

BY-LAW NUMBER

2008-117

OF THE

CORPORATION OF THE CITY OF KITCHENER

(being a by-law to authorize certain on-street and off-street parking of vehicles for use by persons with a disability, and the issuing of permits in respect thereof.)

The Council of The Corporation of the City of Kitchener enacts as follows:

1. In this by-law:

"Act" shall mean the *Highway Traffic Act*, R.S.O. 1990, c. H.8 and shall include the regulations thereunder;

"City" means the City of Kitchener unless inconsistent with the context;

"designated parking space" means a parking space:

- (a) located on-street, in a parking lot owned or operated by The Corporation of the City of Kitchener, or on private property; and
- (b) marked by a sign;

"person with a disability" shall have the same meaning as in the Act;

"permit" means disabled person parking permit issued by the Ministry of Transportation of Ontario pursuant to the Act that has not expired;

"police officer" shall have the same definition assigned in the *Police Services Act*, R.S.O., 1990, c. P.15;

"sign" means a sign that is in accordance with the requirements of the Act that indicates a parking space to be for the sole use of vehicles displaying a permit;

"unauthorized vehicle" means:

- (a) a vehicle that is not displaying a permit in accordance with the requirements of this by-law or the Act;
- (b) a vehicle that is displaying a permit but is not being used to pick up or transport the holder of the permit; or
- (c) in the case of a corporation to which a permit has been issued, a vehicle that is not being used to pick up or transport a person with a disability.

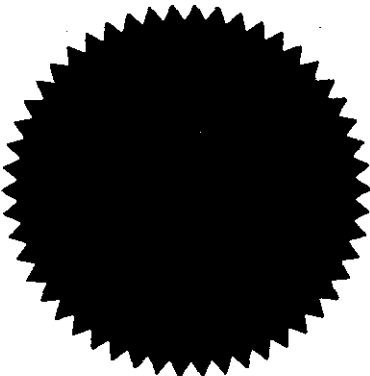
2. The provisions of this by-law may be enforced by a Police Officer and any by-law or municipal law enforcement officer of The Corporation of the City of Kitchener.

3. The provisions of section 6 of this by-law may also be enforced by a specially appointed by-law enforcement officer whose name appears in Schedule "A" hereto but only with respect to a property of which the municipal address is listed beside the individual's name in Schedule "A" hereto. Such individual shall not commence enforcement at a property until the day following the date upon which Council adds their name beside the property in Schedule "A" of this by-law.
4. Every property owner shall ensure that every placard installed on the owner's property to designate a parking space for use by a person with a disability shall be a proper sign as defined by this by-law.
5. The Director of Enforcement or designate may cause the relevant municipal address and/or name of the relevant specially appointed by-law enforcement officer(s) to be removed from Schedule "A" of this by-law if in the opinion of the Director of Enforcement or designate the sign has not been correctly installed or maintained.
6. No person shall stop, park or leave an unauthorized vehicle in any designated parking space at any time.
7. A permit shall be displayed on the sun visor or on the dashboard of a 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. If the vehicle is a motorcycle or a motor-assisted bicycle, the permit shall be displayed on the top left corner of the number plate on the vehicle.
8. No person shall obstruct a designated parking space or access thereto by any object or by the moving, placing, or storage of snow.
9. Every property owner and every person having care or control over a property or relevant portion thereof, shall ensure that no designated parking space or access thereto is obstructed by any object or by the moving, placing, or storage of snow.
10. Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to:
 - (a) in the case of an offence under section 6 of this by-law, a fine of not less than \$300.00 in accordance with the *Municipal Act, 2001*, S.O. 2001, c.25 and not greater than \$5,000 for each offence, exclusive of costs; and
 - (b) in the case of an offence under a section other than section 6 of this by-law, a fine of not greater than \$5,000 for each offence, exclusive of costs.
11. Where a vehicle has been left parked, stopped or standing in contravention of this by-law, the owner of the vehicle is guilty of an offence, even when 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.

- 12. Any fine under this by-law shall be recoverable under the *Provincial Offences Act*, R.S.O. 1990, c. P.33.
- 13. Any vehicle parked or left in contravention of the provisions of this by-law may be towed, removed, impounded, restrained, and/or immobilized at the vehicle owner's expense and subsection 170(15) of the Act shall apply with necessary modifications.
- 14. A vehicle displaying a currently valid permit, number plate or other marker or device bearing the international symbol of access for persons with a disability and issued by another jurisdiction is entitled to the same privileges as a vehicle displaying a disabled person parking permit issued under the Act.
- 15. Any reference to by-law 88-172 on a sign is hereby deemed to be a reference to this by-law.
- 16. By-law number 88-172 of The Corporation of the City of Kitchener, and all by-laws amending the same, are hereby repealed as of the effective date set out in Section 17 of this by-law.
- 17. This by-law will come into force and take effect on September 16, 2008.

PASSED at the Council Chambers in the City of Kitchener this 9th day
of June, A.D. 2008.



[Signature]

Mayor

[Signature]

Clerk