

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