

The Corporation of the City of North Bay

By-Law No. 2021-49

Being a By-Law to Establish a System of Accessible Parking and to Regulate Accessible Parking On-Street and Off-Street

Whereas section 9 of the *Municipal Act, 2001*, SO 2001, c 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under that Act or any other Act;

And whereas section 10(1) of the *Municipal Act, 2001*, provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas section 10(2) of the *Municipal Act, 2001*, provides that a single-tier municipality may pass by-laws respecting: in paragraph 5, social and environmental well-being of the municipality; in paragraph 6, health, safety and well-being of persons; in paragraph 7, services and things that the municipality considers necessary or desirable for the public; in paragraph 8, protection of persons and property; and in paragraph 10, structures, including signs;

And whereas section 102(2) of the *Municipal Act, 2001* provides that a local municipality may require the owners or operators of parking lots or other parking facilities to which the public has access to provide designated parking spaces for vehicles displaying an accessible parking permit and if it does so, the municipality shall prescribe the conditions of use of the accessible parking permit and shall prohibit the improper use of the permit;

And whereas section 102(3) of the *Municipal Act, 2001* provides that a by-law passed in accordance with section 102(2) may provide for the removal and impounding of any vehicle, at its owner's expense, parked or left contrary to the by-law;

And whereas sections 80.32 to 80.38 of Ontario Regulation 191/11, "Integrated Accessibility Standards", made under the *Accessibility for Ontarians with Disabilities Act, 2005*, SO 2005, c 11, set out requirements for the construction or redevelopment of off-street parking facilities relating to minimum number and types of accessible parking spaces, size and configuration of access aisles for accessible parking spaces, and signage for accessible parking spaces;

And whereas section 427 of the *Municipal Act, 2001* provides that a by-law establishing a system of accessible parking shall provide that every person who contravenes the by-law is guilty of an offence and on conviction is liable to a fine of not less than \$300;

And whereas section 428 of the *Municipal Act, 2001* provides that a by-law passed under that Act may provide that, where a vehicle has been left parked, stopped or standing in contravention of the by-law, the owner of the vehicle is guilty of an offence, even though the owner was not the driver of the vehicle at the time of the contravention of the by-law and is liable to the applicable fine unless, at the time of the offence, the vehicle was in the possession of another person without the owner's consent;

Now therefore the Council of The Corporation of the City of North Bay hereby enacts as follows:

Part 1 – Interpretation and Application

1.1 Short Title

This By-Law may be cited as the "Accessible Parking By-Law".

1.2 Schedules

The Schedules referred to in this By-Law form an integral part of it. Each entry in a column of a Schedule is to be read in conjunction with the entry or entries across from it.

1.3 Severability

If any provision or part of a provision of this By-Law is declared by a court of competent jurisdiction to be illegal or inoperative in whole or in part, or inoperative in particular circumstances, such provision or part of the provision shall be deemed to be severable, and the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

1.4 Definitions

For the purposes of this By-Law:

“access aisle” means the space between parking spaces that allows persons with disabilities to get in and out of their vehicles;

“accessible parking permit” means a valid accessible parking permit for a person with a disability issued by the Minister of Transportation under the *Highway Traffic Act*, RSO 1990, c H.8 and Ontario Regulation 581 entitled “Accessible Parking for Persons with Disabilities” made under the *Highway Traffic Act*;

“accessible parking space” means a parking space designated under this by-law for the exclusive use of a vehicle displaying an accessible parking permit, by means of an accessible parking permit sign posted in accordance with the requirements of the *Highway Traffic Act* and O Reg 581;

“accessible parking permit sign” means a sign bearing the markings as set out in, and meeting the requirements of, section 11 of O Reg 581, for the purpose of indicating an accessible parking space;

“City” means The Corporation of the City of North Bay;

“highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

“Manager of Planning Services” means the Manager of Planning Services for the City or his or her designate;

“motor vehicle” includes an automobile, motorcycle, motor-assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power;

“Municipal Parking Lots By-Law” means The Corporation of the City of North Bay’s Municipal Parking Lots By-Law No. 2011-234 or any successor by-law thereto;

“municipal parking lot” means property owned or occupied by The Corporation of the City of North Bay used for the purpose of parking motor vehicles and as identified more particularly in the Municipal Parking Lots By-Law;

“municipal property” means property owned by The Corporation of the City of North Bay and, without limiting the generality of the foregoing, includes streets and municipal parking lots;

“O Reg 191/11” means Ontario Regulation 191/11 entitled “Integrated Accessibility Standards”, made under the *Accessibility for Ontarians with Disabilities Act, 2005*, SO 2005, c 11;

“O Reg 581” means Ontario Regulation 581 entitled “Accessible Parking for Persons with Disabilities” made under the *Highway Traffic Act*;

“On-Street Parking By-Law” means The Corporation of the City of North Bay’s On-Street Parking By-Law No. 2014-37 or any successor by-law thereto;

“park” or “parking” means the stopping or standing of a vehicle, whether occupied or not, with or without the engine activated;

“person with a disability” means a person with a disability as defined by section 1 of O Reg 581;

“private property” means real property owned by a person, including a corporation, other than The Corporation of the City of North Bay;

“stand” or “standing” means the halting of a vehicle, whether occupied or not;

“stop” or “stopping”, when prohibited, means the complete cessation of movement of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or of a traffic control sign or signal;

“street” means a highway as defined in this By-Law; and

“vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power.

Part 2 – Accessible Parking Regulations

2.1 Provision of Accessible Parking Spaces

- (1) Every owner and operator of a parking lot or other parking facility to which the public has access, whether on payment of a fee or otherwise, and whether on municipal property or private property, shall provide accessible parking spaces in accordance with Schedule “A” of this By-Law.
- (2) The City shall provide on-street accessible parking spaces as set out:
 - (a) in Schedule “B” of this By-Law; and
 - (b) on Sundays only, in Schedule “C” of this By-Law.
- (3) Notwithstanding subsection (2), the City may temporarily relocate on-street accessible parking spaces as necessary, to accommodate industry, including but not limited to construction and film production, and such temporarily assigned accessible parking spaces are enforceable under this By-Law as if they were in the original location designated in Schedules “B” and “C”.

2.2 Accessible Parking Signs

Every owner and operator who is required by section 2.1 to provide accessible parking spaces:

- (a) shall ensure that each such space is distinctly indicated by means of accessible parking permit signs as required by the *Highway*

Traffic Act and section 11 of O Reg 581 and posted in accordance with the requirements thereof; and

- (b) is responsible for the procurement, installation and maintenance of the signs, at the sole expense of the owner or operator, as the case may be.

2.3 Maintenance of Accessible Parking Spaces

Every owner and operator who is required by section 2.1 to provide accessible parking spaces shall ensure that each such space is:

- (a) kept free and clear from obstructions; and
- (b) maintained to the same standards as all other parking spaces in the same parking lot or facility.

2.4 Use of Accessible Parking Spaces

- (1) As set out further below, accessible parking spaces are reserved solely for the parking of motor vehicles displaying a valid accessible parking permit.
- (2) No person shall park any vehicle in an accessible parking space except for a motor vehicle with a valid accessible parking permit displayed:
 - (a) on the sun visor or the dashboard of the vehicle so that the international symbol of access for persons with a disability, the permit number and the expiry date of the permit are clearly visible from the outside of the vehicle; or
 - (b) in the case of a motorcycle or motor assisted bicycle, on the top left corner of the number plate of the vehicle.
- (3) An accessible parking permit issued to an individual is **not valid** when it is displayed on a vehicle if the vehicle is not being used to pick up or transport the holder of the permit, as indicated on the face of the permit.
- (4) In addition to subsection (3), an accessible parking permit issued for use on a motorcycle or motor assisted bicycle is **not valid** if the person to whom it was issued does not also have the accessible parking permit for general use that was issued to him or her under O Reg 581 with him or her.
- (5) An accessible parking permit issued to a corporation or an organization is **not valid** when it is displayed on a vehicle if the vehicle is not being used to pick up or transport a person with a disability.
- (6) Notwithstanding subsection (2), no person with an accessible parking permit shall park a motor vehicle in an accessible parking space included in Schedules “B” and “C” of this By-Law, for a period of time exceeding two hours.

2.5 Two-Hour Exemption from Parking Fees

- (1) Subject to the maximum time limit set out in subsection (2), and notwithstanding any provision of the On-Street Parking By-Law or the Municipal Parking Lots By-Law, a person may park a motor vehicle in a parking space on municipal property that is regulated by a parking meter or pay and display machine, without payment of fees, within the hours permitted for parking for the respective location, provided that:

- (a) a valid accessible parking permit is displayed on the sun visor or the dashboard of the vehicle so that the international symbol of access for persons with a disability, the permit number and the expiry date of the permit are clearly visible from the outside of the vehicle; and
 - (b) all other provisions of this By-Law are complied with.
- (2) Notwithstanding subsection (1), no person shall park a motor vehicle displaying an accessible parking permit in a parking space that is regulated by a parking meter or pay and display machine for a period exceeding two hours without the payment of the required parking fees.

2.6 Interference

Notwithstanding any other provision of this By-Law, no person shall park a vehicle on municipal property, including a street or municipal parking lot, in such a manner as to interfere with:

- (a) the clearing of snow from any street or municipal parking lot; or
- (b) the movement of traffic.

2.7 Fees

No person shall charge a fee for the use of an accessible parking space in excess of the fee charged for the use of other parking spaces in the same parking facility.

Part 3 – Enforcement

3.1 Enforcement Officer

This By-Law may be enforced by any municipal by-law enforcement officer employed by the City or appointed as an agent for the City for the purpose of enforcing its by-laws and by any sworn member of the North Bay Police Service.

3.2 Vehicle Towing

Any motor vehicle parked in contravention of this By-Law may be removed and impounded, or restrained and immobilized, at the vehicle owner's expense, and all costs and charges incurred for removal, care and storage of a vehicle pursuant to this By-Law, if any, are a lien upon the vehicle, which may be enforced in the manner provided by the *Repair and Storage Liens Act*, RSO 1990, c R.25.

3.3 Obstruction

No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-Law.

3.4 Owner Liability

Where a vehicle has been parked in contravention of this By-Law, the owner of the vehicle is guilty of the offence, even if the owner was not the driver of the vehicle at the time of the contravention of the By-Law, and is liable to the applicable fine unless, at the time of the offence, the vehicle was in the possession of another person without the owner's consent.

3.5 Offences and Penalties

Any person who contravenes any provision of this By-Law is guilty of an offence and, upon conviction, is subject to a fine as provided in the *Provincial Offences Act*, RSO 1990, c P.33.

3.6 Order Prohibiting Continuation

- (1) Where any person contravenes any of the provisions of this By-Law and a conviction is entered, in addition to any other remedy and to any penalty imposed by this By-Law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.
- (2) Any person who contravenes an order prohibiting the continuation or repetition of an offence made under subsection (1) is guilty of an offence and, upon conviction, is subject to a fine as provided in the *Provincial Offences Act*.

Part 4 – Coming Into Force

4.1 Coming Into Force and Repeal of Previous By-Laws

- (1) This By-Law comes into force and effect on the date that the Order made by the Regional Senior Justice of the Ontario Court of Justice approving set fines for offences under this By-Law takes effect, pursuant to the *Provincial Offences Act* and the *Courts of Justice Act*, RSO 1990, c C.43 and regulations thereunder.
- (2) When this By-Law comes into force, By-Law No. 2007-89 and all amending by-laws thereto are hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL THE 18th DAY OF May, 2021.

READ A SECOND TIME IN OPEN COUNCIL THE 18th DAY OF May, 2021.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 18th DAY OF May, 2021.

MAYOR ALLAN MCDONALD

CITY CLERK KAREN MCISAAC

Schedule “A”
To The Corporation of the City of North Bay By-Law No. 2021-49

1. When constructing new or redeveloping off-street parking facilities, the owner and operator shall ensure that the parking facilities meet the requirements set out in this Schedule, subject to the exceptions set out in s. 80.32 of O Reg 191/11.
2. Off-street parking facilities shall have a minimum number of accessible parking spaces, in accordance with the following requirements:

Total Number of Parking Spaces	Number of Accessible Parking Spaces	Types of Accessible Parking Spaces*
1 – 25	1	Type A
26 – 50	2	1 Type A, 1 Type B
51 – 75	3	2 Type A, 1 Type B
76 – 100	4	2 Type A, 2 Type B
101 – 133	5	3 Type A, 2 Type B
134 – 166	6	3 Type A, 3 Type B
167 – 250	7	4 Type A, 3 Type B
> 250 parking spaces: add one additional accessible parking space, and at every increment of 50 add another accessible parking space.		Evenly divided between Type A and Type B, but where there is an odd number of accessible parking spaces required, the odd-numbered space may be Type B.

*Type A Accessible Parking Space: A wider parking space with a minimum width of 3.4 metres and additional signage that identifies the space as “van accessible”.

*Type B Accessible Parking Space: A standard parking space with a minimum width of 2.4 metres.

3. Access aisles, that is the space between parking spaces that allows persons with disabilities to get in and out of their vehicles, shall be provided for all accessible parking spaces in off-street parking facilities, provided that access aisles may be shared between two accessible parking spaces, and shall meet the following requirements:
 - (a) They shall have a minimum width of 1.5 metres.
 - (b) They shall extend the full length of the parking space.
 - (c) They shall be marked with high tonal contrast diagonal lines, which discourages parking in them, where the surface is asphalt, concrete or some other hard surface.
4. An exception to the required minimum number of accessible parking spaces is permitted where the owner or operator can demonstrate to the satisfaction of the Manager of Planning Services that it is not practicable to comply with the

requirement because existing physical or site constraints prevent it from meeting the required ration, such as where the minimum width for accessible parking spaces or access aisles cannot be met because of existing pay and display parking meters, surrounding curb edges, walkways, landscaping or the need to maintain a minimum drive aisle width.

5. Where an owner or operator is granted an exception to the minimum number of accessible parking spaces required by this By-Law, the owner or operator shall provide as close to as many accessible parking spaces that meet the requirements of this By-Law as would otherwise be required by this By-Law, that can be accommodated by the existing site, which shall be to the satisfaction of the Manager of Planning Services.

Schedule “B”
To The Corporation of the City of North Bay By-Law No. 2021-49

<u>Road</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Algonquin Avenue	West	A point 28 metres north of Foran Street	A point 36 metres north of Foran Street
Ferguson Street	East	A point 27 metres south of Worthington Street	A point 33 metres south of Worthington Street
First Avenue	North	A point 64 metres east of Fraser Street	A point 70 metres east of Fraser Street
Foran Street	East	A point 6 metres south of Main Street	A point 24 metres south of Main Street
Main Street East	North	A point 18 metres east of Ferguson Street	A point 25 metres east of Ferguson Street
Main Street East	South	A point 77 metres east of Ferguson Street	A point 83 metres east of Ferguson Street
Main Street East	North	A point 33 metres east of Wyld Street	A point 40 metres east of Wyld Street
Main Street East	South	A point 45 metres east of Wyld Street	A point 51 metres east of Wyld Street
Main Street East	South	A point 6 metres east of Sherbrooke Street	A point 12 metres east of Sherbrooke Street
Main Street East	South	A point 13 metres east of Fisher Street	A point 19 metres east of Fisher Street
Main Street West	North	A point 15 metres west of Fraser Street	A point 23 metres west of Fraser Street
Main Street West	South	A point 25 metres west of Cassells Street	A point 31 metres west of Cassells Street
McIntyre Street West	North	A point 16 metres east of Plouffe Street	A point 22 metres east of Plouffe Street
McIntyre Street West	North	A point 101 metres east of Plouffe Street	A point 107 metres east of Plouffe Street
McIntyre Street West	North	A point 31 metres west of Fraser Street	A point 37 metres west of Fraser Street
McIntyre Street West	North	A point 50 metres east of Fraser Street	A point 68 metres east of Fraser Street
McIntyre Street West	North	A point 53 metres west of Ferguson Street	A point 64 metres west of Ferguson
Plouffe Street	West	A point 14 metres south of McIntyre Street	A point 21 metres south of McIntyre Street
Plouffe Street	West	A point 21 metres south of McIntyre Street West	A point 28 metres south of McIntyre Street
Regina Street	East	A point 10 metres south of Main Street	A point 17 metres south of Main Street
Second Avenue	North	A point 25 metres west of Commercial Street	A point 38 metres west of Commercial Street

<u>Road</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Shirreff Avenue	South	A point 45 metres west of Stockdale Road	A point 57 metres west of Stockdale Road
Worthington Street East	South	A point 100 metres east of Wyld Street	A point 108 metres east of Wyld Street
Worthington Street West	South	A point 45 metres west of Ferguson Street	A point 57 metres west of Ferguson Street
Worthington Street West	North	A point 28 metres east of Cassells Street	A point 35 metres east of Cassells Street

Schedule “C”
To The Corporation of the City of North Bay By-Law No. 2021-49

Sundays Only

<u>Road</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Cassells Street	East	A point 4 metres north of Algonquin Avenue	A point 23 metres north of Algonquin Avenue