

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

BY-LAW #978 (1985)

Being a by-law to authorize certain parking,
standing and stopping of vehicles operated
by, or carrying, physically handicapped persons,
and the issuing of permits in respect thereof.

WHEREAS Section 210 of the Municipal Act, R.S.O. 1980, as amended, enables the municipality to enable a by-law to:

(1) provide for the issuing of permits in respect of vehicles that are operated by or that carry a physically handicapped person, as defined in the by-law;

(2) provide for the manner in which such vehicles shall be identified;

(3) regulate or prohibit the parking, standing or stopping of motor vehicles in respect of which a permit has been issued pursuant to a by-law passed under this paragraph and the provisions authorized by this subclause may be different from and in conflict with the provisions of any other by-law of the municipality for prohibiting or regulating the parking, standing or stopping of motor vehicles on a highway or part thereof under the jurisdiction of the council; and

(4) prohibit the improper use or acquisition of a permit or any decal or other identifying marker issued in connection with the permit.

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

(1) In this By-law,
(i) "bus stop" means a portion of a roadway designated as an area at which buses will stop to receive or discharge passengers;

(ii) "designated parking space" means a parking space designated by signs erected under the provisions of this by-law for the sole use of vehicles on which a permit is properly displayed;

con't.....

(iii) "holiday" includes Sunday, New Year's Day, Good Friday, Easter Monday, Victoria Day, Dominion 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;

(iv) "loading zone" means an area set apart for the exclusive purpose of parking a commercial motor vehicle to load or unload the same;

(v) "municipality" means the Town of Pelham.

(vi) "park" or "parking" has the same meaning as in The Highway Traffic Act, R.S.O. 1980, C. 198.

(vii) "permit" means a permit issued under this by-law 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;

(viii) "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

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

(ix) "stand" or "standing" has the same meaning as in The Highway Traffic Act, R.S.O. 1980, C. 198.

(x) "stop" or "stopping" has the same meaning as in The Highway Traffic Act, R.S.O. 1980, C. 198.

(2) In this by-law:

(i) words importing 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;

con't.....

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

(3) (i) The Clerk or his designate of the municipality is hereby authorized to issue permits, to physically handicapped persons and to revoke such permits where the holders are not physically handicapped persons or they have been convicted of an offence under this or a similar by-law.

(ii) In the event that the Clerk or his designate is in doubt as to the eligibility of an applicant, he may request the applicant to provide a certificate, attesting to his or her disability, from a qualified medical practitioner.

(4) Permits shall expire and become invalid if at any time the holder ceases to be disabled within the meaning of Section 1 (viii) (a).

(5) Permits are the property of the Town of Pelham and shall be surrendered forthwith to the Clerk or his designate upon written demand at such time as they expire or become invalid or are revoked under the provisions of Section 3 (i).

(6) The use of an expired, invalid or revoked permit shall constitute an offence under this by-law.

(7) Permits issued under this by-law shall conform to Schedule "A" to this by-law and are not transferrable.

(8) No person other than a physically handicapped person shall acquire or use a permit issued under the authority of this by-law.

(9) A permit may be used on any vehicle only when such vehicle is being used for the purpose of transporting the holder of the permit either as the driver or as a passenger.

(10) No person shall use a permit other than by displaying it in such a manner that it is readily visible from outside the vehicle and in the case of a municipal permit,

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

(ii) placed on the dashboard of the vehicle.

(11) Signs to identify and set out designated parking spaces are hereby authorized as depicted on Schedule "B" to this by-law, but one (1) or both of the arrows may be deleted.

(12) Provided any stopping, standing and parking is subject to the regulations and restrictions of other by-laws of the municipality pertaining to the methods of stopping and parking, and the prohibition of stopping, a person may:

(i) 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 of a physically handicapped person; or

(ii) 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

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

(13) Any person who contravenes any of the provisions of this by-law is liable upon conviction therefore to a fine of not less than \$25.00 and not more than \$100.00.

(14) 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.

(15) 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 to a minimum of \$50.00.

(16) This by-law may be enforced by any police officer or other person appointed to enforce or carry out the provisions of this by-law.

(17) The Schedules referred to in this by-law shall form part of this by-law.

(18) This by-law shall come into force and take effect on the day of final passing thereof and where required, when authorized signs are erected and on display.

con't.....

(19) Severability -

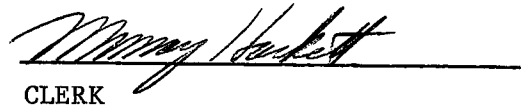
It is described that if any section, subsection or part or parts thereof of this by-law be declared by a court of law to be bad, illegal or ultra vires, such part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

FIRST READING: February 18th., 1985

SECOND READING: February 18th., 1985

THIRD READING: February 18th., 1985


MAYOR


CLERK