

## By-law 2022-133

### A By-law of the City of Greater Sudbury to Prohibit Front Yard and Side Yard Parking in the City of Greater Sudbury Except as Otherwise Expressly Permitted

**Whereas** Sections 8, 9 and 10 of the *Municipal Act, 2001* authorize a municipality to pass by-laws necessary or desirable for municipal purposes;

**And Whereas** Subsection 8(3) of the *Municipal Act, 2001* provides that a by-law made under Section 10 of the *Municipal Act, 2001* respecting a matter may regulate or prohibit the matter;

**And Whereas** Section 100.1(1) of the *Municipal Act, 2001* provides that a municipality may, in respect of land not owned or occupied by the municipality, regulate or prohibit the parking or leaving of motor vehicles without the consent of the owner of the land;

**And Whereas** Section 128 of the *Municipal Act, 2001* provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council are or could become public nuisances;

**And Whereas** in the opinion of Council for the City of Greater Sudbury, the act of parking, standing or stopping a vehicle in a front yard or side yard of a lot is or could become a public nuisance;

**And Whereas** Section 425 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws providing that a person who contravenes a by-law of the municipality passed under the *Municipal Act, 2001* is guilty of an offence;

**And Whereas** section 428 of the *Municipal Act, 2001* provides that the owner of a vehicle is guilty of an offence even if the owner is not the driver of the vehicle, where a vehicle has been left parked, stopped or standing in contravention of a by-law;

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

#### Terminology

1. In this By-law:

"City" means the City of Greater Sudbury;

“Front Yard” means a yard extending across the full width of a Lot between the front Lot Line of such Lot and the nearest part of any main building or structure on such Lot as defined the City’s Zoning By-law 2010-100Z, as amended;

“Lot” means an area of land under one ownership, other than a road, which may be used as the site of one or more main buildings, structures or uses, together with any building, structure or uses accessory thereto, regardless of whether or not such area of land constitutes a registered lot as defined the City’s Zoning By-law 2010-100Z, as amended;

“Motor Vehicle” includes an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include a streetcar, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the *Highway Traffic Act*, R.S.O. 1990, c. H.8;

“Municipal By-law Enforcement Officer” includes any Municipal By-law Enforcement Officer appointed by Council for the City of Greater Sudbury and all duly sworn members of the Greater Sudbury Police Service;

“Person” includes an individual, a sole proprietorship, a partnership, an unincorporated association, a trust and a corporation;

“Side Yard” means an interior Side Yard, or a corner Side Yard as defined in the City’s Zoning By-law 2010-100Z, as amended; and

“Unauthorized Area” means the Front Yard or Side Yard of a Lot.

## **Prohibitions**

2.-(1) No Person shall park, stand or stop a Motor Vehicle in an Unauthorized Area, except as permitted by the City’s Zoning By-law 2010-100Z, as amended.

(2) No Person shall permit the parking, standing or stopping of a Motor Vehicle in an Unauthorized Area, except as permitted in the City’s Zoning By-law 2010-100Z, as amended.

## **Enforcement**

3.-(1) This By-law may be enforced by a Municipal By-law Enforcement Officer.

(2) No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person exercising a power or performing a duty under this By-law.

(3) A Municipal By-law Enforcement Officer acting pursuant to this By-law may, at any reasonable time, enter and inspect any Lot, for the purpose of determining whether there is compliance with requirements of this By-law.

### **Offence**

4.-(1) Every Person who contravenes any provision of this By-law and any director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*.

(2) For the purposes of Subsection 4(1), each day on which a Person contravenes any of the provisions of this By-law shall be deemed to constitute a separate offence under this By-law.

(3) For the purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction has been entered for the same offence at an earlier date.

(4) Where a Motor Vehicle has been left parked, stopped or standing in contravention of this By-law, the owner of the Motor Vehicle, notwithstanding that they were not the driver of the Motor Vehicle at the time of the contravention of the By-law, is guilty of an offence and is liable to the fine prescribed for the offence unless, at the time of the offence, the Motor Vehicle was in the possession of some Person other than the owner without the owner's consent.

(5) The levying and payment of a fine as provided for under the *Provincial Offences Act* shall not relieve a Person from the necessity of compliance with the obligations under this By-law.

### **Short Title**

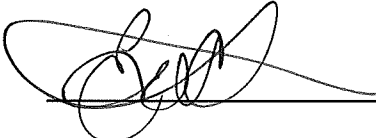
5. This By-law shall be known as the "Unauthorized Area Parking By-law".

### **Effective Date**

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

**Read and Passed in Open Council** this 9<sup>th</sup> day of August 2022

  
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Mayor

  
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Clerk