

**TOWN OF STONEWALL
BY-LAW NO. 9/97**

Being a By-law to provide for parking for physically disabled persons.

WHEREAS Section 282 of the Municipal Act defines:

"designated parking space" means a parking space designated by signs or pavement markings as being for the sole use of motor vehicles displaying a permit and that is located

- a) on a highway or municipal road,
- b) in a public parking lot or facility; or
- c) in a private parking lot or facility to which the public has access;

"motor vehicle" means a motor vehicle as defined in the Highway Traffic Act;

"permit" means a physically disabled person's parking permit issued under the Highway Traffic Act;

AND WHEREAS Section 283 of the Municipal Act provides:

- (1) An urban municipality with a least 1000 residents must, and any other municipality may, by by-law, make it an offence for a person to stop, stand or park a motor vehicle in a designated parking space, or in a manner that makes a designated parking space inaccessible; unless a permit is displayed in the vehicle and is used in accordance with the Highway Traffic Act; and
- (2) A by-law made under subsection (1) must impose a fine for its contravention which must be an amount equal to or greater than the maximum fine for any other parking violation imposed in the Municipality; and
- (3) A by-law made under subsection (1) may provide that instead of or in addition to a fine, a vehicle parking in contravention of the by-law may be towed, at the owner's expense;

AND WHEREAS Section 284 provides that:

- (1) A Municipality may, by by-law, require owners or operators of parking lots or other parking facilities to which the public has access to provide designated parking spaces for the use of motor vehicles displaying a permit in accordance with the Highway Traffic Act and for prohibiting the use of such spaces by other vehicles; and
- (2) A by-law made under subsection (1) may
 - (a) specify the dimensions of designated parking spaces and the number of the designated parking spaces to be provided by each owner or operator, and the number of spaces may be based on a proportion of the total number of parking spaces in the parking lot or parking facility; and
 - (b) specify the requirements for the design, dimensions and location of signs or pavement markings for designated parking spaces.

AND WHEREAS the Town of Stonewall desires to make it an offence for a person to stop, stand or park a motor vehicle in a designated parking space for physically disabled persons or in a manner that make such a designated parking space inaccessible;

AND WHEREAS the Town of Stonewall deems it expedient to pass such a By-law pursuant to Section 282, 283 and 284 of the Municipal Act;

NOW THEREFORE the Council of the Town of Stonewall, in open meeting, duly assembled, enacts as follows:

1. THAT no person shall stop, stand or park a motor vehicle in a designated parking space for physically disabled persons, or in a manner that makes such a designated parking space inaccessible, unless a permit is displayed in the vehicle and is used in accordance with The Highway Traffic Act of Manitoba and the regulations under the Act.
2. THAT any person receiving a summons for a parking violation under the provisions of this By-Law, may within seven (7) days from the date of the violation:
 - a) voluntarily pay a set fine of Fifty (\$50.00) Dollars; or
 - b) enter a plea of not guilty before a Justice and arrange for hearing of the matter; and the enforcement provisions of the Summary Convictions Act apply mutatis to the provisions of this By-law.
3. THAT a vehicle parked in contravention to the provisions of this By-Law may be towed at the owner's expense.
4. THAT owners or operators of parking lots or other parking facilities to which the public has access may provide designated parking spaces for the use of motor vehicles displaying a permit in accordance with the Highways Traffic Act and the provisions of this By-Law shall apply to those designated parking stalls.
5. THAT designated parking spaces for physically disabled persons shall be identified with a sign. The identification sign shall meet the following requirements;
 - i) The identification sign shall have imprinted thereon the universal standard symbol for physically disabled persons. The symbol shall be white and the background shall be blue.
 - ii) The identification sign shall be a minimum dimension of 300 x 450 (mm).
 - iii) The identification sign shall be placed on a post and the height of the sign on the post shall be a minimum of one metre above ground level.
6. THAT this By-law come into force and effect on the day of final passing thereof.

DONE AND PASSED in Council duly assembled in the Town of Stonewall, in the Province of Manitoba this 9th day of July, A.D., 1997.

Deputy Mayor

Chief Administrative Officer

Read a First time this 11th day of June A.D., 1997
Read a Second time this 25th day of June A.D., 1997, as amended
Read a Third time this 9th day of July A.D., 1997