

THE CORPORATION OF THE TOWN OF LINCOLN

BY-LAW NO. 2017-25

A BY-LAW TO AUTHORIZE PARKING, STANDING OR STOPPING OF VEHICLES OPERATED BY PERSONS REQUIRING ACCESSIBLE PARKING ON ANY HIGHWAY AND TO AUTHORIZE AND REQUIRE THE PROVISION OF ACCESSIBLE PARKING SPACES FOR THE SOLE USE OF VEHICLES OPERATED BY OR CONVEYING PERSONS REQUIRING ACCESSIBLE PARKING

WHEREAS Sections 8, 9 and 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, ("Municipal Act, 2001") authorizes The Corporation of the Town of Lincoln to pass by-laws necessary or desirable for municipal purposes;

AND WHEREAS Subsection 102.1(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 failed to comply with any by-laws respecting the parking, standing or stopping of vehicles;

AND WHEREAS the Province of Ontario adopted the "Administrative Penalties" Regulation, O. Reg. 333/07, pursuant to the Municipal Act, 2001 which applies to administrative penalties in respect of the parking, standing or stopping of vehicles;

AND WHEREAS Section 391 of the Municipal Act, 2001 authorizes a municipality to pass by-laws imposing fees or charges for costs payable by it for services or activities, and services or activities provided or done by or on behalf of the municipality;

AND WHEREAS the Town of Lincoln considers it desirable to enforce and seek compliance with the designated By-laws, or portions of those By-laws, through the administrative penalty system;

AND WHEREAS the Council of the Town of Lincoln passed By-law No. 97-2020, on July 7, 1997 regarding parking for those with a physical disability, and further amended the By-law by By-law 03-40 on April 22, 2003 regarding changes to the penalties;

AND WHEREAS the Council of the Town of Lincoln deems it expedient to repeal By-law 97-2020 and By-law 03-40 and replace it with a new Accessible Parking By-law;

NOW THEREFORE the Council of The Corporation of the Town of Lincoln hereby enacts as follows:

1. PART I - SHORT TITLE

1.1. This By-law may be referred to as the "Accessible Parking By-law".

2. PART II - DEFINITIONS

For the purposes of this By-law:

2.1. "Accessible Parking Space" means a parking space within a public parking area that can be defined as; a structure or open area other than a street or highway, used for parking vehicles, to which the public has access to, whether on payment of fee or otherwise. The Accessible Parking Space must be marked by an authorized sign, designated in Schedule "B", attached hereto and forming part of this By-law, indicating such space to be for the sole use of vehicle bearing a permit issued to a person with a disability by the Province

of Ontario pursuant to the Highway Traffic Act and the regulations made thereunder.

- 2.2. "Administrative Penalty" means a monetary penalty as set out in Schedule "A", attached hereto and forming part of this By-law, for a contravention of this By-law.
- 2.3. "Authorized Sign" means a sign approved by the Province of Ontario for the purpose of accessible parking spaces for the sole use of persons with a disability
- 2.4. "By-law" means this By-law and any Schedule to this By-law, as may be amended from time to time;
- 2.5. "Council" means the Council of the Town of Lincoln;
- 2.6. "Law Enforcement Officer" means the By-law Enforcement Officer of the Town, any other officer authorized to enforce this or any other By-law of the Town, or Police Officer appointed for the carrying out of the provisions of the Highway Traffic Act;
- 2.7. "Motor Vehicle" includes an automobile, motorcycle, a motor-assisted bicycle unless otherwise indicated in this Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, power assisted bicycle, traction engine, a farm tractor, a self-propelled implement of husbandry or a road building machine within the meaning of the Highway Traffic Act;
- 2.8. "Municipal Property 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 accessible parking spaces;
- 2.9. "Park" or "Parking", when prohibited, means the standing of vehicle whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;
- 2.10. "Permit" means a permit issued to a person with a disability for a period not exceeding five years by the Province of Ontario pursuant to the provisions of the Highway Traffic Act and the regulations made thereunder;
- 2.11. "Person with a Disability" means an individual under the Highway Traffic Act, RSO 1990, Section 1, subsection 2, who cannot walk without the assistance of another individual or of a brace, cane, crutch, lower limb prosthetic device or similar assistive device or who requires the assistance of a wheelchair. This definition also includes an individual's mobility who meets the requirement being severely limited due to a disease, condition or functional impairment.
- 2.12. "Unauthorized Motor Vehicle" means a motor vehicle that does not display a current permit identifying the vehicle as one operated by a person with a disability or transporting a person with a disability;
- 2.13. "Officer" means each of: Municipal Law Enforcement Officer or other person appointed by or under the authority of a Town By-law to enforce this By-law, and a Police Officer employed by Niagara Regional Police or the Ontario Provincial Police;

- 2.14. "Owner" means the registered owner of a motor vehicle as provided by the Ministry of Transportation of Ontario (MTO);
- 2.15. "Town" means the Town of Lincoln;
- 2.16. "Wheelchair" means a chair mounted on wheels driven by muscular or any other kind of power that is designed for and used by a person whose mobility is limited by one or more conditions or functional impairments, defined by the Highway Traffic Act, 1990, Section 1, Subsection 1.

3. PART III – GENERAL PROVISIONS

- 3.1. A permit shall be used by displaying it within the vehicle by:
- 3.1.1. Affixing the permit to the sun visor on the driver's side of the vehicle with the visor turned down; or
- 3.1.2. On the driver's side of the dash board of the vehicle;
- 3.2. No other person, other than a person with a disability, shall acquire or use a permit in respect of a vehicle.
- 3.3. A person with a disability or a person conveying a person with a disability may, on a highway as defined in the Highway Traffic Act, RSO 1990, c.H.8:
- 3.3.1. Stop and stand a vehicle displaying a permit on any no parking zone, bus stop, loading zone or taxi stand for the purpose of and while actually engaged in receiving and discharging a person with a disability; or
- 3.3.2. Park a vehicle displaying a permit in any accessible parking space when authorized signs are on display.
- 3.4. An authorized sign marking an accessible parking space shall display the form of symbol indicated in Schedule "A" attached hereto and forming part of this By-law and the form, location, and height of such shall be in accordance with the Highway Traffic Act, RSO 1990, c.H.8 and the Ontario Traffic Manual. Upon the erection of such an authorized sign, the parking space marked by said authorized sign shall be deemed to be an accessible parking space for the sole use of physically disabled persons.
- 3.5. Every owner and operator of a public parking area shall provide accessible parking spaces therein to the minimum number prescribed by Provincial Regulations, and as established by Council from time to time.
- 3.6. Each accessible parking space provided under subsection 3.5 shall be identified by an authorized sign, and be constructed as prescribed by Provincial Regulations, and as established by Council from time to time.
- 3.7. The owner and operator of a public parking area under subsection 3.5 shall be jointly responsible for the procurement, installation and maintenance of the authorized signs.
- 3.8. No fee shall be charged for the use of a designated parking space in excess of the fee charged other members of the general public in respect of non-accessible parking spaces.
- 3.9. No person with a disability shall be required to pay a fee for the use of an accessible parking space in a facility operated by the Town.

- 3.10. When official signs (designated in Schedule "B" attached hereto and forming part of this By-law) are on display, no person shall stop, stand, or park an unauthorized motor vehicle in an accessible parking space.
- 3.11. No person, other than a person with a disability, who is the operator of a vehicle or a person who is the operator of a vehicle that is carrying a person with a disability and displaying a valid permit shall use an accessible parking space.
- 3.12. The owner of the motor vehicle is liable to any penalty provided under this by-law, regardless of the driver of the motor vehicle at the time of the offence outlined in Schedule "A".

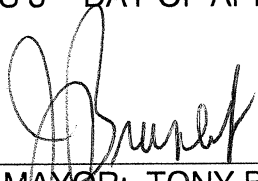
4. PART IV – OFFENCES AND PENALTIES

- 4.1. Every Person who contravenes any provision of this By-law is guilty of an offence and shall, when given a Penalty Notice, be liable to pay to the Town an Administrative Penalty in the amount specified in Schedule "A" attached hereto and forming part of this Accessible Parking By-law.
- 4.2. An Officer who has reason to believe that a Person has contravened a provision of this By-law may issue a Penalty Notice to that Person.
- 4.3. A Penalty Notice shall include the following information:
- 4.3.1. The vehicle license plate number or vehicle identification number;
 - 4.3.2. The Penalty Notice Date; and
 - 4.3.3. A number that is unique to the Penalty Notice.

5. VALIDITY

- 5.1. Should any section, clause or provision this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of this By-law shall not be vitiated.
- 5.2. Where a form of words or expression are prescribed in this By-law, deviations therefrom not affecting the substance or calculated to mislead do not vitiate them.
- 5.3. This By-law shall come into force and take effect on the date of final passing.
- 5.4. By-law Numbers 97-2020 and 03-40 be and the same are hereby repealed.

READ A FIRST TIME THIS 3RD DAY OF APRIL, 2017
 READ A SECOND TIME THIS 3RD DAY OF APRIL, 2017
 READ A THIRD TIME AND FINALLY PASSED THIS 3RD DAY OF APRIL, 2017


 DEPUTY MAYOR: TONY BRUNET


 CLERK: WILLIAM J. KOLASA

SCHEDULE "A"

ACCESSIBLE PARKING BY-LAW No. 2017-25

For the purposes of Section 3 of this By-law, Column 1 in the following table lists the provisions in the Accessible Parking By-law No. 2017-25, that are hereby designated for the purposes of 3.2 of the Regulation.

Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.

Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

Column 4 in the following table sets out the long form wording to be used for the contravention of the designated provisions listed in Columns 1.

ITEM	Column 1	Column 2	Column 3	Column 4
	Designated Provisions	Short Form Wording	Administrative Penalty	Long Form Wording
1	4.1	P in Accessible Zone	\$300.00	Park in Accessible Zone without a Permit

SCHEDULE "B"**ACCESSIBLE PARKING BY-LAW No. 2017-25****SIGNS FOR ACCESSIBLE PARKING SPACES**

(According to the Highway Traffic Act and Ontario Traffic Manual)

ACCESSIBLE PARKING EXEMPTION SIGN

Rb-93, 30cm x 45cm



Font: Helvetica Bold Condensed
 Colour: Interdictory Symbol – Red Reflective
 Symbol of Access & Symbol Border – Blue Reflective
 Legend & Border – Black
 Background – White Reflective

ACCESSIBLE STANDING EXEMPTION SIGN

Rb-94, 30cm x 60cm



Font: Helvetica Bold Condensed
 Colour: "NO STANDING" Legend – Red Reflect
 Symbol of Access & Symbol Border – Blue Reflective
 Rest of Legend & Border – Black
 Background – White Reflective

ACCESSIBLE STOPPING EXEMPTION SIGN

Rb-95, 30cm x 75cm



Font: Helvetica Bold Condensed
Colour: Interdictory Symbol – Red Reflective
Symbol of Access & Symbol Border – Blue Reflective
Legend & Border – Black
Background – White Reflective