

BY-LAW NO. 2021 – XXX

A by-law of the City of Ottawa to amend By-law 2002-189 respecting the regulation of towing activities by private parking enforcement agencies.

The Council of the City of Ottawa enacts as follows:

1. Section 1 of By-law No. 2002-189 entitled “A by-law of the City of Ottawa respecting the licensing, regulating and governing of certain businesses”, as amended, is amended by repealing the definition of “parking enforcement services” and substituting the following definition in its place:

“parking enforcement services” means any parking enforcement activity including but not limited to the issuance of tickets, invoices, and payment notices, or authorizing the towing of vehicles through By-Law and Regulatory Services Dispatch, carried on in relation to vehicles parked on private property, but does not include parking enforcement undertaken by the City of Ottawa.

2. Section 6 of Schedule 30 of By-Law No. 2002-189 is amended by striking out the duplicate words “shall be issued or” from subsection (1) following the words “No license”.

3. Section 6 of By-law No. 2002-189 is further amended by adding the following subsection:

(4) No private parking enforcement agency licensed under this Schedule is eligible for a tow service operator license or a tow truck driver license under this By-law.

4. Section 13 of Schedule 30 of By-Law No. 2002-189 is repealed and replaced with the following Section:

PROHIBITION REGARDING REMOVAL OF MOTOR VEHICLES

13. (1) No person shall remove or cause to be removed any motor vehicle parked on private property without the consent of the owner or occupier of the property.

- (2) Despite subsection (1), a Deputized Officer providing parking enforcement services for a private parking enforcement agency licensed under this Schedule may arrange for the towing of a vehicle that is illegally parked on private property if all of the following conditions are met:
 - (a) the owner or occupier of the private property on which the illegally parked vehicle is located must provide consent prior to having the vehicle towed from the private property; the tow may occur only upon issuance of a minimum of three (3) Parking Infraction Notices (PIN) for the same vehicle on the same property for three (3) separate violations which are non-continuous in nature;
 - (b) the Deputized Officer must issue a City of Ottawa parking infraction notice (PIN) in respect of the illegally parked vehicle; and,
 - (c) the Deputized Officer must arrange the tow through By-law and Regulatory Services (BLRS) Dispatch in accordance with the protocol set out and communicated by the Chief License Inspector.
- (3) With the exception of Deputized Officers initiating the towing of vehicles pursuant to subsection (2), when consent of the owner or occupier is obtained, only a police officer, police cadet, municipal law enforcement officer or officer appointed for carrying out the provisions of subsection 170(15) of the Highway Traffic Act may cause a motor 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 motor vehicle, if any, are a lien upon the motor vehicle, which may be enforced in the manner provided by the Repair and Storage Liens Act.

5. Section 16 (2) of Schedule 30 of By-Law No. 2002-189 is amended by striking out “paragraph (c)” where it occurs and replacing with “paragraph (d)” following the words “Parking Infraction Notices set out in subsection (1)”.

DOCUMENT 3

EFFECTIVE DATE

6. This by-law shall come into force and effect on January 1, 2022.

ENACTED AND PASSED this XXth day of [Month] [Year].

CITY CLERK

MAYOR