

THE CORPORATION OF THE TOWN OF LINCOLN

BY-LAW NO. 2017-24

A BY-LAW TO ESTABLISH AN ADMINISTRATIVE PENALTY SYSTEM RESPECTING THE STOPPING, STANDING OR PARKING OF VEHICLES IN THE TOWN OF LINCOLN.

WHEREAS Sections 8, 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, ("*Municipal Act, 2001*") authorize The Corporation of the Town of Lincoln to pass by-laws necessary or desirable for municipal purposes;

AND WHEREAS Subsection 102.1(1) of the *Municipal Act, 2001* provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person failed to comply with any by-laws respecting the parking, standing or stopping of vehicles;

AND WHEREAS the Province of Ontario adopted the "Administrative Penalties" Regulation, O.Reg. 333/07, pursuant to the *Municipal Act, 2001* which applies to administrative penalties in respect of the parking, standing or stopping of vehicles;

AND WHEREAS section 391 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws imposing fees or charges for costs payable by it for services or activities, and services or activities provided or done by or on behalf of the municipality;

AND WHEREAS The Corporation of the Town of Lincoln has enacted a number of by-laws regulating the parking, standing or stopping of vehicles, namely By-law No. 89-2000, as amended, being a By-law regulating traffic and parking on Town roads; By-law 2017-25, being a By-law designating Accessible Parking; By-law No 05-70, as amended, being a By-law designating and establishing Fire Routes; By-law No. 05-90, as amended, being a By-law regulating parking in municipal parking lots; By-law No. 2017-25, and By-law No. 08-66, as amended, being a By-law regulating the use of municipally-owned parks;

AND WHEREAS the Town of Lincoln will designate portions of By-law No. 89-2000, as amended, By-law 2017-25, By-law No. 05-70, as amended, By-law No. 05-90, as amended, and By-law No. 08-66, as amended, to be applicable to the administrative penalty system established through this By-law; do not include any that are being repealed –check accessible parking by-law

AND WHEREAS the Town of Lincoln considers it desirable to have an administrative penalty system By-law to which administrative penalties may apply;

AND WHEREAS the Town of Lincoln considers it desirable to enforce and seek compliance with the designated By-laws, or portions of those By-laws, through the administrative penalty system;

AND WHEREAS the Town of Lincoln deems it expedient to repeal By-law 2014-46 and replace it with a new Administrative Monetary Penalty System By-law;

NOW THEREFORE the Corporation of the Town of Lincoln enacts as follows:

1. SHORT TITLE

- 1.1. This By-law may be referred to as the "Administrative Penalty By-law".

2. DEFINITIONS FOR THE PURPOSE OF THIS BY-LAW

For the purposes of this By-law:

- 2.1. "Administrative Fee" means any fee specified in this By-law and listed in the Fees and Charges By-law from time to time;
- 2.2. "Administrative Penalty" means a monetary penalty as set out in Schedules "A", "B", "C", "D" and "E" to this By-law for a contravention of a Designated By-law;
- 2.3. "By-law" means this By-law and any schedule to this By-law, as may be amended from time to time;
- 2.4. "Council" means the Council of the Town of Lincoln;
- 2.5. "Day" means calendar day;
- 2.6. "Designated By-law" means a By-law or provision of a By-law that is designated under this or any other By-law as a By-law or provision of a By-law to which this By-law applies and is listed in Schedules "A", "B", "C", "D" and "E" attached to this By-law;
- 2.7. "Director" means the Director of Planning and Development or his or her designate;
- 2.8. "Extension Period" means a time period from time to time established by the Director and set down in a Corporate Policy;
- 2.9. "Hearing Non-appearance Fee" means an Administrative Fee in respect of a Person's failure to appear at the time and place scheduled for a review before a Hearing Officer, listed in the Fees and Charges By-law from time to time;
- 2.10. "Hearing Decision" means a notice that contains the decision of a Hearing Officer;
- 2.11. "Holiday" includes a Saturday, Sunday, any statutory holiday in the Province of Ontario or any day the offices for the Town are officially closed for business;
- 2.12. "Late Payment Fee" means an Administrative Fee in respect of a Person's failure to pay an Administrative Penalty within the time prescribed in this By-law, listed in the Fees and Charges By-law from time to time;
- 2.13. "MTO Plate Denial Fee" means an Administrative Fee, as represented by the Ontario Ministry of Transportation, for notifying the Registrar of Motor Vehicles for the purpose of plate permit denial, listed in the Fees and Charges By-law from time to time;
- 2.14. "MTO Search Fee" means an Administrative Fee in respect of searching the records of the Ontario Ministry of Transportation, listed in the Fees and Charges By-law from time to time;
- 2.15. "NSF Fee" means an Administrative Fee in respect of a demand for payment received by the Town from a Person for payment of any Administrative Penalty or Administrative Fee, which has insufficient

funds available in the account on which the instrument was drawn, listed in the Fees and Charges By-law from time to time;

- 2.16. "Officer" means each of: Municipal Law Enforcement Officer or other person appointed under the authority of a Town By-law to enforce a Designated By-law, and a police officer employed by Niagara Regional Police, or the Ontario Provincial Police;
- 2.17. "Owner" means the registered owner of a motor vehicle as provided by the Ministry of Transportation of Ontario (MTO);
- 2.18. "Penalty Notice" means a notice given to a Person pursuant to section 4 of this By-law;
- 2.19. "Penalty Notice Date" means the date of the contravention specified on the Penalty Notice pursuant to subsection 4.3(a);
- 2.20. "Penalty Notice Number" means the number specified on the Penalty Notice pursuant to subsection 4.3(c);
- 2.21. "Person" includes a corporation, partnership or limited partnership;
- 2.22. "Regulation" means the Administrative Penalties, Ontario Regulation 333/07;
- 2.23. "Request for Review by Hearing Officer" means the form attached to the Notice of Decision which may be filed by a Person under subsection 6.3 of this By-law;
- 2.24. "Screening Decision" means a notice which contains the decision of a Screening Officer;
- 2.25. "Screening Non-appearance Fee" means an Administrative Fee in respect of a Person's failure to appear at the time and place scheduled for a review by a Screening Officer, as listed from time to time in the Fees and Charges By-law;
- 2.26. "Screening Officer" means a person from time to time appointed by Council pursuant to the Screening and Hearing Officer By-law; and
- 2.27. "Town" means The Corporation of the Town of Lincoln or any of its authorized full-time employees.

3. DESIGNATED BY LAWS

- 3.1. Town By-laws, or portions of Town By-laws, that are listed in Schedules "A", "B", "C", "D" and "E" to this By-law shall be Designated By-laws and are hereby designated for the purpose of Section 3(1)(b) of the Regulation and the provisions of this By-law shall apply to any contravention of a Designated By-law Schedules "A", "B", "C", "D" and "E" shall set out the short form wording to be used for the contraventions of Designated By laws and also set out the Administrative Penalties imposed for the contraventions.
- 3.2. The *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended, does not apply to a contravention of a Designated By-law.

4. PENALTY NOTICE

- 4.1. Every Person who contravenes a provision of this By-law shall, when given a Penalty Notice, be liable to pay to the Town an Administrative Penalty in the amount specified in Schedule "A", "B", "C", "D" and "E".

- 4.2. An Officer who has reason to believe that a Person has contravened a provision of this By-law may issue a Penalty Notice to that Person.
- 4.3. A Penalty Notice shall include the following information:
- (a) The vehicle license plate number or vehicle identification number;
 - (b) The Penalty Notice Date;
 - (c) A number that is unique to the Penalty Notice;
 - (d) The contravention wording listed in Schedule "A", "B", "C", "D" and "E" which describes particulars of the contravention;
 - (e) The amount of the Administrative Penalty;
 - (f) Such information as the Director determines is appropriate respecting the process by which the Person may exercise the Person's right to request a review of the Administrative Penalty; and
 - (g) A statement advising that an Administrative Penalty, including any Administrative Fee, will, unless cancelled or reduced pursuant to a review, constitute a debt of the Person to the Town.
- 4.4. A Person who is given a Penalty Notice and who does not pay the amount of the Administrative Penalty within 15 days of the Penalty Notice Date shall pay to the Town an MTO Search Fee.

5. REVIEW BY A SCREENING OFFICER

- 5.1. A Person who is given a Penalty Notice may request that the Administrative Penalty be reviewed by a Screening Officer and shall do so within 15 days after the Penalty Notice Date.
- 5.2. If a Person has not requested a review within the time limit set out in section 9, a Person may request that the Screening Officer extend the time to request a review within the Extension Period. A Person's right to request an extension of time expires if it has not been exercised within the Extension Period at which time:
- (a) The Person shall be deemed to have waived the right to request a review;
 - (b) The Administrative Penalty shall be deemed to be affirmed on the day after the Extension Period has passed; and
 - (c) The Administrative Penalty shall not be subject to any further review, including review by any Court.
- 5.3. A Person's right to request a review or to request an extension of time to request a review are exercised by:
- (a) Submitting a Request for Screening form available at the Town's web page as set out in the Penalty Notice by mail, fax or email and scheduling the time and place for the review; or
 - (b) Attending in person at the location listed in the Penalty Notice to complete a Request for Screening form and scheduling the time and place for review.
- 5.4. A review or request for an extension of time to request a review shall only be scheduled by the Town if the Person has exercised his or her right to request a review or an extension of time to request a review within the time limits set out in sections 9 and 10.
- 5.5. Where a Person fails to attend at the time and place scheduled for a review of the Administrative Penalty:

- (a) The Person shall be deemed to have abandoned the request for a review of the Administrative Penalty;
 - (b) The Administrative Penalty as set out in the Penalty Notice shall be deemed to be affirmed on the 16th day after the Penalty Notice and is not subject to any further review, including by any Court; and
 - (c) The Person shall pay to the Town a Screening Non-Appearance Fee.
- 5.6. For the purposes of section 5.2, the Screening Officer may only extend the time to request a review of an Administrative Penalty where the Person demonstrates, on a balance of probabilities, the existence of extenuating circumstances that warrant the extension of time.
- 5.7. Where an extension of time is not granted by the Screening Officer the Administrative Penalty is deemed to be affirmed.
- 5.8. On a review of the Administrative Penalty, the Screening Officer may affirm the Administrative Penalty or the Screening Officer may cancel, vary, or extend the time for payment of the Administrative Penalty, including any Administrative Fee, on the following grounds:
- (a) Where the Person establishes on a balance of probabilities, that he or she did not contravene the Designated By-law as described in the Penalty Notice; or
 - (b) Where the Person establishes on a balance of probabilities that the reduction or extension of time for payment of the Administrative Penalty, including any Administrative Fee, is necessary to relieve any undue hardship.
- 5.9. After a review has been held, the Screening Officer shall deliver a Screening Decision to the Person.

6. REVIEW BY A HEARING OFFICER

- 6.1. A Person may request a review of a Screening Decision by a Hearing Officer and shall do so within 15 days after the Screening Decision has been delivered to the Person.
- 6.2. If a Person has not requested a review within the time limit set out in section 17, a Person may request that the Hearing Officer extend the time to request a review within 30 days of the Screening Decision being delivered to the Person. A Person's right to request an extension of time expires if it has not been exercised within 30 days after the Screening Decision has been delivered at which time:
- (a) The Person shall be deemed to have waived the right to request a hearing;
 - (b) The Screening Decision and the Administrative Penalty, if applicable as modified in the Screening Decision, shall be deemed to be affirmed; and
 - (c) The Screening Decision and the Administrative Penalty shall not be subject to any further review, including review by any Court.
- 6.3. A Person's rights to request a review of a Screening Decision or to request an extension of time to request the review are exercised by attending in person or by a representative at the place specified in the Request for Review by Hearing Officer form and filing a completed form.

- 6.4. A review or a request for an extension of time to request a review shall only be scheduled by the Town if the Person has exercised his or her right to request a review or an extension of time to request a review within the time limits set out in sections 17 and 18.
- 6.5. Where a Person fails to attend at the time and place scheduled for a review by the Hearing Officer:
- (a) The Person shall be deemed to have abandoned the request for a review of the Screening Decision;
 - (b) The Screening Decision and the Administrative Penalty, if applicable as modified in the Screening Decision, shall be deemed to be final and are not subject to any further review, including by any Court;
 - (c) The Administrative Penalty, if applicable as modified in the Screening Decision, is deemed to be affirmed on the date the Screening Decision was delivered to the Person; and
 - (d) The Person shall pay to the Town a Hearing Non-Appearance Fee.
- 6.6. For the purposes of section 6.2, the Hearing Officer may only extend the time to request a review of a Screening Decision where the Person demonstrates, on a balance of probabilities, the existence of extenuating circumstances that warrant the extension of time.
- 6.7. Where an extension of time is not granted by the Hearing Officer the Screening Decision and Administrative Penalty, if applicable as modified in the Screening Decision, are deemed to be affirmed.
- 6.8. A Hearing Officer shall not make any decision respecting a review of a Screening Decision unless the Hearing Officer has given the Person and the Town an opportunity to be heard at the time and place scheduled for the hearing of the review.
- 6.9. On a review of a Screening Decision, the Hearing Officer may affirm the Screening Decision or the Hearing Officer may cancel, vary or extend the time for payment of the Administrative Penalty, including any Administrative Fee, on the following grounds:
- (a) where the Person establishes a balance of probabilities, that he or she did not contravene the Designated By-law as described in the Penalty Notice; or
 - (b) where the Person establishes on a balance of probabilities, that the reduction or extension of time for payment of the Administrative Penalty including any Administrative Fee, is necessary to relieve any undue hardship.
- 6.10. All hearings conducted by the Hearing Officer shall be in accordance with the *Statutory Powers and Procedures Act*, R.S.O. 1990, c. S.22, as amended.
- 6.11. After a hearing is complete, the Hearing Officer shall issue to the Person a Hearing Decision.
- 6.12. Any decision by a Hearing Officer is final.
- 6.13. Neither a Screening Officer nor a Hearing Officer has jurisdiction to consider questions relating to the validity of a statute, regulation or By-law or the constitutional applicability or operability of any statute, regulation or By-law.

7. SERVICE OF DOCUMENTS

- 7.1. Service of any document or notice, including a Penalty Notice, respecting this Bylaw may be given in writing in any of the following ways and is effective:
- (a) Affixing it to the vehicle in a conspicuous place at the time of the violation;
 - (b) Delivering it personally to the operator of the vehicle or the person in care and control of the vehicle at the time of the contravention;
 - (c) When a copy is delivered to the Person to whom it is addressed;
 - (d) On the fifth day after a copy is sent by registered mail or by regular letter mail to the Owner's last known address;
 - (e) Upon the conclusion of the transmission of a copy by facsimile transmission to the Person's last known facsimile transmission number; or
 - (f) Upon the sending a copy by e-mail transmission to the Person's last known email address.
- 7.2. For the purposes of subsections 29(1) (b), (c), (d), (e) and (f), a Person's last known address, facsimile number and e-mail address may include an address, facsimile number and e-mail provided by the Person to the Town as may be required by a form, practice or policy developed under this By-law.

8. ADMINISTRATION OF THE BY-LAW

- 8.1. The Director shall administer the By-law and establish any practices, policies and procedures necessary to implement the By-law and may amend such practices, policies and procedures from time to time as the Director deems necessary.
- 8.2. The Director shall prescribe all forms and notices, including the Penalty Notice, necessary to implement the By-law and may amend such forms and notices from time to time as the Director deems necessary.
- 8.3. The Director may designate areas and locations for conducting screening reviews and hearings under this By-law.

9. GENERAL PROVISIONS

- 9.1. An Administrative Penalty, including any Administrative Fees, that is affirmed or reduced or in respect of which the time for payment has been extended is due and payable and constitutes a debt to the Town owed by the Person to whom the Penalty Notice was given.
- 9.2. Where an Administrative Penalty is not paid within 15 days after it becomes due and payable, the Person to whom the Penalty Notice was given shall pay to the Town a Late Payment Fee.
- 9.3. Where an Administrative Penalty is not paid within 30 days after it becomes due and payable, the Town shall notify the Registrar of Motor Vehicles of the default and the Registrar shall not validate the permit of a person named in the default notice nor issue a new permit to that person until the penalty is paid.
- 9.4. Where an Administrative Penalty or any administrative fees respecting that Administrative Penalty are not paid within thirty 30 days after the date that they become due and payable, each Person

to whom the Penalty Notice was given shall pay to the Town a MTO Plate Denial Fee.

- 9.5. Where a person provides a demand for payment to the Town for payment of any Administrative Penalty or Administrative Fee, which has insufficient funds available in the account on which the instrument was drawn, shall pay to the Town a NSF Fee.
- 9.6. Where an Administrative Penalty is cancelled by a Screening Officer or a Hearing Officer, any Administrative Fee is also cancelled.
- 9.7. Any time limit that would otherwise expire on a Holiday is extended to the next day that is not a Holiday.
- 9.8. No Officer may accept payment in respect of an Administrative Penalty.
- 9.9. Any schedule attached to this By-law forms part of this By-law.

10. VALIDITY

- 10.1. By-law No. 2014-46 be and the same is hereby repealed.
- 10.2. This By-law shall come into force upon on April 3, 2017.
- 10.3. If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid or to be of no force and effect, it is the intention of the Town in enacting this By-law that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

BY-LAW READ A FIRST TIME THIS 3RD DAY OF APRIL, 2017.

BY-LAW READ A SECOND TIME THIS 3RD DAY OF APRIL, 2017.

BY-LAW READ A THIRD TIME AND FINALLY PASSED THIS 3RD DAY OF APRIL, 2017.



DEPUTY MAYOR: TONY BRUNET



CLERK: WILLIAM J. KOLASA

SCHEDULE "A" TO BY-LAW NO. 2017-24

TOWN OF LINCOLN ADMINISTRATIVE PENALTY BY-LAW
DESIGNATED BY-LAW PROVISIONS
TRAFFIC BY-LAW NO. 89-2000

1. For the purposes of Section 3 of this By-law, Column 1 in the following table lists the provisions in the Traffic By-law No. 89-2000, as amended, that are hereby designated for the purposes of 3(1)(b) of the Regulation.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

ITEM	COLUMN 1 Designated Provisions	COLUMN 2 Short Form Wording	COLUMN 3 Administrative Penalty
1.	201.01	(Stop/stand/park) facing wrong way	\$30.00
2.	201.02	(Stop/stand/park) too far from edge of road	\$30.00
3.	201.03	(Stop/stand/park) too far from edge of shoulder	\$30.00
4.	201.04	(Stop/stand/park) facing wrong way on left side of one-way highway	\$30.00
5.	201.05	(Stop/stand/park) too far from left edge of a one-way highway	\$30.00
6.	201.06	(Stop/stand/park) too far from the left shoulder edge of one-way highway	\$30.00
7.	201.07	(Stop/stand/park) contrary to designated angle	\$30.00
8.	201.08	(Stop/stand/park) not within designated space	\$30.00
9.	201.09	Double (stopping/standing/parking)	\$40.00
10.	202.01	Park on (shoulder/boulevard) where prohibited	\$30.00
11.	202.02	Park repeatedly (at/near) one location	\$30.00
12.	202.03	Park/Stop/Stand Large Motor vehicle	\$75.00
13.	203.01.01	Stop on sidewalk	\$50.00
14.	203.01.02	Stop in intersection or crosswalk	\$50.00
15.	203.01.03	Stop so as to impede traffic	\$50.00
16.	203.01.04	Stop in/near tunnel or bridge	\$50.00
17.	203.01.05	Stop on/adjacent to median	\$50.00
18.	203.01.06	Stop on outer boulevard	\$50.00
19.	203.02.01	Stop near/at school crossing or crosswalk where prohibited by sign	\$50.00

ITEM	COLUMN 1 Designated Provisions	COLUMN 2 Short Form Wording	COLUMN 3 Administrative Penalty
20.	203.02.02	Stop near/at railway crossing where prohibited by sign.	\$50.00
21.	203.02.03	Stop near school or playground where prohibited by sign	\$50.00
22.	203 .02.04	Stop within 15m of intersection where prohibited by sign	\$50.00
23.	203.02 .05	Stop within 60m of intersection controlled by traffic signal where prohibited by sign	\$50.00
24	203.03	Stop where prohibited by sign	\$50.00
25	204.01	Stand near designated bus stop	\$40.00
26.	204.02	Stand where prohibited by sign	\$40.00
27.	205.01.01	Park within 10m of intersection	\$30.00
28.	205.01 .02	Park within 3 m of fire hydrant	\$60.00
29.	205.01 .03	Park on an inner boulevard	\$25.00
30.	205.01 .04	Park on driveway too close to roadway	\$25.00
31.	205.01.05	Park within 1.5m of driveway	\$25.00
32.	205.01.06	Park obstructing driveway	\$25.00
33.	205.01.07	Park so as to block vehicle	\$25.00
34.	205 .01.08	Park for sale/display	\$25.00
35.	205.01.09	Park for servicing	\$25.00
36.	205.01 .10	Park for longer than 24 hours	\$25.00
37.	205.02 .01	Park near fire hall where prohibited by sign	\$40.00
38.	205.02.02	Park near intersection where prohibited by sign	\$25.00
39.	205.02 .03	Park near signaled intersection where prohibited by sign	\$25.00
40.	205 .02.04	Park near entrance of public building where prohibited by Sign	\$25.00
41.	205 .02.05	Park near driveway where prohibited by sign	\$25.00
42.	205.02.07	Park near cross-walk where prohibited by sign	\$25.00
43.	205.02.08	Park so as to interfere with funeral procession where prohibited by sign	\$25.00
44.	205.02.09	Park within turning circle or basin of cul-de-sac where prohibited by sign	\$25.00
45.	205.02.10	Park within 15m of the termination of dead end roadway where prohibited by sign	\$25.00
46.	205.02.11	Park where parking temporarily prohibited	\$40.00
47.	205.03	Park where prohibited by sign	\$30.00

ITEM	COLUMN 1 Designated Provisions	COLUMN 2 Short Form Wording	COLUMN 3 Administrative Penalty
48.	205.04	Park (trailer/commercial vehicle) where prohibited by sign	\$30.00
49.	207.01	Park over time limit where prohibited by sign	\$25.00
50.	209.01.01	Park not adjacent to meter	\$20.00
51.	209.01.02	Park at meter - wrong wheels adjacent	\$20.00
52.	209.01.03	Angle park at meter - wrong direction	\$20.00
53.	209.02	Park outside metered space	\$20.00
54.	209.03	Park (at covered meter/in occupied meter space)	\$20.00
55.	209.06.01	Park over time limit-metered zone	\$20.00
56.	209.06.02	Park at expired meter	\$20.00
57.	301.02	Park where prohibited - public vehicle parking zone	\$20.00
58.	301.03	Stand where prohibited - public vehicle bus stop	\$30.00
59.	301.01	Stop vending vehicle - obstructing traffic	\$40.00
60.	303.03	Stop a mobile canteen where prohibited	\$40.00
61.	304.01	Stand at taxi stand	\$30.00
62.	305.01	Stop to (load/unload) where prohibited	\$40.00
63.	305.02	Stop in loading zone	\$50.00

SCHEDULE "B"

**TOWN OF LINCOLN ADMINISTRATIVE PENALTY
BY-LAW DESIGNATED BY-LAW PROVISIONS
FIRE ROUTE BY-LAW NO. 05-70 AS AMENDED**

1. For the purposes of Section 3 of this By-law, Column 1 in the following table lists the provisions in the Fire Route By-law No. 05-70, as amended, that are hereby designated for the purposes of 3(1)(b) of the Regulation.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

ITEM	COLUMN 1 Designated Provisions	COLUMN 2 Short Form Wording	COLUMN 3 Administrative Penalty
1.	Section 3.5	Park in a fire route where prohibited by sign.	\$ 100

SCHEDULE "C"

TOWN OF LINCOLN
 ADMINISTRATIVE PENALTY BY-LAW
 DESIGNATED BY-LAW PROVISIONS
 MUNICIPAL PARKING LOT BY-LAW NO. 05-00

1. For the purposes of section 3 of this By-law, Column 1 in the following table lists the provisions in the Municipal Parking Lot By-law No. 05-90, as amended, that are hereby designated for the purposes of 3(1)(b) of the Regulation.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

ITEM	COLUMN 1 Designated Provisions	COLUMN 2 Short Form Wording	COLUMN 3 Administrative Penalty
1.	3	Fail to Park in Marked Space	\$30.00
2.	4	Park Heavy Vehicle in Municipal Parking Lot	\$75.00
3.	7	Park over time limit where prohibited by sign	\$30.00

SCHEDULE "D"

TOWN OF LINCOLN ADMINISTRATIVE PENALTY
BY-LAW DESIGNATED BY-LAW PROVISIONS
MUNICIPAL PARK BY-LAW NO. 08-66

1. For the purposes of Section 3 of this By-law, Column 1 in the following table lists the provisions in the Municipal Park By-law No. 08-66, as amended, that are hereby designated for the purposes of 3(1)(b) of the Regulation.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

ITEM	COLUMN 1 Designated Provisions	COLUMN 2 Short Form Wording	COLUMN 3 Administrative Penalty
1.	31. (b)	Park Prohibited Vehicle in Park without Permit	\$75.00
2.	33. (a)	Park not in Designated Parking	\$75.00
3.	33. (c)	Park Vehicle in Park after closing	\$75.00
4.	36.	Park Commercial Vehicle	\$100.00

SCHEDULE "E"

ACCESSIBLE PARKING BY-LAW No. 2017-25

For the purposes of Section 3 of this By-law, Column 1 in the following table lists the provisions in the Accessible Parking By-law No. 2017-25, that are hereby designated for the purposes of 3.2 of the Regulation.

Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.

Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

Column 4 in the following table sets out the long form wording to be used for the contravention of the designated provisions listed in Columns 1.

ITEM	COLUMN 1 Designated Provisions	COLUMN 2 Short Form Wording	COLUMN 3 Administrative Penalty	COLUMN 4 Long Form Wording
1	3.9	P in Accessible Zone	\$300.00	Park in Accessible Zone without a permit

THE CORPORATION OF THE TOWN OF LINCOLN

A BY-LAW TO AMEND BY-LAW NO. 2017-24, BEING A BY-LAW TO ESTABLISH AN ADMINISTRATIVE PENALTY SYSTEM RESPECTING THE STOPPING, STANDING OR PARKING OF VEHICLES IN THE TOWN OF LINCOLN.

BY-LAW NO. 2019-31

WHEREAS, sections 8, 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorize the Corporation of the Town of Lincoln to pass by-laws necessary or desirable for municipal purposes;

AND WHEREAS, section 391 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws imposing fees or charges for costs payable by it for services or activities, and services or activities provided or done by or on behalf of the municipality;

AND WHEREAS, section 102.1(1) of the *Municipal Act, 2001* provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person failed to comply with any by-laws respecting the parking, standing, or stopping of vehicles;

AND WHEREAS, the Province adopted the "Administrative Penalties" regulation, O. Reg. 333/07 pursuant to the *Municipal Act, 2001* which applies to administrative penalties in respect of the parking, standing or stopping of vehicles;

AND WHEREAS, the Council of the Corporation of the Town of Lincoln deemed it necessary to have an administrative penalty system in respect of the parking, standing or stopping of vehicles established through By-law 2017-24;

AND WHEREAS, it is desirable to amend By-law 2017-24;

NOW THEREFORE, the Council of the Corporation of the Town of Lincoln hereby enacts as follows:

1. That By-law No. 2017-24 is hereby amended attached as **Appendix A**.
2. That **Appendix B**, attached hereto and forming part of this By-law, is hereby appended as Schedule "F" to By-law No. 2017-24, and shall be deemed to be part of that By-law
3. That the definitions in subsection 2.2 and 2.6 is amended by inserting Schedule "F".
4. That subsection 3.1 is amended by inserting Schedule "F".
5. That subsection 4.1 is amended by inserting Schedule "F".
6. That subsection 4.3(d) is amended by inserting Schedule "F".
7. This By-law shall come into full force and effect on the date of final passing.

BY-LAW read a FIRST time this 18th day of March, 2019.

BY-LAW read a SECOND time this 18th day of March, 2019.

BY-LAW read a THIRD time and FINALLY PASSED this 18th day of March, 2019.

For:  Deputy Mayor
MAYOR: SANDRA EASTON


CLERK: JULIE KIRKELOS

APPENDIX A

Corporation of the Town of Lincoln By-Law 2017-24

AND WHEREAS, The Corporation of the Town of Lincoln has enacted a number of by-laws regulating the parking, standing or stopping of vehicles, namely By-law No. 89-2000, as amended, being a By-law regulating traffic and parking on Town roads; By-law 2017-25, being a By-law designating Accessible Parking; By-law No 05-70, as amended, being a By-law designating and establishing Fire Routes; By-law No. 05-90, as amended, being a By-law regulating parking in municipal parking lots; By-law No. 2017-25, By-law No. 08-66, as amended, being a By-law regulating the use of municipally-owned parks and By-Law No. 2019- 30, as amended, being a By-law to regulate the parking of motor vehicles on private property;

APPENDIX B

Corporation of the Town of Lincoln By-Law 2017-24

SCHEDULE "F"

**TOWN OF LINCOLN ADMINISTRATIVE PENALTY BY-LAW
DESIGNATED BY-LAW PROVISIONS
PRIVATE PROPERTY BY-LAW 2019-31**

1. For the purposes of Section 3 of this By-law, Column 1 in the following table lists the provisions in the Private and Municipal Property Parking By-law No. 2019-30, as amended, that are hereby designated for the purposes of 3(1)(b) of the Regulation.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

ITEM	COLUMN 1 Designated Provision	COLUMN 2 Short Form Wording	COLUMN 3 Administrative Penalty
1.	Sec. 2	Unauthorized parking on private property	\$40.00
2.	Sec. 2 (2)	Park in accessible parking zone without valid permit – Private Property	\$300.00
3.	Sec. 3	Unauthorized parking on municipal property	\$40.00
4.	Sec. 3 (2)	Park in accessible parking zone without valid permit – Municipal Property	\$300.00

THE CORPORATION OF THE TOWN OF LINCOLN

BY-LAW NO. 2021-92

A BY-LAW TO AMEND BY-LAWS 89-2000 (89-28) AND 2017-24, AS AMENDED, BEING A BY-LAW REGULATING TRAFFIC AND PARKING ON LOCAL MUNICIPAL ROADS

WHEREAS the Council of the Corporation of the Town of Lincoln enacted By-law No. 89-2000 (89-28) on April 3, 1989, to regulate traffic and parking on local municipal roads;

AND WHEREAS under Section 170 of the *Highway Traffic Act*, 1990, no person shall park or stand a vehicle on a highway in a such a manner as to interfere with the movement of traffic or the clearing of snow from a highway;

AND WHEREAS the Council of the Corporation of the Town of Lincoln deems it necessary and expedient to amend By-law No. 89-2000 (89-23), as amended, to include provisions and definitions related to snow clearing operations, street cleaning and tow-authority;

AND WHEREAS the Council of the Corporation of the Town of Lincoln deems it necessary and expedient to amend Schedule 'A' of By-law No. 2017-24, as amended, in relation to set fines of snow clearing and street cleaning interference.

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF LINCOLN ENACTS AS FOLLOWS:

1. That the following provisions be **added** to By-law No. 89-2000 (89-28), as amended:

205.01.11 No person shall Park, Stand or Stop a vehicle as to interfere with snow removal from highway. For clarity and without limitation, if a Snow Clearing vehicle in the execution of its duties must or will potentially have to change its course to avoid a parked vehicle or is prevented from or potentially prevented from entering an area it would normally have otherwise entered to clear, sand or salt because of a parked vehicle this constitutes interference.

205.01.12 No person shall Park, Stand or Stop a vehicle as to interfere with street cleaning measures. For clarity and without limitation, if a Street Cleaning vehicle in the execution of its duties must or will potentially have to change its course to avoid a parked vehicle or is prevented from or potentially prevented from entering an area it would normally have otherwise entered because of a parked vehicle this constitutes interference.

1102.02 Vehicle Towing

- (1) In addition to any other penalties provided for in this By-law, a police officer, officer, Municipal Law Enforcement Officer may, where a vehicle is parked or stopped in contravention of this By-law, cause that vehicle to be removed, taken away and stored in a suitable place.
- (2) All costs and charges incurred for removing, caring for and storing a vehicle removed pursuant to subsection

(1) of this section, shall be a lien upon the vehicle, which lien may be enforced in the manner provided for by the Repair and Storage Liens Act, R.S.O. 1990, Chapter R. 25.

2. That the following definitions be **added** to By-law No. 89-2000 (89-28), as amended:

101.01.53 "Snow Removal/Clearing- means the works carried out by the Town of Lincoln staff or contracted affiliate to clear the travelled portions of the highways within the town, by means of plowing, sanding, salting or whatever additional or other means are approved by the Town.

101.01.56 "Street Cleaning"- means the works carried out by the Town of Lincoln staff or contracted affiliate, to clean the travelled portions of the highways within the Town of Lincoln, by means approved by the Town.

101.01.57 "Suitable Place" means a towing compound operated by a recognized, licenced towing company, where the storage area of said compound is fully fenced (enclosed) with controlled access, for the safety and security of the vehicles stored there within.

3. That Schedule 'A' of By-law No. 2017-24, as amended, is hereby further amended by adding the following to the respective columns in the said schedule:

Item	COLUMN 1 Designated Provisions	COLUMN 2 Short Form Wording	COLUMN 3 Administrative Penalty
63	205.01.11	Park as to interfere with Snow Clearing	\$75.00
64	205.01.12	Park as to interfere with Street Cleaning	\$75.00

4. That the provisions of any by-law inconsistent with this By-law are hereby repealed.

5. This By-law shall come into force and take effect on the date of its final passing.

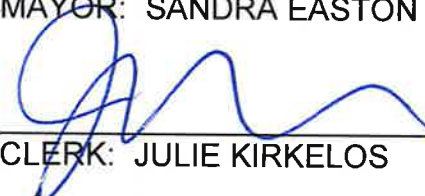
By-law read a first time this 15th day of November, 2021.

By-law read a second time this 15th day of November, 2021.

By-law read a third time and finally passed 15th day of November, 2021.



 MAYOR: SANDRA EASTON



 CLERK: JULIE KIRKELOS

THE CORPORATION OF THE TOWN OF LINCOLN

BY-LAW NO. 2022-48

A BY-LAW TO AMEND SCHEDULE "D" OF BY-LAW 2017-24, AS AMENDED, BEING A BY-LAW TO ESTABLISH AN ADMINISTRATIVE PENALTY SYSTEM RESPECTING THE STOPPING, STANDING OR PARKING OF VEHICLES IN THE TOWN OF LINCOLN.


WHEREAS the Council of the Corporation of the Town of Lincoln enacted By-law No. 2017-24 on April 3, 2017, to apply and Administrative Penalty System to enforce and seek compliance with the designated By-laws, or portions of those By-laws through the Administrative Penalty System;


AND WHEREAS the Council of the Corporation of the Town of Lincoln deems it necessary and expedient to amend Schedule 'D' of By-law No. 2017-24, as amended, in relation to set fines of parking related offences within Municipal Parks.

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF LINCOLN ENACTS AS FOLLOWS:

1. That Schedule "D" of By-law No. 2017-24, as amended, be repealed and replaced with Appendix "A" of this By-law.
2. That the provisions of any by-law inconsistent with this By-law are hereby repealed.
3. That this By-law shall come into force and take effect on the date of its final passing.

PASSED AND ENACTED on the 11th day of July 2022.


MAYOR: SANDRA EASTON


CLERK: JULIE KIRKELOS

Appendix "A" to By-law 2022-48

SCHEDULE "D"
 TOWN OF LINCOLN
 ADMINISTRATIVE PENALTY BY-LAW -DESIGNATED BY-LAW PROVISIONS
 USE OF MUNICIPAL PARKS BY-LAW

ITEM #	Short Form Wording	Provision creating or defining offence	Set Fine
1	Park vehicle not in designated parking area	Part IX s. 36 (b)	\$75.00
2	Park vehicle after hours of operation of Park	Part IX s.36 (c)	\$125.00
3	Improper parking- not in marked posted area	Part IX s.36 (d)	\$75.00
4	Park in prohibited parking	Part IX s.36 (e)	\$125.00
5	Unauthorized parking in Accessible Parking-no permit	Part IX s. 36 (f)	\$300.00
6	Park heavy equipment/trailer/motor vehicle/ RV/ Motorized Recreational Vehicle in Park-not authorized	Part IX s. 36 (j)	\$125.00
7	Park commercial vehicle in Park- not authorized	Part IX s.41 (a)	\$125.00
8	Park Food Service Vehicle in Park-not authorized	Part IX s.42 (a)	\$125.00

NOTE: The penalty provision for the offences indicated above is Part X section 47 of By-law No 2022-44, a certified copy of which has been filed.