

CORPORATION OF THE TOWN OF PARRY SOUND

PASSING OF BY-LAW NO: 2003-4632

DATE: 21st Day of October, 2003

MOVED BY COUNCILLOR

Paul Borne

SECONDED BY COUNCILLOR

[Signature]

THAT BY-LAW NO: 2003-4632

BEING A BY-LAW to Regulate Disabled Parking Within the Municipality of Parry Sound.

be considered as read a first time.

- CARRIED *Red Knight*

Are all members in favour of having the second and third readings?

MOVED BY COUNCILLOR

[Signature]

SECONDED BY COUNCILLOR

Paul Borne

THAT THE BY-LAW ABOVE MENTIONED BE CONSIDERED AS READ A SECOND,
AND THIRD TIME, PASSED, SIGNED AND SEALED.

- CARRIED *Red Knight*

ENTERED AS PART OF THE MINUTES OF MEETING HELD THIS:

21st Day of October 2003

Red Knight
MAYOR

[Signature]
CLERK

Amends:

Amended by: 2008-5226, 2009-5352 - delete Sec 4, Amend Sec 3.

Revokes:

Revoked By:

:.
THE TOWN OF PARRY SOUND
BY-LAW NO: 2003-4632

Being a By-law to Regulate Disabled Parking
Within the Municipality of Parry Sound

WHEREAS pursuant to Section 11(1)(8) of the Municipal Act, S.O. 2001, c. 25, as amended, Council is authorized to pass by-laws for the regulating of parking

WHEREAS pursuant to Section 102 of the Municipal Act, S.O. 2001, c. 25, as amended, Council is authorized to prescribe the conditions of the use of the disabled parking permit and shall prohibit the improper use of the permit and further, may provide for the removal and impounding of any vehicles at its owner's expense, parked or left contrary to said by-law, and

WHEREAS Council wishes to regulate disabled parking within the municipality.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PARRY SOUND ENACTS AS FOLLOWS:

1. For the purpose of this by-law:

“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

“Disabled Person” means an individual that meets the requirements of such as set out in the regulations made under the Highway Traffic Act.

“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 or unloading merchandise or passengers.

“Permit” means a disabled person parking permit under the Highway Traffic Act, or permit, number plate or other marker or device issued by another jurisdiction and recognized in law by that jurisdiction.

“Unauthorized Vehicle” means a vehicle that is not displaying a permit in accordance with the provisions of the Highway Traffic Act, and the regulations made thereunder or is displaying a permit but is not being used to pick up or transport the holder of the disabled parking permit or in the case of corporation to which a permit has been issued is not being used to transport a disabled person.

DISABLED PARKING REGULATIONS

2. A designated parking space shall be distinctly indicated in accordance with the requirements of the Highway Traffic Act and the regulations made thereunder.

3. No person or organization shall:
 - i) park a vehicle in a designated parking space; or
 - ii) be entitled to the benefit of an exemption under this by-law, unless a permit has been issued to that person, organization or to a passenger being picked-up or transported in the vehicle and such permit is displayed on or in the vehicle in accordance with the **Highway Traffic Act**, the regulations made thereunder and this by-law.

ENFORCEMENT

4. Despite any other provisions of the Corporation of the Town of Parry Sound Parking By-law, any vehicle on or in which a permit is displayed in accordance with the requirements of the **Highway Traffic Act**, the regulations made thereunder and this by-law, is exempt from payment of fees associated with metered parking and further, no vehicle shall be park longer than the maximum of 3 hours.
5. Every person having possession of a disabled person parking permit shall upon the request of a police officer, police cadet, municipal law enforcement officer or an officer appointed for carrying out the provision of the **Highway Traffic Act**, surrender the permit for reasonable inspection to ensure compliance with the provisions of the **Highway Traffic Act**, the regulations made thereunder and this by-law.
6. No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under the **Highway Traffic Act**, the regulations made thereunder and this by-law.
7. A police officer, police cadet, municipal law enforcement officer or an officer appointed for carrying out the provisions of the **Highway Traffic Act**, upon discovery of an unauthorized vehicle parked or left in contravention of this by-law, may cause it 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 vehicle which may be enforced in the manner provided by Part 111 fo the **Repair and Storage Liens Act**.

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PENALTY

8. Any person who contravenes any provision of this by-law is guilty of an offence and shall be liable on conviction to a fine of not less than \$300.00, as prescribed under the **Municipal Act, S.O., 2001**, section 425 (2) and not more than \$5,000.00, as prescribed under the **Provincial Offences Act, R.S.O.** 1990, as amended.
9. The owner of an unauthorized vehicle 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 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 on conviction to a fine of not less than \$300.00, as prescribed under the **Municipal Act, S.O., 2001**, section 425 (2) and not more than \$5,000.00, as prescribed under the **Provincial Offences Act, R.S.O.** 1990, as amended.

SEVERABILITY

10. If any section or section of this by-law or parts thereof are found by a Court of law to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this by-law shall be deemed to be separate and independent therefrom and to be enacted as such.

ENACTMENT

11. This By-law shall come into force and take effect upon the approval of the short form wordings by the Attorney General's Office.

READ a **FIRST** time this 21st day of October, 2003

Red Knight [Signature]
MAYOR CLERK

READ a **SECOND** and **THIRD** time, **PASSED**, **SIGNED** and **SEALED**

this 21st day of October, 2003.

Red Knight [Signature]
MAYOR CLERK

2003-4632

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET, SUITE 303
SUDBURY, ONTARIO, P3E 6A5



BUREAU DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

159, RUE CEDAR, PIÈCE 303
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE : (705)564-7624
FACSIMILE/TÉLÉCOPIEUR : (705)564-7620

December 22, 2003

Ms. Tammy Purdy
Municipal Law Enforcement Officer
Town of Parry Sound
52 Seguin Street
Parry Sound, Ontario, P2A 1B4

Dear Ms. Purdy:

**Re: Set Fine Application – Provincial Offences Act
Part I & II - Town of Parry Sound, Parry Sound District**

Enclosed herewith is a copy of the Orders and of the schedules of set fines for By-law No. 2003-4632, the By-law indicated in the schedules. Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the Town of Parry Sound.

The setting of the fines does not constitute my approval of the short form of wording used to describe the Offences.

I have forwarded the original of the Orders and the schedules of the set fines to the Ontario Court of Justice in Parry Sound, together with a certified copy of the By-laws.

Yours truly,

A handwritten signature in black ink, appearing to read "G. Normand Glaude".

G. Normand Glaude
Regional Senior Justice
Ontario Court of Justice

GNG/hjl
Encl.

c.c.: His Worship Norman Ross - Regional Senior Justice of the Peace
His Worship Michael Biss, Parry Sound

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ONTARIO COURT OF JUSTICE
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PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law No. 2003-4632 of the Town of Parry Sound, Parry Sound District, attached hereto is the set fine, including costs, for those Offences. This Order is to take effect December 23rd, 2003.

Dated at the City of Greater Sudbury, this 22nd day of December, 2003.

A handwritten signature in black ink, appearing to read "G. Normand Glaude".

G. NORMAND GLAUDE
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET, SUITE 303
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PROVINCIAL OFFENCES ACT

Part II

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law No. 2003-4632, of the Town of Parry Sound, Parry Sound District, attached hereto is the set fine for those Offences. This Order is to take effect December 23rd, 2003.

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G. NORMAND GLAUDE
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

TOWN OF PARRY SOUND BY-LAW NO. 2003-4632

TITLE: Regulate disabled parking within the
Town of Parry Sound

PART 1 Provincial Offences Act

ITEM	<u>COLUMN 1</u> Short form wording	<u>COLUMN 2</u> Provisions Creating Or Defining Offence	<u>COLUMN 3</u> Set fines including costs
1.	Failure to surrender permit for inspection	S. 5	
2.	Improper display of permit	S. 3 (ii)	
3.	Obstructing or hindering an officer	S. 6	

NOTE: The penalty provision for the offences indicated above is section 8 & 9 of By-law 2003-4632, a certified copy of which has been filed.

N OF PARRY SOUND BY-LAW NO. 2003-4632

TITLE: Regulate disabled parking within the Town of Parry Sound

PART 1 Provincial Offences Act

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TOWN OF PARRY SOUND

BY-LAW NO. 2003-4632

TITLE: Regulate disabled parking within
the Town of Parry Sound

PART 11 Provincial Offences Act

ITEM	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>	<u>COLUMN 4</u>
	Short form wording	Provisions Creating Or Defining Offence	voluntary payment (Payable within 7 days)	Set Fine Including Costs
1.	Parked in a designated disabled person parking space without a valid permit	S. 3 (i)		

NOTE: The penalty provision for the offences indicated above is section 8 & 9 of By-law 2003-4632, a certified copy of which has been filed.

TOWN OF PARRY SOUND

BY-LAW NO. 2003-4632

TITLE: Regulate disabled parking within
the Town of Parry Sound

PART 11 Provincial Offences Act

ITEM	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>	<u>COLUMN 4</u>
	Short form wording	Provisions Creating Or Defining Offence	voluntary payment (Payable within 7 days)	Set Fine Including Costs
1.	Parked in a designated disabled person parking space without a valid permit	S. 3 (i)	\$300.00	\$300.00

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TOWN OF PARRY SOUND

BY-LAW NO. 2003-4632

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the Town of Parry Sound

PART 11 Provincial Offences Act

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PART 11 Provincial Offences Act

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