

CITY OF KELOWNA

BYLAW NO. 12888

Amendment No. 46 to Traffic Bylaw No. 8120

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Traffic Bylaw No. 8120 be amended as follows:

1. **PART 1 – INTRODUCTIONS, 1.4 Definitions, 1.4.1 Definitions** be amended by

a) Deleting the definition for **Accessible Parking Permit** that reads:

"Accessible Parking Permit" means a parking permit issued by the City under Part 4 of this Bylaw.

And replacing it with:

"Accessible Parking Permit" means a parking permit issued pursuant to the BC Motor Vehicle Act, a municipality, designated organization or other jurisdiction under Part 4 of this Bylaw.

b) Deleting the definition for **Metered space** that reads:

"Metered space" means a portion of highway upon which parking is permitted at which a parking meter has been installed.

And replacing it with:

"Metered space" means a portion of a highway or off-street pay parking area, not exceeding 7 metres in length, intended for the parking of a single vehicle, where a traffic control device indicates that parking is permitted only upon payment of a fee and/or is subject to time limits.

2. **PART 4 – PARKING REGULATIONS, 4.1.2 Parking Prohibitions** be amended as follows:

a) Deleting sub-section (a) that reads:

"on a sidewalk or boulevard without a valid sidewalk/roadway occupancy permit pursuant to Part 7 of this Bylaw,"

And replacing it with:

“on a **sidewalk** or **boulevard** without a valid sidewalk/roadway occupancy permit pursuant to Part 7 of this Bylaw or in any manner that obstructs, impedes or encroaches upon a **sidewalk,**”

- b) Adding a new sub-section (ww) in its appropriate location that reads:

“while using or displaying an **accessible parking permit** that has been altered, forged, revoked, or otherwise used contrary to this Bylaw, including where the **permit** holder is not present in the vehicle, or where the **permit** was obtained or attempted to be obtained by misrepresentation, false declaration, or other fraudulent means.”

3. **PART 4 – PARKING REGULATIONS** be amended by:

- a) Removing the sub-section:

4.2.1 Accessible parking permits. A person holding an Accessible parking permit, or a Disabled Persons' Parking Permit issued pursuant the Motor Vehicle Act including accessible or disabled persons' parking permits issued by other jurisdictions, shall not be subject to the penalties provided for the breach of Subsections 4.1.2 (bb), (cc) or (dd) of this Part so long as that permit remains valid and subsisting.

- (a) **Accessible parking permits** indicating "permanently disabled" or "temporarily disabled" may be issued to an individual and shall be suspended from the rear view mirror or placed on the dashboard in front of the driver's position of the vehicle in which the Permittee is travelling in a location visible from outside the vehicle.
- (b) Use of the **accessible parking permit** contrary to the provisions of this subsection shall render the permit void.
- (c) The **accessible** parking permit shall be valid for a period of up to three (3) years.
- (d) The **accessible** parking permit shall not be transferable and shall be issued to an individual and not the vehicle that such person owns or operates.
- (e) An **accessible** parking permit shall be issued by the City and shall be recorded in a register for that purpose and the record shall include the Permittee's name, address, telephone number and permit number.

And replacing it with:

4.2.1 Accessible parking permits. A person holding a '**parking permit for a person with disabilities**', issued pursuant to the *Motor Vehicle Act* (British Columbia), the *Motor Vehicle Act Regulations*, or an **accessible parking permit**, is not subject to the penalties prescribed for a contravention of subsection **4.1.2(bb)** or **4.1.2(cc)** of this Bylaw, provided the **permit** is valid and subsisting and is used in accordance with this Bylaw.

- (a) **Permits** are issued to an individual, not to a **vehicle**, and any **permit** found to be used in contravention of this Bylaw will be deemed invalid for the purposes of any exemption or privilege under this Bylaw.

- (b) **Permits** may only be used while a **vehicle** is being operated by a person with disabilities, or in which a person with disabilities is a passenger and the person operating the **vehicle** must display the permit in or on the **vehicle**:
 - i. by suspending the **permit** from the rearview mirror inside the **vehicle** so the permit is clearly visible to a person looking through the windshield of the **vehicle** from outside;
 - ii. by placing the **permit** on the dashboard in front of the driver's position; or
 - iii. in the case of a motorcycle, by attaching the (decal style) **permit** to the windshield.

4. **SCHEDULE "A" FEES, PART 4 – PARKING REGULATIONS** be amended by adding in its appropriate location the following:

a) **Subsection 4.2.1(a) Accessible Permit Parking Fees**

DESCRIPTION	TERM	FEE
On-Street Pay Parking Area – Marked Accessible Parking Stall	Hourly	50% of On-Street Pay Parking Hourly Rate (Subsection 4.3.3)
On-Street Pay Parking Area – Regular Metered Space	Hourly	Regular On-Street Pay Parking Hourly Rate + One additional hour at no-charge (Subsection 4.3.3)
Off-Street Pay Parking Area – Marked Accessible Parking Stall	Hourly	50% of Off-Street Pay Parking Hourly or Daily Rate while using a Virtual Parking Payment system. (Subsections 4.3.3, 4.4.2 (a), (b), & 4.4.3)

- 5. This bylaw may be cited for all purposes as "Bylaw No. 12888, being Amendment No. 46 to Traffic Bylaw No. 8120."
- 6. This bylaw shall come into full force and effect and be binding on all persons as of as of the date of adoption.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk