

**THE CORPORATION OF THE VILLAGE OF BURK'S FALLS
BY-LAW NO. 07-2017**

**BEING A BY-LAW TO REGULATE TRAFFIC AND TO GOVERN AND CONTROL
THE PARKING OF VEHICLES IN THE VILLAGE OF BURK'S FALLS**

WHEREAS the Municipal Act, S.O. c.25, 2001 as amended, s.11 authorizes municipalities to pass by-laws respecting matters within their jurisdiction; and

WHEREAS the Municipal Act, 2001 Subsection 101(2) and the Highway Traffic Act, Subsection 170(15) provides that a municipality may pass a bylaw to regulate or prohibit the parking or leaving of a motor vehicle on land owned or occupied by the municipality or any of its local boards without consent; the municipality may provide for the removal and impounding or restraining and immobilizing of any vehicle, at the vehicle owner's expense, parked or left in contravention of the bylaw as the case may be; and

WHEREAS the Municipal Act, 2001 Subsection 102 provides that municipalities may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any bylaws respecting the parking, standing or stopping of vehicles; and

WHEREAS the Highway Traffic Act, R.S.O. 1990 as amended provides for the regulating of heavy trucks and penalties; and

WHEREAS the Council for the Village of Burk's Falls deems it advisable and necessary for the orderly flow of traffic within the municipal that such a bylaw be passed.

NOW THEREFORE the Municipal Council of the Corporation of the Village of Burk's Falls enacts as follows:

1.0 Definitions:

- a) **"Authorized Sign"** means any sign, or marking on a roadway, curb or sidewalk or other device placed or erected on a highway under the authority of this by-law for the purpose of regulating, warning or guiding traffic.
- b) **"Boulevard"** means all parts of a highway save and except any roadway, shoulder or sidewalk.
- c) **"Fire Route"** means a public and private roadway, lane, driveway or parking lot aisle, not less than 3 meters wide, designated by this by-law as fire routes.
- d) **"Heavy Truck"** means a commercial motor vehicle for carriage of goods having a weight when unloaded of 2.72 tonnes or more, or when loaded of 4.54 tonnes or more, but does not include a passenger vehicle, ambulance or any vehicle of a police, fire or public works department.
- e) **"Highway"** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for or used by, the general public for the passage of vehicles, and includes the total width of the road allowance.
- f) **"Intersection"** means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more highways that join one another at an angle, whether or not one highway crosses the other.
- g) **"Motor Vehicle"** includes an automobile, motorcycle, ATV/UTV 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 traction engine, farm tractor, self-propelled implement of the husbandry or road building machine within the meaning of the Highway Traffic Act.
- h) **"Official Sign"** means an authorized sign approved by the Ministry of Transport of Ontario.

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- i) **"Owner"** when used in relation to property means:
 - a. the registered owner of the property
 - b. the spouse of the person described in clause (a)
 - c. a person authorized in writing by the property owner as described in clauses (a) or (b) of this section to act on the owner's behalf for requesting the enforcement of this by-law.
 - j) **"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.
 - k) **"Parking Infraction Notice"** means a notice authorized by the Provincial Offences Act.
 - l) **"Police Officer"** means a police officer who is a member of the Ontario Provincial Police Force.
 - m) **"Private Roadway"** means any private roadway, private driveway, lane, ramp or other means to or egress from a property, building or structure and it may include part of a parking lot.
 - n) **"Roadway"** means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and where a highway includes two or more separate roadways, the term roadway refers to any one roadway separately and not to all of the roadway collectively.
 - o) **"Schedule"** means a schedule referred to in this by-law and forming part of this by-law.
 - p) **"Shoulder"** means that part of the highway immediately adjacent to the roadway and having a surface which has been improved with asphalt, concrete or gravel.
 - q) **"Stand" or "Standing"** when prohibited means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.
 - r) **"Stop" or "Stopping"** when prohibited means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or of a traffic control sign.
 - s) **"Village"** means the Village of Burk's Falls.
 - t) **"Vehicle"** means a motor vehicle, trailer, traction vehicle, farm tractor, road building machine, snowmobile and any vehicle drawn, propelled or driven by any kind of power.
- 2.0 Application and General Requirements:**
- a) This bylaw shall be referred to as the Parking Bylaw.
 - b) This by-law applies to all highways under the jurisdiction of the Village of Burk's Falls.
 - c) The provisions of this by-law shall not apply to ambulances, police and fire vehicles, and motor vehicles actually engaged in works undertaken for the Village.
 - d) No person shall place, maintain or display upon or in view of any highway, any sign, signal, marking or device which purports to be or is an imitation of or resembles an authorized sign or traffic control signal or which conceals from view or interferes with the effectiveness of an authorized sign or traffic control device.
 - e) The Public Works Foreman or designate is authorized to place or erect and to maintain such authorized signs and traffic control signals as are required to give effect to the provisions of the safety or convenience of the public.

3.0 General Parking and Stopping Requirements:

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3.1.1 Method of Parking and/or Stopping - Parallel - Two Way Traffic

a) Except by Special permission from Council:

- No person shall park or stop any vehicle on any highway or portion thereof except as follows:
- i) where there is a raised curb, on the right side of the roadway with the right front and rear wheels having regard to the direction in which the such vehicle was proceeding, parallel to and not more than 30 centimeters out from such curb;
 - ii) where there is a rolled curb or no curb with the right front and rear wheels parallel to and as near to the right of the roadway as is practical;
 - iii) The provisions of subsection (a) do not apply where angle parking is permitted.

3.2 Parking Prohibited in Specified Places - Signs Not Required:

3.2.1 No person shall park or stop any vehicle on any highway:

- a) Within 6 meters of any intersection.
- b) In front of a public or private lane or driveway.
- c) Within 3 meters of a point on the curb or edge of the roadway nearest to any fire hydrant.
- d) As to double parked
- e) In the opposite direction of the traffic flow
- f) On a highway within 152 meters of firefighting apparatus where said apparatus is actually engaged in fighting a fire, or when directed by a member of the Police or Fire Department.
- g) Within 15 meters of any level crossing of a railway.
- h) Alongside the tracks of any railway.
- i) For the purpose of displaying the vehicle for sale.
- j) For the purpose of washing, greasing or repairing the vehicle, except for such repairs as have been necessitated by an emergency.
- k) In such a position as will prevent the removal under its own power of any other vehicle.
- l) So as to obstruct a crosswalk.
- m) So as to interfere with the movement of traffic;
- n) On a bridge or within 9 meters of the approach to a bridge.
- o) Where specified to a period not to exceed two (2) hours which shall be all of Ontario Street within the Village's jurisdiction.

3.3. Parking Prohibited in Specified Places Where Signs are on Display.

- a) Where authorized signs are on display no person shall park any vehicle in any of the following places:
 - i) where designated "No Parking Here to Corner";
 - ii) within a turning basin at the end of a cul-de-sac;
 - iii) within 15 meters of the termination of a cul-de-sac;
- iv) Where designated by a sign as being reserved for parking for physically disabled passenger vehicles without a valid permit;
- v) Where signs have been installed and on display restricting time periods;
- vi) Where designated by a sign as being reserved for the purpose of loading/unloading zones;
- vii) Where designated by a sign as a "No Parking" area

3.4 Stopping Prohibited in Specified Places - Signs not Required:

3.4.1 No person shall stop any vehicle:

- a) On or over a sidewalk or footpath;
- b) On a highway
- c) Alongside or across the highway from any excavation or obstruction in the roadway when the free flow of traffic could thereby be impeded;
- d) On the roadway side of any stopped vehicle;
- e) Upon any bridge or elevated structure or within any tunnel or underpass.

4.0 Specific Parking, Stopping and Standing Requirements:

4.1 General

- a) Whenever possible loading and unloading of commercial or domestic heavy vehicles will be done from the side adjacent to the curb or edge of the roadway in all cases, the vehicles

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shall be parked within thirty centimeters of the edge of the curb or roadway.

- b) Vehicles attending the visitation or funeral service at the funeral home shall be exempt from the two-hour parking limit.

4.2. Fire Routes

- a) No person shall park in a fire route or in such a way as to interfere or obstruct emergency vehicles from travelling

4.3 Parking on Private or Municipal Property:

- a) No person shall park or leave a motor vehicle;
- i) on property owned or occupied by the Municipality or any local board thereof, without the consent of the Municipality or local board;
 - ii) any vehicle parked or left contrary to this by-law may be removed and/or impounded at its owner's expense subject to the limiting provisions of this by-law;
 - iii) a vehicle shall be deemed to have been removed if a towing vehicle has been summoned to remove it by a person authorized to enforce this by-law;
- viii) Without limiting section 4.2.a(i), On property owned or occupied by the municipality or any local board thereof, unless for the purpose of commuting. Vehicles parked for the purpose of carpooling shall do so on the most westerly side of a municipal owned parking lot.
- Municipal Parking Lots designated for daily carpooling:
- i. Ontario Street Parking Lot (across from Municipal Office at 172 Ontario Street)
 - ii. 139 Copeland Street, upper level parking lot (Young at Heart Senior's Centre; south west corner of parking lot)
- 4.4. Parking on Untraveled Portions of Highways:
- a) No person shall park or leave any vehicle upon any portion of an untraveled highway for period exceeding forty-eight (48) hours.
 - b) Vehicles parked or left in contravention of this section may, by order of a Police Officer or Municipal Law Enforcement Officer or designate, be removed and impounded at the expense of the owner thereof.

5.0 Accessible Parking for Persons with Disabilities:

- a) Every owner and operator of a parking lot or of a parking facility to which the public has access must designate parking spaces for accessibility as per Accessibility for Ontarians with Disabilities Act, 2005, of which a permit has been issued and properly displayed.
- b) No person shall park, stand or stop a motor vehicle in a designated handicapped parking space unless a handicapped permit is properly displayed on the vehicle.

6.0 Snow Removal:

- a) In order to facilitate the process of snow removal from highways and sidewalks no person shall park any vehicle on any highway under the jurisdiction of the Village between the hours of 1:00 a.m. to 7:00 a.m. from November 1 of each year to April 15 of the following year.
- b) No person shall park in such a manner as to obstruct snow removal.

7.0 Pedestrian's Rights and Duties:

- a) Except where traffic control signals are in operation or where traffic is being controlled by a police officer, a pedestrian crossing a highway at a place other than a pedestrian crossover

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shall yield the right-of-way to all vehicles upon the roadway, but nothing in this section shall relieve the driver of a vehicle from the obligation of taking all due care to avoid an accident.

b) No person shall play or take part in any game or sport upon a roadway; no person upon roller skates, or riding in or by any means of any coasting device shall go upon a roadway except for the purpose of the crossing the roadway, and when so crossing such person shall have the rights and be subject to the obligations of a pedestrian.

8.0 Enforcement:

a) The provision of this bylaw may be enforced by a Police Officer, Bylaw Enforcement Officer, or other designate appointed by the Village.

c) Notwithstanding any penalties provided by the bylaw, the Enforcement Officer, upon discovery of any vehicle parked, stopped or standing in contravention of this bylaw may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removal, care and storage thereof are the responsibility of the owner.

d) A Police Officer or Municipal By- Law Enforcement Officer, shall enforce this by-law; and such officers are not required to receive a written complaint before enforcing this by-law;

e)
f) Notwithstanding the set fine, a voluntary option is provided for early payment within seven (7) days form the issuance of the violation.

9. Penalties:

Every person who contravenes any provision of this bylaw is guilty of an offence and on conviction is liable to a fine as provide for in the Provincial Offences Act. Fines will be set as per Schedule A of this bylaw.

10. Validity

a) Should a court of competent jurisdiction declare a part of whole of any provision of this bylaw to be invalid or of no force and effect, the provision or part is deemed severable from this bylaw. It is the intention of Council that the remainder survives and be applied and enforced in accordance with its terms to the extent possible under the law so as to protect the public by ensuring a minimum standard for maintenance of yards is maintained.

b) Where a provision of this bylaw conflicts with the revision of another bylaw, Act or Regulation in force within the Village of Burk's Falls the provisions that establish the higher standards to protect health and safety of person shall prevail.


11. Enactment

a) This by-law shall take effect on the date the Order for the set fines is approved by the Ontario Court of Justice.

b) That Bylaw 18-2004 shall be repealed.

Read a first, second and third time and finally passed this 25th day of April 2017.

Seal


Reeve


Clerk

THE CORPORATION OF THE VILLAGE OF BURK'S FALLS
 BY-LAW 7-2017
 PART 2 PROVINCIAL OFFENCE ACT
 PARKING BYLAW – SET FINES

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or Defining Offence	COLUMN 3 Voluntary Early Payment (14 days)	COLUMN 4 Set Fine
1.	Parallel Parking at raised curb in opposite direction of travel	3.1.1.a.i		
2.	Parallel Parking at raised curb more than 30 centimetres from curb	3.1.1.a.i		
3.	Parallel Parking Not as close to right of roadway as possible	3.1.1.a.ii		
4.	Parking or stopping within 6 meters of an intersection	3.2.1.a		
5.	Parking or stopping in front of a public or private laneway or driveway	3.2.1.b		
6.	Parking or stopping within 3 meters of a fire hydrant	3.2.1.c		
7.	Parking or stopping as to double park	3.2.1.d		
8.	Parking or stopping within 152 m of a firefighting apparatus	3.2.1.e		
9.	Parking or stopping within 15 meters of any railway crossing	3.2.1.f		
10.	Parking or stopping alongside the tracks of any railway	3.2.1.g		
11.	Parking for purpose of displaying the vehicle for sale	3.2.1.h		
12.	Parking or stopping for the purpose of washing, greasing or repairing the vehicle	3.2.1.i		
13.	Parking or stopping in such a position to prevent removal of another vehicle	3.2.1.j		
	Parking or stopping as to obstruct a cross walk	3.2.1.k		
14.	Parking or stopping which interferes with the movement of traffic	3.2.1.l		
15.	Parking or stopping on a bridge or approach to a bridge	3.2.1.m		
16.	Parking for a period exceeding two hours	3.2.1.n		
17.	Parking in specifically places where signs on display	3.3		
18.	Parking or stopping on or over a sidewalk or footpath	3.4.1.a		
19.	Parking or stopping on a highway	3.4.1.b		
20.	Parking or stopping on the roadway side of any stopped vehicle	3.4.1.d		

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or Defining Offence	COLUMN 3 Voluntary Early Payment (14 days)	COLUMN 4 Set Fine
22.	Parking on property owned or occupied by the municipality/local board without consent	4.2.a		
23.	Parking a vehicle on untraveled portion of highway for longer than 48 hours	4.3.a		
24.	Parking or stopping in a designated accessible parking space without the proper permit visibly displayed	5.a		
25.	Parking on any highway within the Village between the hours of 1:00 am and 7:00 am from November 1 of each year to April 15 of the following year	6.a		
26.	Parking as to obstruct snow removal	6.b		

Note: the general penalty provision for the offences listed above is Section 9 of bylaw —-2017, a certified copy of which has been filed

THE CORPORATION OF THE VILLAGE OF BURK'S FALLS
 BY-LAW 7-2017
 PART 1 PROVINCIAL OFFENCE ACT
 CLEAN YARD BYLAW – SET FINES

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or Defining Offence	COLUMN 3 Voluntary Early Payment (14 days)	COLUMN 4 Set Fine
1.	Parallel Parking at raised curb in opposite direction of travel	3.1.1.a.i		\$35.00
2.	Parallel Parking at raised curb more than 30 centimetres from curb	3.1.1.a.i		\$35.00
3.	Parallel Parking Not as close to right of roadway as possible	3.1.1.a.ii		\$35.00
4.	Parking or stopping within 6 meters of an intersection	3.2.1.a		\$35.00
5.	Parking or stopping in front of a public or private laneway or driveway	3.2.1.b		\$35.00
6.	Parking or stopping within 3 meters of a fire hydrant	3.2.1.c		\$35.00
7.	Parking or stopping as to double park	3.2.1.d		\$35.00
8.	Parking or stopping within 152 m of a active firefighting apparatus	3.2.1.e		\$105.00
9.	Parking or stopping within 15 meters of any railway crossing	3.2.1.f		\$35.00
10.	Parking or stopping alongside the tracks of any railway	3.2.1.g		\$35.00
11.	Parking for purpose of displaying the vehicle for sale	3.2.1.h		\$35.00
12.	Parking or stopping for the purpose of washing, greasing or repairing the vehicle	3.2.1.i		\$35.00
13.	Parking or stopping in such a position to prevent removal of another vehicle	3.2.1.j		\$35.00
	Parking or stopping as to obstruct a cross walk	3.2.1.k		\$35.00
14.	Parking or stopping which interferes with the movement of traffic	3.2.1.l		\$35.00
15.	Parking or stopping on a bridge or approach to a bridge	3.2.1.m		\$35.00
16.	Parking for a period exceeding two hours	3.2.1.n		\$35.00
17.	Parking in specifically places where signs on display	3.3		\$35.00
18.	Parking or stopping on or over a sidewalk or footpath	3.4.1.a		\$35.00
19.	Parking or stopping on a highway	3.4.1.b		\$35.00
20.	Parking or stopping on the roadway side of any stopped vehicle	3.4.1.d		\$35.00

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or Defining Offence	COLUMN 3 Voluntary Early Payment (14 days)	COLUMN 4 Set Fine
21	Parking in a Fire Route	4.1		105.00
22.	Parking on property owned or occupied by the municipality/local board without consent	4.2.a		\$35.00
23.	Parking a vehicle on untraveled portion of highway for longer than 48 hours	4.3.a		\$35.00
24.	Parking or stopping in a designated accessible parking space without the proper permit visibly displayed	5.a		\$300.00
25.	Parking on any highway within the Village between the hours of 1:00 am and 7:00 am from November 1 of each year to April 15 of the following year	6.a		\$105.00
26.	Parking as to obstruct snow removal	6.b		\$105.00

Note: the general penalty provision for the offences listed above is Section 9 of bylaw —-2017, a certified copy of which has been filed