

# **TRAFFIC - PARKING**

## **Chapter 1106 PARKING - DISABLED**

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Schedule 'A' - Disabled parking permit

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### **Article 1 INTERPRETATION**

#### **1106.1.1 Designated disabled parking space - defined**

“designated disabled parking space” means a parking space identified by a sign bearing the markings as shown on Schedule ‘A’ designated for the sole use of motor vehicles driven by or carrying one or more physically disabled persons and on which a permit is properly displayed.

#### **1106.1.2 Disabled person parking permit - defined**

“Disabled person parking permit” means a disabled person parking permit issued in accordance with the *Highway Traffic Act*, and the regulations made thereunder. By-law 78-99, 12 April, 1999.

#### **1106.1.3 Municipal Law Enforcement Officer - defined**

“municipal law enforcement officer” means all individuals from time to time appointed by the Commissioner of Planning and Development of the Corporation as municipal law enforcement officers for the purpose of enforcing the provisions of this Chapter. By-law 145-08, 14 July, 2008.

#### **1106.1.4 Operator - defined**

“operator” means a lessee or other person in charge of a parking lot or parking facility.

#### **1106.1.5 Owner - defined**

“owner” when use in relation to property, means:

- (a) the registered owner of the property; or
- (b) where the property is included in a description under the *Condominium Act, 1998*,

by the board of directors of the condominium corporation. By-law 78-99, 12 April, 1999.

## Article 2 GENERAL PROVISIONS

### 1106.2.1 Disabled spaces - minimum requirement - Table

Every owner and operator of a parking lot or other parking facility having parking spaces to which the public has access shall provide designated disabled parking spaces therein in accordance with the following table:

TOTAL NUMBER OF PARKING SPACES	REQUIRED NUMBER OF DESIGNATED DISABLED PARKING SPACES
Less than 25	2
26-50	3
51-75	4
76-100	5
101-150	6
151-200	7
201-300	8
301-400	9
Over 400	9 plus one additional space for every 100 parking spaces (or any portion thereof) over 400

By-law 10-04, 26 January, 2004.

### 1106.2.2 Disabled space - minimum width - markings

Each designated disabled parking space shall have a minimum width of not less than 12 feet (3.7 m), and shall be clearly marked with a sign permanently installed bearing the markings and having the dimensions as shown on Schedule 'A'. By-law 78-99, 12 April, 1999.

**1106.2.2.1 Placement - disabled parking signs - location**

Disabled parking signs shall be placed at the front of and in the centre of each designated space. They shall be erected no more than 48 inches (122 cm) from the face of the curb, or edge of pavement or travelled portion of a parking area or front limit of the parking space. Signs shall be erected no less than 5 feet (1.5 m) and not more than 7.2 feet (2.2 m) in height measured from the finished grade and their view shall not be obstructed in any way. Signs shall not be erected so that they are capable of being moved. All signs shall be permanently installed. By-law 78-99, 12 April, 1999; By-law 10-04, 26 January, 2004.

**1106.2.2.2 Designated disabled space - maintenance**

The owner, occupant or operator of a property upon which there is a designated disabled parking space, shall keep such designated disabled space, in good repair, clear of snow, ice and free of all obstruction. By-law 110-04, 31 May, 2004.

**1106.2.3 Fee - additional - for use - prohibited**

The owner and operator of a parking lot or other parking facility shall not charge a fee for the use of a designated disabled parking space in excess of that fee charged other members of the general public in respect of other parking spaces in the parking lot or other parking facility.

**1106.2.4 Disabled permit - fictitious - fraudulent - prohibited**

No person shall have in his or her possession a disabled person parking permit that is fictitious, altered or fraudulently obtained.

**1106.2.5 Disabled permit - display - improper - prohibited**

No person shall display a disabled person parking permit otherwise than in accordance with the regulations made under the *Highway Traffic Act*.

**1106.2.6 Disabled permit - refusal to surrender - prohibited**

No person shall fail or refuse to surrender a disabled person parking permit in accordance with Part IIA of the *Highway Traffic Act*, R.S.O. 1990, c. H.8 and the regulations made thereunder. By-law 305-90, 27 August, 1990.

**1106.2.7 Inspection - at all reasonable times**

Every person having possession of a disabled person parking permit shall, upon demand of a police officer, police cadet, or a municipal law enforcement officer, surrender the permit for reasonable inspection to ensure that the provisions of Part IIA of the *Highway Traffic Act*, R.S.O. 1990, c. H.8 and the regulations and this Chapter passed under sections 49 and 102 of the *Municipal Act*, 2001, c. 25 are being complied with.

**1106.2.8 Permit surrendered - retained by officer - reasons**

A police officer, police cadet, or a municipal law enforcement officer to whom a disabled person parking permit has been surrendered may retain it until the disposition of the case if he or she has reasonable grounds to believe that the permit:

- (a) was not issued under Part IIA of the *Highway Traffic Act*, R.S.O. 1990, c. H.8;
- (b) was obtained under false pretenses;
- (c) has been defaced or altered;
- (d) has expired or been cancelled; or
- (e) is being or has been used in contravention of this Chapter or the regulations under the *Highway Traffic Act*. By-law 145-08, 14 July, 2008.

**1106.2.9 Schedule 'A' - sign - form**

Schedule 'A' is declared to form a part of this Chapter. By-law 305-90, 27 August, 1990.

**1106.2.10 Disabled permit - exemption to Chapter 1116**

A disabled person parking permit holder, or driver operating a vehicle for the purpose of transporting a disabled parking permit holder, shall be exempt from the following provisions of Chapter 1116 - Parking - Regulation:

- (a) Section 1116.3.6(h) - a disabled person parking permit holder shall be permitted to park on any highway where signs are not posted restricting or prohibiting parking, for a maximum of twenty-one hours, except between the hours of 3:00 a.m. and 6:00 a.m.;
- (b) Section 1116.3.7(h) - notwithstanding the provisions of Schedule 'A' to Chapter 1116, a disabled parking permit holder shall be permitted to park at any time, to a maximum of twenty-one hours, on any portion of any highway set out in said schedule, except between the hours of 3:00 a.m. and 6:00 a.m.;
- (c) Section 1116.3.7(j) - notwithstanding the provisions of Schedule 'C' to Chapter 1116, a disabled parking permit holder shall be permitted to park at any time, to a maximum of twenty-one hours, on any portion of any highway set out in said schedule, except between the hours of 3:00 a.m. and 6:00 a.m.;

**1106.2.11 Restriction on exemptions - snow clearing**

A disabled person parking permit holder shall not be exempt from the provisions of Chapter 1116.3.6 (g) - Parking Regulations - No person shall park a motor vehicle so as to interfere with the clearing of snow from a highway. By-law 32-04, 9 February, 2004.

**Article 3  
ENFORCEMENT****1106.3.1 Compliance**

Every owner and operator of a parking lot or other parking facility to which Sections 1106.2.1, 1106.2.2 and 1106.2.2.1 applies shall conform to the Chapter after notice from a By-law Enforcement Officer. By-law 10-04, 26 January, 2004.

**1106.3.2 Fine - for contravention**

Every person who contravenes any provision of this Chapter, upon conviction, is liable to a fine of not less than three hundred dollars and a maximum fine as established pursuant to the *Provincial Offences Act*. By-law 10-04, 26 January, 2004.

**Article 4  
REPEAL****1106.4.1 By-law - previous**

By-law 404-89 of the Corporation is repealed. By-law 305-90, 27 August, 1990.

# PARKING - DISABLED

## SCHEDULE

### Schedule 'A' - Disabled parking sign

