

## THE CORPORATION OF THE TOWN OF MILTON

### BY-LAW NO. 140-2002

BEING A BY-LAW TO PROVIDE FOR ON AND OFF-STREET PARKING FOR PERSONS WITH A DISABILITY, AND TO REPEAL BY-LAW 5-84, AS AMENDED, BEING A BY-LAW TO AUTHORIZE CERTAIN PARKING, STANDING AND STOPPING OF VEHICLES OPERATED BY, OR CARRYING PERSONS WITH A DISABILITY AND THE ISSUING OF PERMITS IN RESPECT THEREOF

**WHEREAS** Part III of the *Highway Traffic Act*, S.O. 2001, c. 32, as amended, provides that the Minister shall issue a person with a disability parking permit to every person or organization that applies therefor and meets the requirements of the regulations;

**AND WHEREAS** Section 102(1) of the Municipal Act, as amended, provides that if a municipality passes a by-law for establishing a system of accessible parking, the sole manner of identifying vehicles shall be an accessible parking permit issued and displayed in accordance with the *Highway Traffic Act* and the regulations made under it. 2009, c. 33, Sched. 26, s. 5 (1); (As amended by By-law No. 021-2015)

**AND WHEREAS** Section 102(2) of the Municipal Act, as amended, provides that without limiting sections 9, 10 and 11, a local municipality may require the owners or operators of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, to provide designated parking spaces for vehicles displaying an accessible parking permit and if it does so, the local municipality shall prescribe the conditions of use of the accessible parking permit and shall prohibit the improper use of the permit. 2009, c. 33, Sched. 26, s. 5 (1); (As amended by By-law No. 021-2015)

**AND WHEREAS** Section 210(125) of the *Municipal Act*, R.S.O. 1990, c. M.45, as amended, permits a municipality to pass a by-law to regulate parking or prohibit the parking, standing or stopping of vehicles displaying a person with a disability parking permit issued and displayed in accordance with the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended;

**AND WHEREAS** Section 210(125) of the *Municipal Act* provides that municipalities may pass a by-law prescribing the conditions of use of a person with a disability parking permit, and shall prohibit the improper use thereof;

**AND WHEREAS** Section 80.34 of the *Integrated Accessibility Standards Regulation*, O. Reg. 191/11, as amended, under the *Accessibility for Ontarians with Disabilities Act, 2005*, allows for the establishment and enforcement of dimensional size requirements for type A and type B accessible parking spaces; (As amended by By-law No. 096-2013)

**AND WHEREAS** Section 80.36 of the *Integrated Accessibility Standards Regulation*, O. Reg. 191/11, as amended, under the *Accessibility for Ontarians with Disabilities Act, 2005*, allows for the municipality to stipulate the minimum number of accessible parking spaces in relation to the total number of parking spaces in an off-street parking facility or lot; (As amended by By-law No. 096-2013)

**AND WHEREAS** the Council of the Corporation of the Town of Milton desires to repeal By-law No. 5-84, and to enact a new by-law to provide for on and off-street parking for persons with a disability.

**NOW THEREFORE** the Council of the Corporation of the Town of Milton hereby enacts as follows:

1. In this By-law:
  - (a) “Designated Parking Space” means a parking space designated under this By-law 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;
  - (b) “Municipal or Private Property” 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;
  - (c) “Municipality” means the Corporation of the Town of Milton;
  - (d) “Park or Parking” when prohibited means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;
  - (e) “Permit” means a person with a disability parking permit that is issued under the *Highway Traffic Act* and is currently valid or a permit or other marker or device which is issued by another jurisdiction, is currently valid and recognized under the *Highway Traffic Act* and the regulations thereunder;
  - (f) “A Person with a Disability” means an individual that meets the requirements established under the *Accessibility for Ontarians with Disabilities Act, 2005* and the regulations made thereunder; (As amended by By-law No. 096-2013)
  - (g) “Off-Street Parking Facilities” means open area parking lots and structures intended for the temporary parking of vehicles by the public, whether or not the payment of a fee is charged and includes visitor parking spaces in parking facilities. (As amended by By-law No. 096-2013)

- (h) “On-Street Parking” means parking spaces located on highways, as defined in subsection 1 (1) of the *Highway Traffic Act*, that provide direct access to shops, offices and other facilities whether or not the payment of a fee is charged. (As amended by By-law No. 096-2013)

**Designated Parking Space**

2.

- (a) a designated parking space shall be distinctly indicated in accordance with the requirements of the *Integrated Accessibility Standards Regulation*, as amended, (hereinafter referred to as the “IASR”) and the *Highway Traffic Act* (hereinafter referred to as the “HTA”); (As amended by By-law No. 096-2013)
- (b) each off-street designated parking space shall adhere to the minimum size requirements as outlined in accordance with the following:

Type	Required Dimensions	
	Length	Width
A	5.8 m	3.4 m
B	5.8 m	2.4 m

(As amended by By-law No. 021-2015)

- (c) designated parking spaces, for the purposes of this By-law, shall be provided in all Municipal and private parking lots, and on streets and highways within the Town of Milton in accordance with the IASR and the Town of Milton’s Zoning By-law, as amended from time to time; (As amended by By-law No. 021-2015)
- (d) designated parking spaces shall include an accessible aisle, adjacent to an accessible parking space, with a minimum width of 1.5 m and length of 5.8 m. Adjacent accessible parking spaces may share one access aisle; (As amended by By-law No. 096-2013), (As amended by By-law No. 021-2015)

3.

- (a) the owners and operators of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, shall provide designated parking spaces in accordance with the IASR and the Town of Milton’s Zoning By-law, as amended from time to time; (As amended by By-law No. 021-2015)
- (b) where only one (1) *parking space* is required for a non-residential property, it shall include signage that identifies the space as “van accessible”; (As amended by By-law No. 096-2013), (As amended by By-law No. 021-2015)
- (c) van accessible signage is intended for informational purposes only. It is not enforceable under the HTA; (As amended by By-law No. 096-2013), (As amended by By-law No. 021-2015)

- (d) under section 80.36 of the Integrated Accessibility Standards Regulation, the minimum number of designated parking spaces shall be provided in accordance with the following:

No. of Provided Parking Spaces	No. of Accessible Parking Spaces
1 to 12	1 Type A
13 to 100	4%
101 to 200	1 accessible space PLUS 3% (*1)
201 to 1000	2 accessible spaces PLUS 2% (*1)
More than 1000	11 accessible spaces PLUS 1% (*1)

Footnote: (\*1) Where an even number of accessible parking spaces are required, an equal number of Type A and B accessible parking spaces shall be provided. Where an odd number of accessible parking spaces are required, an equal number of Type A and B accessible parking spaces shall be provided but the last accessible parking space may be Type B. (As amended by By-law No. 021-2015)

### **Park Vehicle in Designated Parking Space**

4. No person or organization shall:
  - (a) park a vehicle in a designated parking space;
  - (b) be entitled to the benefit of an exemption under this By-law, unless a permit has been issued to that person, organization or to a passenger being picked up or transported in the vehicle and such permit is displayed on or in the vehicle in accordance with the requirements of this By-law and the HTA, and the regulations thereunder.
5. Despite any other provision of this By-law, no person shall park a vehicle on a street or highway in such a manner as to interfere with the clearing of snow from the street or highway or during emergency prohibition of parking.

### **Fees for Parking**

6. The driver or operator of a vehicle who displays a permit in accordance with the requirements of the HTA and the regulations made thereunder and this By-law shall not be required to pay an amount in excess of the normal fee paid by other users of the same parking lots or other parking facilities to which the public has access.

### **Inspection of a Person with a Disability Parking Permit**

7. Every person having possession of a person with a disability parking permit shall, upon the demand of a police officer, police cadet, municipal law enforcement officer or an officer appointed for carrying out the provisions of the HTA, surrender the permit for reasonable inspection to ensure that the

provisions of Part III of the HTA and the regulations and this By-law are being complied with.

### **Officer May Take Possession of the Person with a Disability Parking Permit**

8. An officer or cadet to whom a person with a disability parking permit has been surrendered may retain it until disposition of the case if the officer or cadet has reasonable ground to believe that the permit,
- (a) was not issued under Part III of the HTA;
  - (b) was obtained under false pretences;
  - (c) has been defaced or altered;
  - (d) has expired or been cancelled; or
  - (e) is being or has been used in contravention of the regulations to the HTA or of this By-law.

### **Offence**

9. Pursuant to Section 27 of the HTA, no person shall:
- (a) have in his or her possession a person with a disability parking permit that is fictitious, altered or fraudulently obtained;
  - (b) display a person with a disability parking permit otherwise than in accordance with the regulations;
  - (c) fail or refuse to surrender a person with a disability parking permit in accordance with Part III of the HTA or the regulations; . (As amended by By-law No. 021-2015)
  - (d) use a person with a disability parking permit on land owned and occupied by the Crown otherwise than in accordance with the regulations;
  - (e) give, lend, sell or offer for sale a person with a disability parking permit or permit the use of it by another person otherwise than in accordance with the regulations; or
  - (f) make, permit the making of, give, lend, sell or offer for sale a fictitious or altered person with a disability parking permit.

## **Penalties**

10.

- (a) Any person who contravenes any provision of this By-law is guilty of an offence and shall be liable upon conviction to a fine of not less than \$300.00 exclusive of costs.
- (b) The owner of a vehicle that has been left parked, standing or stopped in contravention of this By-law is guilty of an offence, even if the owner was not the driver of the vehicle at the time of contravention of the By-law, unless, at that time, the vehicle was in the possession of a person other than the owner without the owner's consent, and shall be liable upon conviction to a fine of not less than \$300.
- (c) A person who contravenes Section 9 (a), (b), (c), (d), (e) or (f) is guilty of an offence and shall be liable upon conviction to a fine of not less than \$300 and not more than \$5,000.
- (d) A police officer, police cadet, municipal law enforcement officer or an officer appointed for carrying out the provisions of the HTA, upon discovery of any vehicle parked or left in contravention of what is specified in this By-law may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, or a lien upon the vehicle which may be enforced in the manner provided by Part III in accordance with the *Repair and Storage Liens Act*, R.S.O. 1990, c. R.25.

## **By-Law Repealed**

11. By-law 5-84, as amended, is hereby repealed in its entirety.

## **Enactment**

12. This By-law shall come into force on the date it is passed.

**READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED** this 28<sup>th</sup> day of October, 2002.

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Gordon A. Krantz Mayor

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Karyn Bennett Acting Town Clerk

**SCHEDULE "A" TO BY-LAW NO. 140-2002**

See paper version for schedule