

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 6722

TO PROVIDE FOR PARKING FOR DISABLED PERSONS

WHEREAS:

- A. Under Division 38 of the *Motor Vehicle Act* Regulations (B.C. Reg. 26/58) a municipality or an organization designated by a municipality may issue or cancel a disabled person's parking permit;
- B. Under section 120 (1) (c) of the *Motor Vehicle Act*, R.S.B.C. 1979, c. 288, Council may by bylaw provide for the regulation, control or prohibition of the stopping, standing or parking of vehicles in the municipality, except on an arterial highway as defined in the *Highway Act*, R.S.B.C. 1979, c. 167 unless approved by the Minister of Transportation and Highways;
- C. Under section 120 (1) (a) of the *Motor Vehicle Act*, Council may by bylaw provide for the placing or erection of traffic control devices to give effect to the *Motor Vehicle Act*;
- D. Under section 120 (1) (f) of the *Motor Vehicle Act*, Council may by bylaw provide for the removal, detention or impounding of vehicles unlawfully occupying a portion of a highway or public place, for a scale of fees, costs and expenses for that purpose and for the recovery of the fees, costs and expenses from the owner or by sale of the vehicle at public auction or by action in a court of competent jurisdiction;
- E. Under section 120 (2) (a) and (b) of the *Motor Vehicle Act*, Council may by bylaw authorize an officer or employee of the municipality to make orders in respect of matters comprised in a bylaw adopted under section 120 (1), and authorize that officer or employee to rescind, revoke, amend or vary an order made by him;
- F. Under section 964 of the *Municipal Act*, R.S.B.C. 1979, c. 290, Council may by bylaw require owners or occupiers of a building or structure to provide off-street parking and loading spaces for the building or structure, including spaces for use by disabled persons;
- G. Under section 287 of the *Municipal Act*, Council, in addition to powers specifically allotted to it, has the power to do anything incidental or conducive to the exercise of an allotted power;

NOW THEREFORE the Municipal Council of The Corporation of the District of Saanich in open meeting assembled enacts as follows:

1. Definitions

In this bylaw:

DISABLED PERSON means a person whose mobility is limited as a result of a permanent or temporary disability that makes it impossible or difficult to walk;

DISABLED ZONE means a parking zone identified by the disabled parking sign referred to in Schedule 2 of Division 23 of the Regulations;

HIGHWAY means every highway within the meaning of the *Highway Act*, and every road, street, lane or right-of-way designed or intended for or used by the general public for the passage of vehicles, and every place or passageway to which the public, for the purpose of the parking or servicing of vehicles has access or is invited;

MOTOR VEHICLE means a device, other than a device designed to be moved by human power or used exclusively on stationary rails or track, on or by which a person or thing is or may be transported or drawn on a highway, which device is designed to be self-propelled;

PERMIT means a disabled person's parking permit issued under Division 38 of the Regulations;

REGULATIONS means the *Motor Vehicle Act* Regulations, B.C. Reg. 26/58.

2. Parking on Highways or Public Places

The Director of Engineering is hereby authorized to:

- a) Make orders in respect of the designation and identification of areas or parking spaces on a highway or public place as parking zones for disabled persons by the placement of Disabled Parking Signs as set out in Division 23 of the Regulations and such parking zones shall be deemed to be "Disabled Zones", and
- b) Rescind, revoke, amend and vary an order made by him under this section.

3. Parking on Private Property

Every person required to provide a disabled persons parking space under section 7.4 of the Zoning Bylaw, 1988, or any successor bylaw, shall identify such space with the Disabled Parking Sign as set out in Division 23 of the Regulations and such space shall be deemed to be a “Disabled Zone”.

4. Permits

- (a) An application for a permit shall be made by or on behalf of a disabled person to the Resource Centre for Independent Living (herein called “RCIL”).
- (b) Council hereby designates RCIL as responsible for issuing and cancelling permits pursuant to Division 38 of the Regulations.
- (c) Council hereby designates RCIL as responsible for determining all matters pertaining to the issuance and cancellation of permits under Division 38 of the Regulations, including without limitation, the
 - i) Criteria for establishing that a person qualifies as a disabled person;
 - ii) Form of the application for a permit;
 - iii) Information required to be submitted on or with the application for a permit, and
 - iv) Duration of a permanent, temporary or substitute permit.

5. Towing

- (a) The municipality, its servants, employees or agents, or a municipal police officer may remove, detain or impound a motor vehicle unlawfully occupying a Disabled Zone on a highway or public place.
- (b) The Director of Engineering is hereby authorized to:
 - i) Make orders in respect of the scale of fees, costs and expenses which may be recovered from an owner of a motor vehicle removed, detained or impounded under subsection (a) hereof, and
 - ii) Rescind, revoke, amend or vary an order made by the Director of Engineering.

- (c) All fees, costs and expenses incurred by the municipality for the removal, detention or impounding of a motor vehicle under subsection (a) hereof shall be paid by the owner of the motor vehicle to the municipality.
- (d) Where the owner of a motor vehicle removed, detained or impounded under subsection (a) has defaulted in paying the fees, costs and expenses incurred by the municipality, the municipality may sell the motor vehicle at a public auction or initiate an action in a court of competent jurisdiction to recover the fees, costs and expenses provided that:
 - i) The municipality has delivered to the owner a notice that the fees, costs and expenses will be recovered by way of public auction or court action;
 - ii) The owner of the motor vehicle has not paid such sums to the municipality within 30 days of the delivery of the notice; and,
 - iii) the 30 days have expired.

6. Offence

Every person who contravenes a provision of this bylaw commits an offence and shall be liable on summary conviction to a fine of not less than \$25.00 nor more than \$250.00 for a first offence and not less than \$50.00 nor more than \$500.00 for a second or subsequent offence.

- 7.** This bylaw may be cited for all purposes as the “**DISABLED PERSONS PARKING BYLAW, 1991, NO. 6722**”.