

THE CORPORATION OF THE  
T O W N O F P E L H A M

BY-LAW #992 (1985)

Being a by-law to require owners and operators of public parking spaces to provide designated parking spaces reserved for the sole use of vehicles operated by, or conveying a physically handicapped person.

WHEREAS, Section 210 of the Municipal Act, R.S.O. 1980, as amended, enables the municipality to enact by-laws requiring the owners and operators of public parking facilities to provide parking spaces for the sole use of vehicles operated by or conveying a physically handicapped person and in respect of which a permit has been issued;

AND WHEREAS, a by-law passed under this section may specify the dimensions of parking spaces to be provided and the number of such spaces, which number may be based upon a proportion of the total number of parking spaces in the public parking facility;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

- (1) In this by-law,
- (i) "designated parking space" means a parking space designed by signs enacted under the provisions of this by-law as being for the sole use of vehicles on which a permit is properly displayed;
  - (ii) "municipality" means the Town of Pelham.
  - (iii) "permit" means a permit issued under By-law #978 (1985), or a permit issued under the terms of a similar by-law of any other competent jurisdiction; or a disabled symbol licence plate issued by the Ontario Ministry of Transportation & Communications or any other competent jurisdiction.
  - (iv) "physically handicapped person" means:
    - (a) a person who is permanently physically handicapped in such a way that his or her mobility is seriously restricted, including, among others, a person who uses a wheelchair, crutches, braces or other mobility assisting devices, or

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(b) a person who holds a valid permit or licence issued by any other competent jurisdiction;

(v) "public parking facility" means an open area or a structure, other than a street, used for the temporary parking of motor vehicles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

(2) In this by-law,

(i) Words implementing the singular number of the masculine gender only, include more persons, parties or things of the same kind than one, and females as well as males;

(ii) A word interpreted in the singular number has a corresponding meaning when used in the plural.

(3) Every owner and operator of a public parking facility shall provide designated parking spaces therein at least the number prescribed by the following table:

<u>Capacity of Public Parking</u> <u>Area (Number of Parking</u> <u>Spaces)</u>	<u>Minimum Number of Spaces To Be</u> <u>Reserved for Physically Handi-</u> <u>capped Persons</u>
1 - 19	0
20 - 99	1
100 - 199	2
200 - 299	3
300 - 399	4
400 - 499	5
500 or more	5 spaces plus 1 space for each additional 400 spaces or part thereof

(4) Each designated parking space provided under Section 3 shall be:

- (i) not less than 3.66 metres in width;
- (ii) of a length so as to be the same length as the other parking spaces in the same parking facility;
- (iii) hard surfaced;
- (iv) level;
- (v) placed in a location approved by the (office responsible for regulating parking) so as to minimize the distance to building entrances and exits and so as to permit easy access to such entrances and exits,

- (vi) kept clear of snow, ice, and any other impediments to the use of the space by physically handicapped persons, and
  - (vii) generally maintained in a condition such that it can safely and readily be used by and is accessible to physically handicapped persons.
- (5) (i) Each designated parking space shall be identified by an authorized sign as prescribed in Section 5 (ii) below.
- (ii) The authorized signs shall:
- (a) be at least thirty (30) centimetres in width and sixty (60) centimetres in height, and
  - (b) display the symbols and colours shown in Schedule "A" of this by-law, but one (1) or both of the arrows may be deleted.
- (6) The public parking facility owner and operator shall be jointly responsible for the procurement, installation and maintenance of the authorized signs referred to in Sections 5 (i) and 5 (ii).
- (7) Upon the request of the owner or operator of a public parking facility, the municipality shall provide the authorized signs referred to in Sections 5 and 6 free of charge. Replacement signs for lost or damaged signs shall be the responsibility of the owner to provide at his own expense.
- (8) No fee shall be charged for the use of a designated parking space in excess of that fee charged other members of the general public in respect of non-designated parking spaces.
- (9) No physically handicapped person shall be required to pay a fee for the use of a designated parking space in a facility operated by the Town of Pelham.
- (10) No person shall park a motor vehicle in a designated parking space unless a valid permit is displayed in that vehicle as prescribed in By-law #978 (1985).
- (11) No person, other than a physically handicapped person who is the operator of a motor vehicle or a person who is the operator of a motor vehicle that is carrying a physically handicapped person, shall use a designated parking space.

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(12) Any person who contravenes the provisions of Section 10 is guilty of an offence and shall, upon summary conviction, be liable to a fine of not less than \$25.00 and not more than \$100.00.

(13) Any person may, upon presentation of a violation tag at the office indicated on the tag issued alleging commission of any of the offences provided in this by-law, pay out of court, within three (3) days (exclusive of Saturdays and holidays) from the date of issue of the said tag, the penalty indicated thereon, and upon such payment no further proceedings shall be taken under this by-law in respect to the said offence alleged on the tag.

(14) Where by this by-law an initial penalty is provided and such penalty is not paid out of court, then upon a conviction any such penalty shall be increased a minimum of \$50.00.

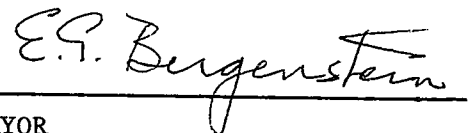
(15) Subject to the provisions of the Municipal Act, this by-law may be enforced by a special constable appointed to enforce or carry out the provisions of the by-law or by a special constable appointed under the Police Act.

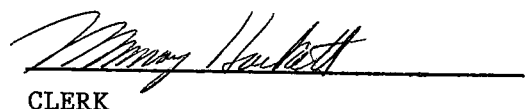
(16) The Schedule referred to in this by-law shall form part of this by-law.

(17) This by-law shall come into force and take effect on the day of final passing.

(18) Severability - It is declared that if any section, subsection or part or parts thereof of this by-law be declared by a court of law to be bad, illegal or ultra vires, such part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

READ A FIRST, SECOND AND THIRD TIME  
AND FINALLY PASSED BY COUNCIL THIS  
6th. DAY OF MAY, 1985 A.D.

  
MAYOR

  
CLERK

SCHEDULE "A"

AUTHORIZED SIGN FOR OFF-STREET PARKING  
SPACES RESERVED FOR PHYSICALLY HANDICAPPED PERSONS

