

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. 4310/146/02

A BY-LAW PRESCRIBING ON AND OFF-STREET PARKING FOR PERSONS WITH DISABILITIES WITHIN THE CITY OF PORT COLBORNE

WHEREAS paragraphs 125 and 153 of Section 210 to the Municipal Act, R.S.O. 1990, c. M.45 and Part III of the Highway Traffic Act, R.S.O. 1990, c. H.8 and the regulations made thereunder as amended, enables the Municipality to enact by-laws :

1. authorizing the creation and designation of parking spaces on highways and/or on municipal or private property for the exclusive use of vehicles which are displaying a disabled person parking permit in accordance with the Highway Traffic Act and regulations made thereunder and this by-law; and/or
2. exempting the drivers and owners of vehicles which are displaying a disabled person parking permit in accordance with the requirements of the Highway Traffic Act and the regulations made thereunder and this by-law from any provision of a by-law passed by Council prohibiting or regulating the parking, standing or stopping of vehicles on any part thereof under the jurisdiction of Council.
3. providing for the enforcement necessary to prevent the unauthorized use of designated parking spaces and exemptions.

NOW THEREFORE the Council of The City of Port Colborne hereby enacts as follows:

1. In this by-law:
 - (1) “City” shall mean the municipal corporation of the City of Port Colborne.
 - (2) “designated parking space” means a parking space provided under this by-law and identified by an official sign for the exclusive use of a vehicle displaying a permit in accordance with the requirements of the Highway Traffic Act and the regulations made thereunder and this by-law;
 - (3) “highway” shall have the same meaning as in the Highway Traffic Act.
- (4) “limited parking area” shall mean any area described in Schedule “E” to and signed in accordance with by-law 89-2000 parking and traffic for the City of Port Colborne.
- (5) “municipal or 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;
- (6) “official sign” means a sign as defined in the Regulation passed in accordance with the Highway Traffic Act , placed or erected on a highway , or part of a highway , or on municipal property, or on private property under the authority of this by-law for the purpose of identifying a designated parking space.
- (7) “permit” means a disabled person parking permit which is issued under the Highway Traffic Act and is currently valid or a permit or other marker or device which is issued by another

jurisdiction, is currently valid and recognized under the Highway Traffic Act and the regulations thereunder.

2.

(1) A designated parking space shall be distinctly indicated in accordance with the requirements of the Highway Traffic Act and the regulations made thereunder.

(2) off-street parking designated parking spaces on municipal property shall have a width of not less than 3.9 metres.

(3) Designated parking spaces, for the purpose of this by-law mean designated parking spaces

(i) on the streets and highways as set out in Schedule “I” hereto

(ii) on the municipal property as set out in Schedule “II” hereto

(iii) on the private property as set out in Schedule “III” hereto

3. 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 this by-law.

4.

(1) Subject to sub-section 4(2) below, no person or organization shall

(i) park a vehicle in a designated parking space unless a currently valid permit is displayed on or in the vehicle in accordance with the requirements of the Highway Traffic Act and this by-law; or

(ii) use a permit or be entitled to the benefit of an exemption under this by-law, unless a permit has been issued to that person, organization or to a passenger being picked-up or transported in the vehicle in accordance with the requirements of the Highway Traffic Act, the regulations made thereunder and this by-law

(2) (i) Sub-section 4(1) shall not apply if there is an emergency situation and the vehicle is left parked, standing or stopped there because of the emergency.

(ii) in the event there is a dispute as to the “emergency” nature of a situation in which section 4(2) is invoked the opinion of the Director of Operational, Planning and Development Services or his designate shall prevail, subject to an appeal to a court of proper jurisdiction

5. Despite any other provisions of the Municipal Corporation of the City of Port Colborne Traffic and Parking By-law 89-2000 and amendments thereto, any vehicle on or in which a permit is displayed in accordance with the requirements of the Highway Traffic Act, the regulations made thereunder and this by-law is exempt from:

(i) By-law 89-2000, Section 205.01.10, with respect to 12 hour parking limits, provided that no such vehicle shall be parked or permitted to park on any highway or part of a highway, pursuant to this section from the period of 2:00 a.m. to 6:00 a.m.

(ii) By-law 89-2000, Section 305.02, with respect to stopping in a loading zone, provided further that such exemption shall apply only for the standing of a vehicle for the purpose of and while actually engaged in the receiving or discharging of a disabled passenger and such standing does not interfere with a commercial motor vehicle waiting to enter or about to enter or exit such loading zone.

(iii) By-law 89-2000, Section 207.01, with respect to limited parking zones, and Section 209.06.01 with respect to time limited metered zones, provided further that such exemption shall apply for a maximum of three continuous hours at or in any one limited parking area or in any one parking meter zone and no such vehicle shall be parked on a highway or part of a highway pursuant to this section from the period of 2:00 a.m. to 6:00 a.m.

(iv) By-law 89-2000, Section 209.06.02 with respect to payments to park a vehicle or permit a vehicle to remain parked at a parking meter located on a highway or part of a highway, provided further that such exemption shall apply for a maximum of three continuous hours at or in any one parking meter zone.

6. Despite any other provisions in this by-law, no person shall park a vehicle on a street or highway in such a manner as to interfere with the clearing of snow from the street or highway.

7. The driver or owner of a vehicle displaying a permit in accordance with the requirements of the Highway Traffic Act and the regulations made thereunder and this by-law shall not be required to pay an amount in excess of the normal fee paid by others users of the same parking lots or other parking facilities to which the public has access.

8.

(1) Any person who contravenes any 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 exclusive of costs.

(2) The owner of a vehicle that has been left parked, standing or stopped in contravention of this by-law is guilty of an offence, even if the owner was not the driver of the vehicle at the time of contravention of the by-law, unless, at the time, the vehicle was in possession of a person other than the owner without the owner's consent, and shall be liable on conviction to a fine of not less than \$300.00.

(3) A police officer, police cadet, municipal law enforcement officer or an officer appointed for carrying out the provisions of the Highway Traffic Act and/or this by-law, upon discovery of any vehicle parked or left in contravention of what is specified in this by-law may cause it 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 the vehicle which may be enforced in the manner provided by Part III in accordance with the Repair and Storage Liens Act, R.S. O. 1990, c. R.25

9. The schedules referred to in this by-law shall form part of this by-law, and each entry in a column of such schedule shall be read in conjunction with the entries across therefrom and not otherwise.

10. By-law 2486/102/90 as amended and 3245/118/95 of the City of Port Colborne are hereby repealed.

11. This by-law shall come into force on the date that it is approved by the Council of the Corporation of the municipality of the City of Port Colborne.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 25TH DAY OF NOVEMBER, 2002

Vance Badawey
MAYOR

Janet Beckett
CLERK

SCHEDULE I TO BY-LAW NO. 4310/146/02

OF THE CORPORATION OF THE CITY OF PORT COLBORNE

DESIGNATED PARKING SPACES ON STREETS AND HIGHWAYS

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>		<u>Column 4</u>
<u>Highway</u>	<u>Side</u>	<u>From</u>	<u>To</u>	<u>Times/Days</u>
Charlotte Street	South	15m east of King Street	A point 7m east therefrom	Anytime
Delhi Street	South	45m east of Catharine Street	A point 11.6m east therefrom	Anytime
Elgin Street	South	43m west of King Street	A point 7m west therefrom	Anytime
Catharine Street	West	56m south of Charlotte Street	A point 6m south therefrom	Anytime
Mitchell Street	West	7.5m south of Decew Street	A point 14.2m south therefrom	Anytime
Decew Street	South	10m west of Mitchell Street	A point 6.75m west therefrom	Anytime
Catharine Street	West	41.2m north of Charlotte Street	A point 6.7m north therefrom	Anytime
Charlotte Street	South	46.7m west of King Street	A point 14m west therefrom	Anytime
Charlotte Street	North	34.5m west of Catharine Street	A point 7m west therefrom	Anytime
Charlotte Street	North	18m east of the railway spur	A point 8.6m east therefrom	Anytime
Fielden Avenue	East	29.5m north of Main St. W	A point 7m north therefrom	Anytime
West Street	East	29.1m north of Clarence Street	A point 3.6m north therefrom	Anytime
Catharine Street	West	26m north of Charlotte Street	A point 6.7m north therefrom	Anytime

SCHEDULE II TO BY-LAW NO. 4310/146/02
OF THE CORPORATION OF THE CITY OF PORT COLBORNE
DESIGNATED PARKING SPACES ON MUNICIPAL PROPERTY

SITE LOCATION	NUMBER OF STALLS
CNR Lands Parking Lot Off King and Catharine Streets, South of Princess Street	2
Sugarloaf Harbour Marina	6
Teeder Kennedy Youth Arena	2
West Arena	4
Centennial Pool	2
Market Square	2- marked Stall 72 & 73
City Hall	2
Lock 8 Park	1

SCHEDULE III TO BY-LAW NO. 4310/146/02
OF THE CORPORATION OF THE CITY OF PORT COLBORNE
DESIGNATED PARKING SPACES ON PRIVATE PROPERTY

SITE LOCATION	NUMBER OF STALLS
Port Colborne Mall - 287 Westside Road	14

Bylaws Amending This Bylaw

- ⁽¹⁾ 4520/51/04 - Being a By-law to Amend By-law 4310/146/02, A By-law To Regulate On and Off Street Parking for Persons with Disabilities within the City of Port Colborne
- ⁽²⁾ 4579/110/04 - Being a By-law to Amend By-law No. 4310/146/02, A By-law to Regulate On and Off Street Parking for Persons with Disabilities Within The City of Port Colborne
- ⁽³⁾ 4707/89/05 - Being a By-law to Amend By-law No. 4310/146/02, A By-law to Regulate On and Off-Street Parking For Persons with Disabilities Within the City of Port Colborne
- ⁽⁴⁾ 4707/89/05 - Being a By-law to Amend By-law No. 4310/146/02, A By-law to Regulate On and Off-Street Parking For Persons with Disabilities Within the City of Port Colborne
- ⁽⁵⁾ 4883/108/06 - Being a By-law to Amend By-law No. 4310/146/02, As Amended Being a By-law Prescribing On and Off Street Parking for Persons with Disabilities within the City of Port Colborne

(1) -
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(3) -
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(4) -
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(5) -
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