal Property:**

- (i) No person shall park or leave a vehicle on property owned or occupied by the municipality without prior written consent of the Corporation or a permit issued by the Corporation for use of Municipal Parking Lots.
- (ii) Parking Permits required for By-law compliance will be issued by the Corporation upon application and per the fees necessary to reasonably cover the costs of regulation that it sets in its discretion from time to time.

### **b) Municipal Parking Lots:**

- (i) No person shall park a Vehicle in excess of three (3) consecutive days in Municipal Parking Lots marked as such by signage without obtaining a Parking Permit from the Corporation and displaying same in the Vehicle windshield at all times.

- (ii) No person shall use Municipal Parking Lots marked as such by signage for any purpose other than the parking of a Vehicle without the consent of the municipality.
  - c) **Temporary Parking Permits:** A person may obtain a temporary Parking Permit to park at municipal boat launch Municipal Parking Lot properties marked as such by signage along Lake Superior for periods longer than three consecutive (3) days.
    - (i) Parking Permits will only be valid for the number of days indicated on the approved Parking Permit application.
    - (ii) Parking Permits must be displayed in the Vehicle windshield at all times.
  - d) **Permits for Water Access Only Lots:** Property owners of Water Access Only Lots may obtain a Parking Permit to park at municipal boat launch Municipal Parking Lot properties along Lake Superior:
    - (i) A maximum of two (2) Parking Permits will be issued per Water Access Only Lot.
    - (ii) Parking Permits will be valid until ownership of the Water Access Only Lot changes.
    - (iii) A Parking Permit holder must confirm their contact information and their authorized permittees information to the Corporation every five (5) years.
    - (iv) Parking Permits must be displayed in the Vehicle windshield at all times.
  - e) **Exemptions:** The provisions of this by-law do not apply to:
    - (i) Vehicles operated by or on behalf of the Corporation while engaging in the performance of cleaning, clearing, maintenance, repair construction or other work; or
    - (ii) Emergency vehicles as defined in the *Highway Traffic Act*.
3. **Removal, Towing or Impoundment:** Any Vehicle that is placed or parked in contravention of this By-law may be towed away and impounded by the Corporation. The provisions of the Repair and Storage Liens Act, R.S.O. 1990, c. R.25, as amended from time to time, apply to the impoundment and recovery of the Vehicle.
4. **Penalties and Enforcement:**
- a) **Enforcement:** This By-law may be enforced by a Municipal Law Enforcement Officer, who may arrange for any Vehicle parked in violation of this By-law to be removed and impounded at the owner's expense, which may be charged as taxes.
  - b) **Interference:** No person shall interfere with a Municipal Law Enforcement Officer who is carrying out his or her duties in enforcing this By-law.
  - c) **Orders:** The Corporation may issue an Order to discontinue violation of this By-law and any failure to comply with the Order is a violation of this By-law.
  - d) **Offences & Penalties:** Any person contravening the provisions of this By-law is guilty of an offence, and, upon conviction, is liable to a penalty as provided by the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended from time to time.

5. **Repeal:** By-laws 293-1993 and 848-2010 are repealed.

6. **Effective Date:** This By-law shall take effect on the date that it is passed by the Council.

**ENACTED AND PASSED IN COUNCIL** this 20<sup>th</sup> day of December, 2024, as witnessed by the corporate seal of the Corporation and the hands of its proper Officers duly authorized in that behalf.

**THE CORPORATION OF THE MUNICIPALITY OF  
NEEBING**

  
Mayor

  
Clerk-Treasurer



**The Corporation of the Municipality of Neebing  
 Part 1 Provincial Offences Act  
 By-Law 2024-055 – To Regulate Parking on Municipal Property**

<b>Item</b>	<b>Column 1 Short Form Wording</b>	<b>Column 2 Provision Creating or Defining Offence</b>	<b>Column 3 Set Fine</b>
1	Parking on Municipal Property without consent or a permit	Section 2(a)(i)	\$50.00
2	Parking in a Municipal Parking Lot in excess of three (3) consecutive days	Section 2(b)(i)	\$50.00
3	Using a Municipal Parking Lot for any other purpose other than parking a vehicle	Section 2(b)(ii)	\$50.00

Note: The penalty provision for the offences indicated above is Section 4 of By-law No. 2024-055, a certified copy of which has been filed.