

CORPORATION OF THE TOWNSHIP OF McNAB/BRAESIDE

BY-LAW NO. 2007-24

A By-Law to authorize the creation and designation of parking spaces on Municipal property for the exclusive use of vehicles which are displaying a Disabled Person Parking Permit.

WHEREAS Section 102 to the *Municipal Act, 2001, S.O. 2001 c.25* and Part III of the *Highway Traffic Act, R.S.O. 1990, c. H.8.* and the regulations made thereunder authorizes the Council of a municipality to create and designate parking spaces for vehicles displaying a disabled person parking permit and provide for the enforcement necessary to prevent the unauthorized use of designated parking spaces.

NOW THEREFORE the Council of the Township of McNab/Braeside 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* and the regulations made thereunder, and this by-law;
 - (b) **“motor vehicle”** includes an automobile, motorcycle, motor assisted bicycle, mobile home, recreational vehicle and any other vehicle propelled or driven otherwise than by muscle power;
 - (c) **“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 involve the payment of a fee or otherwise;
 - (d) **“park”** or **“parking”** means the standing of a motor vehicle or trailer or motor vehicle and trailer, whether occupied or not, except when standing temporarily for the purpose and while actually engaged in loading or unloading merchandise or passengers;
 - (e) **“permit”** means a Disabled Person Parking Permit which 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.
2.
 - (1) A designated parking space shall be distinctly indicated in accordance with the requirements of the *Highway Traffic Act* and the regulations made thereunder.
 - (2) Off street designated parking spaces on municipal or private property shall have a width of not less than 3.9 metres.
 - (3) Designated parking spaces, for the purpose of this by-law, mean designated parking spaces on the following municipal or private property:
 - Municipal Office Buildings
 - Fire Stations
 - Museum
 - Recreation Facilities
3. A disabled person parking permit shall be displayed on the sun visor or on the dashboard of a vehicle so that the international symbol of access for the disabled, the permit number and the expiry date of the permit are clearly visible from the outside of the vehicle. Permits, numbered plates or other markers or devices issued by another jurisdiction and recognized under the *Highway Traffic Act* may be displayed in accordance with the rules of the respective jurisdiction.
4. The owners and operators of parking lots or other parking facilities to which the public has access, whether on payment of fee or otherwise, shall provide designated parking spaces in accordance with this by-law.

5. (1) Subject to subsection 5 (2) below, no person or organization shall:
 - (a) Park a vehicle on a designated parking space; or
 - (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 the *Highway Traffic Act* and, the regulations made thereunder, and this by-law.
- (2) Sub-section 5 (1) does not apply if there is an emergency situation and the vehicle is left parked, standing or stopped there because of the emergency.
6. Despite any other provision in 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.
7. The driver or operator of a vehicle which displays a permit in accordance with the requirements of the *Highway Traffic Act* 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.
8. (1) Any person who contravenes any provision of this by-law is guilty of an offence and shall be liable on conviction to a fine of not less than \$300.00 exclusive of costs.
 - (2) 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 on conviction to a fine of not less than \$300.00.
 - (3) A police officer, police cadet, municipal law enforcement officer or an officer appointed for carrying out the provisions of the *Highway Traffic Act*, 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, are 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.

This by-law shall come into full force and take effect upon the passing thereof.

BE IT FURTHER ENACTED, that all By-Laws, or parts thereof, and all or any Resolutions of Council contrary thereto, or inconsistent herewith, be and the same are hereby repealed.

READ a first time **this 15th day of May, 2007.**

READ a second time **this 15th day of May, 2007.**

READ a third and final time and passed **this 15th day of May, 2007.**

MAYOR

CAO/CLERK