

THE CORPORATION OF THE TOWN OF PELHAM

BY-LAW NO. 97-2020

Being a by-law to authorize certain parking, standing or stopping of vehicles operated by or conveying physically handicapped persons on any highway and to authorize and require the provision of designated parking spaces for the sole use of vehicles operated by or conveying physically handicapped persons

WHEREAS, Section 210, Subsection 125 of the Municipal Act, R.S.O. 1990, Chap. M.45 provides that by-laws may be passed by the councils of local municipalities for exempting the owners and drivers of vehicles displaying a disabled person parking permit issued under and displayed in accordance with the Highway Traffic Act and the regulations made thereunder from any provision of a by-law passed by the council under this Act or under any other general or special Act for prohibiting or regulating the parking, standing or stopping of vehicles on any highway or part thereof under the jurisdiction of the council;

AND WHEREAS, Section 210, Subsection 131 of the Municipal Act, R.S.O. 1990, Chap. M.45 provides that by-laws may be passed by the councils of local municipalities for prohibiting the parking or leaving of motor vehicles on private property without the consent of the owner or occupant of the property and on property owned or occupied by the municipality or any local board thereof without the consent of the municipality or local board, as the case may be; *See BK# 2429(2002) attached*

AND WHEREAS, the Council of the Corporation of the Town of Pelham deems it desirable to enact such a by-law;

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

1. This by-law shall be known as the "Handicapped Parking By-law".
2. In this by-law,
 - (a) **"Authorized sign"** means *See BK# 2429 attached* a sign approved by the Province of Ontario for the purpose of designating parking spaces for the sole use of physically handicapped persons;
 - (b) **"Corporation"** means the Corporation of the Town of Pelham;

(c) **"Designated parking space"** means a parking space marked by a sign indicating such space to be for the sole use of a vehicle bearing an identifying marker issued in accordance with the Province of Ontario; *see BL# 2429 (2002) attached*

(d) **"Holiday"** includes Sunday, Saturday, New Year's Day, Good Friday, Easter Monday, Victoria Day, Canada Day, the day proclaimed as a Civic Holiday, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, the day proclaimed as the birthday or day fixed by proclamation of the Governor General or Lieutenant-Governor-in-Council as a public holiday or for a general fast or thanksgiving and the next following day when any such holiday falls on a Sunday;

(e) **"Law Enforcement Officer"** means the ^{Municipal Law} ~~By-law~~ Enforcement Officer of the Corporation any other officer authorized to enforce this or any other by-law of the Corporation or a constable or police officer appointed for the carrying out of the provisions of the Highway Traffic Act;

(f) **"Motor Vehicle"** includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, motor assisted bicycle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act;

(g) **"Municipal property or private property"** means any open area or portion of a structure other than a street or highway, intended for the temporary parking of vehicles and on which there are designated parking spaces.

(h) **"Park" or "Parking"**, when prohibited, means the standing of a vehicle whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers; *see BL# 2429 (2002) attached*

(i) **"Permit"** means a permit issued to a physically handicapped person for a period not exceeding ~~five years~~ by the Province of Ontario; *see BL# 2429 attached*

(j) **"Physically handicapped person"** means *see BL# 2429 attached*
(i) a person who is 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;

(ii) a person who is qualified to hold and does hold a permit issued by the Province of Ontario;

(k) "**Unauthorized motor vehicle**" means a motor vehicle that does not have affixed thereto a current permit identifying the vehicle as one operated by a physically handicapped person or transporting a physically handicapped person.

3. A **permit** shall be used by displaying it,

(a) affixed to the sun visor on the driver's side of the vehicle with the visor turned down; or,

(b) ~~on the driver's side of the dashboard of the vehicle;~~

see BL# 2429 (see attached)

4. No person, other than a **physically handicapped person**, shall acquire or use a **permit** in respect of a vehicle.

5. A **physically handicapped person** or a person conveying a **physically handicapped person** may, on a highway as defined in the Highway Traffic Act:

(a) stop and stand a vehicle displaying a **permit** in any no **parking** zone, bus stop, loading zone or taxi stand for the purpose of and while actually engaged in receiving and discharging a **physically handicapped person**; or

(b) stand and **park** a vehicle displaying a **permit** in any **parking** area, whether limited or metered, for a period not exceeding three (3) hours and without payment of any parking meter fee; or

(c) **park** a vehicle displaying a permit in any designated **parking** space when authorized signs are on display.

6. An **authorized sign** marking a **designated parking space** shall display the form of symbol indicated in Schedule "A" of this By-law and the form, location, and height of such an **authorized sign** shall require the written approval of the **Law Enforcement Officer** of the **Corporation**. Upon the erection of such an **authorized sign** the **parking** space marked by said **authorized sign** shall be deemed to be a **designated parking space** for the sole use of **physically handicapped persons**.

see BL# 2429 attached

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

Capacity of Public Parking Area (Number of Parking <u>Spaces</u>)	Minimum Number of Spaces Reserved for Physically <u>Handicapped 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

(b) Each **designated parking space** provided under subsection 7(a) shall be:

- (i) not less than 3.90 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 *see Bl# 2429 attached* approved by the **Law Enforcement Officer** 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 **designated parking 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**.

(c) Each **designated parking space** shall be identified by an **authorized sign**.

(d) The public **parking** facility owner and operator shall be jointly responsible for the procurement, installation and maintenance of the **authorized signs**.

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.

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** and displaying a valid **permit** shall use a **designated parking space**.

12. Any person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a penalty as prescribed by this by-law and The Provincial Offences Act.

13. The driver of a motor vehicle, not being the owner, is ~~liable~~ to a fine as prescribed in Schedule "B" to this by-law, exclusive of ~~costs~~, for each offence, and the owner of the motor vehicle is also ~~liable to~~ such penalty unless, at the time of the offence, the motor vehicle was in the possession of a person other than the owner or his chauffeur, without the consent of the owner. *see BL #2429 attached*

14. A **Law Enforcement Officer**, upon the discovery of a vehicle **parked** or left in contravention of this by-law may cause the vehicle to be moved or taken to and placed or stored in a suitable place, and all costs and charges for removing, care and storage thereof, if any, are a lien, *upon the vehicles which may be enforced in accordance with the Repair and Storage Liens Act. 1990*

15. Notwithstanding any other provisions of this by-law, a **Law-Enforcement Officer** may, before removing the motor vehicle as provided in this by-law, issue and attach to the vehicle a Town of Pelham **Parking** infraction notice alleging that the provisions of this by-law have been contravened.

16. This by-law takes effect on the day of its final passing.

HANDICAPPED PARKING BY-LAW NO. 97-2020

SHORT FORM WORDING & SET FINES
BY-LAW NO. 97-2020
THE CORPORATION OF THE TOWN OF PELHAM
HANDICAPPED PARKING BY-LAW

C

ITEM	COLUMN 1 DESCRIPTION OF OFFENCE	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1.	Parked in a Designated Parking Space	Sect. 10	\$100.00

NOTE: The penalty for the offences listed above is in Section 12 of By-law No. 97-2020, a certified copy of which has been filed

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. 2429 (2002)

Being a by-law to amend By-law No. 97-2020, being a by-law to authorize certain parking, standing or stopping of vehicles operated by or conveying physically handicapped persons on any highway and to authorize and require the provision of designated parking spaces for the sole use of vehicles operated by or conveying physically handicapped persons.

WHEREAS Ontario has enacted the Ontarians with Disabilities Act, 2001, being an Act to improve the identification, removal and prevention of barriers faced by persons with disabilities and to make related amendments to other Acts;

AND WHEREAS the Ontarians with Disabilities Act, 2001 amends the Municipal Act, 1990 by adding thereto Section 322.1 providing that every person who contravenes a by-law passed under paragraph 125 or 153 of the Municipal Act, 1990, is guilty of an offence and on conviction is liable to a fine of not less than \$300;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it desirable to amend its Handicapped Parking By-law to comply with the Ontarians with Disabilities Act, 2001 and comply with the current policies of the Accessibility Directorate of Ontario with respect to Ontarians with disabilities;

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

1. That the second paragraph to the preamble of By-law No. 97-2020 be deleted in its entirety and the following paragraph be substituted therefor:

“AND WHEREAS Section 210, Subsection 153 of the Municipal Act, R.S.O. 1990, chap M.45 provides that by-laws may be passed by the councils of local municipalities for requiring the owners or operators of parking lots or other parking facilities to which the public has access, to provide designated parking spaces for the sole use of vehicles displaying a disabled person parking permit issued under, and displayed in accordance with, the Highway Traffic Act and the regulations made thereunder and for prohibiting the use of such spaces by other vehicles;”.

2. That subsection 2 (a) be deleted and the following substituted therefor:

“2 (a) “Authorized sign” means a sign erected in accordance with the requirements of the Highway Traffic Act, the regulations made thereunder and this by-law for the purpose of designating parking spaces for the sole use of physically handicapped persons;”.

3. That subsection 2 (c) be deleted and the following be substituted therefor:

“2 (c) “Designated parking space” means a parking space designated under this by-law for the exclusive use of a vehicle displaying a permit in accordance with the requirements of the Highway Traffic Act and the regulations made thereunder and this by-law;”.

4. That subsection 2 (e) be amended by deleting the word “By-law” in the first line and substituting the words “Municipal Law” therefor.

5. That subsection 2 (h) be deleted and the following be substituted therefor:

“2 (h) “park” or “parking”, “stop” or “stopping” and “stand” or “standing” shall have the same meaning as the Highway Traffic Act;”.

6. That subsection 2 (i) be deleted and the following be substituted therefor:

“2 (i) “permit” means a disabled person parking permit which is issued under the Highway Traffic Act and is currently valid or a permit or other marker or device which is issued by another jurisdiction, is currently valid and recognized under the Highway Traffic Act and the regulations thereunder;”.

7. That subsection 2 (j) be deleted and the following be substituted therefor:

“2 (j) “Physically handicapped person” means a person with a disability as defined in the Ontarians with Disabilities Act, 2001 and who holds a permit as defined in this by-law;”.

8. That section 3 be deleted and the following be substituted therefor:

“3. A permit shall only be used by displaying such permit in accordance with the requirements of the Highway Traffic Act and regulations made thereunder;”.

9. That section 6 be deleted and the following be substituted therefor:

“6. A designated parking space shall be distinctly indicated by an authorized sign erected in accordance with the requirements of the Highway Traffic Act and Regulation 581 “Disabled Person Parking Permits”, as amended and attached as schedule “A” to this by-law and the display of such authorized sign adjacent to a designated parking space which complies with this by-law shall constitute the designation of such space for the purposes of this by-law;”.

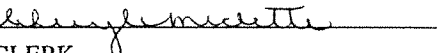
10. That subsection 7 (b) be amended by deleting the number "6 (a)" in the first line and substituting "7 (a)" therefor.
11. That article 7 (b) (v) be deleted and the following be substituted therefor:

"7 (b) (v) placed in a location so as to minimize the distance to building entrances and exits and so as to permit easy access to such entrances and exits;"
12. That section 13 be deleted and the following be substituted therefor:

"13. The owner of a vehicle that has been left parked, standing or stopped in contravention of this by-law is guilty of an offence, even if the owner was not the driver of the vehicle at the time of the contravention of the by-law, unless, at that time, the vehicle was in the possession of a person other than the owner without the owner's consent, and shall be liable on conviction to a penalty as prescribed by this by-law and the Provincial Offences Act;"
13. That section 14 be amended by adding the words "upon the vehicles which may be enforced in accordance with the Repair and Storage Liens Act, 1990." at the end of the paragraph.
14. That Schedule "A" to By-law No. 97-2020 be deleted and that Schedule "A" to this by-law be substituted therefor.
15. This by-law takes effect on the day of its final passing.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
18th DAY OF NOVEMBER, 2002 A.D.


MAYOR


CLERK

**Highway Traffic Act
Code de la route**

REGULATION 581

Amended to O. Reg. 908/93

DISABLED PERSON PARKING PERMITS

1. In this Regulation,

"disabled person" means an individual described in clause 2 (1) (a);

"medical practitioner" means a person legally qualified to practise in Canada as a physician, chiropractor, occupational therapist, osteopath or physiotherapist. R.R.O. 1990, Reg. 581, s. 1.

2. (1) The Minister shall issue a disabled person parking permit to every applicant therefor if,

- (a) the applicant is an individual who is unable to walk unassisted for more than 200 metres without great difficulty or danger to his or her health or safety; and
- (b) the applicant submits a certificate of a medical practitioner, on a form to be provided by the Ministry, certifying that the applicant is a disabled person and setting out whether the disability is temporary or permanent and, if temporary, the anticipated length of time the disability is expected to continue, if known.

(2) The Minister shall issue a disabled person parking permit,

- (a) to a corporation in respect of the number of vehicles that are owned or leased by the corporation primarily to provide transportation services to disabled persons; and
- (b) to an organization in respect of the number of vehicles that are owned or leased by the organization and used on a non-profit basis to provide transportation services to disabled persons.

(3) No more than one disabled person parking permit shall be issued to any individual under subsection (1).

(4) Subsection (3) does not apply so as to prevent the renewal or replacement of a disabled person parking permit. R.R.O. 1990, Reg. 581, s. 2.

3. The Minister shall issue a disabled person parking permit to a visitor to Ontario if the visitor,

- (a) provides evidence that he or she is the holder of a currently valid permit, number plates, marker or device bearing the international symbol of access for the disabled issued by the visitor's home jurisdiction; or
- (b) provides other evidence that he or she is from another jurisdiction and is a disabled person. R.R.O. 1990, Reg. 581, s. 3.

4. If a disabled person parking permit is lost or stolen, the Minister shall issue a replacement permit if,

- (a) the loss or theft is reported to the Ministry on a form supplied by the Ministry; and
- (b) the applicant continues to meet the requirements of section 2 or 3, as applicable. R.R.O. 1990, Reg. 581, s. 4.

5. (1) A disabled person parking permit issued to an individual shall be issued,

- (a) for sixty months, if the medical practitioner has certified that the disability is permanent;
- (b) for the anticipated length of the disability, up to a maximum of twenty-four months, if the medical practitioner has certified that the disability is temporary and has specified the anticipated length of the disability;
- (c) for twenty-four months, if the medical practitioner has certified that the disability is temporary and of unknown duration; and
- (d) for the length of the visit, up to a maximum of six months, if the applicant is a visitor described in section 3.

(2) A disabled person parking permit issued to a corporation shall be issued for a term that reflects the contractual or other obligations of the corporation to provide transportation services primarily to disabled persons, up to a maximum of sixty months.

(3) A disabled person parking permit issued to an organization under clause 2 (2) (b) shall be issued for the length of time that the organization anticipates that it will be transporting disabled persons, up to a maximum of sixty months.

(4) Despite subsections (1), (2) and (3), disabled parking permits issued before the 1st day of May, 1991 may be issued for a lesser or greater term than set out in those subsections in order to stagger the projected renewal dates of the permits. R.R.O. 1990, Reg. 581, s. 5.

6. (1) A disabled person parking permit ceases to be in force if the holder of the permit ceases to meet the requirements of clause 2 (1) (a) or section 3.

(2) A disabled person parking permit issued to an individual is not valid when displayed on a vehicle and the vehicle is not being used to pick up or transport the holder of the disabled person parking permit.

(3) A disabled person parking permit issued to a corporation or organization is not valid when displayed on a vehicle and the vehicle is not being used to pick up or transport a disabled person. R.R.O. 1990, Reg. 581, s. 6.

7. A disabled person parking permit shall be displayed on the sun visor or on the dashboard of a vehicle so that the international symbol of access for the disabled, the permit number and the expiry date of the permit are clearly visible from the outside of the vehicle. R.R.O. 1990, Reg. 581, s. 7.

8. Vehicles displaying currently valid permits, number plates and other markers and devices bearing the international symbol of access for the disabled and issued by other jurisdictions are entitled to the same privileges as vehicles displaying disabled person parking permits issued under the Act. R.R.O. 1990, Reg. 581, s. 8.

9. An unexpired disabled person parking permit shall be returned to the Ministry promptly if,

- (a) the holder no longer meets the requirements of section 2 or 3;
- (b) the permit is cancelled; or
- (c) the permit contains incorrect information. R.R.O. 1990, Reg. 581, s. 9.

10. A parking space designated by a sign under section 11 on land owned and occupied by the Crown may be used only by vehicles displaying a valid disabled person parking permit in accordance with this Regulation. R.R.O. 1990, Reg. 581, s. 10.

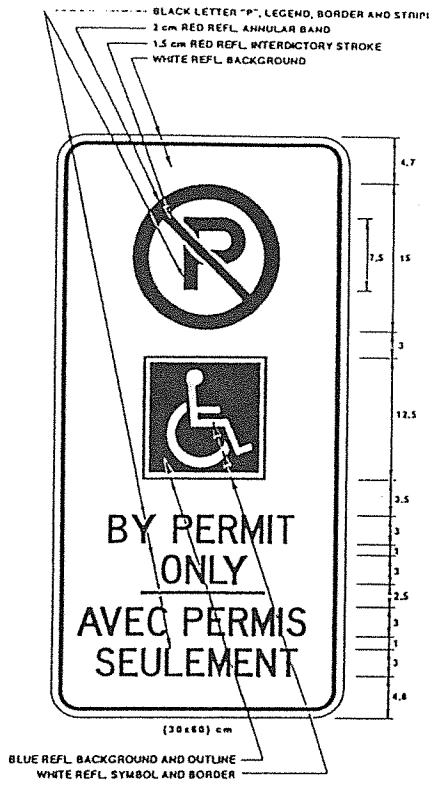
11. A parking space designated on Crown land or under a municipal by-law for the use of disabled persons shall be distinctly indicated by erecting a disabled person parking permit sign which shall,

- (a) be not less than forty-five centimetres in height and not less than thirty centimetres in width and bear the markings and have the dimensions as described and illustrated in the following Figure:



or.

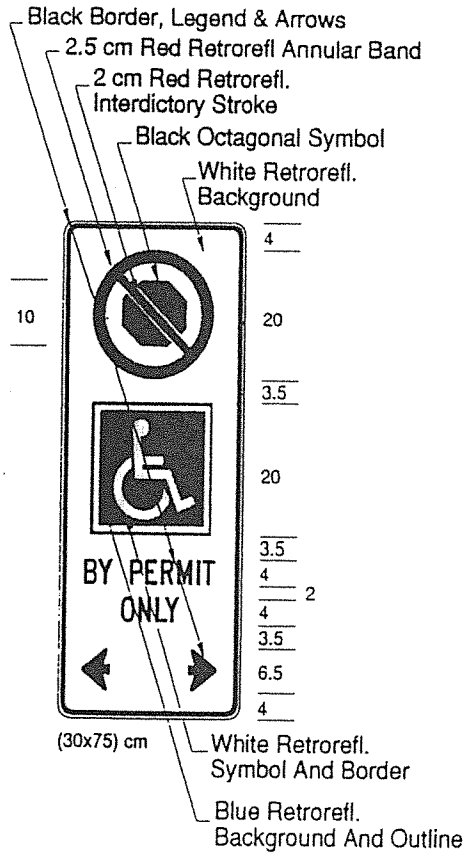
- (b) be not less than sixty centimetres in height and not less than thirty centimetres in width and bear the markings and have the dimensions as described and illustrated in the following Figure:



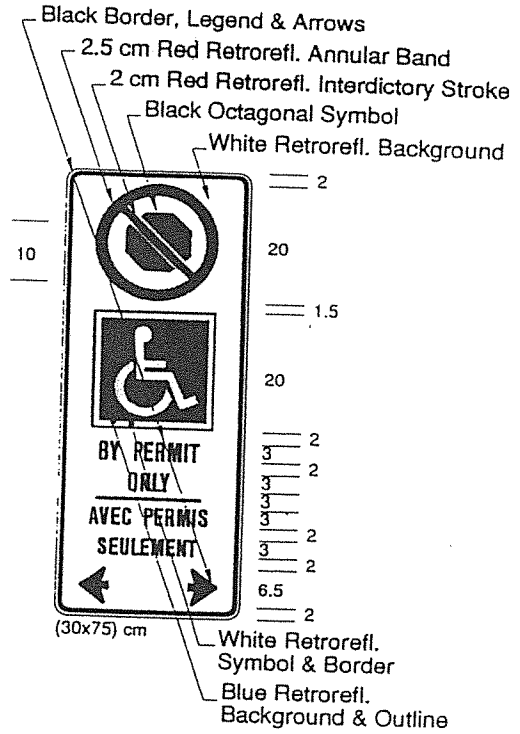
R.R.O. 1990, Reg. 581, s. 11.

12. Despite section 11, a municipality shall replace any signs erected by the municipality in respect of disabled person parking with the signs described under that section as soon as practicable but no later than the 1st day of November, 1991. R.R.O. 1990, Reg. 581, s. 12.

13. (1) A sign that prohibits stopping except the stopping of vehicles displaying a valid disabled person parking permit shall be not less than seventy-five centimetres in height and not less than thirty centimetres in width and bear the markings and have the dimensions as described and illustrated in the following Figure:

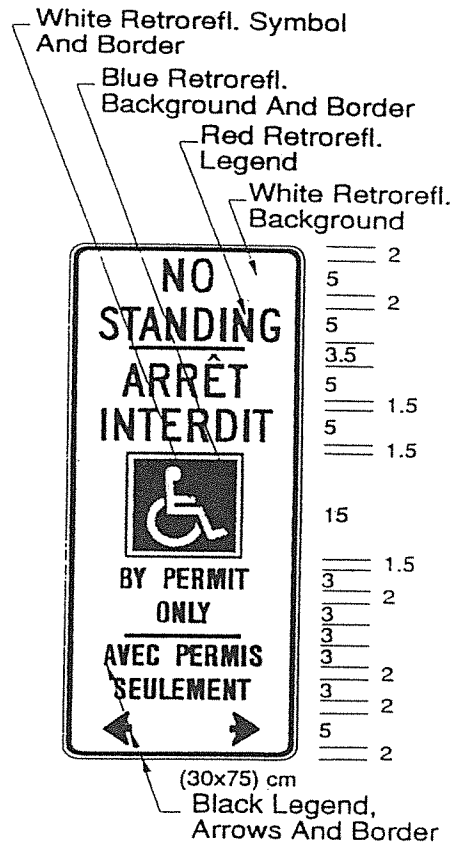
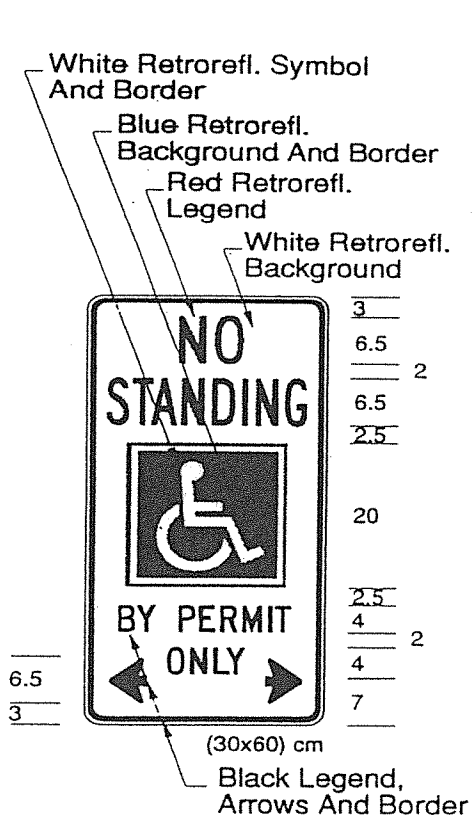


(2) Despite subsection (1), in an area designated by the *French Language Services Act*, a sign that prohibits stopping except the stopping of vehicles displaying a valid disabled person parking permit shall be not less than seventy-five centimetres in height and not less than thirty centimetres in width and bear the markings and have the dimensions as described and illustrated in the following Figure:



14. (1) A sign that prohibits standing except the standing of vehicles displaying a valid disabled person parking permit shall be not less than sixty centimetres in height and not less than thirty centimetres in width and bear the markings and have the dimensions as described and illustrated in the following Figure:

(2) Despite subsection (1), in an area designated by the *French Language Services Act*, a sign that prohibits standing except the standing of vehicles displaying a valid disabled person parking permit shall be not less than seventy-five centimetres in height and not less than thirty centimetres in width and bear the markings and have the dimensions as described and illustrated in the following Figure:



O. Reg. 908/93, s. 1, part.

SCHEDULE "A"

HANDICAPPED PARKING BY-LAW NO. 97-2020

ONTARIO
Standard Sign for
DISABLED PERSON
PARKING
(from Nov.1/91)



*Repealed +
replaced
with Schedule A
to By-Law #2429 (2002)*

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

BY-LAW NO. 1538 (1993)

Being a by-law to amend By-Law No. 1497 (1992) being a by-law to authorize certain parking, standing or stopping of vehicles operated by or conveying physically handicapped persons on any highway and to authorize and require the provision of designated parking spaces for the sole use of vehicles operated by or conveying physically handicapped persons.

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

1. THAT Section 13 to By-law No. 1497 (1992) be repealed;
2. THAT Section 16 to By-law No. 1497 (1992) be repealed and the following substituted therefor:

"16. Notwithstanding all other provisions of this by-law in respect to penalties, for violations or infractions, any person may, upon presentation of a parking infraction notice at the office of the Corporation's treasurer, pay out of court, within seven (7) days exclusive of Holidays from the date of issue of the said parking infraction notice, pay to the Corporation the voluntary payment shown on the parking infraction notice for the alleged violation or infraction and, upon such payment, no further proceedings shall be taken under this by-law in respect to the said violation or infraction alleged in the notice."

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
15TH. DAY OF FEBRUARY, 1993 A.D.


MAYOR


CLERK

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

BY-LAW NO. 1497 (1992)

Being a by-law to authorize certain parking, standing or stopping of vehicles operated by or conveying physically handicapped persons on any highway and to authorize and require the provision of designated parking spaces for the sole use of vehicles operated by or conveying physically handicapped persons

WHEREAS, Section 210, Subsection 125 of the Municipal Act, R.S.O. 1990, Chap. M.45 provides that by-laws may be passed by the councils of local municipalities for exempting the owners and drivers of vehicles displaying a disabled person parking permit issued under and displayed in accordance with the Highway Traffic Act and the regulations made thereunder from any provision of a by-law passed by the council under this Act or under any other general or special Act for prohibiting or regulating the parking, standing or stopping of vehicles on any highway or part thereof under the jurisdiction of the council;

AND WHEREAS, Section 210, Subsection 131 of the Municipal Act, R.S.O. 1990, Chap. M.45 provides that by-laws may be passed by the councils of local municipalities for prohibiting the parking or leaving of motor vehicles on private property without the consent of the owner or occupant of the property and on property owned or occupied by the municipality or any local board thereof without the consent of the municipality or local board, as the case may be;

AND WHEREAS, the Council of the Corporation of the Town of Pelham deems it desirable to enact such a by-law;

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

1. This by-law shall be known as the "Handicapped Parking By-law".
2. In this by-law,
 - (a) "Authorized sign" means a sign approved by the Province of Ontario for the purpose of designating parking spaces for the sole use of physically handicapped persons;
 - (b) "Corporation" means the Corporation of the Town of Pelham;

(c) "Designated parking space" means a parking space marked by a sign indicating such space to be for the sole use of a vehicle bearing an identifying marker issued in accordance with the Province of Ontario;

(d) "Holiday" includes Sunday, Saturday, New Year's Day, Good Friday, Easter Monday, Victoria Day, Canada Day, the day proclaimed as a Civic Holiday, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, the day proclaimed as the birthday or day fixed by proclamation of the Governor General or Lieutenant-Governor-in-Council as a public holiday or for a general fast or thanksgiving and the next following day when any such holiday falls on a Sunday;

(e) "Law Enforcement Officer" means the By-law Enforcement Officer of the Corporation of the Town of Pelham or any other officer authorized to enforce this or any other by-law of the Corporation of the Town of Pelham, or a constable or police officer appointed for the carrying out of the provisions of the Highway Traffic Act;

(f) "Motor Vehicle" includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, motor assisted bicycle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act;

(g) "Municipal property or private property" means any open area or portion of a structure other than a street or highway, intended for the temporary parking of vehicles and on which there are designated parking spaces.

(h) "Park" or "Parking", when prohibited, means the standing of a vehicle whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;

(i) "Permit" means a permit issued to a physically handicapped person for a period not exceeding five years by the Province of Ontario;

(j) "Physically handicapped person" means

(i) a person who is 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;

(ii) a person who is qualified to hold and does hold a permit issued by the Province of Ontario;

(k) "Unauthorized motor vehicle" means a motor vehicle that does not have affixed thereto a current permit identifying the vehicle as one operated by a physically handicapped person or transporting a physically handicapped person.

3. A permit shall be used by displaying it,
(a) affixed to the sun visor on the driver's side of the vehicle with the visor turned down; or,

(b) on the driver's side of the dashboard of the vehicle;

4. No person, other than a physically handicapped person, shall acquire or use a permit in respect of a vehicle.

5. A physically handicapped person or a person conveying a physically handicapped person may, on a highway as defined in the Highway Traffic Act:

(a) stop and stand a vehicle displaying a permit in any no parking zone, bus stop, loading zone or taxi stand for the purpose of and while actually engaged in receiving and discharging a physically handicapped person; or

(b) stand and park a vehicle displaying a permit in any parking area, whether limited or metered, for a period not exceeding three (3) hours and without payment of any parking meter fee; or

(c) park a vehicle displaying a permit in any designated parking space when authorized signs are on display.

6. An authorized sign marking a designated parking space shall display the form of symbol indicated in Schedule "A" of this By-law and the form, location, and height of such an authorized sign shall require the written approval of the Law Enforcement Officer of the Corporation. Upon the erection of such an authorized sign the parking space marked by said authorized sign shall be deemed to be a designated parking space for the sole use of physically handicapped persons.

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

<u>Capacity of Public Parking Area (Number of Parking Spaces</u>	<u>Minimum Number of Spaces Reserved for Physically Handicapped 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

(b) Each designated parking space provided under subsection 6 (a) shall be:

(i) not less than 3.90 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 Law Enforcement Officer 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 designated parking 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.

(c) Each designated parking space shall be identified by an authorized sign.

(d) The public parking facility owner and operator shall be jointly responsible for the procurement, installation and maintenance of the authorized signs.

(e) Upon the request of the owner or operator of a public parking facility, the municipality shall provide the initial authorized signs free of charge. Replacement authorized signs for lost or damaged authorized signs shall be the responsibility of the owner to provide at its 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.

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 and displaying a valid permit shall use a designated parking space.

12. Any person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a penalty as prescribed by this by-law and The Provincial Offences Act.

13. ^{Repealed see BL#1538(1993)}
The driver of a motor vehicle, not being the owner, is liable to a fine of not more than seventy-five (\$75.00) dollars exclusive of costs, for each offence, and the owner of the motor vehicle is also liable to such penalty unless, at the time of the offence, the motor vehicle was in the possession of a person other than the owner or his chauffeur, without the consent of the owner.

14. A Law Enforcement Officer, upon the discovery of a vehicle parked or left in contravention of this by-law may cause the vehicle to be moved or taken to and placed or stored in a suitable place, and all costs and charges for removing, care and storage thereof, if any, are a lien.

15. Notwithstanding any other provisions of this by-law, a Law-Enforcement Officer may, before removing the motor vehicle as provided in this by-law, issue and attach to the vehicle a Town of Pelham Parking infraction notice alleging that the provisions of this by-law have been contravened.

16. Notwithstanding all other provisions of this by-law in respect to penalties, for violations of the provisions of this By-law, any person may, upon presentation of a parking infraction notice at the office of the Corporation's Treasurer, pay out of court, within seven (7) days exclusive of holidays, from the date of issue of the said parking infraction notice, the sum of fifty (\$50.00) dollars and upon such payment no further proceedings shall be taken under this by-law in respect to the said offence alleged in the notice.

17. If the voluntary payment of parking penalties provided for in Section 16 of this by-law remain unpaid after fifteen (15) days exclusive of holidays from the date of issue of the said parking infraction notice, the provisions of Section 12 and Section 13 shall apply.

18. By-laws No. 978 (1985), No. 992 (1985) and No. 1012 (1985) are hereby repealed.

19. This by-law takes effect on the day of its final passing.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
20th. DAY OF JULY 1992 A.D.

Paul Collins
MAYOR

Mary Hackett
CLERK

SCHEDULE "A"
BY-LAW #1497 (1992)

ONTARIO
Standard Sign for
DISABLED PERSON
PARKING
(from Nov.1/91)

