

THE CORPORATION OF THE CITY OF WATERLOO  
BY-LAW NO. 2010 - 049

BY-LAW TO PROHIBIT PARKING IN OR ON YARDS  
WITHIN THE CITY OF WATERLOO

**WHEREAS** section 11(3)8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "Act"), provides that Council may pass by-laws respecting matters within the sphere of jurisdiction of "Parking, except on highways";

**AND WHEREAS** section 128 of the *Act* 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 Corporation of the City of Waterloo, the act of parking, standing or stopping a vehicle on a front yard or flankage yard or on organic matter in a rear yard is, or could become, a public nuisance;

**AND WHEREAS** section 425 of the *Act* provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality is guilty of an offence;

**AND WHEREAS** section 428 of the *Act* 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;

**AND WHEREAS** section 436 of the *Act* provides that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a by-law of the municipality is being complied with;

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**NOW THEREFORE** the Council of The Corporation of the City of Waterloo enacts as follows:

**DEFINITIONS**

1. In this by-law:

(a) "City" means The Corporation of the City of Waterloo;

(b) "Front Yard" means a yard extending across a full width of a lot between the front lot line and the nearest main wall of the main building on the lot but does not include a legal driveway and/or a legal parking area unless that driveway and/or parking area is made of organic matter;

- (c) **"Front Lot Line"** means the lot line that divides a lot from the street provided that, in the case of a corner lot, the shorter lot line that abuts the street shall be deemed to be the front lot lines and the longer line that abuts a street shall be deemed the flankage;
- (d) **"Lot"** means a parcel of land occupied or to be occupied by one main building, structure, or use, with any accessory buildings or uses, and includes all yards and open spaces.;
- (e) **"Lot Line"** means any boundary of a Lot;
- (f) **"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 street car, 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, as amended;
- (g) **"Municipal Law Enforcement Officer"** means an individual appointed by the Council of the City pursuant to s. 15 of the *Police Services Act*, R.S.O. 1990, c. P. 15, as amended;
- (h) **"Rear Yard"** means a yard extending across the width of the lot between the rear lot line and the nearest wall of the main building or, in the case of a triangular lot, between the apex of the triangle formed by the intersection of the side lot lines and the nearest wall of the main building;
- (i) **"Rear Lot Line"** means the lot line opposite the front lot line;
- (j) **"Residential Property"** means any property zoned for residential use in the City's Zoning By-Laws 1108 and 1418, as amended, and, for greater certainty, includes the following zones:
- (l) **With respect to Zoning By-Law 1108:** General Residence 'GR', General Residence One 'GR1', General Residence Two 'GR2', General Residence Two-A 'GR2A', General Residence Three 'GR3', General Residence Four 'GR4', General Residence Five 'GR5', Multiple Residence 'MR', Medium Density 'MD', Medium Density One 'MD1', Medium Density Two 'MD2', Medium Density Three 'MD3', Semi-Detached 'SD', Single Residence One 'SR1', Single Residence One-A 'SR1A', Single Residence Two 'SR2', Single Residence Two A 'SR2A', Single Residence Three 'SR3', Single Residence One-Ten 'SR1-10', Residential 'R';

- (ii) **With respect to Zoning By-Law 1418:** Flexible Residential 'FR', General Residence Two-A 'GR2A', General Residence 'GR', Medium Density 'MD', Medium Density One 'MD1', Medium Density Three 'MD3', Multiple Residence 'MR', Neighbourhood Residential 'NR', Residential 'R', Semi-Detached 'SD', Semi-Detached One - SD1', Single Residence One 'SR1', Single Residence One A 'SR1A', Single Residence One-Ten 'SR1-10', Single Residence Two 'SR2', Single Residence Two-A 'SR2A', Single Residence Township One 'SRT-1', Single Residence Township Two 'SRT-2', Single Residence Three 'SR3', Single Residence Four 'SR4';
- (k) **"Side Yard"** means a yard extending from the front yard to the rear yard between the side lot line and the nearest main wall of the main building, excluding any chimney breast but does not include a legal driveway and/or a legal parking area unless that driveway and/or parking area is made of organic matter;
- (l) **"Yard"** means a space open to the sky, inclusive of any awning or umbrella or other covering but exclusive of eaves up to sixty centimeters (60cm), on the same lot with a building unoccupied except for such accessory buildings as are specially permitted elsewhere in this by-law.

#### PROHIBITIONS ON PARKING IN YARDS

2. No person shall, on a residential property, park, stand or stop or permit the parking, standing or stopping of a motor vehicle:
- (i) in a front or side yard; or,
  - (ii) on organic matter in a rear yard.
3. ~~Notwithstanding section 2 of this by-law, parking, standing or stopping of a motor vehicle is permitted on the residential properties listed in Schedule "A", attached to and forming a part of this by-law, except on organic matter in rear yards and only on front or side yards in the manner authorized by the Committee of Adjustment, the City or, more specifically, the Director of By-Law Enforcement of the City or his or her designate.~~

#### ENFORCEMENT

4. This by-law may be enforced by Municipal Law Enforcement Officers and Police Officers.

### PENALTY

5. Every person who contravenes any of the provisions of this by-law is guilty of an offence and, on conviction, is liable to pay any penalty as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.
6. In addition to any other penalties provided for in this by-law, a Police Officer or a Municipal Law Enforcement Officer may cause a vehicle to be moved or taken to and placed or stored in a suitable place and all costs and charges for the removal, care and storage of the vehicle, if any, are a lien upon the vehicle, which may be enforced in the manner provided by the *Repair and Storage Liens Act*, R.S.O. 1990 c. R.25, as amended.

### POWERS OF INSPECTION

7. The City may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
  - (a) this by-law;
  - (b) a direction or order of the City made under this by-law; or,
  - (c) an order made under s. 431 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.
8. For the purposes of conducting an inspection pursuant to s. 7 of this by-law, the City may, in accordance with the provisions of s. 436 of the *Act*:
  - (b) require the production for inspection of documents or things relevant to the inspection,
  - (c) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - (d) require information from any person concerning a matter related to the inspection; and,
  - (e) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

### **HINDRANCE OR OBSTRUCTION**

9. No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this by-law.

### **ORDER TO DISCONTINUE ACTIVITY**

10. Where the City is satisfied that a contravention of this by-law has occurred, the City may make an order requiring the person who contravened this by-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity.
11. An order under s. 10 of this by-law shall set out:
- (f) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and,
  - (g) the date by which there must be compliance with the order.
12. Any person who contravenes an order under s. 10 of this by-law is guilty of an offence.

### **REMEDIAL ACTION**

13. If a person fails to do a matter or thing, including comply with an order under this by-law, as directed or required by this by-law, the City may, in default of it being done by the person directed or required to do it, do the matter or thing at the person's expense. The City may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as municipal taxes.
14. The costs outlined in s. 13 of this by-law shall include interest calculated at a rate of 15 per cent, calculated for the period commencing on the day the City incurs the costs and ending on the day the costs, including the interest, are paid in full.
15. The amount of the costs, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien. The lien is in respect of all costs that are payable at the time the notice is registered plus interest accrued to the date the payment is made. Upon receiving payment of all costs payable plus interest accrued to the date of payment, the City shall register a discharge of the lien in the proper land registry office.

**SEVERABILITY**

16. If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in full force and effect.

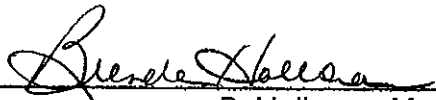
**COMING INTO FORCE**

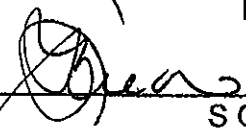
17. This by-law shall come into force and effect on the day it is passed.

**SHORT TITLE**

18. This by-law may be referred to as the "Prohibition on Parking in Yards By-law".

ENACTED this 29th day of March, 2010.

  
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 B. Halloran, Mayor

  
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 S. Greatrix, City Clerk

Approval	Date	Authorized By	Initials
PS/BL	Mar 24/10	[Signature]	[Initials]
Legal	Mar 23/10	E. Davis	ED
Financial	Mar 24/10	[Signature]	[Initials]

Schedule "A" to By-Law No. 2010 - 049

ADDRESS	
9	Albert Street
258	Albert Street
260	Albert Street
75	Alexandra Avenue
195	Alexandra Ave.
203	Alexandra Ave.
163	Alvin Street
205A	Auburn Drive
344	Batavia Place
95	Blythwood Road
109	Blythwood Road
93	Blythwood Road
29	Cardill Crescent
34	Cardill Crescent
208	Carter Avenue
393A	Churchill Court
23	Columbia St.W.
114	Columbia Street West
373	Cornerbrook Place
303	Dale Crescent
559	Dansbury Drive
209	Dawson Street
216	Dawson Street
117	Devitt Avenue South
51	Dietz Avenue South
13	Dunbar Road S.
70	Dunbar Road South
158	Elgin Crescent
166	Elgin Crescent
180	Erb Street W.
182	Erb Street W.
145	Erb Street West
145	Erb Street West
182	Erb Street West
379	Erb Street West
397	Erb Street West
7	Euclid Avenue
114	Hickory St.W.
52	High Street

## ADDRESS

651	Highpoint Avenue
657	Highpoint Avenue
217B	Inverhuron Crescent
116	John Street West
57	Karen Walk
309	King St.N.
323	King Street N.
318	Lester Street
329	Lester Street
341	Lester Street
343	Lester Street
312	Lexington Street
14	Lodge Street
300	Longfellow Dr.
316	Longfellow Dr.
324	Longfellow Dr.
454	Lorindale Street
227	Lourdes Street
264	Lourdes Street
14	Marshall Street
29	Marshall Street
43	Marshall Street
49A & B	Marshall Street
53A & B	Marshall Street
57A & B	Marshall Street
74	Marshall Street
78	Marshall Street
63	Melbourne Crescent
70	Melbourne Crescent
40	Menno Street
408	Midwood Crescent
32	Moore Avenue North
716	Munich Circle
113	Noecker Street
115	Park Street
614	Pine Ridge Road
683A	Pinerow Crescent
683B	Pinerow Crescent
256	Sunview St.
271	Sunview Street
88	Union St. E.
86	Union Street East
99	Weber Street North
16	Westmount Road South
86	Westmount Road South



## ADDRESS

349	Westvale Drive
112	William St W
53	William St.W.
54	William St.W.
57	William St.W.
59	William St.W.
61	William St. W.
63	William St. W.
95	William St. W.
81	Willow Street
155	York Street
158	York Street