

THE CORPORATION OF THE
TOWN OF PELHAM
BY-LAW #3688(2015)

Being a By-law to amend By-law No. 97-2020, being a By-law for authorizing 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 person under the jurisdiction of the Town of Pelham AND to amend By-law 3505(2014) being a By-law to establish a system for Administrative Penalties respecting the Stopping, Standing and Parking of Vehicles

WHEREAS The Municipal Act 2001 s.427 provides that every person who contravenes an Accessibility Parking By-law is guilty of an offence and upon conviction is liable to a fine of not less than **\$300**. 2009, c. 33, Sched. 26, s. 5 (2);

AND WHEREAS O Reg. 333/07s.6(c) of the Municipal Act 2001 stated the amount of an Administrative Penalty established by a municipality shall not exceed **\$100** (one hundred dollars) was **revoked** on July 1, 2015;

AND WHEREAS Council of The Corporation of the Town of Pelham considers it desirable and necessary to amend By-law No. 97-2020 known as the Handicapped Parking By-law **and** By-law 3505(2014) known as the Administrative Penalty By-law, to reallocate the issuance and collection of Parking Infraction Notices related to parking in a Designated Accessibility Parking space on public and private property from the Provincial Offences Court System to an Administrative Municipal Penalty System (AMPS) which is currently in place under the control and operation of the Town of Pelham;

AND WHEREAS THE Corporation of the Town of Pelham designates By-law 97-2020, as amended and By-law 3505(2014), as amended, to be applicable to this By-law including any changes established through this By-law;

NOW THEREFORE the Council of The Corporation of the Town of Pelham enacts as follows:

1. THAT the Handicapped Parking By-law No. 97-2020 section 12 is amended by deleting all wording in the section and replacing it with:

“Designation re: Administrative Penalties

Subsection 13 of this By-law and **Schedule “E”** of Administrative Penalty By-law 3505(2014) are designated as parts of this By-law.

2. **THAT** the Handicapped Parking By-law No. 97-2020 **Section 13** is amended by deleting all wording in the section and replacing it with:

"Penalties Created:

Each person who permits a vehicle to be Parked, Stopped or Standing 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 the time, the vehicle was in the possession of a person other than the owner without the owner's consent, and shall be liable to pay to the Town an Administrative Penalty in the amount specified in **Schedule "E"** of Administrative Penalty By-law 3505(2014)."

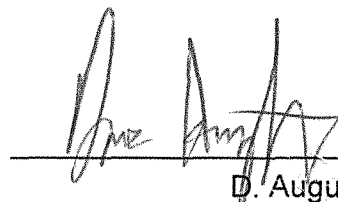
3. **THAT** the Handicapped Parking By-law No. 97-2020 **Section 15** is amended by deleting the words "**Law-Enforcement Officer**" and replacing it with "**Provincial Offences Officer**"

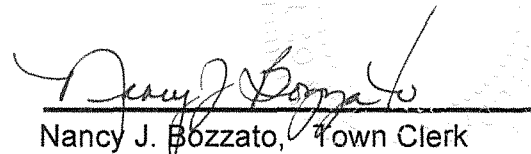
4. **THAT** By-law No. 3505(2014) Part III Section 3 be amended by replacing the words "**Schedules "A" and "B"** in the first sentence to "**Schedules "A", "B" and "E"**"

5. **THAT** Schedule "E" of this By-law refers to the Town of Pelham Handicapped Parking By-law 97-2020 and is hereby **Designated** for the purpose of and the provisions of this By-law shall apply to any contravention of By-law 97-2020. **Schedule "E"** shall set out the short form wording to be used for the contraventions of the Designated By-law and also set out the Administrative Penalties imposed for the contraventions.

6) This By-law is in effect on the date of its passing.

ENACTED, SIGNED & SEALED
THIS 7th DAY OF DECEMBER, 2015 A.D.


D. Augustyn, Mayor


Nancy J. Bozzato, Town Clerk