



THE CORPORATION OF THE CITY OF NIAGARA FALLS

BY-LAW

Number 2019 - 44

A By-law to require owners and operators of off-street parking facilities to provide designated parking spaces reserved for the sole use of vehicles operated by or carrying persons with disabilities.

THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS as follows:

1. In This By-law:

- (a) "designated parking space" means a parking space, designated by signs erected under the provisions of this By-law or other statutory requirement, for the sole use of vehicles in which a permit issued pursuant to this By-law or other Provincial or applicable law is properly displayed;
- (b) "Director" means the Director of Transportation Services of the City of Niagara Falls;
- (c) "park" or "parking" has the same meaning as in the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8;
- (d) "permit" means a parking permit or licence for the use of persons with disabilities issued by the Province of Ontario pursuant to the provisions of the *Highway Traffic Act* or other statutory requirement or regulations;

- (e) "police officer" means an officer of the Niagara Regional Police Force and includes a municipal law enforcement officer;
- (f) "off-street parking facility" means an open area or structure other than a street used for the temporary parking of motor vehicles whether free or for compensation to which the public has access;
- (g) "stand" or "standing" has the same meaning as in the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8.

2. Every owner and every operator of an off-street parking facility shall provide therein designated parking spaces in the number prescribed by the following table:

<u>Capacity of Off-Street Parking Facility</u>	<u>Minimum Number of Designated Parking Spaces to Be Reserved for Persons with Disabilities</u>
50 - 99	1
100 - 199	2
200 - 499	5
500 - 999	10
1,000 or more total parking spaces	10 spaces plus 5 spaces for each additional 1,000 parking spaces or part thereof.

3. Notwithstanding Section 2, effective the date in the passing of this by-law, every owner and every operator of an off-street parking facility that is subject to site plan control or is applying for a commercial parking lot license shall provide therein designated parking spaces in the number prescribed by the following table:

<u>Capacity of Off-Street Parking Facility</u>	<u>Minimum Number of Designated Parking Spaces to Be Reserved for Persons with Disabilities</u>
0 – 12	One
13 – 100	4% of the total number of parking spaces, rounding up to the nearest whole number
101 – 200	1 + 3% of the total number of parking spaces, rounding up to the nearest whole number

201 – 1,000	2 + 2% of the total number of parking spaces, rounding up to the nearest whole number
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1,000 or more total parking spaces	11 + 1% of the total number of parking spaces, rounding up to the nearest whole number
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Nothing herein contained shall prohibit the provision of a greater number of designated parking spaces than is herein provided for.

4. An exception to the required minimum number of designated parking spaces for the use of persons with disabilities is permitted where an owner or operator of an off-street parking facility can demonstrate that it is not practicable to comply with the requirement because existing physical or site constraints prevent it from meeting the required ratio, such as where the minimum width for parking spaces for persons with disabilities 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 of an off-street parking facility claims an exception to the minimum number of parking spaces for the use of persons with disabilities, it shall provide as close to as many designated parking spaces for the use of persons with disabilities that can be accommodated by the existing site.
6. Designated parking spaces are not required for off-street parking facilities that are used exclusively for one of the following:
 - (a) Parking for buses;
 - (b) Parking for delivery vehicles;
 - (c) Parking for law enforcement vehicles;
 - (d) Parking for medical transportation vehicles (ambulances);
 - (e) Parking used for impounded vehicles;
 - (f) Parking lots not intended for public use; and,
 - (g) Parking lots not intended to provide access for people with disabilities where multiple suitable lots exist of the same site.
7. Each designated parking space provided under Section 2 and Section 3 shall be:
 - (a) a minimum width of 3.9 metres;
 - (b) a minimum length of 6 metres;

- (c) marked with appropriate white pavement markings (lines and handicapped symbol) when located on a hard surface;
 - (d) level;
 - (e) placed in a location approved by the Director or his/her designate so as to minimize the distance to building entrances and exits and so as to permit easy access to such entrances and exits; and,
 - (f) kept clear of snow, ice and other impediments to the use of the space by persons with disabilities.
8. Each designated parking space provided under Section 3 shall have an access aisle on each side of every designated parking space that allows persons with disabilities to get in and out of their vehicles.
9. Access aisles may be shared by two designated parking spaces for the use of persons with disabilities and shall:
- (a) Be a minimum width of 1,500 mm;
 - (b) Extend the full length of the designated parking space; and,
 - (c) Be marked with high tonal contrast diagonal lines where the surface is asphalt, concrete or some other hard surface.
10. (a) Designated parking space or spaces shall be identified by a minimum of one authorized sign for each designated parking space, as prescribed in R.R.O. 1990, Regulation 581 under the *Highway Traffic Act* as amended from time to time.
- (b) A sign shall have the dimensions as described and illustrated in the figure as shown in Schedule "A" attached hereto.
 - (c) The sign shall be located at the front and in the centre of the parking stall on a support that has been permanently installed in the ground. The sign shall be mounted at a height of 1.0 metre to 1.5 metres from the ground to the bottom of the sign.
11. The owner or the operator of the off-street parking facility shall be responsible for the provision, procurement, installation and maintenance of the signs referred to in Section 10.

12. No fee shall be charged for the use of a designated parking space in excess of that fee charges to other members of the general public in respect of non-designated parking spaces.
13. No person shall park a motor vehicle in a designated parking space unless a valid permit is displayed in that vehicle as prescribed in this by-law and
 - (a) persons with disabilities who is the operator of a motor vehicle and who has a valid permit for which is clearly and fully visible from the outside of the motor vehicle by either being affixed to the sun visor or on the dashboard of the motor vehicle; or
 - (b) a person who is the operator of a motor vehicle that is carrying a person with a disability and who has a valid permit, shall park a motor vehicle in a designated parking space for which is clearly and fully visible from the outside of the motor vehicle by either being affixed to the sun visor or on the dashboard of the motor vehicle; and
 - (c) that the person for which the permit has been issued exits the vehicle to attend the building or facility for which the accessible space is provided.
14. Any person who contravenes any of the provisions of this by-law, is liable upon conviction to a fine of not more than five thousand dollars (\$5,000.00).
15. Notwithstanding all other provisions of this by-law in respect to penalties for violation of provisions of this By-law, any person may, upon presentation of a parking infraction notice alleging commission of any of the offences provided in the said sections, pay out of court, within seven days (exclusive of Sundays, Saturdays and public holidays) from the date of issue of the said notice, the specific penalty provided for such offence by this by-law at the said office, and upon such payment no further proceedings shall be taken under this by-law in respect to the said offence alleged in the notice.
16. The provisions of this by-law do not apply to vehicles operated by or on behalf of the City, or any municipal utility while engaged in the performance of cleaning, clearing, maintenance, repair, construction or other work.
17. This by-law shall not, in the case of emergency, apply to an emergency vehicle as defined in the *Highway Traffic Act*.
18. A Police Officer, upon discovery of any vehicle parked or standing in contravention of this by-law, or of any vehicle apparently abandoned or of any vehicle without proper plates on a highway, may cause such vehicle to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, are a lien upon such vehicle, which

may be enforced in the same manner provided by the *Repair and Storage Liens Act* R.S.O 1990 Chapter R.25.

19. The driver of a vehicle, not being the owner, is liable to any penalty provided under this by-law, and the owner of the vehicle is also liable to such penalty,
20. Should any section, subsection, part or parts of this by-law be declared by a court of law of competent jurisdiction to be ultra vires, illegal or bad, those sections, subsections, part or parts shall be deemed to be severable and all parts thereof are declared to be separate and independent and enacted as such.
21. The following by-laws are hereby repealed:

1994-262
2001-175
22. Schedule 'A' forms part of this By-Law.

Passed this ninth day of April, 2019.

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WILLIAM G. MATSON, CITY CLERK

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JAMES M. DIODATI, MAYOR