

DATE: July 17, 2023

REPORT NO: PD-37-2023

SUBJECT: **Recommendation Report - Minor Revisions to the Accessible Parking By-law**

CONTACT: Brian Treble, Director of Planning & Building

OVERVIEW:

- A By-law to establish an Accessible Parking By-law was approved as By-law 2020-97 and amended by by-law 2017-23 in 2017 to capture the intent and spirit of the Accessibility for Ontarians with Disabilities Act while updating the language and format of the existing by-law. A further update is now required to reflect proper parking space standards.
- A By-law to amend the Administrative Penalties By-law was also drafted in 2017 to add the Accessible Parking By-law as a Designated By-law to allow for enforcement of the By-law through the administrative penalty system.
- This report is written to recommend one further amendment of By-law 97-2020 as recommended by our Joint Accessible Advisory Committee (JAAC) Committee to update the parking standards of the Accessible Parking by-law.

RECOMMENDATION:

1. That, Recommendation Report PD-37-2023, regarding “Minor Revisions to the Accessible Parking By-law”, dated July 17, 2023 be RECEIVED and;
2. That the proposed draft By-law, as attached, be adopted to be in effect as of August 1, 2023.

ALIGNMENT TO STRATEGIC PLAN:

Strategic Priority #1

- **Build** – a safe, connected, caring and active community

BACKGROUND:

The existing version of By-law 97-2020 has been amended a number of times. Most recently, in 2017, changes were made including a change to the fine from \$100 to \$500. During the review of the By-law and the applicable legislation which authorizes such a By-law, it was discovered that the Section 427 of the Municipal Act sets out that a fine for such an offence shall be “a fine of not less than \$300”.

In 2014 a system was put in place to enforce municipal parking regulations through an administrative penalty system rather than through the Provincial Offences Act, effectively removing parking trials from the Provincial Courts system. In doing so the Township adopted a By-law to establish a process for the enforcement and processing of administrative penalties. The Accessible Parking By-law was last presented for amendment to update the by-law in 2017. Now, the By-law needs to be amended again to include the correct parking standards as the Joint Accessibility Advisory Committee (JAAC) has identified that the current standards are out of date.

CURRENT SITUATION:

In 2017, the Township modified the schedule of fees to reflect the minimum required fine of \$300, Staff took the opportunity to also update the language of the By-law to both modernize the terminology and to reflect modifications to complimentary legislation. The Township also amended the by-law, in 2017, to change the parking provisions so that consistent wording exists across the Niagara Region. The Region has tried to maintain a universal by-law number for the various parking by-laws to make it uniform across the Region, thus making it easier when tickets are being issued through the Police services as they are not required to memorize different by-law numbers for the varying municipalities.

This report is written to update the parking standards as one existing standard in the amended by-law were out of date, as dated by our JAAC Committee.

Once the amendment is approved, the new standards will apply to parking stall sizes.

FINANCIAL IMPLICATIONS:

The proposed by-law adjusts the parking standards to reflect current requests with no financial implications.

INTER-DEPARTMENTAL COMMENTS:

Modifications to this By-law will have little to no impact on other departmental functions or staff.

CONCLUSION:

Staff recommends the amendments to the Accessible Parking By-law be approved with an effective date of August 1, 2023.

ATTACHMENTS:

1. By-law 2023-XX to amend By-law 97-2020, as amended.

Prepared & Submitted by:



**Brian Treble,
Director of Planning & Building**

Approved by:



**Bev Hendry,
CAO**