

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 By-Law 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"** *See By-Law 2429 attached* 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;~~ *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*

(i) **"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 Spaces)	Minimum Number of Spaces Reserved for Physically Handicapped Persons
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 approved by the **Law Enforcement Officer** ^{see BL# 2429 attached} 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.~~ *deleted. see BL# 3688(2015) attached*
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 amended. see BL #3688(2015) 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. *see BL#3688 (2015) attached* Notwithstanding any other provisions of this by-law, a ~~Law Enforcement Officer~~ *Provincial Offences 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.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
21st DAY OF JULY, 1997 A.D.



MAYOR



CLERK