

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

SCHEDULE "A" TO BY-LAW NO. 2429 (2002)

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:

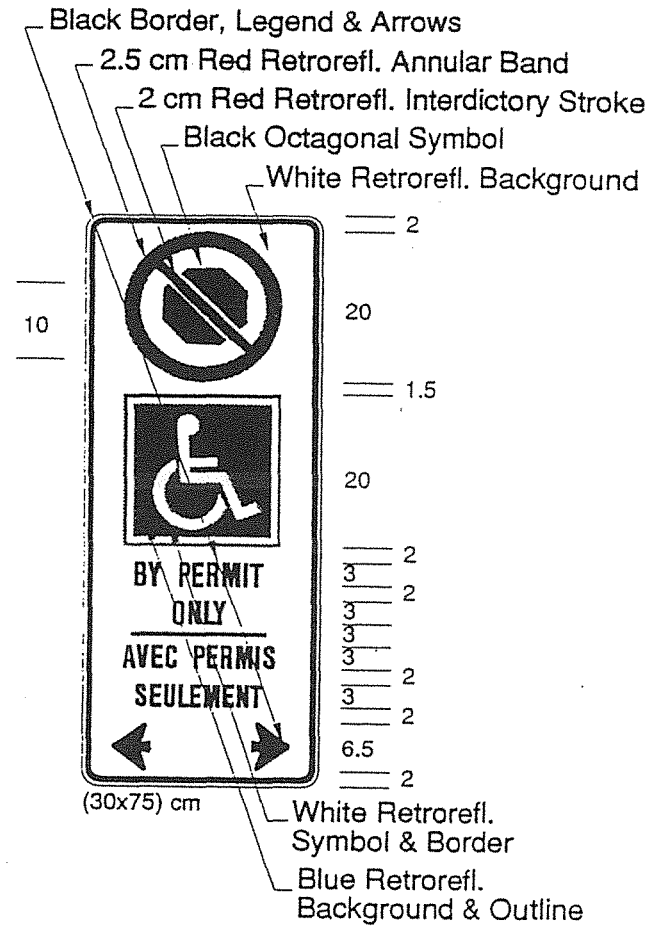
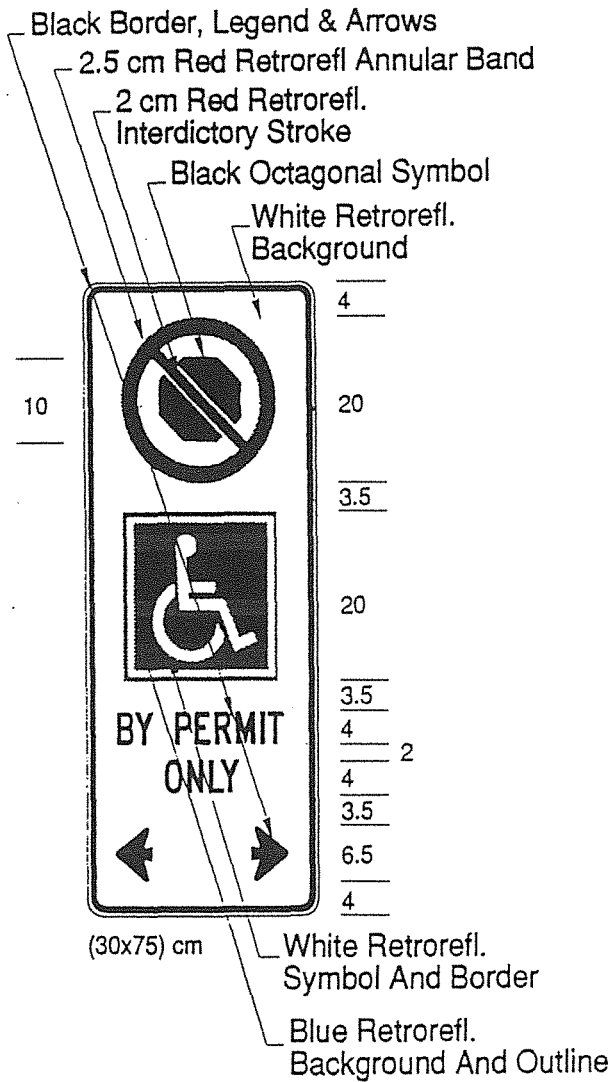


R.R.O. 1990, Reg. 581, s. 11.

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.

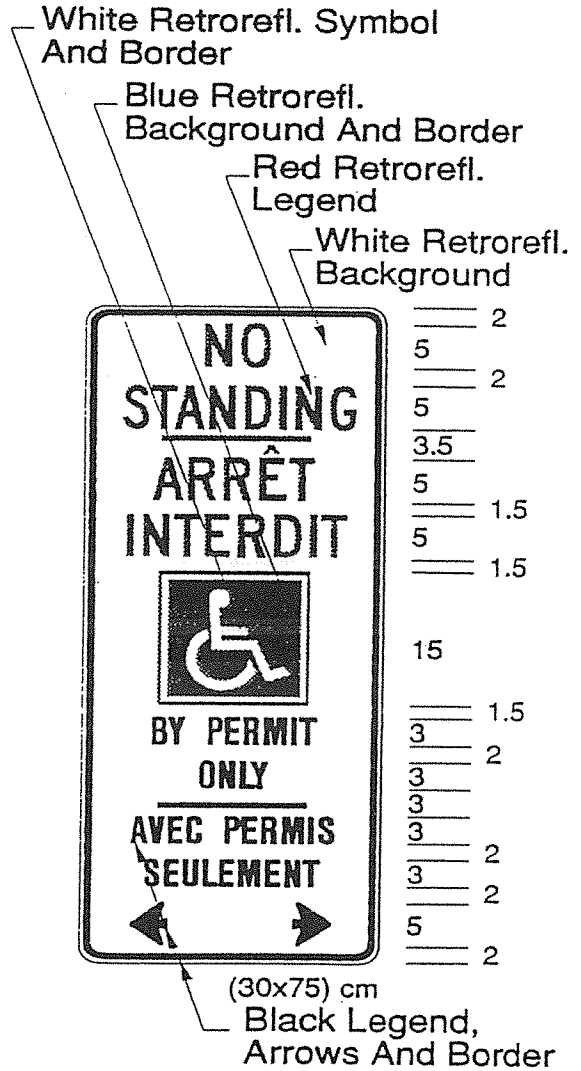
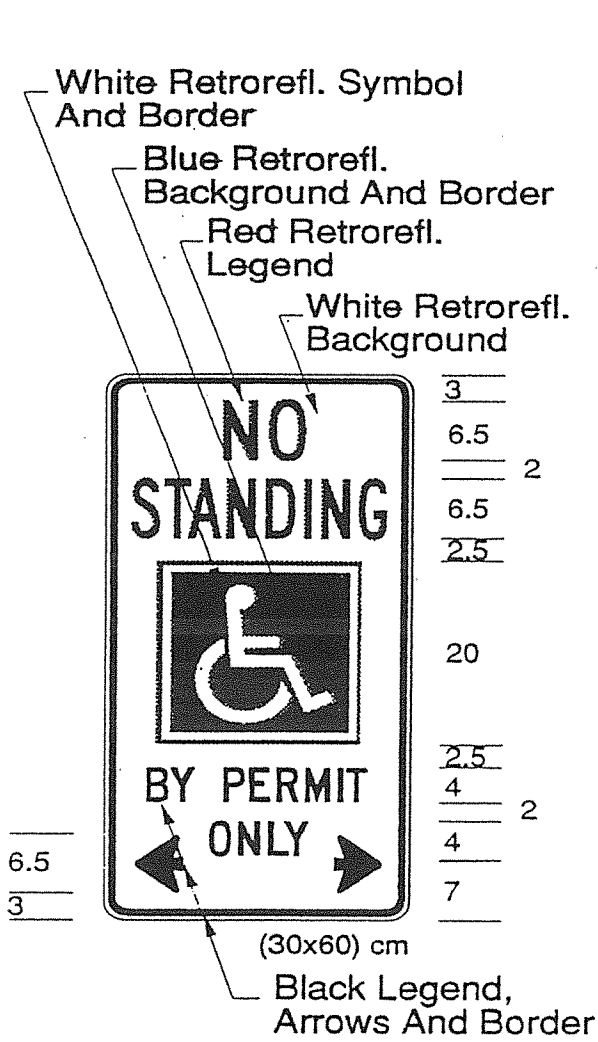
13. (1) A sign that prohibits stopping except the stopping of vehicles displaying a valid disabled person parking permit shall be not less than seventy-five centimetres in height and not less than thirty centimetres in width and bear the markings and have the dimensions as described and illustrated in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