

**THE CORPORATION OF THE MUNICIPALITY OF CALLANDER**

**BY-LAW NO. 2008 - 1120**

**BEING A BY-LAW TO REGULATE DISABLED PERSONS PARKING**

**WHEREAS** Council may authorize the creation and designation of parking spaces on municipal or private property for the exclusive use of vehicles which are displaying a permit in accordance with the requirements of the *Highway Traffic Act* and the regulations made thereunder, *the Municipal Act, 2001* and the regulations made thereunder and the *Ontarians With Disabilities Act* and the regulations made thereunder and this By-law;

**AND WHEREAS** the Council may create special parking exemptions for the drivers and operators of vehicles which are displaying a permit in accordance with the requirements of the *Highway Traffic Act* and the regulations made thereunder and this By-law;

**AND WHEREAS** it is deemed desirable to provide for the enforcement necessary to prevent the unauthorized use of such permits, designated parking spaces and exemptions;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF CALLANDER HEREBY ENACTS AS FOLLOWS:**

**1. Definitions:**

- (a) “**DESIGNATED PARKING SPACE**” means a parking 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* and the regulations thereunder and this by-law;
- (b) “**MUNICIPAL AND 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 designated parking spaces, whether their use involves the payment of a fee or otherwise;
- (c) “**MUNICIPAL BY-LAW ENFORCEMENT OFFICER**” means the person appointed by the Municipality of Callander to enforce the municipal by-laws;
- (d) “**PARK**” 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;
- (e) “**PARKING INFRACTION NOTICE**” means a notice indicating the set fine for an infraction under this by-law, issued by any Police Officer, Municipal By-Law Enforcement Officer or agent of the Municipality.
- (f) “**PERMIT**” means a Disabled Person Parking Permit issued under the *Highway Traffic Act*;

**2. General Provisions:**

- (a) A permit shall be used by displaying it,

- i) Affixed to the sun visor on the driver's side of the vehicle with the visor turned down; or,
  - ii) On the driver's side of the dashboard of the vehicle.
- (b) A designated parking space shall be distinctly indicated in accordance with the requirements of the *Highway Traffic Act* and the regulations made thereunder, as described in Schedule "A" by The Corporation of the Municipality of Callander.
- (c) Construction and maintenance of a designated parking space shall generally accord with the following criteria:
  - i) Have a minimum length of 5 metres;
  - ii) Be hard surfaced;
  - iii) Be level;
  - iv) Where practical, be placed so that sidewalks will be accessible to physically disabled persons whether via ramps, depressed curbs, or other appropriate means;
  - v) Be placed with sufficient clearance around the vehicle to permit ingress and egress in relation to other vehicles or obstacles such as light standards or waste receptacles; and,
  - vi) Be kept clear of all accumulations of ice, snow or other material which could render the parking space unusable.
- (d) Designated parking spaces shall be provided on municipal or private property, as described in Schedule "B" by the Corporation of the Municipality of Callander.
- (e) The owners and operators of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, shall provide designated parking spaces in accordance with Schedule "B".

### 3. **Offences:**

No person or organization shall:

- (a) Park a vehicle in a designated parking space, or
- (b) Be entitled to the benefit of an exemption under this by-law, unless
  - i) A currently valid permit has been issued to that person, organization or to a passenger being picked up or transported in the vehicle, and
  - ii) Such permit is displayed on or in the vehicle in accordance with the requirements of the *Highway Traffic Act*, the regulations made thereunder and this by-law.

### 4. **Enforcement:**

- (a) Any Police Officer, Provincial Offences Officer or Municipal By-Law Enforcement Officer is authorized to enforce this by-law pursuant to the provisions hereof, the *Municipal Act*, 2001, S.O. 2001 c.25, as amended or any successor thereof, and the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended, or any successor thereof.
- (b) When a vehicle is found in contravention of any provisions of this by-law, any Police Officer, Provincial Offences Officer or Municipal By-Law Enforcement Officer so finding the vehicle, may issue a summons, or attach to the vehicle a Parking Infraction Notice in the form of a serial numbered notice.

(c) A Police Officer, Provincial Offences Officer or Municipal By-Law Enforcement Officer, upon discovery of any vehicle parked or left in contravention of this by-law, may cause it to be removed or taken and placed or stored in a suitable place and all costs for removing, care and storage thereof, if any, are a lien upon the vehicle which may be enforced in the manner provided by Part III of the *Repair and Storage Liens Act*, R.S.O., 1990, as amended.

**5. Penalty:**

(a) Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine, penalty or order as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended or any successor thereof, or in the *Municipal Act*, 2001, S.O. c.25, as amended or any successor thereof.

(b) The owner of a vehicle may be charged 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 and upon conviction, the owner is liable to the penalty described or provided for the offence.

6. This By-law comes into force and effect upon approval of the set fines.

**READ A FIRST TIME THIS 2nd DAY OF DECEMBER, 2008**

**READ A SECOND TIME THIS 2nd DAY OF DECEMBER, 2008**

**READ A THIRD TIME AND FINALLY PASSED THIS 2nd DAY OF DECEMBER, 2008**

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**MAYOR, Hector Lavigne**

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**CLERK, Jeff Celentano**

**THE CORPORATION OF THE MUNICIPALITY OF CALLANDER**

**SCHEDULE "B" TO BY-LAW NO. 2008 - 1120**

**NUMBER OF DESIGNATED PARKING SPACES**

<b><u>NO. OF AUTOMOBILE PARKING SPACES</u></b>	<b><u>NO. OF DESIGNATED PARKING SPACES</u></b>
1-19	Nil
20-99	1 minimum
100-199	2 minimum
200-299	3 minimum
300-399	4 minimum
400-499	5 minimum
500 or more	6 minimum

**PARKING REQUIREMENTS TO SERVE DISABLED PERSONS AT HOSPITALS,  
MEDICAL CENTRES OR CLINICS**

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1-30	1 minimum
31-60	2 minimum
61-100	3 minimum
For each additional 30 or part thereof	1 minimum to a maximum of 12

**THE CORPORATION OF THE MUNICIPALITY OF CALLANDER – SET  
FINES  
PART II – PROVINCIAL OFFENCES ACT**

**PARKING FOR DISABLED PERSONS BY-LAW NO. 2008 - 1120**

COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Set Fine
Park without authorized permit	Section 3(b)(i)	\$325.00
Park – fail to clearly display authorized permit \$325.00	Section 3(b)(ii)	

**Note: The penalty provision for the offence indicated above is Section 5(a) of By-Law No. 2008 - 1120, a certified copy of which has been filed.**