

THE CORPORATION OF THE TOWNSHIP OF ESSA

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BY-LAW NO. 2004 - 22

Being a By-law to increase the set fine for the offence of parking in a Designated Disabled Parking area without a permit.

WHEREAS the *Ontarians with Disabilities Act, 2001*, requires municipalities to impose a minimum penalty of \$300.00 for the misuse of designated parking under municipal by-laws, specifically related to parking in a designated disabled parking space without a valid permit;

AND WHEREAS the *Municipal Act 2001*, S.O. 2001, states that a municipality may pass by-laws imposing fees or charges on any class of persons for the use of its property and property under its control, including property covered by a service agreement for parking enforcement;

AND WHEREAS the Council of The Township of Essa deems it to be in the best interest of the residents of the Township to remove barriers and improve accessibility for all disabled persons;

NOW THEREFORE the Council of the Corporation of the Township of Essa enacts as follows:


1. In this By-law:
 - a) "Designated Parking Space" means a parking space 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, R.S.O. 1990*, as amended, and the regulations made thereunder and under this By-law.
 - b) "Disabled Person" means an individual that meets the requirements of such as set out in the regulations made under the *Highway Traffic Act, R.S.O. 1990*.
 - c) "Permit" means a disabled person parking permit issued under the *Highway Traffic Act, R.S.O. 1990*, or a permit, numbered plate or other marker or device issued by another jurisdiction and recognized in law by that jurisdiction.
 - d) "Public Parking Area" 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, but does not include parking areas in lands zoned residential.
 - e) "Unauthorized vehicle" means a vehicle that is not displaying a permit in accordance with the provisions of the *Highway Traffic Act, R.S.O. 1990* and the regulations made thereunder or is displaying a permit but is not being used to pick up or transport the holder of the disabled parking permit or in the case of a corporation to which a permit has been issued is not being used to transport a disabled person.

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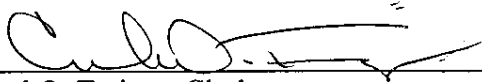
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2. A designated parking space shall:
 - a) be identified by a sign in accordance with the requirements of the Highway Traffic Act and the regulations therein;
 - b) have a width of not less than 3.6 metres; and
 - c) be as near as practical to the principal entrance or entrances of the closest building to the parking lot in which it is located.
3. No person or organization shall park a vehicle in a designated parking space unless a currently valid permit has been issued to such person or organization, or to a passenger being picked up or transported in such vehicle, and such permit is displayed on or in such vehicle in accordance with the requirements of the *Highway Traffic Act*, the regulations therein, and this by-law.
4. Any person who contravenes any provision of this By-law is guilty of an offence and shall be liable on conviction therefore to a fine of not less than \$400.00 exclusive of costs, payable within 15 days of the alleged parking infraction.
5. Notwithstanding Item 4 above, any person, upon presentation of a Certificate of Parking Infraction issued for an alleged offence under this By-law may, within seven (7) days, pay the Township of Essa the sum of \$300.00, and upon payment being made no further proceedings shall be taken under this By-law in respect of the offence.
6. Any person not paying the early payment option of \$300 within seven (7) days, or the set fine of \$400.00 within fifteen (15) days of the alleged parking infraction, will result in the Certificate of Parking Infraction being forwarded to the Province of Ontario with an order that the Ontario Vehicle Permit not be renewed and that no new permit be issued until the fine and all court costs and fees have been paid.
7. A Police Officer or Municipal By-law Enforcement Officer or an officer appointed for carrying out provisions of the *Highway Traffic Act*, upon discovery of any vehicle parked or left in contravention of 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 removal, care and storage thereof, if any, shall be at the expense of the owner.
8. Schedule "A" attached hereto shall be deemed to be part of this By-law.
9. That By-law 97-63 be amended to reflect the new set fine for Item 46, being the owner of a vehicle parked in a physically disabled parking space prohibited with signs.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the Seventh day of April 2004.



David Guergis, Mayor



Carol O. Trainor, Clerk

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SCHEDULE "A"
SCHEDULE OF OFFENCES

Pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court (Provincial Division), the amount set opposite the offence in this Schedule of Offences under the Provincial Statutes and Regulations thereunder, and the Township of Essa By-law No. 2004-22, attached hereto, is the set fine for the offence to take effect upon approval of the Ministry of the Attorney General.

Short Form Wording	Offence Creating <u>Provision</u>	Early <u>Payment</u>	Requested <u>Set Fine</u>
Being the owner of a vehicle parked in a physically disabled parking space prohibited with signs.	Section 13	\$300.00	\$400.00

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