

By-law 2016-169

**A By-law of the City of Greater Sudbury to Amend By-law 2015-232
being a By-law of the City of Greater Sudbury for the Licensing,
Regulating and Governing of Private Property Parking Control
Officers in the City of Greater Sudbury**

Whereas the Council of the City of Greater Sudbury deems it desirable to amend By-law 2015-232 being a By-law of the City of Greater Sudbury for the Licensing, Regulating and Governing of Private Property Parking Control Officers in the City of Greater Sudbury in order to provide for certain additional fees;

Now therefore the Council of the City of Greater Sudbury hereby enacts as follows:

Enact Paragraph 8(g.1)

1. By-law 2015-232 being a By-law of the City of Greater Sudbury for the Licensing, Regulating and Governing of Private Property Parking Control Officers in the City of Greater Sudbury is hereby amended by enacting the following paragraph 8(g.1) immediately after paragraph 8(g) and before paragraph 8(h):

“8(g.1) for each Private Property identified in paragraph 8(f), a written acknowledgement that the Owner is aware that any request to the City to tow a vehicle from the Private Property will be subject to an administrative fee payable by the Owner of the Private Property, in an amount determined in accordance with the User Fee By-law and due and payable to the City in accordance with the provisions of the User Fee By-law;”

Enact Subsection 13(3)

2. By-law 2015-232 being a By-law of the City of Greater Sudbury for the Licensing, Regulating and Governing of Private Property Parking Control Officers in the City of Greater Sudbury is hereby further amended by enacting subsection 13(3) immediately after subsection 13(2) and before section 14:

“Towing Fee

13(3) The Owner of Private Property shall be subject to an administrative fee for each vehicle towed from the Owner’s Private Property at the request of the Licensee, in an amount determined in accordance with the User Fee By-law and payable in accordance with the provisions of the User Fee By-law.”

Replace subsection 14(4)

3. By-law 2015-232 being a By-law of the City of Greater Sudbury for the Licensing, Regulating and Governing of Private Property Parking Control Officers in the City of Greater Sudbury is hereby further amended by repealing subsection 14(4) and enacting the following subsections 14(4) and 14(5) in its place and stead:

“14(4) Where a Licensee fails to renew the License by the expiry date of the License, the Licensee shall, upon submitting an application for renewal after the renewal date be subject to a late renewal administrative fee, in an amount determined in accordance with the User Fee By-law, which shall be payable in addition to the renewal fee otherwise payable pursuant to the User Fee By-law.

(5) Where a Person to whom a License was issued, fails to renew the License within ninety (90) days of the expiry date of the License, the Person shall no longer be entitled to renew the License and shall be required to apply for a new License, subject to the payment of such fees as may be required for a new application in accordance with the User Fee By-law.”

Replace Subsection 23(1) and Part of Subsection 23(2) and Enact Subsection 23(3.1)

4. By-law 2015-232 being a By-law of the City of Greater Sudbury for the Licensing, Regulating and Governing of Private Property Parking Control Officers in the City of Greater Sudbury is hereby further amended by:

(a) repealing subsection 23(1) and enacting the following subsection 23(1) in its place and stead:

“23(1) Any Person entitled under this By-law to request a hearing before the Hearing Committee may apply in writing to the License Issuer for a hearing within thirty (30) days of the effective date of service of the notice of the decision of the License Issuer that the hearing relates to. The Person shall submit with the written request, an administrative fee in an amount determined in accordance with the User Fee By-law and, in the case of an application for a hearing regarding a Suspension or Revocation, shall surrender his or her License with the application.”;

(b) repealing the first sentence of subsection 23(2) and enacting the following in its place and stead:

“23(2) On receipt of a request for a hearing and payment of the administrative fee determined in accordance with the User Fee By-law, the License Issuer shall review the request to determine if the request is timely and is based on grounds provided for in this By-law.” and

- (c) enacting the following subsection 23(3.1) immediately after subsection 23(3) and before subsection 23(4):

“23(3.1) At any such hearing the Hearing Committee may proceed to consider the matter, whether or not the person appealing is in attendance.”

Replace Section 36

5. By-law 2015-232 being a By-law of the City of Greater Sudbury for the Licensing, Regulating and Governing of Private Property Parking Control Officers in the City of Greater Sudbury is hereby further amended by repealing section 36 and enacting the following section 36 in its place and stead:

“Right of Entry - Inspection

36.-(1) A Municipal Law Enforcement Officer may enter on private property at all reasonable times to ascertain whether there is compliance with:

- (a) the provisions of this By-law;
- (b) a direction or order or notice given under this By-law; or
- (c) the conditions of a License issued under this By-law.

Enforcement Fee

(2) An attendance fee in an amount determined in accordance with the User Fee By-law shall be payable on a time spent basis:

- (a) for the second and each subsequent inspection conducted by a Municipal Law Enforcement Officer to ascertain compliance with a notice, direction or order pursuant to this By-law, which is conducted after the specified date for compliance; and
- (b) in the event that a Municipal Law Enforcement Officer attends any remediation directed by or conducted by the City, pursuant to this By-law as a result of a failure to comply with an order made pursuant to this By-law.

(3) Any fee under subsection 36(2) shall be payable:

- (a) in accordance with the provisions of the User Fee By-law; and
- (b) in addition to any fine levied upon conviction of an offence under this By-law, and whether or not there is a charge laid, and whether or not any charge laid leads to a conviction.”

Effective

6. This By-law shall come into full force and effect upon passage.

Read and Passed in Open Council this 9th day of August, 2016



Mayor



Deputy
Clerk