



**BY-LAW NO. 2005-0117**

A By-law to regulate off-street parking

**WHEREAS** Sections 11(2), 100, 100.1, 101 and 102 of the Municipal Act, 2001, S.O. 2001, Chap.25, as amended, authorizes Councils to pass certain by-laws to regulate parking, except on highways;

**NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:**

**PART I DEFINITIONS**

1. In this By-law:

**Engineer** means the Director of Engineering and Public Works of the Town of Halton Hills, or their designate.

**Motor Vehicle** includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in the *Highway Traffic Act*, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, or other motor vehicles running upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the *Highway Traffic Act*,

**Municipality** means the Corporation of the Town of Halton Hills and "Corporation" and "Town" have corresponding meanings;

**Municipal Parking Lot** means land, or a portion of land, owned, leased or occupied by the Town and operated for the use of Parking Motor Vehicles;

**Occupant**, when used in relation to property, means:

- (a) the tenant of the property or part thereof whose consent shall extend only to the control of the land of which he is tenant and any Parking Lot Spaces allotted to him under his lease or tenancy agreement;
- (b) the spouse of a tenant;
- (c) a person or a municipality or a local board thereof, having an interest in the property under an easement or right of way granted to or expropriated by the person, municipality or local board whose consent shall extend only to that part of the property that is subject to the easement or right of way;  
or
- (d) a person authorized by an occupant as defined in paragraph (a), (b) or (c), to act on the occupant's behalf or requesting the enforcement of this section.

**Officer** means a Municipal Law Enforcement Officer appointed by Council and authorized to enforce the provisions of this By-law and includes a Police Officer of the Halton Regional Police Service;

**Owner**, when used in relation to property, means:

- (a) the registered owner of the property;
- (b) the registered owner of a condominium unit, whose consent shall extend only to the control of the unit of which he is owner and any parking spaces

- allotted to him by the condominium corporation or reserved for his exclusive use in the declaration or description of the property;
- (c) the spouse of a person described in paragraph (a) or (b);
  - (d) where the property is included in a description registered under the *Condominium Act*, the board of directors of the condominium corporation; or
  - (e) a person authorized by the property owner as defined in paragraph (a), (b), (c) or (d) to act on the owner's behalf for requesting the enforcement of this By-law.

**Park or Parking** when prohibited, means the standing of a Vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;

**Parking Lot Space** means a portion of the surface of a parking lot normally designated by lines painted or marked on the surface of the parking lot for the use of parking a Vehicle;

**Private Property** means property other than that owned by the Municipality, but shall include property owned by public authorities and local boards;

**Stand or Standing**, when prohibited, means the halting of a Vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers; 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, but does not include a motorized snow vehicle or a street car.

## **PART II ENFORCEMENT**

2. An Officer or other person authorized by the Town to enforce this By-law, as amended, is hereby vested with the authority of administering and enforcing the provisions of this By-law.
3. An Officer upon discovery of any Vehicle Parked or Standing in contravention of this By-law on a Municipal Parking Lot or on Private Property without the consent of the Municipality or Owner of the Private Property, as the case may be, may provide for the removal and impounding or restraining and immobilizing of any Vehicle, at the Vehicle owner's expense, Parked or left in contravention of this By-law and all costs and charges resulting therefrom are a lien upon the Vehicle, which may be enforced in the manner provided by the *Repair and Storage Liens Act*.

## **PART III PARKING – MUNICIPAL PARKING LOTS**

4. The Engineer is authorized to erect in or on any Municipal Parking Lot such signs, markers or other devices as may be necessary for the safe and efficient operation of such Municipal Parking Lot.
5. The Engineer, for the purpose of controlling and regulating Parking in or on Municipal Parking Lots, is hereby authorized to establish procedures for the issuance of parking permits for Municipal Parking Lots and designating Parking Lot Spaces in connection therewith.
6. Any person may obtain from the Town a municipal parking permit to park a Motor Vehicle in a specified Municipal Parking Lot for the validated period thereof upon payment of the prescribed fees as set out in Schedule "A" of this By-law.

7. Where properly worded signs have been erected and are on display, no person shall Park a Vehicle in an area designated for permit parking only, except a Vehicle issued a valid parking permit by the Town and which such parking permit is readily and openly displayed upon the front windshield.
8. No person shall Park or leave any Vehicle in or on any part of a Municipal Parking Lot where, by means of one (1) or more signs, it is indicated that such Parking or leaving is prohibited or not authorized by the Town.
9. No person shall Park or leave any Vehicle on a Municipal Parking Lot:
  - (a) between the hours of 2:00 am and 7:00 am, unless authorized by the Town;
  - (b) in such a manner that is not wholly within the area designated as a Parking Lot Space by lines painted on the surface of the Municipal Parking Lot; or
  - (c) without a valid licence plate affixed to the Vehicle.
10. No person shall use any Municipal Parking Lot:
  - (a) for any purposes other than Parking purposes, unless authorized by the Town;
  - (b) for the purpose of Parking a Vehicle while repairs are being made to such Vehicle, unless such repairs are of an emergency nature and are required to be made so that the Vehicle can be moved from the Municipal Parking Lot; or
  - (c) for the purpose of storing or keeping a Vehicle or Vehicles.

#### **PART IV     PARKING – PRIVATE PROPERTY**

11. No person shall Park or leave a Motor Vehicle:
  - (a) on Private Property without the consent of the Owner of the property;
  - (b) on property owned or occupied by a public authority or any local board without the consent of the public authority or local board, as the case may be; or
  - (c) on Private Property or on property owned by a public authority or local board, in such a manner that is not wholly within the area designated as a Parking Lot Space by lines painted on the surface of the parking lot;
12. Where signs are erected on land or property specifying conditions under which a Motor Vehicle may be Parked or left on the land or regulating the Parking or leaving of a Motor Vehicle on the land, a Motor Vehicle Parked or left on the land contrary to the conditions or prohibition shall be deemed to have been Parked or left without the consent required under Section 11(a) or (b) of this By-law, as applicable.
13. If it is alleged in a proceeding that Part IV has been contravened, the oral or written evidence of an Officer is receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated in it in respect of,
  - (a) the ownership or occupancy of the land;
  - (b) the absence of the consent of the Owner or Occupant; and
  - (c) whether any person is an Occupant or is an Owner.
14. Written evidence under section 13 shall be admitted without notice under the *Evidence Act*.
15. For the purposes of Part IV:
  - (a) The Owner or Occupant of the land shall erect a sign at each entrance to the land clearly indicating the regulation or prohibition respecting Parking

or leaving Motor Vehicles on the land without the consent of the Owner of the land; and

- (b) file with the clerk of the Municipality written consent to the application of this By-law to the land by completing and signing the declaration in the form prescribed in Schedule "B" to this By-law.

## PART V DISABLED PERSON PARKING

16. For purpose of Part V of this By-law:

Amended  
by By-law  
2010-0067

- (a) **Accessible Parking Space** means a Parking Lot Space(s) designated under this By-law for the exclusive use of a Vehicle displaying a Permit in accordance with the requirements of the *Highway Traffic Act*, as amended, and the regulations made thereunder and this By-law.

Amended  
by By-law  
2010-0067

- (b) **Permit** means a accessible parking permit issued under the *Highway Traffic Act* or a permit, number plate or other marker or device issued by another jurisdiction and recognized under that Act.

Amended  
by By-law  
2010-0067

17. Every Accessible Parking Space on Municipal Parking Lots or Private Property shall be in accordance with Schedule "C " of this By-law.

Amended  
by By-law  
2010-0067

18. Every Accessible Parking Space shall be distinctly indicated by erecting a disabled person parking permit sign in accordance with the requirements of the *Highway Traffic Act* and regulations made thereunder.

Amended  
by By-law  
2010-0067

19. The Owner or operator of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, shall provide Accessible Parking Spaces in accordance with Schedule "C " of this By-law.

Amended  
by By-law  
2010-0067

20. No person shall park a Vehicle in a Accessible Parking Space unless a currently valid Permit has been issued to that person, organization or to a passenger being picked up or transported in the Vehicle and such Permit is displayed on or in the Vehicle in accordance with the requirements of the *Highway Traffic Act*, the regulations made thereunder and this By-law.

## PART VI PENALTIES

21. Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*.

22. Notwithstanding Section 21 of this By-law, any person convicted of an offence under Section 20 of this By-law shall be liable to a fine of not less than \$300.00, exclusive of costs.

23. Where a Vehicle has been left Parked, or Standing in contravention of this By-law, the owner of the Vehicle, even though the owner was not the driver of the Vehicle at the time of the contravention of this By-law, is guilty of an offence and is liable to the fine prescribed for the offence unless, at the time of the offence, the Vehicle was in the possession of some other person than the owner without the owner's consent.

24. By-law No. 1988-0153 of the Town, as amended, is hereby repealed.

25. This By-law shall come into force and take full effect on January 1, 2006.

**BY-LAW** read and passed by the Council for the Town of Halton Hills this 1<sup>st</sup> day of November, 2005.

*(originally signed by)* \_\_\_\_\_

MAYOR – Rick Bonnette

*(originally signed by)* \_\_\_\_\_

CLERK – Karen Landry

**SCHEDULE "A" TO BY-LAW NO. 2005-0117**

**Municipal Parking Lot Permit Fees**

<u>TYPE OF PERMIT</u>	<u>MONTHLY FEE</u>
Overnight Permit	\$10.00
Fulltime Permit	\$60.00

**SCHEDULE "B" TO BY-LAW 2005-0117**

**TOWN OF HALTON HILLS**

**Schedule B**

**LETTER OF CONSENT**

**Pursuant to section 100(a) of the Municipal Act, 2001, S.O. 2001, c.25**

To the Clerk, Town of Halton Hills:

I, \_\_\_\_\_ being the OWNER [ ] OCCUPANT [ ] AGENT [ ]

of the property municipally known as \_\_\_\_\_ Halton Hills,

consent to the application of Town of Halton Hills By-law No. 2005-0117, as amended to the said property. A sign is erected at each entrance to the land clearly indicating the regulation or prohibition.

I hereby request and authorize the tagging [ ] and/or removal [ ] of a vehicle bearing License/V.I.N. no. \_\_\_\_\_ parked on the said property without consent of the property owner.

**I have authority to bind the property owner**

Signature \_\_\_\_\_

Name (print) \_\_\_\_\_

Title \_\_\_\_\_

Telephone \_\_\_\_\_

Date \_\_\_\_\_

**OFFICE USE**

Officer \_\_\_\_\_

Tag no. \_\_\_\_\_

Enforcement Reason:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SCHEDULE "C" TO BY-LAW NO.2005-0117**

1. An Accessible Parking Space reserved for the sole use of a vehicle operated by or carrying a physically disabled person shall be:
  - (a) hard surfaced;
  - (b) level with a maximum 1:50 grade;
  - (c) of a total width of 4.4 metres (14.4 feet), comprised of a 2.4 metre (7.9 feet) wide parking stall and a 2 metre (6.5 feet) wide access aisle;
  - (d) provided with a minimum vertical clearance of 2.75 metres (9 feet) within the space(s) and on the route leading thereto(s);
  - (e) placed with sufficient clearance around the vehicle from any objects or obstacles which may obstruct or impede accessibility;
  - (f) identified by outlining the boundaries of the space with appropriate white pavement markings and containing a profile view of the *International Accessibility Symbol* 1 metre (3.3 feet) in size in white on a blue background at the open end of the parking stall, and having the access aisles clearly indicated by diagonal lines;
  - (g) accessible to physically disabled persons by sidewalks, paths and walkways no less than 1.06 metres (3.5 feet) in width, and having any required ramps or depressed curbs of a maximum 1:12 grade, or 1:8 grade where the rise does not exceed 7.5 cm (3 inches);
  - (h) located within 30 metres ( 98.4 feet) of the main entrance door of the building, or located on the shortest possible circulation route to an accessible entrance where the main entrance door is not fully accessible;
  - (i) the shortest possible circulation route to an accessible pedestrian entrance of the parking facility where separate parking structures or lots that do not serve a particular building;
  - (j) identified by a minimum of one authorized sign for each parking space, as prescribed in the *Highway Traffic Act*, as amended from time to time, located immediately in the front of the space and in the centre of the parking stall on a support that has been permanently installed in the ground or wall and mounted at a height of 1.5 metres (4.9 feet) to 2.5 metres (8.2 feet) from the ground to the bottom of the sign; and
  - (k) posted with a sign not less than 30 cm (12 inches) in width and 15 cm (6 inches) in height bearing the words "Maximum Fine \$5,000.00" followed by the words "Call 905-878-5511" in white print on a blue background to be placed immediately below the authorized sign described in clause 1(j).
2. Notwithstanding clause 1(c) to this Schedule, two disabled person parking spaces may share a common access aisle provided a sign is displayed bearing the word "Wheel Chair" mounted on a 30 cm (12 inches) in width by 15 cm (6 inches) in height.
3. Notwithstanding clause 1(f) to this Schedule, the pavement markings to differentiate the disabled person parking spaces may vary with a white, yellow, or light blue paint in order to be in contrast with the pavement surface.
4. Medical facilities shall provide a minimum of one disabled person parking space and require an additional disabled parking space for every ten (10) spaces thereafter.

5. Except as provided in sections 4, 6 and 7 to this Schedule, the number of required Accessible Parking Spaces at parking lots or other parking facilities to which the public has access are described in the Table to this section.

**Table**

<b>Total Required Spaces</b>	<b>General Required Disabled Spaces</b>
0 – 3	0
4 – 10	1
11 – 25	2
26 – 50	3
51 – 75	4
76 – 100	5
101 – 150	6
1 additional disabled space for every 50 total spaces, or part thereof	No maximum

6. The provisions of Sections 1(b), 1(g), 1(h), and 5 to this Schedule shall not apply to parking lots or other parking facilities to which the public has access where such parking space is:
- (a) lawfully established prior to October 2, 2006; and,
  - (b) accessible to physically disabled persons by sidewalks, paths, walkways, ramps or depressed curbs.

7. The number of required Accessible Parking Spaces at parking lots or other parking facilities to which the public has access prior to October 2, 2006 are described in the Table to this section.

**Table**

<b>Parking Requirements to Serve Disabled Persons – General</b>	
<b>No. of automobile Parking spaces</b>	<b>No. of designated parking spaces</b>
1 – 19	Nil
20 – 200	1 minimum
201 – 400	2 minimum
for each additional 400 or part thereof	1 minimum to a maximum of 20
<b>Parking Requirements to Serve Disabled Persons at Hospital, Medical Centres or Clinics</b>	
<b>No. of automobile Parking spaces</b>	<b>No. of designated parking spaces</b>
1 – 30	1 minimum
31 – 60	2 minimum
61 – 100	3 minimum
for each individual 30 or part thereof	1 minimum to a maximum of 12