



City of Hamilton Report for Consideration

To: Chair and Members
Planning Committee

Date: April 8, 2025

Report No: PED25078

Subject/Title: Accessible Parking Updates to Municipal By-laws

Ward(s) Affected: (City Wide)

Recommendations

- 1) That the amending draft By-law, which amends By-law 01-216, being a By-law Respecting the Construction, Maintenance, Operation, Management and Regulation of Municipal Parking Facilities, attached as Appendix “A” to Report PED25078, which has been prepared in a form satisfactory to the City Solicitor, **BE APPROVED;**
- 2) That the amending draft By-law, which amends By-law 01-218, being a By-law to Regulate On-Street Parking, attached as Appendix “B” to Report PED25078, which has been prepared in a form satisfactory to the City Solicitor, **BE APPROVED;**
- 3) That the amending draft By-law, which amends By-law 01-220, being a By-law to Regulate the Parking of Motor Vehicles On Private and Municipal Property, attached as Appendix “C” to Report PED25078 **BE APPROVED;**
- 4) That the Director of Transportation Planning and Parking, or designate **BE AUTHORIZED** and directed to work with Legal Services to obtain approval from the Ministry of the Attorney General of set fines for the additional offences created in the draft By-laws in Appendices “A”, “B” and “C” attached to Report PED25078 when the By-laws have been approved;
- 5) That the amending draft By-law, which amends By-law 17-225, being a By-law to Establish a System of Administrative Penalties, attached as Appendix “D” to Report PED25078 **BE APPROVED.**

Key Facts

- The purpose of this Report is to update various municipal parking by-laws to ensure consistency of infraction terminology pertaining to accessible parking.
- Updates pertain to **Access Aisles**, which are required under the *Accessibility for Ontarians with Disabilities Act (AODA), 2005*, **Designated Accessible Parking** spaces within road allowances which are not recognized in the On-Street Parking By-law No. 01-218 and **Time Limits for free parking** by accessible permit holders which are not defined for municipal parking lots.
- Inconsistencies in the various regulations for these accessible parking matters are a result of by-law being updated independently and over a long period of time.
- Updates will assist with enforcement of accessible parking with the goal of ensuring accessible parking spaces are available for accessible parking permit holders which includes individuals whose mobility is limited because of a permanent or temporary disability.

Financial Considerations

There are no budgetary or financial implications to these recommendations.

Background

By-law No. 01-216, respecting municipal parking facilities, By-law No. 01-218, which regulates on-street parking in the City of Hamilton, and By-law 01-220 which applies to parking on municipal and private properties not otherwise covered in other by-laws, were adopted in 2001 at the time of amalgamation.

By-law No. 17-225, respecting the establishment of an administrative penalties system, was adopted on May 13, 2015, as per Ontario Regulation 333/07 of the *Municipal Act, 2001, S.O. 2001, c. 25*. Execution of the implementation was done August 2015.

On-street Parking By-law 01-218 recognizes the use of Accessible Parking Permits but does not identify regulations controlling parking in designated accessible parking spaces. None of the by-laws discussed in this Report identify accessible access aisles which were standardized through the *Accessibility for Ontarians with Disabilities Act (AODA), 2005*.

Analysis

Staff have reviewed the On-Street Parking By-law No. 01-216, Municipal Car Park By-law No. 01-218, Parking of Motor Vehicles on Private and Municipal Property By-Law No. 01-220, and Administrative Penalties By-law No. 17-225, with respect to accessible parking.

Language surrounding accessible parking is inconsistent across the three parking by-laws, and therefore, the infractions identified in the Administrative Penalties are also inconsistent. There is frequent use of the term “disabled” in instances where

contemporary best practice is to use person first language. These changes are reflected in Appendices A, B, C and D attached to Report PED25078.

Access aisles are the hatched walkways along designated accessible spaces. Access aisles were introduced to reduce the overall space required for accessible spaces by creating a shared area for vehicle occupants to fully open their doors and use side lifts for mobility devices. In most instances, an access aisle serves two spaces, and blocking the access aisle can make one or both of those spaces unusable. Unless recognized in the by-laws, the only infraction that can be issued is parking outside of a marked space which is not comparable to illegally occupying the designated space itself. It is recommended that access aisles be defined in the municipal parking by-laws and have an infraction with the same penalty as obstructing an accessible space. These proposed amendments are reflected in Appendices A, B, C and D attached to Report PED25078.

Accessible spaces within the road allowance exist in some locations, predominantly perpendicular parking in the boulevard along City parks. Some historic locations have also been removed because they were not enforceable under By-law No. 01-218. Adding the accessible space definition and infractions to the bylaw, as per Appendix B attached to Report PED25078, supports existing and future accessible spaces on or adjacent to the roadway within the road allowance.

Free parking for accessible permit holders in Municipal Car Parks is currently an exemption under By-law No. 01-216. In most municipal lots, there is no parking permitting between 2:00 a.m. and 7:00 a.m. daily, which prevents unlimited use of this exemption. In Municipal Car Park 82, paid parking is in operation 24-hours, 7-days a week, and additional 24-hour lots are planned for Pier 8. There have been some issues with vehicles parking in Municipal Car Park 82 continuously for periods greater than 12-hours and for multiple days at a time, with no ability for the City to remove these vehicles from our municipal car parks or issue infraction notices. It is recommended that the exemption be limited to a maximum parking duration of eight hours, as per Appendix A attached to Report PED25078, reflecting the intended use of long-term customer parking within municipal car parks.

Alternatives

Not applicable.

Relationship to Council Strategic Priorities

3. Responsiveness & Transparency
 - 3.1. Prioritize customer service and proactive communication
 - 3.2. Build a high performing public service
 - 3.3. Modernize City systems

Previous Reports Submitted

Not applicable.

Consultation

- James Buffett, Manager Parking Enforcement and School Safety, Transportation Planning and Parking, Planning & Economic Development Department
- Patricia D'Souza, Solicitor, Legal and Risk Management Services, Corporate Services Department

Appendices and Schedules Attached

Appendix A: Draft By-law which amends By-law 01-216, being a By-law Respecting the Construction, Maintenance, Operation, Management and Regulation of Municipal Parking Facilities

Appendix B: Draft By-law which amends By-law 01-218, being a By-law to Regulate On Street Parking,

Appendix C: Draft By-law which amends By-law 01-220, being a By-law to Regulate the Parking of Motor Vehicles On Private and Municipal Property

Appendix D: Draft By-law which amends By-law 17-225, being a By-law to Establish a System of Administrative Penalties,

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