

**THE CORPORATION OF THE
MUNICIPALITY OF LAMBTON SHORES**

BYLAW 19 OF 2002

A By-law to license and regulate parking lots, enacted pursuant to
Section 257.2 of the Municipal Act, R.S.O. 1990, C.M45

1. DEFINITIONS

In this bylaw:

- 1.01 "Clerk" means the person appointed from time to time by the Municipal Council pursuant to Section 73 of the *Municipal Act* and his or her deputy or designate;
- 1.02 "Licensee" means the person to whom a license has been granted pursuant to this Bylaw;
- 1.03 "Operate" means to invite, permit or acquiesce to the use of land for parking of vehicles;
- 1.04 "Parking Lot" means a place where vehicles are parked for purposes that are not accessory to the main use of land (as permitted by the Zoning Bylaw of by Section 34(9) of the *Planning Act* R.S.O. 1990, c. P13);

2. LICENCE REQUIRED

No person shall operate a paid parking lot in the Municipality of Lambton Shores without a licence.

3. ISSUING OF LICENCES

- 3.1 Prior to the issuance of a licence to operate a parking lot, the applicant shall:
 - a) submit an application, as shown on Schedule "A" of this By-law.
 - b) pay all applicable application fees
 - c) provide proof that dust suppressant will be applied on the parking lot area prior to the initial use of the lot for parking, and that additional suppressants will be added throughout the term of the licence if required.

- d) erect signage indicating the hours of operation of the parking lot
- e) provide proof to the Municipality that arrangements have been made:
 - i) to physically close the lot each evening; and
 - ii) with a local towing company to remove any vehicles parked on the lot after hour of 12:00 midnight on any night.
- f) erect signage indicating that vehicles parked on the lot after it has closed for the evening will be removed at the owner's risk and expense, and noting the location where the vehicles will be towed to.
- g) Provide a deposit in the amount of \$ 500.00 as a guarantee that all regulations listed in Sections 3 and 4 are adhered prior to the opening of the parking lot. In the event that the items listed in Section 3 and 4 are not completed prior to the opening of the lot, the deposit will be used to complete the unfinished items. Once all items are completed, the deposit will be returned to the applicant.

3.2 GENERAL REQUIREMENTS

- 3.2.1 A person who applies to have a licence to operate a parking lot renewed shall complete and submit to the Clerk an "Application for Renewal and Acknowledgment of Applicant" in the form set out as Schedule B to this Bylaw, and pay the applicable fee, as outlined in Schedule "B" to this by-law.
- 3.2.2 Receipt of the application and the licence fee by the Clerk shall not constitute approval of the application for the issuance of a licence nor shall it obligate the Clerk to issue such licence.
- 3.2.3 (a) Without limiting the generality of any other provision in this Bylaw, persons associated in a partnership applying for a licence under this Bylaw shall file with their application a statutory declaration, in writing, signed by all members of the partnership, which declaration shall state;
 - (i) the full name of every partner and the address of his or her ordinary residence;
 - (ii) the name or names under which they carry on or intend to carry on business;
 - (iii) that the persons named in the declaration are the only members of the partnership; and

- (iv) the mailing address of the partnership.
- b) If any member of a partnership applying for a licence is a corporation, such corporation shall be deemed to be applying for an owner's licence in place and stead of the partnership.
- c) Without limiting the generality of any other provision in this Bylaw, every corporation applying for a licence shall file with the Clerk, at the time of making the application, a copy of its articles of incorporation or other incorporating document and shall file a statutory declaration, in writing signed by an authorized officer of the corporation, which declaration shall state:
 - (i) the full name of every shareholder and the address of his or her ordinary residence;
 - (ii) the name or names under which it carries on or intends to carry on business;
 - (iii) that the persons named in the declaration are the only shareholders of the corporation; and
 - (iv) the mailing address of the corporation.

3.2.4 The Clerk shall:

- (a) receive and process all applications for licences and renewal of licences to be issued under this Bylaw;
- (b) co-ordinate the enforcement of this Bylaw;
- (c) generally perform all the administrative functions conferred upon him or her by this Bylaw;
- (d) make or cause to be made all investigations which he or she deems necessary to determine whether an application has or will have or continues to meet the requirements of this Bylaw and all applicable laws;
- (e) make or cause to be made a circulation respecting the application which shall include circulation of the licence application to the Medical Officer of Health and Police Departments for comments;
- (f) issue licences to persons who meet the requirements of this Bylaw or after due consideration provide a report and recommendation to

Council for its disposition with respect to each application which does not meet the requirements of this Bylaw;

- (g) upon receipt of Council's disposition with respect to each application for which a report and recommendation was made to Council pursuant to this Bylaw, execute and issue all licences as directed by Council or refuse to issue as directed by Council or revoke a licence as directed by Council;
- (h) where a licence has been issued pursuant to this Bylaw and otherwise remains in full force and effect, renew the licences of persons who meet the requirements of this Bylaw or, after due consideration, provide a report and recommendation to Council for its disposition with respect to each application for renewal that does not meet the requirements of this Bylaw and after receiving Council's disposition with respect to such licence, renew the licence as directed by Council or revoke the licence as directed by Council;
- (i) not issue a licence if there are any business taxes, penalties, or interest outstanding.

3.2.5 When an application for a licence is made in accordance with the provisions of this Bylaw and the applicant has complied with all the requirements of this Bylaw or as otherwise directed by Council, the Clerk shall issue a licence certificate which shall set out the expiry date of the licence in accordance with this Bylaw and the applicant shall thereby be licensed.

3.2.6 Upon review of a licence application, including an application for renewal, the Clerk shall prepare a report and seek Council's direction with respect to the issuance or renewal of a licence where:

- (a) the past or current conduct of the applicant or licence holder affords reasonable grounds for the belief that the applicant or licence holder will not carry on the trade, calling, business or occupation in respect of the parking lot in accordance with the law and with integrity and honesty;
- (b) there are reasonable grounds for the belief that the carrying on of the trade, calling, business or occupation in respect of the parking lot by the applicant or licence holder will result in a breach of this Bylaw or any other applicable law;
- (c) the applicant or licence holder is a corporation or a partnership and its conduct or the conduct of its officers, directors, employees, agents or partners affords reasonable grounds for the belief that its trade,

calling, business or occupation in respect of the parking lot will not be carried on in accordance with the law and with integrity and honesty;

- (d) there are reasonable grounds for the belief that the premises, accommodations, equipment or facilities in respect of which the licence is required do not comply with the provisions of this Bylaw or any other applicable law;
- (e) the conduct of the applicant or licence holder or other related circumstances afford reasonable grounds for the belief that the carrying on by the applicant of the trade, calling, business or occupation in respect of the premises for which the licence is sought would infringe the rights or endanger the health or safety of other members of the public.

3.2.7 The Clerk may suspend a licence where there is reason to believe that a breach of this Bylaw has occurred or for any of the reasons that would form the basis of the report to seek Council's direction with respect to the issuance or renewal of a licence. Such suspension shall take effect upon service of written notice thereof to the licensee and the licence shall remain suspended for no more than 30 days from the date of service of the notice. The Clerk shall, within the 30 day period, prepare a report, and receive Council's direction in this regard.

3.2.8 At any meeting of Council called in relation to a report to consider the issuance, renewal or revocation of a licence, the applicant shall be accorded rights pursuant to the *Statutory Powers Act*, R.S.O. 1990, c. S22, including the right to appear and speak to the matter.

3.2.9 Provided a licensed applicant is not in breach of any of the terms of this Bylaw, the Clerk shall renew an application's licence provided such applicant has completed the Application for Renewal set out as Schedule B attached to and forming part of this Bylaw and has provided all information requested in the Application for Renewal.

3.2.10 Any licence that has not been renewed as at March 31 in the year after its issuance or renewal shall expire on that date. A new application for licence will be required.

4. REGULATIONS APPLICABLE TO LICENSEES

4.1 No vehicle shall be within or upon a parking lot between the hour of 12 midnight and 6:00 a.m. on any day.

4.2 A parking lot must be equipped with one trash receptacle for each 1,500 square metres of parking area. The owner/operator must remove the waste from these receptacles and dispose of the waste according to municipal

regulations by 11:00 a.m. on any day that the parking lot is open for business.

- 4.3 A parking lot must be equipped with outdoor lighting satisfactory to the Clerk if vehicles are on the premises more than 30 minutes after sunset. Such lighting shall be activated at all times after sunset if vehicles are present.
- 4.4 Each parking lot shall have a surface that is:
- (a) level;
 - (b) free of defects (such as potholes);
 - (c) marked to the satisfaction of the Clerk to indicate aisles and parking spaces;
 - (d) paved or treated to eliminate the tracking of gravel and dirt or the raising of dust;
 - (e) free of litter.
- 4.5 A sign or signs shall be posted so as to be visible to any patron of the parking lot, which advises that:
- (a) hours of operation are from -- to ---;
 - (b) vehicles parked upon the lot outside of operating hours will be removed at the owner's risk and expense;
 - (c) vehicles will be removed to an identified location.
- 4.6 A receipt shall be issued upon request to each person who pays a fee to park.
- 4.7 No activity or use shall be made of the parking lot other than the parking of vehicles.
- 4.8 Any signage must meet the provisions of the municipal sign bylaw or any other bylaw.
- 4.9 No signs advertising the parking lot shall be placed on a street.

5. OFFENCES AND PENALTY

Any person who contravenes any of the provisions of this Bylaw, including every person who fails to perform a duty imposed by this Bylaw or who performs an act prohibited by this Bylaw and every director or officer of a corporation who concurs in such contravention is guilty of an offence and, upon conviction pursuant to the provision of the *Provincial Offences Act*, R.S.O. 1990, c. P33, as amended, is liable to:

- (a) a penalty in the case of person, other than a corporation, not to exceed \$25,000 or imprisonment for a term not to exceed one year or both;
- (b) a penalty in the case of a corporation, not to exceed \$50,000; and
- (c) an order closing the premises which are the subject of the contravention for a period not to exceed two years.

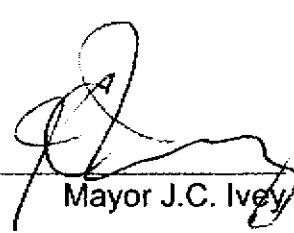
6. REPEAL

Bylaw Number 3038 of 1992, and 3055 of 1999, and any other by-law regulating parking lots are hereby repealed.

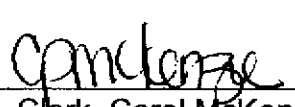
7. EFFECTIVE DATE

This Bylaw shall come into force and effect on the date of passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 6th
DAY OF May, 2002



Mayor J.C. Ivey



Clerk, Carol McKenzie

SCHEDULE "A" TO BYLAW 19 OF 2002

APPLICATION FOR LICENCE

ACKNOWLEDGMENT OF APPLICANT IN THE MATTER
OF APPLICATION MADE

BY: _____

1. That I am the (*status as either* individual applicant, officer or partner) named in the Application for Licence attached hereto.
2. That I have authority to bind the entity applying for a licence herein.
3. That all the statements contained in this Application are true and made based on full knowledge of the facts and circumstances relating to this Application.
4. That I know of no reason why the licence should not be granted to me in pursuance of this Application.
5. That I have been provided with a copy of the Bylaw and I hereby agree to abide by all rules and regulations contained in the Bylaw.
6. That I am aware that certain searches must be made in the processing of my application for a licence and I hereby consent to the municipality of making enquiries of all appropriate authorities including any investigation in respect of any criminal record that may exist in respect of myself, my partners or the officers, directors and shareholders of the corporation or the partnership.
7. That I acknowledge that this Application may contain "personal information" as defined in the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M56, as amended, and that such information is required pursuant to the provisions of the *Municipal Act* and will be utilized by the municipality with respect to administration of this licence. Where such information pertains to a person other than myself, that person has

authorized me to disclose such information as noted by his or her signature on the statutory declaration attached to this Application.

I, _____ do hereby solemnly swear that the above information is true.

Signature

Sworn before me in the
Municipality of Lambton Shores

This _____ day of _____, 200__

Print name

APPLICATION FOR LICENCE

Information to be completed by applicant:

Licensed Premise: (address) _____

Owner/Operator's Name: _____

Owner/Operator's Address: _____

Number of Parking Spaces: _____

Date of Issue: _____

Fee Paid: _____

Date of Expiry: _____

Owner's Signature: _____

I, _____ do hereby solemnly swear that the
above information is true.

Signature

Sworn before me in the
Municipality of Lambton Shores

This _____ day of _____, 200_

Print name

Issued by: _____

Permit # _____

STATUTORY DECLARATION - PARTNERSHIP

1. Full name of every partner and the address of his/her ordinary residence.

2. Name or names under which they carry on business.

3. I declare that the persons named on this declaration are the only members of the partnership.

4. The mailing address of the partnership.

Signature

Sworn before me in the
Municipality of Lambton Shores

This _____ day of _____, 200_

Print name

STATUTORY DECLARATION - CORPORATION

1. Full name of every shareholder and the address of his/her ordinary residence.

2. Name under which they carry on business.

3. I declare that the persons named above are the only shareholders of the corporation.

4. The mailing address of the corporation.

I hereby declare the above information to be true.

Signature

Sworn before me in the
Municipality of Lambton Shores

This _____ day of _____, 200__

Print name

SCHEDULE "B" TO BYLAW 19 OF 2002

FEES APPLICABLE TO APPLICATIONS

- | | | |
|----|--|----------|
| 1. | Application for Parking Lot Owner/Operator Licence | \$100.00 |
| 2. | Application for Renewal of Parking Lot Owner/Operator Licence | \$60.00 |
| 3. | Application for Transfer of existing Licence for balance of year | \$60.00 |