

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

By-law No. 2017 – 23

A BY-LAW TO AMEND BY-LAW 97-2020, BEING A BY-LAW TO AUTHORIZE CERTAIN PARKING, STANDING OR STOPPING OF VEHICLES OPERATED BY OR CONVEYING PHYSICALLY HANDICAPPED PERSONS ON ANY HIGHWAY AND TO AUTHORIZE AND REQUIRE THE PROVISION OF DESIGNATED PARKING SPACES FOR THE SOLE USE OF VEHICLES OPERATED BY OR CONVEYING PHYSICALLY HANDICAPPED PERSONS

WHEREAS the Council of The Corporation of the Township of West Lincoln considers it desirable to amend By-law 97-2020 to capture the intent and spirit of the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11, as amended;

AND WHEREAS the most effective and efficient way to amend By-law 97-2020 is to replace the existing language of the previous By-law including any and all attached schedules;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:

1. That the language from the title to the end of the last paragraph of Section 17 be deleted and the following language be substituted therefore:

“A BY-LAW TO REGULATE ACCESSIBLE PARKING IN THE TOWNSHIP OF WEST LINCOLN

WHEREAS sections 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes municipalities to enact by-laws regulating parking;

AND WHEREAS section 102 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended confers upon municipalities the power to pass by-laws for requiring the owners and operators of parking lots or other parking facilities to which the public has access, to provide designated parking spaces for the sole use of vehicles displaying an accessible parking permit issued and displayed in accordance with the *Highway Traffic Act, R.S.O. 1990, c. H.8*, as amended and the regulations made under it, and for prescribing the conditions of use for such permit and for prohibiting the improper use of the permit;

AND WHEREAS section 427 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a by-law establishing a system of accessible parking shall provide that any person who contravenes the by-law is guilty of an offence and on conviction is liable to a fine of not less than \$300.00;

AND WHEREAS the Council of The Corporation of the Township of West Lincoln considers it desirable to amend By-law 97-2020 to capture the intent and spirit of the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11, as amended;

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

SECTION 1 GENERAL PROVISIONS

1.1 SHORT TITLE

- 1.1.1 This by-law shall be known as the “Accessible Parking By-law”.

1.2 DEFINITIONS

- 1.2.1 For the purpose of this by-law:

- (1) “*accessible parking space*” means a *parking* space designated by pavement markings and authorized signs for the exclusive use of a *vehicle* displaying a *permit* in accordance with the requirements of the *Highway Traffic Act, R.S.O. 1990, c. H.8*, as amended, the regulations made thereunder and this by-law;

- (2) “*Officer*” means any police officer, a municipal law enforcement officer, provincial offences officer, an officer appointed for carrying out the provisions of the *Highway Traffic Act, R.S.O. 1990, c. H.8*, as amended or any other person authorized by The Corporation of the Township of West Lincoln to enforce *parking* by-laws;
- (3) “*permit*” means:
- (a) a current and valid disabled person parking permit issued by the Ministry of Transportation under the provisions of the *Highway Traffic Act, R.S.O. 1990, c. H.8*, as amended; or
- (b) a current and valid permit, number plate or other marking or device bearing the international symbol of access for the disabled which has been issued by a legally recognized jurisdiction outside of Ontario.
- (4) “*person with a disability*” means an individual that meets the requirements of such as set out in the regulations made under the *Highway Traffic Act, R.S.O. 1990, c. H.8*, as amended;
- (5) “*public parking area*” means any open area or portion of a structure other than a street or highway, intended for the temporary parking of vehicles and on which there are designated parking spaces, whether their use involves the payment of a fee or otherwise but does not include parking areas in lands used for residential purposes;
- (6) “*unauthorized vehicle*” means a vehicle that is not displaying a *permit* in accordance with the provisions of the *Highway Traffic Act, R.S.O. 1990, c. H.8*, as amended and the regulations made thereunder or is displaying a *permit* but is not being used to pick up or transport the holder of the disabled parking *permit* or in the case of a corporation to which a *permit* has been issued is not being used to transport a *person with a disability*;

1.3 INTERPRETATION

- 1.3.1 Words or terms not defined in this by-law shall have the meaning ascribed to them in the *Highway Traffic Act, R.S.O. 1990, c. H.8*.

SECTION 2 ACCESSIBLE PARKING SPACES

2.1 PROVISION

- 2.1.1 Every owner or operator of a *public parking area* shall provide *accessible parking spaces* in conformity with the provisions of this By-law for the use of vehicles with *permits*.
- 2.1.2 The minimum number of *accessible parking spaces* which must be provided shall be calculated in accordance with The Corporation of the Township of West Lincoln’s Zoning By-law, as amended.
- 2.1.3 Article 2.1.2 does not apply to the owner or operator of a *public parking area*, where the *public parking area* is already in compliance with the requirements of the Township of West Lincoln’s Zoning By-law, or is otherwise in compliance with the requirements of the *Planning Act, R.S.O. 1990, c.P.13*, as amended.
- 2.1.4 Every owner or operator of a *public parking area* may voluntarily provide a number of *accessible parking spaces* above and beyond the requirements of this By-law if they so wish.

2.2 DESIGN STANDARDS

- 2.2.1 Each and every *accessible parking space* shall:
- (1) be distinctly indicated by a sign which is in a form and content as prescribed by the *Highway Traffic Act, R.S.O. 1990, c. H.8*, as amended and the regulations made thereunder as illustrated in Schedule ‘A’ to this By-law;

- (2) have a sign prescribed in Sentence 2.2.1(1) of this By-law mounted at a height:
- (a) not less than 1.5 metres [59 inches] from ground level to the center line of the sign; and
 - (b) not more than 2.5 metres [98.5 inches] from ground level to the center line of the sign
- (3) have the sign prescribed in Sentence 2.2.1(1) of this By-law installed in a permanent manner at the center of the *accessible parking space*;
- (4) be of a size not less than:
- (a) 4.75 metres [187 inches] in perpendicular width; and
 - (b) 5.2 metres [204.75 inches] in length.
- (5) be comprised of a stable surface, such as asphalt, concrete or other hard surfaced material;
- (6) be located so as to be readily accessible to a *person with a disability*, whether via ramps, depressed curbs or other means and where the *public parking area* is intended to serve a particular building or complex, located within easy access to said building or complex; and
- (7) be placed with sufficient clearance around the vehicle in terms of other vehicles, or obstacles such as light standards and waste receptacles.

2.2.2 Sentence 2.2.1(4) of this By-law shall not apply to an owner or operator of a *public parking area* if compliance with the sentence will cause the *public parking area* to be in non compliance with the provisions of the *Planning Act, R.S.O. 1990, c.P.13*, as amended.

2.3 MAINTENANCE

2.3.1 Each and every *accessible parking space* shall be:

- (1) drained so as to control the ponding of surface water and to prevent the flow of surface water to adjacent lands;
- (2) kept free and clear from obstructions;
- (3) kept free and clear of snow, ice and slush; and
- (4) maintained to the same or higher standards as all other parking spaces in the *public parking area*.

2.4 SIGNAGE

2.4.1 Signage required in accordance with the requirements of Article 2.2.1 of this By-law shall be installed in an upright position on a permanent post, pillar, wall or other suitable surface, conforming to the requirements or regulations made under the *Highway Traffic Act, R.S.O. 1990, c. H.8*, as amended.

2.4.2 Every owner or operator of a *public parking area* in which signs are placed in accordance with the requirements of Article 2.2.1 of this By-law, shall be responsible for the procurement, installation and maintenance of said signs and for ensuring that these signs comply with the regulations made under the *Highway Traffic Act, R.S.O. 1990, c. H.8*, as amended and all other provisions made under this By-law.

2.5 FEES

2.5.1 No fee shall be charged for the use of an *accessible parking space* in excess of that fee charged to other members of the general public in request of the abutting non-designated parking spaces.

SECTION 3 ENFORCEMENT**3.1 PROHIBITIONS**

- 3.1.1 No person shall park, stop, stand or otherwise leave a *unauthorized vehicle* in an *accessible parking space*.
- 3.1.2 Notwithstanding the provisions of Article, 2.1.3, No owner or operator of a *public parking area* shall fail to provide the required number of *accessible parking spaces* pursuant to Article 2.1.2 of this By-law.
- 3.1.3 No owner or operator of a *public parking area* shall fail to provide an *accessible parking space* that does not comply with the requirements of Subsection 2.2 of this By-law.
- 3.1.4 No owner or operator of a *public parking area* shall fail to maintain an *accessible parking space* pursuant to Subsection 2.3 of this By-law.
- 3.1.5 No owner or operator of a *public parking area* shall fail to provide signage pursuant to Subsection 2.4 of this By-law.

3.2 ENFORCEMENT

- 3.2.1 An *Officer*, is hereby vested with the authority of administering and enforcing the provisions of this by-law.
- 3.2.2 An *Officer* may, at any reasonable time, enter on land for the purpose of carrying out an inspection to determine compliance with this by-law.

3.3 PENALTIES

- 3.3.1 Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction, is liable to the provided for the *Provincial Offences Act, R.S.O. 1990, c.P-33*, as amended.
- 3.3.2 Article 3.3.3 and Schedule 'B' and the parts of this By-law to which that Schedule relates are designated as parts of this By-law to which the Township's system established by the Township's Administrative Penalty By-law applies.
- 3.3.3 Each person who permits a vehicle to be parked, stopped or standing contrary to a part of this By-law that is designated pursuant to Article 3.3.1 and each owner of that vehicle are, when given a penalty notice in accordance with the Township's Administrative Penalty By-law, liable to pay the Township an administrative penalty in the amount specified in Schedule 'B' to this By-law for each day or part of a day on which the contravention continues.
- 3.3.4 The *owner* of a *vehicle* may be charged with and convicted of an offence under this by-law for which the driver of the *vehicle* is subject to be charged unless, at the time of the offence, the *vehicle* was in the possession of some person other than the *owner* without the *owner's* consent.
- 3.3.3 Short form wording and set fines pertaining to this by-law shall be as set out in Schedule 'B' of this by-law.

3.4 TOWING

- 3.4.1 An *Officer*, upon discovery of an *unauthorized vehicle* in an *accessible parking space*, may cause the *unauthorized vehicle* to be moved or taken to and placed or stored in a suitable location at the *vehicle owner's* expense.
- 3.4.2 All costs and charges for the removal, care and storage thereof, if any, resulting from the actions taken through the provisions of article 3.3.1, shall be a lien upon the *vehicle* that may be enforced in accordance with the *Repair and Storage Liens Act, R.S.O 1990, c. R.25*, as amended.
- 3.4.3 No person other than an *Officer* shall move or cause an *unauthorized vehicle* to be moved to another location.

SECTION 4 ADMINISTRATION**4.1 SEVERABILITY**

4.1.1 In the event that any provision of this by-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of the by-law.

4.2 SCHEDULES

4.2.1 The schedules attached to this by-law, are included in and shall be considered part of this by-law.”

2. By-law 97-2020, as amended, is hereby further amended by deleting all schedules and replacing with a new Schedule ‘A’ – “Required Signage” and Schedule ‘B’ – Short Form Wording – “Administrative Penalties” as attached as Schedules ‘A’ and ‘B’.

3. In the event that any provision of this by-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of the by-law.

4. This by-law shall come into force and effect March 1st, 2017.

Read a first, second and third time and finally passes this 27th Day of February 2017.


DOUGLAS JOYNER, MAYOR
CAROLYN LANGLEY, CLERK

Schedule 'A'
Accessible Parking By-law
By-Law 97 – 2020

REQUIRED SIGNAGE



Schedule 'B'
Accessible Parking By-law
By-Law 97 – 2020

SHORT FORM WORDING AND SET FINES

No.	OFFENCE	BY-LAW 97-2020 REFERENCE	SET FINE
1	Unauthorized Vehicle in <i>Accessible Parking</i>	3.1.1	\$300.00