

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2008-18

Being a By-law to amend Traffic By-Law No. 2005-55

WHEREAS it is deemed expedient to amend certain provisions of Traffic By-law 2005-55 to update provisions for regulating on and off-street parking for persons with disabilities and for clerical correction;

AND WHEREAS, pursuant to the *Municipal Act*, S.O. 2001, c. 25, section 102, a local municipality may require the owners or operators of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, to provide designated parking spaces for vehicles displaying a Disabled Persons Parking Permit or the Accessible Parking Permit;

AND WHEREAS it is deemed expedient by Council to exercise such authority to authorize the creation and designation of parking spaces on highways and/or 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*, R.S.O. 1990, c. H.8, and the regulations made thereunder and this by-law;

AND WHEREAS Council deems it expedient to create special parking exemptions for the drivers and the operators of vehicles which are displaying a permit in accordance with the requirements of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, and the regulations made thereunder and this by-law;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF
THE TOWN OF AMHERSTBURG HEREBY ENACTS AS FOLLOWS:**

1. That Section 15 (8) of By-Law 2005-55 be hereby amended as follows:

(8) Parking for Persons with Disabilities

- a. In this section 15 part 8 Parking for Persons with Disabilities, "Municipal Property" means land situated within the Town that is owned by the Corporation, including any highway under the jurisdiction of the Corporation;
- b. In this section 15 part 8 Parking for Persons with Disabilities, "Private Property" means those lands and premises that are not owned or occupied by the Corporation and are intended for the temporary parking of vehicles;
- c. In this section 15 part 8 Parking for Persons with Disabilities, "Official Sign" means a disabled person parking sign as set out in the regulations of the Highway Traffic Act and as described in Schedule "V" of this by-law for the purpose of marking designated parking spaces;
- d. Designated Parking Spaces – Private Property
 - i. Every person who is an owner of private property shall provide designated parking spaces for persons with disabilities in accordance with the Town of Amherstburg Zoning By-law, as amended.
 - ii. Every person who is an owner of private property shall mark such designated parking spaces with a Sign in accordance with the provisions of the Highway Traffic Act and as per Schedule 'V' of this bylaw and section (h) Official Signage.

- iii. Where in a lot or facility one or more parking spaces are intended for the sole use of a vehicle of a disabled person, the owner or operator of the public parking lot or facility shall identify each such parking space by erecting one or more official signs in such a manner that the official sign or signs shall be clearly visible to the operator of any vehicle approaching or entering such parking space.
- iv. No person shall charge a fee for the use of a designated parking space in excess of that fee charged other members of the general public in respect of other parking spaces.
- v. Notwithstanding the provisions of this or any other by-law, no person shall park, stand, stop or leave a motor vehicle in any designated parking space except a motor vehicle,
 - a. that is operated by or carries a disabled person, and
 - b. that is identified by a current original identifying marker; and
 - c. that is parked entirely within a designated parking space.
- e. Designated Parking Spaces – Municipal Property
 - i. Designated parking spaces for Persons with Disabilities located on municipal property are described in Schedule ‘U’ of this bylaw.
 - ii. Notwithstanding the provisions of this or any other by-law, no person shall park, stand, stop or leave a motor vehicle in any designated parking space set out in Schedule “U” of this by-law except a motor vehicle,
 - a. that is operated by or carries a disabled person, and
 - b. that is identified by a current original identifying marker; and
 - c. that is parked entirely within a designated parking space.
- f. Display of Permit
An identifying marker, shall be displayed on
 - i) the inner surface of the windshield, as close as practicable to the lower left-hand corner and as close as practicable to the left-hand side of the motor vehicle, or
 - ii) the outer surface of the sun visor on the left-hand side of the motor vehicle so as to be visible through the windshield from the exterior of the car when the sun visor is in a lowered position.
- g. Prohibitions Regarding Permits
No person shall
 - i) deface or alter any current original identifying marker furnished by the Ministry of Transportation;
 - ii) use or permit the use of a defaced or altered current original

identifying marker furnished by the Ministry of Transportation;

- iii) use or permit the use of a current original identifying marker furnished by the Ministry of Transportation except the disabled person to whom the current original identifying marker is furnished; or a person transporting such disabled person;
- iv) without the authority of the person to whom a current original identifying marker has been issued, remove a current original identifying marker furnished by the Ministry of Transportation from a motor vehicle.

h. Official Signage - Minimum Requirements

Each sign shall:

- (i) bear the appropriate markings and have the dimensions as shown on Schedule "V" of this bylaw. Painting the universal symbol of access in the pavement does not constitute appropriate signage;
- (ii) be erected no less than 1.5 metres and not more than 2.2 metres in height measured from the finished grade and their view shall not be obstructed in any way;
- (iii) not be erected so that it is capable of being moved;
- (iv) be permanently installed;

i. Exceptions

Subsections e) and f) shall not apply if an emergency vehicle is left parked, standing or stopped because of emergency services being dispatched. Such vehicles include Fire, Ambulance or Police vehicles.

2. That Section 30 of By-Law 2005-55 be hereby amended as follows to include:

LIST OF SCHEDULES

<u>REFERENCE</u>	<u>SCHEDULE</u>
U	Designated Parking Spaces for Persons with Disabilities on Municipal Property
V	Designated Parking Sign Requirements

3. That Section 32 of By-Law 2005-55 be hereby amended as follows to include:

(32) Penalties

- (7) Despite (32)(3) Every person who contravenes section 15 part 8 Parking for Persons with Disabilities provisions of this by-law is guilty of an offence and shall be liable on conviction to a fine of not less than \$300.00 and a maximum fine as established pursuant to the *Provincial Offences Act*.

4. That Section 31 of By-Law 2005-55 'Parking Infraction Notices' under Part (5) be amended as follows:

- (4) Notwithstanding the foregoing provision in respect to fines for parking infractions, any person may voluntarily pay out of court in the manner indicated on the back of the PIN, as shown in Schedule "T" to this by-law, the amount indicated opposite the parking infraction on the front of the PIN in column headed "set fine", within fifteen (15) days of the time such PIN was issued (exclusively of Saturdays, Sundays and Public Holidays), and then no further proceedings shall be taken under this by-law or under the *Provincial Offences Act* in respect of the parking infraction alleged in the PIN.
- (5) The defendant may, within fifteen (15) days after the service of the parking infraction notice (PIN), plead not guilty by choosing option 3 Trial Option on the back of the PIN and thereafter the Clerk of the Court shall give notice of trial pursuant to *The Provincial Offences Act*.
5. That Schedule 'M' of By-Law 2005-55 Increased and Decreased Speed Limits be amended as follows:

McCurdy Sandwich to Fryer 40 km/h

6. This by-law shall come into force and take effect upon receipt by the Town of:
- i. approval of this by-law by the Council of the Corporation of the Town of Amherstburg; and
 - ii. a Set Fine Order by the Chief Judge of the Ontario Court Justice or his or her designate made for the purpose of proceeding under Part II of the *Provincial Offences Act*.

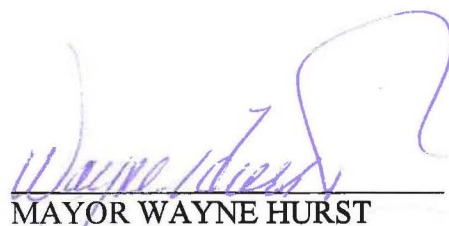
7. SHORT TITLE:

This by-law may be referred to as "The Traffic By-law".

Read a first time this 23rd day of June, 2008.

1st Reading: June 23rd, 2008
2nd Reading: July 28th, 2008
3rd Reading: July 28th, 2008

Certified to be a true copy of By-law
No. 2008-18 passed by Council of the
Town of Amherstburg.


MAYOR WAYNE HURST


CLERK PAMELA MALOTT

THE CORPORATION OF THE TOWN OF AMHERSTBURG

**BY-LAW NO. 2005-55
(as amended by bylaw 2008-18)**

SCHEDULE "U"

Designated Disabled Parking Spaces

Column 1	Column 2	Column 3
<u>NAME OF LOCATION</u>	<u>ADDRESS</u>	<u>NO. OF SPACES</u>
St. John the Baptist Church	225 Brock Street	6 in front & 2 in rear
Verdi Club	689 Texas Road	4
Salmoni Place (1849)	252 Dalhousie Street	1
Duffy's Motor Inn and Tavern	306 Dalhousie Street	1
CIBC	48 Richmond Street	1

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SCHEDULE "V"

