

DATE: September 11, 2023

REPORT NO: PD-46-2023

SUBJECT: **Recommendation Report – Amendment to Accessible Parking By-Law**

CONTACT: Jesse Paul, By-law Enforcement Officer
Brian Treble, Director of Planning & Building

OVERVIEW:

- Our Current Accessible Parking By-Law has more requirements than the Provincial legislation requires, in regards to designating an accessible parking space.
- There have been numerous infractions this year with unauthorized parking in accessible spaces. Having the Township By-Law line up with Provincial designation requirements will ensure applicable fines will stand up if challenged.

RECOMMENDATION:

1. That, Recommendation Report PD-46-2023, regarding “Amendment to Accessible Parking By-Law”, dated September 11, 2023 be received; and,
2. That, the Accessible Parking By-law, 97-2020, as amended, be further amended by deleting and replacing the definition of an accessible parking space as listed in the Draft Amending By-law, as found at Attachment 1 to this report.

ALIGNMENT TO STRATEGIC PLAN:

Theme #1

- **BUILD** - a safe, connected, caring and active community.

BACKGROUND:

The current By-Law for Accessible Parking spaces has wording that states that there must be adequate signage and markings on the ground. The Township currently does not have any accessible parking spaces on road allowances that are marked properly, in accordance with our current Accessible Parking By-law, with both markings on the ground and authorized signage. Painting on the ground for accessible parking spaces is not required under Provincial regulations, and therefore, staff are recommending to remove the reference to on ground/pavement markings.

CURRENT SITUATION:

There was a challenge of a ticket recently where the Hearing Officer waived the ticket due to the current wording with the Township's Accessibility By-law regarding pavement markings on accessible parking spaces. This ticket was waived even though a person did wrongfully park in an accessible parking space without a permit.

After researching the Provincial requirements and discussing the matter with many other By-law Departments in the Niagara Region, it was highly suggested to remove wording in By-Law 97-2020, section 1.2.1(1).

Currently the wording of our by-law is as follows:

"accessible parking space" means a parking space designated by pavement markings and authorized signs 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;"

Staff recommend the following with the highlighted areas above removed, as follows:

"accessible parking space" means a parking space designated by authorized signs 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;"

FINANCIAL IMPLICATIONS:

Not applicable to this report.

INTER-DEPARTMENTAL COMMENTS:

Discussion occurred with other local municipality By-law departments and Township Planning, Building, and Clerks Department staff, along with, Senior Management.

CONCLUSION:

Staff recommend that a by-law be passed to amend the Accessible Parking By-law to remove reference to on ground/pavement markings. A draft by-law is attached to this report.

ATTACHMENTS:

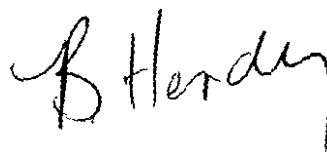
1. Amended Accessible Parking Draft By-law

Prepared & Submitted by:

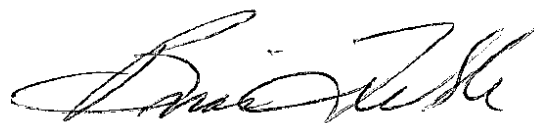


**Jesse Paul,
By-law Enforcement Officer**

Approved by:



**Bev Hendry,
CAO**



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