



## REPORT

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**TO:** Mayor Lawlor and Members of Council

**FROM:** Susie Spry, Manager of Enforcement Services

**DATE:** March 14, 2024

**REPORT NO.:** ADMIN-2024-006

**SUBJECT:** Amendments to the Off-Street Parking By-law 2005-0117

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### RECOMMENDATION:

THAT Report No. ADMIN-2024-006 dated March 14, 2024 regarding amendments to the Town's Off-Street Parking By-law 2005-0117 be received;

AND FURTHER THAT Council approve and execute the amendments to the Town's Off-Street Parking By-law 2005-0117 as outlined in this report.

### KEY POINTS:

The following are key points for consideration with respect to this report:

- The current Off-Street Parking By-law was passed by Council in 2005.
- Since that time, legislation has changed with respect to the standards for accessible parking for persons with disabilities.
- The proposed changes to the Off-Street Parking By-law 2005-0117 are outlined in this report and include housekeeping amendments, additional definitions, and clarification in sections to reflect current legislation.
- A provision has been added to address the influx of vehicles parking on the landscaped area (front and side yard) of a residential property;

### BACKGROUND AND DISCUSSION:

By-law 2005-0117 was originally adopted by Council in 2005. Since that time there have been legislative changes concerning accessible parking that need to be addressed. The proposed amendments aim to modernize the by-law, incorporating

housekeeping changes, new definitions, and clarifications to align with current accessibility standards. Notably, the addition of a provision to manage the increasing number of vehicles parking on residential landscaped areas demonstrates a response to practical challenges faced by communities today. These updates are crucial for ensuring that the by-law remains effective and relevant, addressing both the rights of individuals with disabilities and the aesthetic concerns of residential neighborhoods.

The general section of the by-law will be updated to include the following sections:

**AND WHEREAS** Section 210(125) of the Municipal Act, R.S.O. 1990, c. M.45, as amended, permits a municipality to pass a by-law to regulate parking or prohibit the parking, standing or stopping of vehicles displaying a person with a disability parking permit issued and displayed in accordance with the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended;

**AND WHEREAS** Section 210(125) of the Municipal Act provides that municipalities may pass a by-law prescribing the conditions of use of a person with a disability parking permit, and shall prohibit the improper use thereof; **AND**

**AND WHEREAS** Section 80.34 of the Integrated Accessibility Standards Regulation, O. Reg. 191/11, as amended, under the Accessibility for Ontarians with Disabilities Act, 2005, allows for the establishment and enforcement of dimensional size requirements for type A and type B accessible parking spaces;

**AND WHEREAS** Section 80.36 of the Integrated Accessibility Standards Regulation, O. Reg. 191/11, as amended, under the Accessibility for Ontarians with Disabilities Act, 2005, allows for the municipality to stipulate the minimum number of accessible parking spaces

Definitions have been added to reflect terms in new regulations that will be added, as well as to correct titles of senior management staff.

**PART 1, DEFINITIONS** will be amended to add the following definitions to read:

***Accessible Parking Space*** means a Parking Lot 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;

***Commissioner*** means the Commissioner of Transportation and Public Works or his/her designate;

***Permit*** means an accessible parking permit issued under the *Highway Traffic Act* and is currently valid or a permit or other marker or device which is issued by another jurisdiction, is currently valid and recognized under the *Highway Traffic Act* and the regulations thereunder;

***Residential Landscaping*** means the vegetative surface (level or otherwise) capable of supporting the growth of vegetation such as grass, trees, shrubs, flowers, berms, or other plants and shall include soil, river rock, or decorative stone on lands that are within a residential zone as identified in the Town's Zoning By-law;

***Unauthorized Area*** includes Residential Landscaping;

In Part III, the word “Engineer” is being replaced with the word “Commissioner” to reflect the Town’s current senior management titles.

Section 7 of Part III is being amended to remove the words “and which such parking permit is readily and openly displayed upon the front windshield”

**PART III, PARKING – MUNICIPAL PARKING LOTS** will be amended to read:

4. The Commissioner is authorized to erect in or on any Municipal Parking Lot such signs, markers or other devices as may be necessary for the safe and efficient operation of such Municipal Parking Lot.
5. The Commissioner, for the purpose of controlling and regulating Parking in or on Municipal Parking Lots, is hereby authorized to establish procedures for the issuance of parking permits for Municipal Parking Lots and designating Parking Lot Spaces in connection therewith.
7. Where properly worded signs have been erected and are on display, no person shall Park a Vehicle in an area designated for permit parking only, except a Vehicle issued a valid parking permit by the Town.

In order to address the increased trend of vehicles parking on the front lawn or landscaping of residential properties, staff felt it necessary to include a restriction to prohibit parking of vehicles in an Unauthorized Area. The definition of unauthorized area and residential landscape have been added to the definition section and Section 11.d of Part IV was added to read:

**PART IV, PARKING – PRIVATE PROPERTY**

11. No Person shall Park or leave a Motor Vehicle;

- (a) on private property without the consent of the Owner of the property;
- (b) on property owned or occupied by a public authority and any local board without the consent of the public authority or local board, as the case may be;
- (c) on Private Property or on property owned by a public authority or local board, in such a manner that is not wholly within the area designated as a Parking Lot Space by lines painted on the surface of the parking lot; or
- (d) in an Unauthorized Area.

This section has been amended to give better clarity to the accessible requirements as set out in the Integrated Accessibility Standards Regulations and Highway Traffic Act. Staff will be using the updated information to ensure compliance throughout the Town.

**PART V, DISABLED PERSON PARKING** will be amended to read:

**PART V, ACCESSIBLE PARKING**

- 16. Every Accessible Parking Space on Municipal Parking Lots or Private Property shall be in accordance with the requirements of the *Integrated Accessibility Standards Regulation*, as amended, and the *Highway Traffic Act*;
- 17. Each off-street Accessible Parking Space shall adhere to the minimum size requirements as outlined in accordance with the following:

Type	Required Dimensions	
	Length	Width
A	5.8 m	3.4 m
B	5.8 m	2.4 m

- 18. Accessible Parking Spaces shall include an accessible aisle, adjacent to an accessible parking space, with a minimum width of 1.5 m and length of 5.8 m. Adjacent accessible parking spaces may share one access aisle;
- 19. Every Accessible Parking Space shall be distinctly indicated by erecting signage in accordance with the requirements of the *Highway Traffic Act* and regulations made thereunder;
- 20. The owner or operator of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, shall provide Accessible Parking Spaces in accordance with the *Integrated Accessibility Standards Regulation*, as amended and the *Highway Traffic Act*;
- 21. No person shall park a vehicle in an Accessible Parking Space unless a currently valid Permit has been issued to that person, organization or to a passenger being transported or picked up in the vehicle and such Permit is displayed on or in the vehicle in accordance with the requirements of the Highway Traffic Act, the regulations made thereunder.
- 22. Under section 80.39 of the *Integrated Accessibility Standards Regulation*, the minimum number of designated parking spaces shall be provided in accordance with the following:

No. of Provided Parking Spaces	No. of Accessible Parking Spaces
1 to 12	1 Type A
13 to 100	4%
100 to 200	1 accessible parking spaces PLUS 3%*
201-1000	2 accessible parking spaces 2%*
More than 1000	11 accessible parking spaces PLUS 1%*

\*Where an even number of accessible parking spaces are required, an equal number of Type A and B accessible parking spaces shall be provided. Where an odd number of accessible parking spaces are required, an equal number of Type A and B accessible parking spaces shall be provided but the last accessible parking space may be Type B.

Part VI Section 24 was amended to increase the total fine from \$300 to \$350.

**PART VI, PENALTIES** will be amended to read:

24. Notwithstanding Section 23 of this By-law, any person convicted of an offence under Section 21 of this By-law shall be liable to a fine of not less than \$350.00, exclusive of costs.

**Schedule A** had charts that were no longer relevant to municipal parking lots and will be deleted in its entirety and amended to read:

**Municipal Parking Lot Permit Fees**

The Municipal Parking Lot Overnight Permit fee shall be as set out in the Town's Rates and Fees By-law.

**Schedule C** will be removed as the standards for accessible parking are now included in Part V.

**STRATEGIC PLAN ALIGNMENT:**

This report identifies a safe and welcoming community as one of the Town's Strategic priorities.

**RELATIONSHIP TO CLIMATE CHANGE:**

This report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

**PUBLIC ENGAGEMENT:**

Public Engagement was not needed as this report is administrative in nature.

**INTERNAL CONSULTATION:**

This report has been discussed with the Town Clerk and the Town Solicitor.

**FINANCIAL IMPLICATIONS:**

This report is administrative in nature and does not have any financial implications.

Reviewed and approved by,

Valerie Petryniak, Town Clerk & Director of Legislative Services

Chris Mills, Chief Administrative Officer