

AMENDED BY BY LAW(S)

No(s) DATE

89-34	MAR. 13/89
89-39	MAR. 28/89
89-128	AUG. 14/89
90-5	JAN. 15/90
90-55	FEB. 23/90
90-223	DEC. 17/90

BY-LAW NO. 88-169

of the

CORPORATION OF THE CITY OF KITCHENER

(A by-law to regulate, supervise and govern the parking of vehicles on municipal off-street parking facilities.)

The Council of the Corporation of the City of Kitchener

enacts as follows:-

1. For the purposes of this by-law,
  - (a) By-Law Enforcement Officer means any Officer or Constable of the Waterloo Regional Police Force or an employee of the City of Kitchener appointed by Council to enforce or carry out the provisions of this by-law or any part or parts thereof.
  - (b) Coins shall mean lawful tender in Canada, or the United States of America or the approved City of Kitchener parking tokens.
  - (c) Commercial Parking Permit means a permit, which, when affixed to the lower right hand corner of the windshield of a commercial vehicle, will permit such vehicle to park at any metered parking or loading zone within the City of Kitchener, while engaged in loading or unloading, without inserting the fee prescribed in this by-law into the parking meter.
  - (d) Council means the Council of the Corporation of the City of Kitchener.

- (e) Essential Service Parking Permit means a permit, which, when affixed to the lower right hand corner of the windshield of a commercial vehicle, will permit such vehicle to park at any metered parking or loading zone within the City of Kitchener for a period not exceeding one hour, for the purpose of carrying out repairs to public utilities or other essential public services, without inserting the fee as prescribed in this by-law into the parking meter.
- (f) Monthly Parker means a person who has entered into an agreement with the City of Kitchener to lease a parking space on a monthly basis in a City-operated parking lot at the rate and terms applicable to that lot.
- (g) Parking Attendant shall be an employee of the City of Kitchener Traffic and Parking Services Division but shall not be limited to a Parking Cashier, or Security Officer.
- (h) Parking Lot means such properties as may be designated for parking purposes by Council, including but not limited to, surface lots and parking structures.
- (i) Parking Meter means a device that shall indicate thereon the length of time during which a vehicle may be parked or shall produce a receipt indicating the amount of parking time purchased, and which shall have as a part thereof a receptacle for receiving and storing coins, a slot or place in which such coins may be deposited, a timing mechanism to measure the passage of the interval of time during which the parking is permissible, and which shall also display a signal when said interval of time shall have elapsed or which will produce a receipt indicating the amount of parking time purchased.

- (j) Parking Space means an area intended for the parking of vehicles which is defined by lines or marks or the projections thereof.
- (k) Police means the Waterloo Regional Police, the Chief, Deputy and any Officer thereof.

## 2. OPERATING REGULATIONS

- (a) The Commissioner of Transportation Services or designate is hereby authorized to erect, maintain, and operate in a parking lot, automatic gates, ticket dispensers, parking meters, or parking attendants for the purpose of controlling and regulating the parking of any vehicles in the parking lot and recording and measuring the duration of such parking.
- (b) The amount of the fee for parking as prescribed by Council shall be displayed in a conspicuous place at or upon each parking lot by means of a sign or signs bearing in letters or figures the rates or charges for parking vehicles and the hours during which the parking lot is open for business.
- (c) An Officer of the Waterloo Regional Police Force, upon discovery of any vehicle parked in contravention of the provisions of this by-law, may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, are a lien upon the vehicle, which may be enforced in the manner provided by the Mechanic's Lien Act.

(d) The parking attendant shall have the right to refuse parking for any vehicle which could, in the opinion of the parking attendant, be a hazard, nuisance or danger to the premises or to other vehicles or persons within the parking lot. The parking attendants are authorized to require persons not having lawful business thereon to leave any parking lot or facility and to take steps to have such persons who refuse or fail to leave evicted or charged with trespassing or both.

(e) (i) The Commissioner of Transportation Services for the City of Kitchener may issue a Commercial Parking Permit, as defined in Section 1(c), to the owner of any commercial vehicle operated in the City of Kitchener.

(ii) Every commercial vehicle for which a Commercial Parking Permit has been issued shall be identified by having the permit affixed thereto on the lower corner of the windshield on the passenger side.

(iii) Any commercial vehicle for which such a permit has been issued and affixed may be parked at any metered parking space in the City of Kitchener for the time prescribed in Schedule 'B' to this by-law without payment of the fee prescribed by this by-law, provided that such vehicle is engaged in loading or unloading goods, wares, or merchandise.

(iv) The fee for every Commercial Parking Permit shall be the sum of \$75.00 per year or part thereof. Every such permit shall expire on the 31st day of December of the year for which it was issued.

- (f) (i) The Commissioner of Transportation Services for the City of Kitchener may issue an Essential Service parking Permit as defined in Section 1(e), to the owner of any commercial vehicle required for the performance of essential services in the City of Kitchener.
- (ii) Every commercial motor vehicle for which an Essential Service Parking Permit has been issued shall be identified by having the permit affixed thereto on the lower corner of the windshield on the passenger's side.
- (iii) Any commercial motor vehicle for which an Essential Service Parking Permit has been issued and affixed may be parked at any parking space within the City of Kitchener without payment of the fee prescribed by this by-law for any period of time not exceeding one hour, provided that such vehicle is engaged in providing essential repairs or installations.
- (iv) The fee for every Essential Service Parking Permit shall be the sum of \$75.00 per year or part thereof. Every such permit shall expire in the 31st day of December of the year for which it was issued.

### 3. PARKING REGULATIONS

- (a) No person shall park a vehicle in a parking lot without paying the prescribed fee in the manner indicated.
- (b) No person shall park a vehicle within a parking space unless the vehicle is wholly within the parking space.
- (c) No person shall park a vehicle in other than a parking space.

- (d) No person shall park a vehicle having an overall length of more than 6.1 metres or an overall width of more than 2.3 metres in a parking lot. The overall length and width of a vehicle shall include the length and width of any load or trailer carried by or attached to any such vehicle.
- (e) No person shall drive any vehicle in a parking lot on other than the designated aisles, and then only in such direction as directed by signs.
- (f) No person shall drive on any aisle in a parking lot at any speed in excess of fifteen (15) kilometres per hour.
- (g) No person operating a vehicle shall enter or leave a parking lot at other than the designated entrances and exits. Pedestrians shall enter or leave a parking lot only at designated walkways, stairwells, or other locations as may be indicated in each parking lot.
- (h) No person shall use any portion of a parking lot in a manner as to endanger the person or property of another.
- (i) No person shall park a vehicle in a parking lot for the purpose of buying, selling or displaying of goods, or services of any nature or kind whatsoever.
- (j) No person shall distribute literature or place handbills in or upon any vehicle in any parking lot.
- (k) No person shall dispose of any garbage, waste, litter or refuse in any parking lot except by depositing same in clearly marked receptacles provided for such purpose.

- (l) No person shall park a vehicle in a parking lot for the purpose of displaying such vehicle for sale, or washing, maintaining or repairing such vehicle, except where necessitated by an emergency.
- (m) No person shall park a vehicle in a parking lot for the delivery of goods or persons or for repairs to vehicles without paying the regular parking fee.

#### 4. ATTENDED LOTS AND/OR GARAGES

- (a) No person shall park a vehicle in a parking lot as described in Schedule A to this by-law without obtaining a ticket, producing the ticket for the parking attendant and paying the appropriate fee as indicated by the parking attendant. Where no parking attendant is on duty, the fee specified in Schedule A shall be paid in the manner indicated upon exiting the parking lot.
- (b) No person other than an employee, agent, invitee or guest of the City of Kitchener shall enter the attendant's shelter or loiter in or about the premises.

#### 5. METERED PARKING LOTS

- (a) No person shall park a vehicle in a parking lot as described in Schedule 'B' to this by-law, while the parking meter for such space indicates that the time is expired.
- (b) Where parking meters are used to regulate the parking fee, the rate, time, limit and hours of operation shall be clearly marked on each meter.

- (c) Nothing herein shall prevent the driver of a vehicle from using the unexpired time remaining on a parking meter.

#### 6. MONTHLY PARKING LOTS

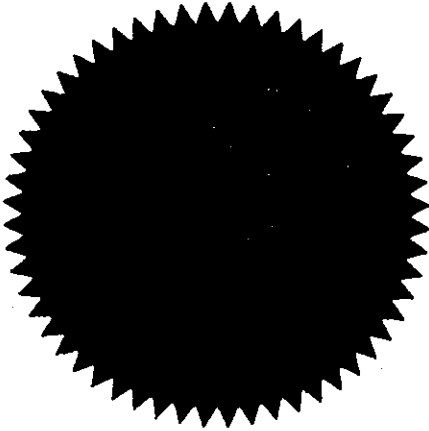
- (a) No person shall park a vehicle in a parking lot or area of a parking lot which is reserved for monthly parkers as described in Schedule 'C' to this by-law, unless they are authorized to park in the designated area.
- (b) In a monthly parking lot where a key or magnetic card is used to control entry and exit, the key or magnetic card must be used for every entry and exit.
- (c) In a monthly parking lot where a permit is used to control the allocation of a specific parking space, a valid permit must be displayed at all times in the lower right corner of the front windshield.

#### 7. PENALTIES

- (a) Every person who contravenes any provision of this by-law is guilty of an offence and is liable, upon conviction, to a fine not exceeding Two Thousand Dollars (\$2,000 00), exclusive of costs, for each offence, recoverable under The Provincial Offences Act.
- (b) Notwithstanding any other provision of this by-law, any person may, upon presentation of a parking infraction notice issued by a Police Officer or By-Law Enforcement Officer alleging commission of any of the offences under this by-law as set out in Schedule 'D', pay out of court within the time limit specified on the said parking infraction notice the

PASSED at the Council Chambers in the City of Kitchener

this 22nd day of August A.D. 1988.



*D. V. Cardillo*

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Mayor

*L. Stankhouse*

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DEPUTY Clerk