



**THE CORPORATION OF THE CITY OF MISSISSAUGA
ACCESSIBLE PARKING BY-LAW 1-09**

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

AND WHEREAS section 102 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, confers upon Council the power to pass by-laws for requiring 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 the sole use of vehicles displaying a disabled parking permit issued under 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 of 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 disabled 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 City of Mississauga considers it desirable to repeal By-law 134-83, being the Disabled Persons Parking By-law as amended and enact a new By-law named The Accessible Parking By-law to capture the intent and spirit of the *Accessibility for Ontarians with Disabilities Act, 2005*.

NOW THEREFORE the Council of the Corporation of the City of Mississauga ENACTS as follows:

1. In this By-law,

“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, the regulations made thereunder and this By-law.

“disabled person” 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.

“permit” means:

1. 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
2. A current and valid permit, number plate or other marker or device bearing the international symbol of access for the disabled which has been issued by a legally recognized jurisdiction outside Ontario.

“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.

“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 disabled person.

“vehicle pound facility” has the same meaning for the purposes of this By-law, as the definition of “vehicle pound facility” found in the City’s Business Licensing By-law No. 0001-2006, as amended.

2.
 - (1) Every owner or operator of a public parking area shall provide designated parking spaces in conformity with the provisions of this By-law for the use of vehicles with permits.
 - (2) The minimum number of designated parking spaces which must be provided shall be calculated in accordance with the table found in Schedule 1 to this By-law.
 - (3) Sub section (2) does not apply to an owner or operator of a public parking area, where the public parking area is already in compliance with the requirements of the City’s Zoning By-law 0225-2007, or is otherwise in compliance with the requirements of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.
 - (4) Every owner or operator of a public parking area may voluntarily provide a number of designated parking spaces above and beyond the requirements of this By-law if they so wish.
3. Each and every designated 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 2 to this By-law;
 - (2) have the sign prescribed in subsection 3(1) of this By-law mounted at the following height:
 - no less than 152.4cm (60 inches) from ground level to the bottom of the sign
 - and no more than 243.8cm (96 inches) from ground level to the top of the sign.
 - (3) have a 15cm x 30cm (6 inches x 12 inches) sign, on the same sign post and located immediately below the sign described in sub sections (1) and (2), with the words “Maximum Fine \$5,000.00”, as illustrated in Schedule 3 to this By-law.
 - (4) have both the signs prescribed in subsection 3(1) and 3(3) of this By-law installed in a permanent manner at the centre of the designated parking space;

- (5) have a minimum perpendicular width of not less than 4.6 metres;
 - (6) have a minimum length of 5.2 metres;
 - (7) be comprised of a stable surface such as asphalt, concrete or other hard-surfaced material;
 - (8) be drained so as to control the pooling of surface water and prevent the flow of surface water to adjacent lands;
 - (9) where practical be placed so that sidewalks will be accessible to physically disabled persons whether via ramps, depressed curbs, or other appropriate means;
 - (10) be placed with sufficient clearance around the vehicle in terms of other vehicles or obstacles such as light standards or waste receptacles; and
 - (11) be kept clear of all accumulations of ice, snow or other material which could render the parking space unusable.
4. Section 3, Sub-sections (5) and (6) of this By-law do not apply to an owner or operator of a public parking area if compliance with these sub sections 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.
 5. No fee shall be charged for the use of a designated parking space in excess of that fee charged to other members of the general public in request of the abutting non-designated parking spaces.
 6.
 - (1) No person shall park, stand or leave an unauthorized vehicle in a designed parking space.
 - (2) Any person who contravenes Section 6(1) of the By-law is guilty of an offence and on conviction is liable to a fine of \$350.00 exclusive of costs.
 - (3) Any person may, upon presentation of a Parking Infraction Notice issued for an offence committed under subsection 6(1) of this By-law, pay out of Court within 10 days, exclusive of Saturdays, Sunday and Holidays, from the date of issue of the said Parking Infraction Notice, the sum of \$300.00. If payment is not made in accordance with the procedures set out in this section, the fine provided for in subsection 6(2) shall be recoverable under the provisions of the *Provincial Offences Act*, R.S.O. 1990, c.P-33 as amended.
 7. 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.

8. A police officer, police cadet, municipal law enforcement officer or an officer appointed for carrying out the provisions of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended upon discovery of any vehicle parked or standing in contravention of this By-law, may cause it to be moved or taken to and placed or stored in a licensed vehicle pound facility and all costs and charges for the removal, care and storage of the vehicle, if any, are a lien upon the vehicle which may be enforced in manner provided by the *Repair and Storage Liens Act*, R.S.O. 1990, c. R.25.
9. No person other than a person named in Section 8 shall move or cause a vehicle to be moved to another location.
10. Every person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine and any other penalties imposed pursuant to the Provincial Offences Act, R.S.O. 1990, c. P-33, as amended.
11. All Schedules attached to this By-law form part of this By-law.
12. This By-law shall be known as the “Accessible Parking Bylaw”.
13. This By-law shall come into force and take effect upon receipt by the City of a Set Fine Order by the Chief Judge of the Ontario Court of Justice or his other designate made for the purpose of proceedings under Part I and Part II of the *Provincial Offences Act*.
14. By-law 134-83 being the Disabled Persons Parking By-law shall be deemed to be repealed upon this By-law coming into force and effect pursuant to section 13.

ENACTED and PASSED this 21ST day of January 2009.
Signed by: Hazel McCallion, Mayor and Crystal Greer, City Clerk

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Schedule 1

Designated Parking Space Requirements

TOTAL PARKING SPACES	MINIMUM ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 and over	20 plus 1 for each additional 100

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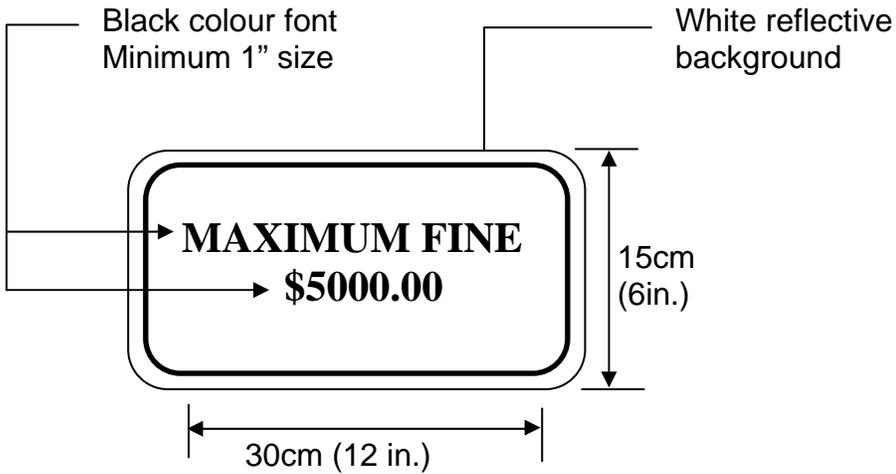
Schedule 2



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Schedule 3

Second Accessible Parking Sign



Post-Mounted Accessible Parking Signage

