

The Municipality of the Village of Burks Falls

By-Law No. 18 - 2004

Being a by-law to regulate traffic and to govern and control the parking of vehicles in the Village of Burks 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 that S.O. c.25, 2001 as amended, s 11(1) p.1 includes highways including parking and traffic on highways and s.11(2) includes transportation systems other than highways.

And Whereas the said act provides that fines may be charged for offences created by vehicles left parked, stopped or standing.

And Whereas The Highway Traffic Act, R.S.O. 1990 as amended provides for the regulating of heavy trucks and penalties:

Now Therefore the Council of the Corporation of the Village of Burks Falls enacts as follows:

1. Definition:

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 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) occupant means

1) the tenant of private property or part thereof whose consent to permit parking on private property shall extend only to the control of the land or part thereof of which he/she is the tenant and any parking spaces allotted to him under their lease or agreement.

2) the spouse of a tenant.

3) A person a municipality or a local board thereof, having an interest in the property under an easement or right of way granted to or expropriated by the person municipality or local board whose consent to permit parking on private property shall extend only to that part of the property that is subject to the easement or right of way.

4) a person authorized in writing by an occupant as defined in clauses (1)(2) or (3) of this section to act on the occupants behalf for requesting the enforcement of this by-law.

i) official sign means an authorized sign approved by the Ministry of Transport of Ontario.

j) owner when used in relation to property means:

1) the registered owner of the property

2) the spouse of the person described in clause (1)

3. A person authorized in writing by the property owner as described in clauses (1) or (2) of this section to act on the owners behalf for requesting the enforcement of this by-law.

k) 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.

l) parking infraction notice means a notice authorized by the Provincial Offences Act.

m) Police Officer means a police officer who is a member of the Ontario Provincial Police Force.

n) 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.

o) 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.

- p) schedule means a schedule referred to in this by-law and forming part of this by-law.
- q) 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.
- r) stand or standing when prohibited means the halting of a vehicle, whether occupied or not, except for the purpose of an while actually engaged in receiving or discharging passengers.
- s) 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.
- t) village means the Village of Burks Falls.
- u) 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. Application and General Requirements:

- a) This by-law applies to all highways under the jurisdiction of the Village of Burks Falls.
- b) The Schedules referred to in this by-law shall form part of this by-law and each entry in a column of such a schedule shall be read in conjunction with the entries across therefrom and not otherwise.
- c) Where any expression of time occurs or where any hour or other period of time is stated in this by-law or on a sign erected pursuant to this by-law, the time referred to shall be Standard time, except in periods when Daylight Saving time is in effect, in which periods it shall be Daylight Saving time.

d) 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.

e) 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.

f) The roads superintendent 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.

Part A-Parking Provisions

3. General parking and stopping requirements:

3.1.1 Method of parking - Parallel - Two way Traffic

a) 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.

b) The provisions of subsection (a) do not apply where angle parking is permitted or to parking or stopping a vehicle on the left side of the roadway or a highway designated for one-way traffic.

3.1.2 Method of Parking - Parallel-One-Way Traffic

a) Where a highway is designated for one-way traffic and parking is permitted on the left side of such highway no person shall park or stop any vehicle on the left side of the highway or portion thereof excepts as follows:

i) where there is a raised curb, on the roadway with the left front and the rear wheels having regard to the direction in which such vehicle is 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 left front and rear wheels having regard to the direction in which such vehicle was preceding, parallel to and as practical.

3.2 Parking Prohibited in Specified Places - Signs not Required:

a) No person shall park any vehicle on any highway:

i) in front of or within 2 meters of the intersection of a private roadway, or within 60 centimeters of a driveway on all Village roads.

ii) within 3 meters of a point on the curb or edge of the roadway nearest to any fire hydrant;

iii) within 6 meters of an intersection .

iv) within 15 meters of any level crossing of a railway.

v) for the purpose of displaying the vehicle for sale.

vi) for the purpose of washing, greasing or repairing the vehicle, except for such repairs as have been necessitated by an emergency;

vii) along side the tracks of any railway.

viii) in such a position as will prevent the removal under its own power of any other vehicle;

ix) so as to obstruct a crosswalk;

x) so as to interfere with the movement of traffic;

xi) on a highway within 152 meters of fire fighting apparatus where said apparatus is actually engaged in fighting a fire, or when if directed by a member of the Police or Fire Department.

xii) on a bridge

xiii) on a boulevard.

b) Notwithstanding Section 3.2(a)(iii) does not apply to employees of funeral homes and those persons with the permission by the funeral director for the purpose of a funeral procession.

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

a) Where authorized signs are on display indicating that parking is prohibited, no person shall park any vehicle on any highway ;

i) within 30 meters of an intersection controlled by traffic control signals.

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;

3.4 Stopping Prohibited in Specified Places - Signs not Required:

a) No person shall park any vehicle on a highway:

i) on or over a sidewalk or footpath;

ii) alongside or across the highway from any excavation or obstruction in the roadway when the free flow of traffic could thereby be impeded;

iii) on the roadway side of any stopped vehicle;

iv) upon any bridge or elevated structure or within any tunnel or underpass;

4. Specific Parking, Stopping and Standing Requirements:

4.1 Parking Restrictions and Prohibitions on Certain Highways:

a) Where authorized signs are on display indicating that parking is prohibited, no person shall park a vehicle on any highway at the side and between the limits set out in columns 1, 2 and 3 of schedule I during the prohibited times or days set out in column 4 of said schedule.

b) Nothing in this section shall be deemed to permit parking at any location where or at any time when parking is prohibited.

4.2 Stopping Restrictions and Prohibitions on Certain Highways:

a) Where authorized signs are on display indicating that stopping is prohibited, no person shall stop a vehicle on any highway at the side and between the limits set out respectively in columns 1, 2, and 3 of schedule II during the prohibited times or days set out in column 4 of said schedule.

4.3 Standing Restrictions and Prohibitions on Certain Highways:

a) Where authorized signs are on display indicating that standing is prohibited, no person shall stand a vehicle on any highway at the side and between the limits set out respectively in columns 1, 2, and 3 of schedule III during the prohibited times of days set out in column 4 of said schedule.

4.4. Fire Routes

a) No person shall park in/on public and private roadways, lanes, driveways and parking lots aisles as authorized and assigned as fire routes.

4.5 Parking on Municipal Property:

a) No person shall park or leave a motor vehicle;

- i) on private property without consent of the owner or occupant of the property;
- ii) 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;

b) iii) any vehicle parked or left contrary to this by-law may be removed and/or impounded at its owners expense subject to the limiting provisions of this by-law;

- iv) 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.

c) Where an owner or occupant of property affected by this by-law has posted signs stating conditions on which a motor vehicle maybe parked or left on the property or prohibiting the parking or leaving of a motor vehicle on the property, a motor vehicle parked or left on the

property contrary to such conditions or prohibition shall be deemed to have been parked or left without consent.

d) A Police Officer or Municipal Law Enforcement Officer, in respect of a particular property to enforce this by-law shall be deemed to have the written authority of the owner or occupant of the property to enforce this by-law and such officers are not required to receive a written complaint before enforcing this by-law.

4.6. Parking on Untravelled Portions of Highways:

a) No person shall park or leave any vehicle upon any portion of an untravelled highway for period exceeding seventy-two (72) hours.

b) Vehicles parked or left in contravention of this section may, by order of a Police Officer or Municipal Law Enforcement Officer, be removed and impounded at the expense of the owner thereof.

5.0 Physically Handicapped Parking:

a) Every owner and operator of a parking lot or of a parking facility to which the public has access may designate parking spaces for the exclusive use of a motor vehicle operated by a physically handicapped person, or a motor vehicle carrying a physically handicapped person in respect of which a permit has been issued and property displayed.

b) No person shall park, store or leave standing a motor vehicle in a designated handicapped parking space unless a handicapped permit is property displayed on the vehicle.

6.0 Snow Removal:

a) In order to facilitate the process of snow removal from highways no person shall park any vehicle on any highway under the jurisdiction of the Village between the hours of 2 a.m. to 7 a.m. from November 01 of each year to April 15 of the following year.

7.0 Penalty Provision or Parking Infractions:

a) A Police Officer or Municipal Law Enforcement Officer upon discovery of any vehicle parked, stopped or left standing in

contravention of the provisions of Part A of this By-law may attach a Parking Infraction Notice to the vehicle.

b) Every person who contravenes the provisions of Part A of this By-law upon conviction is guilty of an offence and is liable to a fine as provided for pursuant to the Provincial Offences Act for each offence, exclusive of costs.

c) A Police Officer or Municipal Law Enforcement Officer, upon discovery of any motor vehicle parked or left standing in contravention of this By-law may cause it to be moved to, 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 the Mechanics Lien Act.

d) Any vehicle parked or left standing on any highway for a period exceeding 72 hours shall be considered to be abandoned, upon discovery of such abandonment a Police Officer or Municipal Law Enforcement Officer may cause it to be moved to, 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 a manner provided by the relevant provisions of the Mechanics Lien Act.

Part B- TRAFFIC PROVISIONS

8.0 General Traffic Provisions:

a) No person shall drive a motor vehicle upon a sidewalk or footpath on a highway except for the purpose of directly crossing the sidewalk or footpath

b) No person shall drive a motor vehicle over a raised curb except at a place where there is a ramp or rolled curb.

9. Pedestrians 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 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.

10.0 Heavy traffic:

a) Except as provided in subsection (b) when authorized signs to that effect are displayed, no person shall move, drive or operate a heavy truck on the highways set out in column 1 of the Schedule V between the limits set out in column 2 of the said schedule during the times or days set out in column 3 of said schedule.

b) Subsection (a) shall not apply to any vehicle actually engaged in making a delivery to or a collection from premises which cannot be reached except by way of a highway or portion of highway referred to in the said section or to prohibit the use of such vehicles for such purpose, provided that in making such delivery or collection the said highway or portion of highway is traveled only in so far as is unavoidable in getting to and from such premises.

c) The maximum weight per axle that may be transported on any highway under the jurisdiction of the Village during the period from the 28th day of February to the 30th day of June inclusive shall be 5 tonnes.

11.0 Speed Limits:

When any road or portion of road set out in column 1 of Schedule VI has been marked to comply with the regulations of the Highway Traffic Act, the maximum rate of speed thereon shall be the prescribed maximum rate of speed set out opposite thereto in column 2 of the said schedule.

12.0 Stop Signs:

The erection of stop signs is hereby authorized at each of the intersections set out in column 1 of Schedule VII for the control of traffic entering the intersection of the highway set out in said Schedule.

13.0 Enforcement:

Part B of this by-law shall be enforced by any Police Officer, Municipal By-Law Enforcement Officer or Ministry of Transport Officer.

14.0 Penalty Provision for Traffic Infractions:

a) Every person who contravenes any provision or part of this by-law upon Conviction is guilty of an offence and is liable to a fine as provided for pursuant to the Provincial Offences Act for each offence, exclusive of costs.

b) Every person who contravenes section 8(c) upon conviction is guilty of an offence and shall be subject to the penalties provided in the Highway Traffic Act and all such penalties shall be recoverable under the Provincial Offences Act.

This by-law shall take effect upon being passed.

AS READ A FIRST TIME IN OPEN COUNCIL THIS 27TH DAY OF JULY 2004,

AS READ A SECOND TIME IN OPEN COUNCIL THIS 27TH DAY OF JULY 2004

AS READ A THIRD TIME AND PASSED IN OPEN COUNCIL THIS 27TH DAY OF JULY 2004.

SEAL

REEVE, RON RUSELL

***CLERK/TREASURER
JARVIS W. OSBORNE***