

THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW No. 2006-138

being a by-law to provide for parking spaces in parking lots for
the exclusive use of persons with disabilities
and to repeal by-laws 90-75 and 2003-105

WHEREAS Section 102 of the *Municipal Act*, 2001, S.O. 2001, s.25 as amended, confers upon municipal councils the power to pass by-laws requiring that the owners or operators of parking lots or other parking facilities to which the public has access, provide designated parking spaces for the sole use of vehicles operated by or conveying a disabled person and for prohibiting the use of such spaces by other vehicles

NOW THEREFORE the Council of The Corporation of the Town of Caledon ENACTS as follows:

1. In this by-law:

“designated parking space” means a parking space designated pursuant to this by-law for the exclusive use of a vehicle displaying a permit in compliance with the *Highway Traffic Act*;

“Director” means the Town’s Director of the Building and Enforcement Department or his designate;

“hard surface” includes, but is not restricted to, asphalt pavement

“*Highway Traffic Act*” includes all regulations made thereunder;

“parking lot” means any property, other than a highway, used or intended to be used for the temporary parking of vehicles to which the public has access, whether on payment of a fee or otherwise, and includes a commercial parking lot and a municipal parking lot;

“park” means the standing of a vehicle in a particular location, whether occupied or not, and includes “stand” and “stop”

“permit” means a disabled person parking permit issued under the *Highway Traffic Act* or a permit, number plate or other marker or device issued by another jurisdiction and recognized under the *Highway Traffic Act*;

“person” includes a corporation;

“sign” means a sign that complies with the specifications in the *Highway Traffic Act* for a disabled person parking sign;

“stand” means the halting of a vehicle, whether occupied or not, and “stop” has the same meaning

“Town” means The Corporation of the Town of Caledon; and

“vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power.

2. (1) Every owner or operator of a parking lot shall provide designated parking spaces in conformity with the provisions of this by-law for the use of vehicles displaying a permit.
- (2) The minimum number of designated parking spaces which must be provided shall be calculated in accordance with the tables found in Schedule A to this by-law.

Designated Parking Space

3. Every owner or operator of a parking lot who is a required to provide a designated parking space shall:
 - (1) locate the designated parking space as follows:
 - (a) in accordance with the approved site plan under the *Planning Act* for the parking lot; or
 - (b) where there is no such site plan, locate the designated parking space so that sidewalks will be accessible via ramps, depressed curbs or other appropriate means, or
 - (c) where the public parking area is intended to serve a particular building or complex, locate the designated parking space within easy access to the building or complex;
 - (2) identify the designated parking space
 - (a) by a sign erected and maintained in accordance with the provisions of this by-law; and
 - (b) by a symbol painted on the pavement of the space in accordance with the symbol set out in Schedule B attached to this by-law;
 - (3) provide a designated parking space that is:
 - (a) not less than 3.6 metres in width;
 - (b) not less than 6.0 metres in length;
 - (c) covered with a hard surface;
 - (d) level;
 - (e) located so that sidewalks will be accessible to disabled persons via ramps or depressed curbs; and
 - (f) installed with sufficient clearance around the vehicle so that other vehicles or obstacles such as light standards or waste receptacles do not prevent access by disabled persons to sidewalks via ramps or depressed curbs.

Sign

4. Every owner and operator of a parking lot who is required to provide a designated parking space shall install a sign for each designated parking space in accordance with all the following standards.
 - (1) The sign shall conform to the requirements of this by-law and the *Highway Traffic Act*.
 - (2) The sign shall be erected on a post anchored securely to the ground or on a platform which cannot be moved by muscular power alone and which is capable of holding the sign erect during all weather conditions.
 - (3) The sign shall be located at the far end of the designated parking space from where the vehicle enters the designated parking space and shall be centered at the end of the designated parking space.
 - (4) The maximum height of the sign shall be no greater than 2.0 metres and the minimum height shall be no less than 1.0 metre measured from the surface of the parking lot.
 - (5) The sign shall be located not less than 1.0 metre but not more than 2.0 metres from the end of the designated parking spot.
 - (6) The sign shall be maintained in good repair, free of obstructions and in a clearly visible condition.
 - (7) The sign shall display the potential maximum penalty in law for breach of this by-law.
5. Every owner and operator of a parking lot who is required to provide a designated parking space is responsible for the procurement, installation and maintenance of the sign and for ensuring that the sign conforms with the *Highway Traffic Act* and with the requirements of this by-law.
6. Where an owner or operator of a parking lot is required to provide a designated parking space fails to maintain a sign in good repair the Town may undertake or cause to undertake the necessary repair or replace the sign at the owner's or operator's expense and the Town may recover the expense incurred in doing it by action or in like manner as municipal taxes.
7. Notwithstanding section 4, where prior approval is obtained from the Director a sign may be affixed in a location approved by the Director.

General

8. No person shall relocate or remove a designated parking space without the prior written approval of the Director.
9. No owner or operator of a parking lot shall at any time obstruct, cause to be obstructed or permit to be obstructed by any means or in any manner a designated parking space.
10. Every owner or operator of a parking lot who is required to provide a designated parking space shall keep the parking space clear of snow and ice.

11. Where an owner or operator of a parking lot is required to provide a designated parking space fails to maintain a parking space in good repair the Town may undertake or cause to undertake the necessary repair at the owner's or operator's expense and the Town may recover the expense incurred in doing it by action or in like manner as municipal taxes.
12. No person shall park a vehicle in a designated parking space unless a currently valid permit has been issued to such person or to a passenger being picked up or transported in such vehicle, and such permit is displayed on or in such vehicle in accordance with the requirements of the *Highway Traffic Act* and this by-law.
13. The owner and/or operator of a parking lot shall not require the driver or operator of a vehicle on or in which a permit is displayed in accordance with the requirements of the *Highway Traffic Act* and this by-law to pay an amount in excess of the normal fee paid by other users of the same parking lot.

Penalty and Enforcement

14. (1) Any person who contravenes any provision of this by-law is guilty of an offence and shall be liable on conviction therefor to a fine of not less than \$300.00 and not more than \$5000.00 exclusive of costs.
- (2) 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, and on conviction the owner shall be liable for the penalty for the offence.
- (3) A Police Officer or Municipal by-law Enforcement Officer or an Officer appointed for carrying out provisions of the *Highway Traffic Act*, upon discovery of any vehicle parked or left in contravention of 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 removal, care and storage thereof, if any, shall be a lien upon the vehicle which may be enforced in the manner provided by the *Repair and Storage Liens Act*, R.S.O. 1990, c. R.25.

Schedules

15. Schedules A and B attached hereto shall form part of this by-law.

Validity

16. If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law, that each and every other provision of this by-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

Coming into Force

17. This by-law shall come into force and effect upon approval of the short form wordings for this by-law in accordance with the provisions of the *Provincial Offences Act*.


Repeal

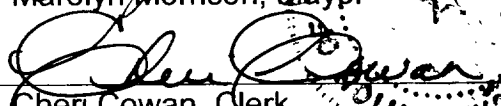
18. By-laws 90-75 and 2003-105 are hereby repealed.

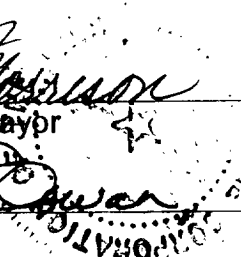
READ A FIRST, SECOND AND THIRD TIME

AND PASSED IN OPEN COUNCIL

THIS 26th DAY OF SEPTEMBER 2006


Marolyn Morrison, Mayor


Cheri Cowan, Clerk



SCHEDULE A to By-law 2006-138

1. Subject to Paragraph 2 of Schedule A, the minimum number of designated parking spaces which shall be provided in a parking lot shall be calculated in accordance with the following table:

Number of parking spaces in parking lot	Number of designated parking spaces required
0 to 9	Nil
10-30	1 minimum
31-60	2 minimum
61-100	3 minimum
For each additional 30 or part thereof	1 minimum, to a maximum of 12

2. The minimum number of designated parking spaces which shall be provided in a parking lot appurtenant to facilities providing medical care and other services for persons with mobility impairments shall be calculated in accordance with the following table:

Type of business	Number of designated parking spaces required
Outpatient units and facilities	10 percent of the total number of parking spaces provided serving each such outpatient unit or facility
Units and facilities which specialize in treatment of, or services for persons with mobility impairments	20 percent of the total number of parking spaces provided serving each such unit or facility

SCHEDULE B to By-law 2006-138

BLUE BACKGROUND
WHITE OR YELLOW SYMBOL AND BORDER

