

MISSISSAUGA

THE CORPORATION OF THE CITY OF MISSISSAUGA

Accessible Parking By-law 0010-2016

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

AND WHEREAS section 102 of the *Municipal Act, 2001* 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 an accessible 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 102.1 of the *Municipal Act, 2001*, provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any by-laws respecting the parking, standing or stopping of vehicles;

AND WHEREAS section 427 of the *Municipal Act, 2001* provides that a by-law establishing a system of accessible 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 section 436 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law or an order made pursuant to the by-law;

AND WHEREAS the Council of The Corporation of the City of Mississauga considers it desirable to repeal By-law 1-09, being the Accessible Parking By-law as amended and enact a new By-law named The Accessible Parking By-law to capture the standards under the *Accessibility for Ontarians with Disabilities Act, 2005*.

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

DEFINITIONS

1. In this By-law,

“Access Aisle” means an accessible pedestrian space for an Accessible Parking Space, that conforms to the requirements and regulations made under the *Accessibility for Ontarians with Disabilities Act*,

“Accessibility for Ontarians with Disabilities Act” means the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11, as amended, and the regulations made thereunder;

“Accessible Parking Permit” or “permit” means:

- (1) A current and valid parking permit for a Person with a Disability as issued by the Ministry of Transportation under the provisions of the *Highway Traffic Act*, or
- (2) A current and valid permit, number plate or other marker or device bearing the international symbol of access for people with disabilities which has been issued by a legally recognized jurisdiction outside Ontario.

“Accessible Parking Space” means a Parking Space designated by Authorized Parking Signs for the exclusive use of a vehicle displaying an Accessible Parking Permit in accordance with the requirements of the *Highway Traffic Act* and this By-law.

“Administrative Fees” means any fees specified in the Administrative Penalty By-law and listed in Schedule “C” thereto;

“Administrative Penalty” means a monetary penalty as set out in the City’s Administrative Penalty By-law for a contravention of a Designated By-law;

“Administrative Penalty By-law” means the City’s Administrative Penalty By-law 0282-2013, as amended (or its successor), being a by-law to establish a system of administrative penalties respecting the stopping, standing or parking of vehicles in the City of Mississauga;

“Authorized Emergency Vehicle” means a City fire department vehicle, an Ontario Provincial Police or a Region of Peel police department vehicle, or a Region of Peel ambulance.

“Authorized Parking Sign” means any sign, Pavement markings or other device which has been placed, installed or erected on a Highway, Private Property or Municipal Property by the City or by another party acting under the direction or authority of the City, to designate, regulate and/or enforce the provisions of this By-law and the City’s Traffic By-law, as amended;

“By-law” means this by-law to regulate Accessible Parking in the City of Mississauga;

“City” means The Corporation of the City of Mississauga;

“Designated By-law” means a by-law or provision of a by-law that is designated under the Administrative Penalty By-law or any other by-law, as a by-law or provision of a by-law to which the Administrative Penalty By-law applies;

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

“Highway Traffic Act” means the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, and the regulations made thereunder;

“Municipal Property” means real property owned by the City other than Highways and includes recreation centres, arenas, park lots, fire stations, transit terminals, work yards and maintenance yards;

“Officer” means a police officer, police cadet, municipal law enforcement officer or an officer appointed for carrying out the provisions of this By-law and the *Highway Traffic Act*;

“Park” or “Parking” 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;

“Parking Space” means a portion of a Highway, Municipal Property or Private Property that is designated for the Parking of a vehicle by Authorized Parking Signs;

“Pavement markings” means the markings on the pavement within a Type A Parking Space or Type B Parking Space, containing the International Symbol of Access which includes a 1525 mm x 1525 mm (5 ft. x 5 ft.) white border and symbol with a blue background field colour;

“Penalty Notice” means a notice given to a Person pursuant to the City’s Administrative Penalty By-law for a contravention of a Designated By-law;

“Person with a Disability” means any person who has been deemed to be disabled by a designated medical authority and who possesses a valid Accessible Parking Permit;

“Planning Act” means the *Planning Act*, R.S.O. 1990, c. P.13, as amended;

“Private Property” means real property owned by persons, other than property owned by the City and includes real property owned by individuals, local boards, corporations and public authorities;

“Provincial Offences Act” means the *Provincial Offences Act*, R.S.O. 1990, c. P-33, as amended;

"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 Accessible Parking Spaces, whether their use involves the payment of a fee or otherwise;

"Repair and Storage Liens Act" means the *Repair and Storage Liens Act*, R.S.O. 1990, c. R.25, as amended;

"Stop" or "Stopping" means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a Police Officer, or of a traffic control sign or signal;

"Type A Parking Space" means an Accessible Parking Space for those who use mobility devices and need more space for the deployment of ramps, and has signage that identifies the space as "van accessible";

"Type B Parking Space" means an Accessible Parking Space for those who may need the use of canes, crutches or walkers and do not need the extra space of a Type A Parking Space;

"vehicle" means any "vehicle" as defined by the *Highway Traffic Act*;

"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, or its successor.

INTERPRETATION AND VALIDITY

2. Where words and phrases used in this By-law are defined in the *Highway Traffic Act*, but not defined in this By-law, the definitions in the *Highway Traffic Act* shall apply to such words and phrases.
3. Words importing the singular number shall include the plural, and words importing the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of this By-law otherwise requires.
4. If a court of competent jurisdiction declares any provisions or 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 the remainder of this By-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

NUMBER OF PARKING SPACES

5. (1) Every owner or operator of a Public Parking Area shall provide Accessible Parking Spaces in conformity with the provisions of this By-law for the use of vehicles with permits.
- (2) The minimum number of Accessible Parking Spaces which must be provided shall be calculated in accordance with the table found in Schedule "A" to this By-law.
- (3) Every owner or operator of a Public Parking Area may voluntarily provide a number of Accessible Parking Spaces above and beyond the requirements of this By-law if they so wish.

TOWING

6. **Storage Area** - An Officer, 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 the manner provided by the *Repair and Storage Liens Act*.
7. **Re-locate Vehicle** - Where any vehicle is lawfully parked pursuant to this By-law; however needs to be moved for emergency or maintenance purposes, an Officer may cause it to be moved and re-located to a nearby location.

All costs and charges for the re-location thereof, if any, will be paid by the authorized requestor and not the owner of the vehicle. The authorized requestor shall also make reasonable effort to inform the owner of the vehicle of the vehicle's relocation.

8. No person other than a person named in sections 6 and 7 of this By-law shall move or cause a vehicle to be moved to another location.

ACCESSIBLE PARKING SPACES

9. Each and every Accessible Parking Space shall:
 - (1) have an unobstructed rectangular area with a minimum width of no less than 3400 mm (11 ft. 2 in.) for a single off-street Type A Parking Space;
 - (2) have an unobstructed rectangular area with a minimum width of no less than 2400 mm (7 ft. 10-1/2) for a single off-street Type B Parking Space;
 - (3) be no less than 5200 mm (17ft) long for an off-street Parking Space;
 - (4) be no less than 7250 mm (23ft-10in.) long for an on-street Parking Space;
 - (5) incorporate Pavement markings containing the International Symbol of Access which includes a 1525 mm x 1525 mm (5 ft. x 5 ft.) white border and symbol with a blue background field colour;
 - (6) be comprised of a stable surface such as asphalt, concrete, pervious materials or other hard-surfaced material;
 - (7) be drained so as to control the pooling of surface water and prevent the flow of surface water to adjacent lands;
 - (8) be located so as to be readily accessible to a Person with a Disability, whether via ramps, depressed curbs or other appropriate means and where the Public Parking Area is intended to serve a particular building or complex, located within easy access of said building or complex;
 - (9) be placed with sufficient clearance around the vehicle in terms of other vehicles or obstacles such as light standards or waste receptacles;
 - (10) include an Access Aisle, where required; and
 - (11) be distinctly identified by an Authorized Parking Sign that conforms with sections 11 - 16 of this By-law.

RESPONSIBILITY OF MAINTAINING ACCESSIBLE PARKING SPACES

10. Each and every Accessible Parking Space shall be kept free and clear from obstructions, and kept free and clear of snow, ice or other material which could render the parking space unusable.

ACCESSIBLE PARKING SIGNS

11. Accessible Parking Signs referred to in this By-law shall comply with regulations made under the *Highway Traffic Act* and the *Accessibility for Ontarians with Disabilities Act*, which is in a form and content as illustrated in Schedule "B" and "C" to this By-law.
12. Accessible Parking Signs shall be mounted on a level wall surface or mounted on a permanent post, pillar, or other suitable surface, conforming to the requirements or regulations made under the *Highway Traffic Act* and the *Accessibility for Ontarians with Disabilities Act*, and be located:
 - (1) At a height of 1200 mm (47 in.) from the ground/floor surface to the bottom edge of the sign;
 - (2) If mounted on a post, the post shall be colour contrasted with the background environment;
 - (3) For perpendicular parking, centred on the Parking Space; and
 - (4) For parallel parking, located toward the end of the Parking Space, on the opposite side from the Access Aisle.
13. Each and every Type A Parking Space shall have two (2) 150 mm x 300 mm (6 inches x 11 3/4 inches) signs, on the same sign post/wall mount and located immediately below the sign

described in sections 9 and 11, with the words "Van Accessible" followed underneath with "Maximum Fine \$5,000.00", as illustrated in Schedule "C" to this By-law.

14. Each and every Type B Parking Space shall have a 150 mm x 300 mm (6 inches x 11 3/4 inches) sign, on the same sign post/wall mount and located immediately below the sign described in sections 9 and 11, with the words "Maximum Fine \$5,000.00", as illustrated in Schedule "C" to this By-law.
15. Each and every Accessible Parking Space shall have the applicable signs prescribed in sections 11, 13 and 14 of this By-law installed in a permanent manner: for perpendicular parking, centred on the Accessible Parking Space; and for parallel parking, located toward the end of the Accessible Parking Space, on the opposite side from the Access Aisle.
16. Every owner or operator of each Public Parking Area in which Accessible Parking Signs are located, pursuant to this By-law, shall be responsible for the procurement, installation and maintenance of said Accessible Parking Signs and for ensuring that said Accessible Parking Signs comply with regulations.

EXEMPTIONS

17. The provisions of this By-law shall not apply to an Authorized Emergency Vehicle and shall also not apply to any vehicles while actually engaged in works undertaken for or on behalf of the City.
18. Subsection 5(2) of this By-law 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, as amended or its successor, or is otherwise in compliance with the requirements of the *Planning Act*.
19. Section 9, subsections (1) to (4) of this By-law do not apply to an owner or operator of a Public Parking Area if compliance with these subsections will cause the Public Parking Area to be in non-compliance with the provisions of the City's Zoning By-law 0225-2007, as amended or its successor, or is otherwise in compliance with the requirements of the *Planning Act*.

PROHIBITIONS

20. No person shall Park, Stop or leave a vehicle in an Accessible Parking Space unless:
 - (a) a valid Accessible Parking Permit is properly displayed upon the vehicle ensuring the permit number and expiry date are clearly visible; and
 - (b) the Accessible Parking Space is vacant of any other vehicle; and
 - (c) the vehicle is positioned fully within the Accessible Parking Space; and
 - (d) the vehicle does not encroach upon an Access Aisle, if any.
21. No owner or operator of a Public Parking Area shall fail to provide the required number of Accessible Parking Spaces pursuant to section 5 of this By-law.
22. No owner or operator of a Public Parking Area shall fail to provide an Accessible Parking Space that meets the requirements under Section 9 of this By-law.
23. No owner or operator of a Public Parking Area shall fail to maintain an Accessible Parking Space pursuant to Section 10 of this By-law.
24. No owner or operator of a Public Parking Area shall fail to provide Accessible Parking Signs pursuant to the requirements under Sections 11 to 16 of this By-law.
25. No fee shall be charged for the use of an Accessible Parking Space in excess of that fee charged to other members of the general public in request of the abutting non-Accessible Parking Spaces.

PENALTIES AND ENFORCEMENT

26. Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine of not less than \$300.00 and any other penalties, as provided for in the *Provincial Offences Act*, the *Municipal Act 2001*, and the *Fire Protection and Prevention Act*, as applicable, and any such successor to each of those statutes.

27. Every person who contravenes section 20 of this By-law shall, when given a Penalty Notice, be liable to pay to the City an Administrative Penalty in the amount specified in the City's Administrative Penalty By-law, and shall be liable to pay to the City Administrative Fees pursuant to the City's Administrative Penalty By-law, and shall follow the procedures for payment or review/appeal as outlined in the City's Administrative Penalty By-law.
28. 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.
29. An Officer may, at any reasonable time, enter on land for the purpose of carrying out an inspection to determine compliance with this By-law.

GENERAL

30. All Schedules attached to this By-law form part of this By-law.
31. This By-law shall be known as the "Accessible Parking Bylaw".
32. This By-law shall come into force and effect on March 1, 2016.
33. After the effective date of this By-law, By-law 0001-2009, as amended shall apply only to offences issued prior to the effective date of this By-law or if an order has been issued prior to the effective date, and then only to such properties until such time as the work or actions prescribed pursuant to the order have been completed or otherwise been concluded.
34. Subject to section 33, By-law 0001-2009 being the former Accessible Parking Bylaw shall be deemed to be repealed upon this By-law coming into force and effect pursuant to section 32.

ENACTED AND PASSED THIS 20TH day of January, 2016.
Signed by Bonnie Crombie, Mayor and Crystal Greer, City Clerk

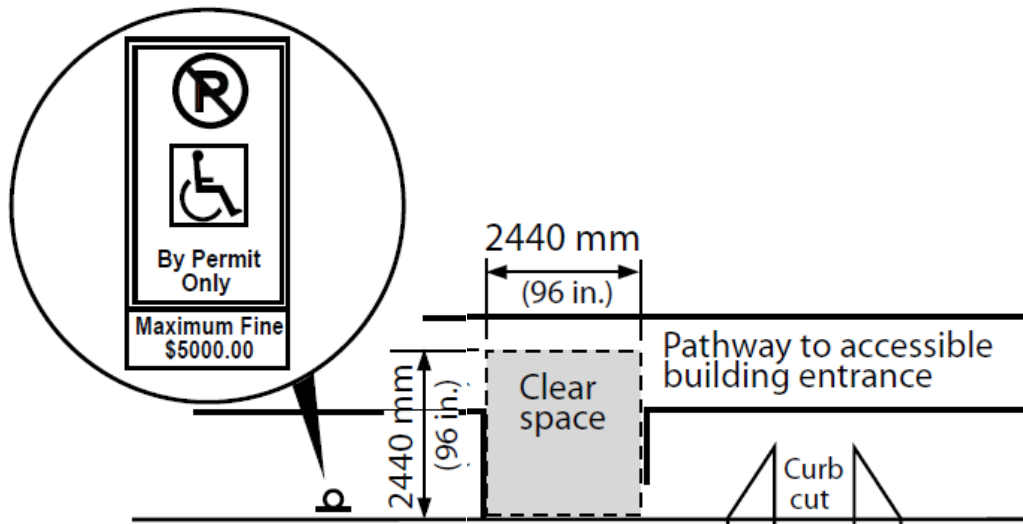
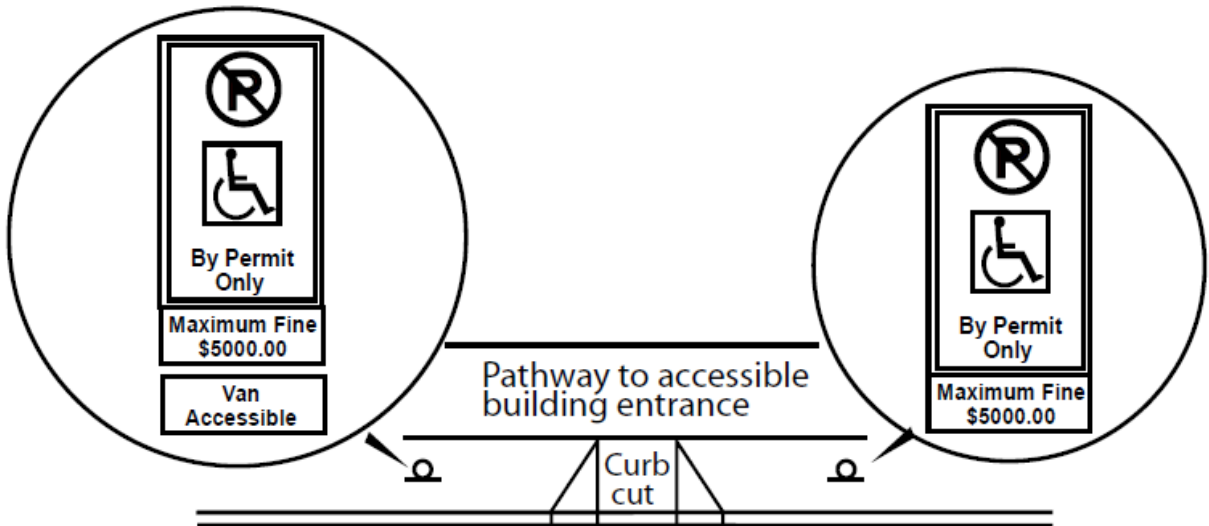
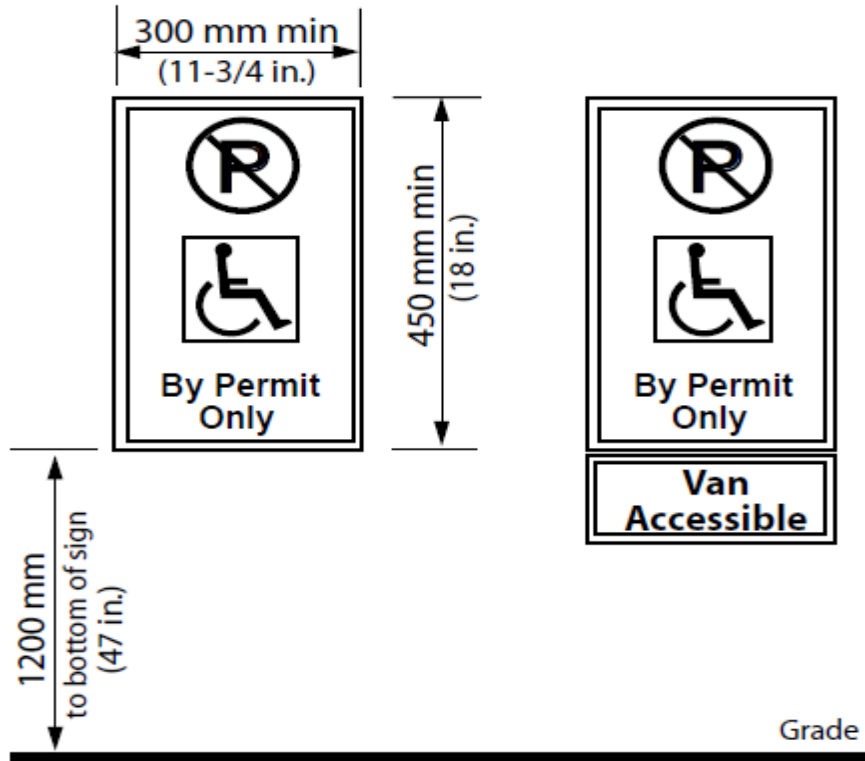
SCHEDULE "A"

ACCESSIBLE PARKING SPACE REQUIREMENTS

Total number of parking spaces	Total number of Accessible Parking Spaces required	Type A spaces	Type B spaces
1 – 12	1	1	0
13 – 100	4%	<p>For lots with an <u>even number</u> of total Accessible Parking Spaces - provide an equal number of Type A and Type B spaces.</p>	
101 – 200	3% + 1		
201 – 1000	2% + 2		
1001 +	1% + 11		
Note:	The number of spaces shall be rounded up to the nearest whole number. For example, 6.25 spaces is rounded up to 7 spaces.	<p>For lots with an <u>odd number</u> of total Accessible Parking Spaces - provide an equal number of Type A and Type B spaces. The additional space may be a Type B space.</p>	

SCHEDULE "B"

ACCESSIBLE PARKING SPACE SIGN REQUIREMENTS



SCHEDULE "C"

ACCESSIBLE PARKING SPACE SECOND AND THIRD SIGN REQUIREMENTS

