

THE CORPORATION OF THE CITY OF BROCKVILLE

BY-LAW 75-2001

**A BY-LAW TO AMEND CITY OF BROCKVILLE BY-LAW 232-92 BEING
A BY-LAW TO AUTHORIZE THE APPOINTMENT OF MUNICIPAL LAW ENFORCEMENT
OFFICERS AND PEACE OFFICERS AS IT APPLIES TO THE PRIVATE PROPERTY OF
135 ORMOND STREET**

WHEREAS City of Brockville By-law 232-92 appointing owners or representatives of owners of private property as Municipal Law Enforcement Officers to enforce parking on their private property, was adopted by the Council of the Corporation of the City of Brockville on November 24, 1992; and,

WHEREAS Dr. Glen P. Chapple, the owner of the property (parking lot) located at 135 Ormond Street applied for an appointment as a by-law enforcement officer in order to control parking on that lot; and

WHEREAS the Council of the Corporation of the City of Brockville deems it expedient to amend the said By-law 232-92,

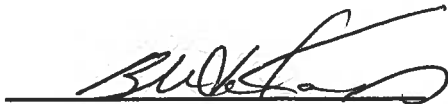
**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF
BROCKVILLE ENACTS AS FOLLOWS:**

THAT By-law 232-92 be the same and is hereby amended by adding:

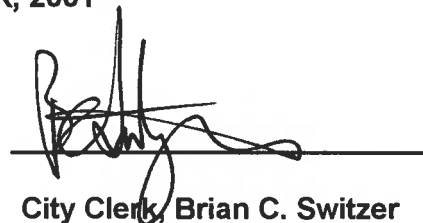
Dr. Glen P. Chapple 135 Ormond Street

**GIVEN UNDER THE SEAL OF THE CORPORATION OF THE
CITY OF BROCKVILLE AND PASSED THIS**

11 DAY OF SEPTEMBER, 2001



Mayor, B.W. TeKamp



City Clerk, Brian C. Switzer

THIS AGREEMENT MADE IN TRIPPLICATE THIS 11 DAY OF SEPTEMBER 2001 BETWEEN:

DR. GLEN P. CHAPPLE

hereinafter called the "Private Property Owner"

- AND -

THE CORPORATION OF THE CITY OF BROCKVILLE

hereinafter called the "City"

WHEREAS the City has by By-law 232-92, and at the request of the Private Property Owner, designated certain individuals as Municipal Law Enforcement Officers for the purpose of parking control on the private property owner's property.

NOW THEREFORE WITNESSETH that in consideration of the mutual covenants and premises hereinafter contained, the parties hereby covenant and agree as follows:

1. THAT the City shall provide training and supervision to the Municipal Law Enforcement Officers.
2. THAT the City shall supply Parking Infraction Notices as required.
3. THAT the City shall retain the right to set parking offences fines and make changes to the notice as required.
4. THAT the City shall collect and retain all monies resulting from issuance of parking infractions.
5. THAT the Private Property Owner shall indemnify and save harmless the City, its agents, servants and employees from and against all claims, demands, loss, costs, damage, action suits or other proceedings by whomsoever brought or prosecuted in any manner based upon, occasioned by or attributed to the City entering into this agreement or appointing designated individuals for the enforcement of parking infractions on the private property owner's property.
6.
 - 1] THAT the private property owner agrees to provide and maintain during the term of this agreement, comprehensive general liability insurance coverage acceptable to the Corporation and in the amount of not less than one million [\$1,000,000.00] dollars inclusive per occurrences for bodily injury, death and damage to property including loss of use thereof. Such insurance shall:
 - a] Be in the joint names of the private property owner[s], the person[s] designated as an enforcement officer and the Corporation of the City of Brockville.
 - b] Contain the following endorsement to provide named assured with prior notice to changes and cancellations:

"The coverage provided by this policy will not be changed or amended in any way nor canceled until thirty [30] days after written notice of such changes or cancellation shall have been given to all named insured."
 - 2] THAT the private property owner shall file proof of insurance as prescribed in subparagraph [a] with the Corporation and shall keep that proof current at all times.
7. THAT the private property owner shall be responsible for the act or acts of each and every enforcement officer in the same manner and to the same extent as though such act or acts were done by the private property owner.

9. THAT the private property owner ensure that appointed personnel communicate effectively, courteously and tactfully with all persons having questions about parking tickets issued.
10. THAT the private property owner shall observe, and comply with all laws of Ontario and Canada and with all by-laws, rules, regulations, notices, orders and demands of the Corporation.
11. THAT the private property owner shall install and maintain approved signage indicating Fire Access Routes and Disabled Parking Areas where these areas exist, and designating the lot as private property and warning of enforcement of parking on the lot by ticket issuance under By-law 119-89.
12. THAT the private property owner understands and agrees that any abuse of the authority granted to issue Parking Infraction Notices or any breach of any of the rules or regulations of the appointment program may result in the revocation of the authority to issue Parking Infraction Notices.
13. THAT this agreement shall remain in force for a period of one [1] year from September 11, 2001 to April 1, 2002, to be automatically renewed unless one of the parties hereto has given sixty [60] days notice of termination in writing to the other, such notices to be given by prepaid registered mail to the last known address of the respective party.


IN WITNESS WHEREOF THE PARTIES HAVE EXECUTED THIS AGREEMENT

THE CORPORATION OF THE
BROCKVILLE

PRIVATE PROPERTY OWNERS
AT BROCKVILLE


BEN W. TEKAMP, MAYOR


Dr. Glen P. Chapple


BRIAN C. SWITZER, CITY CLERK