

## **City of North Bay Report to Council**

Report No: CORP 2021-52

Date: April 27, 2021

Originator: Ron Melnyk

Business Unit:  
Corporate Services

Department:  
Legal Department

Subject: Accessible Parking By-Law

Closed Session: yes ☐ no ☒

---

### **Recommendation**

That Council:

- (i) authorize the enactment of By-Law No. 2021-49, being By-Law to Establish a System of Accessible Parking and to Regulate Accessible Parking On-Street and Off-Street; and
- (ii) authorize an application for approval of Set Fines and Short Form Wordings for offences contrary to the Accessible Parking By-Law No. 2021-49, as set out in Report to Council CORP 2021-52.

---

### **Background**

The current Accessible Parking By-law came into effect on April 30<sup>th</sup>, 2007. Since that time there have been some changes to the *Accessibility for Ontarians with Disabilities Act 2005* S.O. 2005 c11 (AODA) in regards to parking spaces including types, number required, sizes and signage.

The new Accessible Parking By-law will incorporate these changes into the By-law so that the municipal rules align with the AODA rules. There will also be some general housekeeping issues that have come up over the past 14 years.

Attached to the By-law is a copy of the new Set Fine Schedule that is required for the implementation of this new By-law. The fine amounts have not changed from the current By-law. A separate Council Resolution is

required for approval of the Set Fine Schedule by the Regional Senior Justice, which is also being requested at this time.

---

## **Financial/Legal Implications**

The financial implications for the City are minimal as the current on-street accessible spaces will not need to be changed as they are in compliance with the updated rules. Private properties that update their parking lots or are new construction will need to comply with the updated By-law rules, although they must already comply with the AODA rules. The proposed By-law does not add more rules than the AODA for builders.

The legal implications are that the City will be in compliance with the requirements of the AODA and enforcement of the By-law will continue with improved ability to gain compliance from property owners and parkers with the goal of increasing accessibility for those in need.

---

Section 4.1 of the proposed Accessible Parking By-law provides that the By-law shall only come into force upon approval of set fines by the Regional Senior Justice of the Ontario Court of Justice pursuant to the *Courts of Justice Act*. The purpose of this provision is to allow for continued enforcement of the existing By-law by way of issuing Part II Offence Notices until set fines for the new By-law are approved.

It is recommended that Council authorize the application for set fines for the proposed By-law so that, upon approval by the Regional Senior Justice of those fines, the new By-law will come into force and the existing by-law and all amending by-laws will be repealed.

It should also be noted that the recommended Set Fine Schedule does not increase fines from the existing By-law.

---

## **Corporate Strategic Plan**

- |   |  |
|---|--|
| <input type="checkbox"/> Natural North and Near                           | <input type="checkbox"/> Economic Prosperity     |
| <input type="checkbox"/> Affordable Balanced Growth                       | <input type="checkbox"/> Spirited Safe Community |
| <input checked="" type="checkbox"/> Responsible and Responsive Government |  |

## **Specific Objectives**

The City has an obligation to be progressive in enabling all people that require accessible parking to be able to access the legislated and required accessible parking. This new By-law addresses those changes in provincial legislation and provides the ability to enforce those rules in a responsible way.

---

## **Options Analysis**

Option 1: That Council authorize the enactment of By-Law No. 2021-49,

being By-Law to Establish a System of Accessible Parking and to Regulate Accessible Parking On-Street and Off-Street and authorize an application for approval of set fines and short form wordings.

This is the recommended option.

Option 2: That Council not authorize the enactment of By-Law No. 2021-49, being By-Law to Establish a System of Accessible Parking and to Regulate Accessible Parking On-Street and Off-Street and not authorize an application for approval of set fines and short form wordings.

This is not the recommended option.

---

**Recommended Option**

That Council:

- (i) authorize the enactment of By-Law No. 2021-49, being By-Law to Establish a System of Accessible Parking and to Regulate Accessible Parking On-Street and Off-Street; and
- (ii) authorize an application for approval of Set Fines and Short Form Wordings for offences contrary to the Accessible Parking By-Law No. 2021-49, as set out in Report to Council CORP 2021-52.

---

Respectfully submitted,

---

Name: Ron Melnyk

Title: By-Law Enforcement Coordinator

**I concur with this report and recommendation.**

---

Name: Christina A. (Tina) Robertson

Title: Assistant City Solicitor/City Prosecutor

---

Name: Beverley Hillier

Title: Manager, Planning & Building Services

---

Name: John Severino, P.Eng, MBA

Title: City Engineer – Infrastructure and Operations

---

Name: David Euler, P.Eng

Title: Chief Administrative Officer

Personnel designated for continuance:

Name: Ron Melnyk

Title: By-Law Enforcement Coordinator