



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Transportation Planning and Parking Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 19, 2018
<b>SUBJECT/REPORT NO:</b>	Enforcement of Accessible Parking Spaces on Municipal and Private Property (PED12226(a)) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Chris King (905) 546-2424 Ext. 5110
<b>SUBMITTED BY:</b>	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That the By-law to “Regulate Parking of Motor Vehicles on Private and Municipal Property”, By-law No. 01-220, be amended as attached in Appendix “A” to PED12226(a), in a form satisfactory to the City Solicitor, to allow for enforcement of accessible parking spaces without prior permission of property owners;
- (b) That By-law No. 01-220 to “Regulate Parking of Motor Vehicles on Private and Municipal Property” be amended to remove and replace outdated terminology;
- (c) That By-law No. 01-220 to “Regulate Parking of Motor Vehicles on Private and Municipal Property” be amended to allow the placement of accessible parking permits on vehicle dashboards or sun visor.

**EXECUTIVE SUMMARY**

Currently, staff is unable to enforce accessible parking violations on private property without prior permission from the property owner due to the wording in City of Hamilton By-law 01-220 (hereafter referred to as “By-law 01-220”). This limits the ability to enforce on a proactive basis and/or by complaint from the general public.

Staff recommends changing the wording to allow enforcement without owner permission as allowed under Section 102 of the *Ontario Municipal Act*, as well as changes to remove outdated terminology, and to revise wording that exclusively requires that Ministry of Ontario Accessible Parking Permits be displayed on the driver side ‘sun visor’ or displayed on the driver side dashboard is also acceptable.

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*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

***Alternatives for Consideration – N/A***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: N/A

**HISTORICAL BACKGROUND**

On May 9, 2012 the City Council Advisory Committee for Persons with Disabilities Report (12-003) recommended:

- “(i) That Planning, Zoning and By-law Enforcement staff be directed to work in co-ordination to design standardized accessible parking spots, for implementation into every parking lot within the City of Hamilton, whether private or public, to meet the Ontario Ministry of Transportation guidelines for accessible parking spaces and for enforcement.
- (ii) That staff be directed to review By-law 01-220 and update it to include the enforcement of violations of accessible parking spots by By-law Enforcement staff and the Hamilton Police Service, including accessible parking spots on private property, without the current requirements for permission from the owners.”

Subsequently, at the November 20, 2012 Planning and Economic Development Committee meeting (Report PED12226), staff recommended that no action be taken on the above mentioned recommendations until such time that the new Accessible Parking Standards were released under the *Accessibility for Ontarians with Disabilities Act* (AODA). As the standards are now in effect, this By-law is being updated as requested.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Section 102 of the *Ontario Municipal Act*.

**RELEVANT CONSULTATION**

Legal Services was consulted in preparation of this Report and had no concerns.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Section 102 of the *Ontario Municipal Act* gives municipalities the ability to enforce accessible parking violations on private property (defined as lands “to which the public has access”), without the prior authorization or permission of the property owner, if an appropriate Municipal By-law has been enacted by Council.

Currently, By-law 01-220, which regulates accessible parking on private property, requires permission from the property owner to enter the property which limits the ability to enforce accessible spaces on a proactive and/or complaint basis.

Conversely, Parking Enforcement staff is already able to respond to and proactively enforce accessible parking space violations within Municipally-owned parking lots without prior authorization.

Staff recommends changing the wording in By-law 01-220 to eliminate the need for owner permission to enforce accessible parking spaces on private property. This will assist in ensuring that accessible parking spaces around the City are only utilized by vehicles with a valid accessible permit on display, thus contributing to the overall accessibility of the City of Hamilton.

Staff will continue to implement *Accessibility for Ontarians with Disabilities Act (AODA)* parking standards in relation to the design of accessible parking spaces as major Capital works (e.g. repaving) of Municipal carparks occur.

Minor housekeeping changes to By-law 01-220 are also recommended as follows:

- Replace the words “handicapped” and “disabled” with “accessible” where feasible to align with Provincial wording;
- Replace “Superintendent of Parking Enforcement” to “Manager, Parking Enforcement and School Safety or their designate” to align with current job titles; and,
- Revise wording that exclusively requires that Ministry of Ontario Accessible Parking Permits be displayed on the driver side ‘sun visor’ or display on the driver side dashboard is also acceptable.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Healthy and Safe Communities**

*Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.*

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**Built Environment and Infrastructure**

*Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.*

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A": Amended By-law No. 01-220 to "Regulate the Parking of Motor Vehicles on Private and Municipal Property"

Appendix "B": Report PED12226 (as reference)

CK:jp