City of Burlington By-law 39-2016
A by-law to regulate parking and idling in the City of Burlington

Whereas:

A. Section 11 of the *Municipal Act, 2001*, authorizes municipalities to enact by-laws regulating parking;

B. Section 11(2)(5) of the *Municipal Act, S. O. 2001, Chapter 25,* as amended, authorizes municipalities to pass by-laws for the economic, social and environmental well-being of the municipality;

C. Section 11(2)(6) of the *Municipal Act, S.O. 2001, Chapter 25,* as amended, authorizes municipalities to pass by-laws related to the health, safety, and well-being of persons;

D. Sections 100 and 100.1(1) of the *Municipal Act, S. O. 2001, Chapter 25,* as amended, authorizes municipalities in respect of land not owned or occupied by the municipality, to regulate or prohibit the parking or leaving of vehicles without the consent of the owner of the land;

E. Section 7.1 (3) of the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, as amended, authorizes municipalities to designate private roads as fire routes along which no parking of vehicles shall be permitted;

F. The *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11 ("AODA, 2005") specifies mandatory accessibility standards with the goal of identifying, removing and preventing barriers for people with disabilities in key areas of daily living;

G. Accessible Parking Spaces are regulated by Part IV.1 - Design of Public Spaces Standards, of Ontario Regulation 191/11 - Integrated Accessibility Standards (Ontario Regulation 191/11) made under the AODA, 2005;

H. Section 102 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, confers upon municipalities the power to pass by-laws for requiring the owners and 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 an accessible parking permit issued and displayed in accordance with the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended and the regulations made under it, and for prescribing the conditions of use of such permit and for prohibiting the improper use of the permit;

I. Section 427 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a by-law establishing a system of accessible parking shall provide that any person who contravenes the by-law is guilty of an offence and on conviction is liable to a fine of not less than $300.00.

J. The City of Burlington is supportive of initiatives to reduce emissions from idling that contribute to climate change and poor air quality.

Now therefore, the Council of the Corporation of the City of Burlington hereby enacts as follows:

PART 1

GENERAL

1. DEFINITIONS

For the purposes of this by-law, the following definitions shall apply:

"Accessible Parking Permit" means a valid parking permit for a Person with a Disability as issued by the Ontario Ministry of Transportation or by another jurisdiction;

"Accessible Parking Sign" means a Sign consisting of a 'No Parking' symbol, the International Symbol of Accessibility (blue square overlaid in white with a stylized image of a person using a wheelchair) and the words "By Permit Only" and in accordance with Ontario Regulation 191/11 (Integrated Accessibility Standards) made under the AODA, 2005;

"Accessible Parking Space" means a Parking Space designated by pavement markings and Authorized Signs for the exclusive use of a Vehicle displaying an Accessible Parking Permit in accordance with the requirements of the *Highway Traffic Act*, R.S.O. 1990, c. H.8 as amended and in accordance with Ontario Regulation 191/11 (Integrated Accessibility Standards) made under the AODA, 2005;

"Administrative Penalty" means an administrative penalty established by this by-law and specified in Schedule "2" of this by-law;

"Agent" means a person authorized in writing by an Owner to regulate Parking on an identified parcel of Private Property;

"Authorized Sign" means any sign, pavement marking or other device which has been placed, installed or erected on a Highway, Private Property or the Corporation of the City of Burlington's property by the Corporation of the City of Burlington or by another party acting under the direction or authority of the Corporation of the City of Burlington, to designate, regulate and/or enforce the provisions of this by-law;

"Bicycle or Bike Lane" means a portion of a Highway which has been designated by pavement markings and Authorized Signs for preferential or exclusive use of cyclists;

"Boulevard" means that part of the Highway situated between the Curb Line and the property line of the lot abutting the Highway, but does not include a Sidewalk or shoulder; but does include any centre Median Strip or Island separating two (2) Roadways;

"Bus Stop" means an area marked by one or more Authorized Signs indicating such area to be for the sole use of transit vehicles in taking on or discharging passengers;

"By-law" means this by-law to regulate Parking and Idling in the City of Burlington;

"Chief of Police" means the Chief of Police for the Halton Regional Police Service or designate;

"City" means the Corporation of the City of Burlington;

"Collector Road" means a roadway that is greater than nine (9) metres wide from curb-to-curb and contains two (2) to four (4) travel lanes as indicated in the Official Plan of the City of Burlington;

"Council" means the Council of the Corporation of the City of Burlington;

"Crosswalk" means:

a) that part of a Highway at an Intersection that is included within the connections of the lateral lines of the Sidewalk on opposite sides of the Highway measured from the curbs or, in the absence of curbs, from the edges of the Roadway, or;

b) any portion of a Roadway at an Intersection or elsewhere distinctly indicated for pedestrian crossing by Authorized Signs or by lines or other pavement markings on the surface;

"Cul-de-sac" means a Roadway that is closed at one end or means a dead-end street with only one inlet and outlet;

"Curb line" means:

a) where a curb has been constructed, the line of the curb; or

b) where no curb has been constructed, the edge of the Roadway;

"Day" means a twenty-four (24) hour period;

"Declared or Statutory Holiday" means an Ontario statutory or declared holiday;

"Director" means the Director of Transportation Services of the Corporation of the City of Burlington or designate;

"Drive-through" means the uses of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or a window or an automated machine, to persons remaining in motorized vehicles that are in a lane dedicated by signs for that purpose;

"Driveway" means improved land, which provides vehicular access to and from a Highway to adjacent land;

"Emergency Vehicle" means a fire department vehicle, a police vehicle or an ambulance;

"Electric Vehicle" means a vehicle that is propelled by one or more electric motors, using electrical energy stored in rechargeable batteries or another energy storage device and is capable of being plugged into an Electric Vehicle Charging Station, such as plug-in electric cars and plug-in hybrids;

"Electric Vehicle Charging Station" also called "EV Charging Station" means an element in an infrastructure that supplies electric energy for the recharging of Electric Vehicles;
"Electric Vehicle Parking Space" means a parking space designated for the use of Electric Vehicles while plugged into an Electric Vehicle Charging Station, as indicated by Authorized Signs; and

"Fire Chief" means the Fire Chief for the Corporation of the City of Burlington Fire Department or designate;

"Fire Route" means any Private Roadway, Highway, lane, ramp, part of a parking facility or other means of vehicular access to or egress from a building or structure designated as a fire route by an Authorized Sign;

"Fire Station" means lands, lots or structures that have been set apart or established by the Corporation of the City of Burlington for the exclusive use for fire emergency vehicles, equipment and personnel;

"Highway" includes a common and public highway, street, avenue, parkway, Driveway, square, place, bridge, viaduct, or trestle, any part of which is intended for or used by the general public for the passage of Vehicles and includes the area between the lateral property lines thereof;

"Idling" means the Parking or Stopping of a Vehicle, while the engine is running and is not being used to operate auxiliary equipment that is essential to the basic function of the Vehicle;

"Intersection" means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of two or more Highways that join one and another at an angle, whether or not one Highway crosses the other;

"Island" means a portion of a Highway so constructed or designated by pavement markings or Authorized Signs, as to separate or direct vehicular traffic onto specific portions of the Highway;

"Large Vehicle" means any Vehicle including external attachments to the Vehicle with an overall:

a) length greater than 9 metres (29') or
b) height greater than 2.6 metres(8.5');

"Large Vehicle Loading Zone" means an area designated by Authorized Signs for the exclusive use of Large Vehicles while actually engaged in loading or unloading merchandise and for the time duration specified on the Authorized Sign;

"Lay-by" means a paved area, designated by pavement markings or Authorized Signs, beside a Roadway where Vehicles may Park or Stop temporarily;

"Local Board" means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority;

"Loading Zone" or "Vehicle Loading Zone" means an area designated by Authorized Signs for the exclusive use of Vehicles while actually engaged in the loading or unloading of merchandise or people and only for the time duration specified on the Authorized Sign;

"Median Strip" means the portion of a Highway so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or a raised or depressed paved or unpaved separation area that is not intended to allow crossing vehicular movement;

"Mobile Work Vehicle" means

a) a vehicle containing equipment that must be operated inside or in association with the vehicle; or
b) a vehicle serving as a facility for taking measurements or making observations or conducting maintenance or construction;

"Municipal Law Enforcement Officer" means any person authorized by the Corporation of the City of Burlington to enforce Parking by-laws and shall include Parking enforcement officers, provincial offences officers and Halton Regional Police Officers;

"Municipal Parking Facility" means lands, lots or structures that have been set apart or established by the Corporation of the City of Burlington in this by-law for the Parking of Vehicles;

"Municipal Parking Facility Permit" means a permit issued by the City to Park a Vehicle within a Municipal Parking Facility for the specified duration;

"Municipal Parking Garage" means a multiple level Municipal Parking Facility located in the downtown area;

"Municipal Property" means real property owned by the Corporation of the City of Burlington other than Municipal Parking Facilities and Highways and includes recreation centres, arenas, park lots, fire stations, transit terminals, work yards and maintenance yards;

"Officer" means any person authorized by the Corporation of the City of Burlington to enforce Parking by-laws and shall include Parking enforcement officers, provincial offences officers and Halton Regional Police Officers;

"Owner" means:

a) the registered owner of a property;
b) the registered owner of a condominium unit;
c) the spouse of a person as set out in sub-paragraphs (a) or (b);
d) any Agent of an Owner;
e) any tenant of an Owner;

"Park" or "Parking" 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 where the Vehicle is located;

"Parking Pay Station" means an electronic or mechanical device for the purpose of controlling and regulating the pay Parking of any Vehicle in or on a Municipal Parking Facility or on any Roadway;

"Parking Pay Station Permit" means a card, printed or electronic record issued by a Parking Pay Station related to a Municipal Parking Facility or Roadway, the date of issue and period of time in or upon which and during which Parking is authorized by that printed card or other document;

"Parking Pay Station Space" means a portion of a Roadway or Municipal Parking Facility that is designated for the Parking of a Vehicle by pavement markings or Authorized Signs, that is controlled and regulated by a Parking Pay Station indicating the date and time of such activity and the duration on the Roadway or Municipal Parking Facility location permitted thereby;

"Parking Pay Station Zone" means a Roadway or parts of a Roadway with one or more Parking Spaces designated by Authorized Signs for the use of and which is controlled by a Parking Pay Stations;

"Parking Permit" means a document, including electronic document, that has been issued by the City to allow a person to Park in particular place at a particular time but does not include Residential Parking Permits;

"Parking Space" means a portion of a Highway, Municipal Property, Municipal Parking Facility or Private Property that is designated for the Parking of a Vehicle identified by pavement markings or Authorized Signs;

"Pedestrian Pathway" means a paved walkway on the Highway, distinctly marked by Authorized Signs or lines or other markings on the surface of the walkway (i.e. white stylized image of a person walking) that is for the use of pedestrians, but is not a Sidewalk;

"Penalty Notice" means a notice given pursuant to the City's Parking Administrative Monetary Penalties by-law;

"Person with a Disability" means any person who has been deemed to be disabled by a medical authority and who possess a valid Accessible Parking Permit;

"Private Property" means real property owned by persons, other than property owned by the Corporation of the City of Burlington and includes real property owned by individuals, local boards, corporations and public authorities;

"Private Road" means a lane, ramp, or other means of vehicular access to or egress from a building or structure and may include part of a Parking facility;

"Public Authority" means the Corporation of the City of Burlington, the Halton Regional Police Service, the Regional Municipality of Halton, the Province of Ontario or the Federal Government of Canada;

"Public Parking Area" means a structure or open area other than a Highway, used for Parking of Vehicles, to which the public has access, whether on payment of fee or otherwise;

"Recreational Vehicle" is a vehicle used for travelling and recreational activities such as camping and is equipped with living space and amenities found in a home;

"Residential Parking Permit" means a current permit issued by the City authorizing a permit holder to Park a Vehicle on a Roadway subject to the permit rules and will exempt the permit holder from Sections 33.8, 33.9 and 33.11 of this by-law;

"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 roadways collectively;

"School Bus" means a bus that transports students from home to school, school to home or school-sponsored events and includes buses or vans that are equipped to facilitate students with disabilities;

"Shoulder" means that part of a Highway lying adjacent to the Roadway where there is no barrier curb which extends from the Roadway for a maximum distance of three (3) metres;

"Sidewalk" means that portion of a Highway between the Curb Line and the property line of the lot abutting the Highway and which is intended for the use of pedestrians;

"Statutory or Declared Holiday" means an Ontario statutory or declared holiday*;*

"Stop" or "Stopping" 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 direction of a Police Officer, or of a traffic control sign or signal;

"Tow Away Zone" means any area designated by an Authorized Sign where a Vehicle may be towed away at the Vehicle owner's expense;

"Unauthorized Vehicle" means any Vehicle that does not have identification issued and displayed in accordance with the provisions of this by-law;

"Utility Vehicle" means any vehicle that provides service of gas, hydro, telecommunications or similar service;

"Vehicle" includes a motor vehicle, a motorcycle, a Utility Vehicle, a Large Vehicle, a Recreational Vehicle, a School Bus, a power-assisted bicycle, a motor-assisted bicycle, trailer, traction engine, farm tractor, road-building machine, bicycle, scooter and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a street car;

"Vehicle Height" means the total height of a Vehicle from the ground to the top of the Vehicle, including any external attachments;

"Vehicle Length" means the total length of a Vehicle from front to rear, including any external attachments;

"Veteran" means a person who has served in World War II or Korean War; Canadian Forces, Reserve Forces, Commonwealth Forces, its Allies, the Merchant Navy or Ferry Command during wartime; NATO Operations or a Member of the United Nations Peacekeeping Force; Vietnam War in the United States Forces or its Allies who was a Canadian Citizen at the time of service; and

"Veteran Licence Plate" means a Vehicle licence plate issued to a Veteran by the Ministry of Transportation.

2. INTERPRETATION

1. Where words and phrases used in this by-law are defined in the *Highway Traffic Act*, but not defined in this by-law, the definitions in the *Highway Traffic Act* shall apply to such words and phrases.

2. Where abbreviations are used to designate Highway names in this by-law they shall be deemed to mean the following:

a) Ave shall mean Avenue;
b) Blvd shall mean Boulevard;
c) Com shall mean Common;
d) Crt shall mean Court;
e) Cres shall mean Crescent;
f) Dr shall mean Drive;
g) Ln shall mean Lane;
h) St shall mean Street;
i) Rd shall mean Road;
j) Pl shall mean Place;
k) Mon shall mean Monday;
l) Tue shall mean Tuesday;
m) Wed shall mean Wednesday;
n) Thur shall mean Thursday;
o) Fri shall mean Friday;
p) Sat shall mean Saturday;
q) Sun shall mean Sunday;
r) Jan shall mean January; and
s) Dec shall mean December.

3. EXPRESSION OF TIME

In this by-law, any expression of time shall be calculated as standard time except in periods when daylight saving time is declared to be in effect, where upon time shall be calculated as daylight saving time.

4. SCHEDULES and SEVERABILITY

1. Schedules
The schedules attached to this by-law, are included in and shall be considered part of this by-law.

2. Severability
If a Court of competent jurisdiction declares any section or part of a section of this by-law invalid, it is the intention of Council that the remainder of the by-law shall continue to be in force and effect.

5. CURRENCY

All references herein to currency are to Canadian currency and all payments shall be in Canadian currency.

PART 2

ADMINISTRATION AND ENFORCEMENT

6. GENERAL PROVISIONS

Notwithstanding any other provisions of this by-law, the Director may:

1. Authorize the erection of “No Parking” or “No Stopping” signs in accordance with the parking management plan approved by the Corporation of the City of Burlington; and

2. Authorize the erection of “No Parking” or “No Stopping” signs on a Highway where sight-lines are obstructed; and

3. Authorize the erection of “No Parking” or “No Stopping” signs within fifty (50) metres of an Intersection on a Highway; and

4. Authorize the erection of “No Parking” or “No Stopping” signs abutting any school property, park or playground on a Highway; and

5. Authorize the installation, placement, or erection of Authorized Signs for the purpose of designating, regulating and enforcing provisions under this by-law.

7. ENFORCEMENT

1. A Municipal Law Enforcement Officer is hereby vested with the authority of administering and enforcing the provisions of this by-law.

2. A Municipal Law Enforcement Officer may, at any reasonable time, enter on land for the purpose of carrying out an inspection to determine compliance with this by-law.

3. Unless otherwise specified, it is the express intent of Council that any designation required under this by-law or any regulation, restriction or prohibition set out in this by-law shall be deemed to include instructions to the Director to install, place or erect all Authorized Signs by-law.

8. ADMINISTRATIVE MONETARY PENALTIES SYSTEM

1. This by-law in its entirety is designated as a by-law to which the City’s Parking Administrative Monetary Penalties by-law applies.

2. Each person who contravenes this by-law, and each registered owner of that Vehicle, when given a Penalty Notice, in accordance with the City’s Parking Administrative Monetary Penalties by-law, shall be liable to pay the City an Administrative Penalty in the amount specified in Schedule “2” of this by-law, and any fees related thereto.

GENERAL EXEMPTION TO THIS BY-LAW

The provisions of this by-law shall not apply to Emergency Vehicles and any Vehicles while actually engaged in works, where the Vehicle is located, undertaken for or on behalf of the Corporation of the City of Burlington, the Regional Municipality of Halton, the Province of Ontario, the Federal Government of Canada or any Utility Vehicles providing service of gas, hydro or telecommunications.

TOWING

1. Storage Area

   Where any Vehicle is parked in contravention of this by-law, a Municipal Law Enforcement Officer may cause it to be moved or taken to and placed or stored in a suitable location at the Vehicle owner's expense.

   All costs and charges for the removal, care and storage thereof, if any, are a lien upon the Vehicle that may be enforced in accordance with the *Repair and Storage Liens Act.*

2. Re-locate Vehicle

   Where any Vehicle is lawfully parked pursuant to this by-law; however needs to be moved for emergency or maintenance purposes, a Municipal Law Enforcement Officer may cause it to be moved and re-located to a nearby location.

   All costs and charges for the re-location thereof, if any, will be paid by the authorized requestor and not the owner of the Vehicle. The authorized requestor shall also make reasonable efforts to inform the owner of the Vehicle of the Vehicle's relocation.

PART 3

MUNICIPAL PARKING FACILITIES

11. MUNICIPAL PARKING FACILITIES

1. The lands as set out in Schedule “1” of this by-law are hereby set aside and established as Municipal Parking Facilities for the Parking of Vehicles.

2. The manner in which Parking is to be carried out in Municipal Parking Facilities shall be as prescribed in this by-law and it shall be an offence to Park in or on any Municipal Parking Facility in any manner other than as prescribed by the terms of this by-law.

12. AUTHORIZATION TO OPERATE MUNICIPAL PARKING FACILITIES

The Director, for the purpose of controlling and regulating Parking in or on a Municipal Parking Facility and for the purpose of measuring and recording the time during which a Vehicle has been Parked and the amount of fee to be collected, is hereby authorized to:

1. Install, maintain and operate Parking Pay Stations, with the necessary standards for same, in or on those Municipal Parking Facilities as set out in Schedule “1” of this by-law;

2. Issue and establish procedures for the issuance of monthly Parking Permits for those Municipal Parking Facilities as set out in Schedule “1” of this by-law;

3. Establish and operate reserved Parking Spaces; and

4. Designate Parking Spaces by lines or markings painted or placed upon the Parking surface of Municipal Parking Facilities.

13. TYPES OF MUNICIPAL PARKING FACILITIES

1. Municipal Parking Facilities with Parking Pay Stations:

Where Parking Pay Stations have been installed in a Municipal Parking Facility, the period of time during which a Vehicle is permitted to Park shall be indicated on Authorized Signs, the display screen of the Parking Pay Station, or the Parking Pay Station Permit provided by the Parking Pay Station, as the case may be.

2. Reserved Parking Spaces:

In reserved Parking Spaces in Municipal Parking Facilities, Parking is restricted to those Vehicles or persons specified by the Authorized Signs posted beside or near such Parking Spaces.

14. SIGNS AND MARKERS

1. The Director is authorized to install in or on any Municipal Parking Facility such Authorized Signs and markers or other devices as may be necessary for the safe and efficient operation of the Municipal Parking Facility.

2. The Director shall cause the amount of the fee for Parking to be displayed in a place in or on each Municipal Parking Facility by means of Authorized Signs.

15. THE PARKING OF VEHICLES IN ALL PARKING SPACES

In a Municipal Parking Facility or on Municipal Property, every person using a Parking Space therein shall Park completely within the Parking Space designated as such by lines or markings painted upon the surface of the Parking area.

PART 4

PARKING PERMITS AND PAY PARKING REGULATIONS FOR ON-STREET AND MUNICIPAL PROPERTIES

16. PARKING PERMITS - GENERAL PROVISIONS

1. The Director is hereby authorized to issue Parking Permits for Municipal Parking Facilities, Municipal Properties and for Roadways.

2. The Director is hereby authorized to add a premium monthly fee to a Parking Permit for a particular Municipal Parking Facility or Municipal Property for a specific Parking Space identified with a personal sign.

3. A person may obtain from the Director, one (1) Parking Permit per Parking Space to Park a Vehicle in a particular area, for a specified amount of time upon payment of the prescribed fee as set out in Schedule “1” of this by-law.

4. The rights attached to a Parking Permit are exclusive to the applicant for the Parking Permit in question and no person properly in possession of such Parking Permit shall use or permit the same to be used for any other Vehicle other than the Vehicle for which it was issued by the Director.

5. The Director is authorized to issue Parking Permits to the employees of the Corporation of the City of Burlington. Such Parking Permits are to be for such times and on such terms as are approved by the Director.

6. In the event more than one Vehicle license plate is permitted to be registered under one Parking Permit, no more than one Vehicle assigned to that Parking Permit may Park in the assigned location at any one time.

7. The Director is further authorized to revoke a Parking Permit if the holder of that Parking Permit fails to ensure that the permit is used in the manner prescribed by this by-law and any fee paid therefore shall be forfeited to the Corporation of the City of Burlington.

17. RESIDENTAL PARKING PERMITS

1. The Director is hereby authorized to issue Residential Parking Permits authorizing a permit holder to Park a Vehicle on a Roadway in the City of Burlington, exempting that Vehicle from Section 33.8, 33.9 and 33.11 of this by-law upon payment of the prescribed fee as set out in Schedule “1” of this by-law.

2. Permit holders of Residential Parking Permits must adhere to all other provisions of this by-law, including but not limited to adhering to all Authorized Signs and not parking on a Roadway during a snow storm or before snow removal operations are completed.

3. The rights attached to a Residential Parking Permit are exclusive to the applicant for the Residential Parking Permit in question and no person properly in possession of such Residential Parking Permit shall use or permit the same to be used for any other Vehicle other than the Vehicle for which it was issued by the Director.

4. The Director is further authorized to revoke a Residential Parking Permit if the holder of that Residential Parking Permit fails to ensure that the permit is used in the manner prescribed by this by-law and any fee paid therefore shall be forfeited to the Corporation of the City of Burlington.

18. PARKING AT A PARKING PAY STATION SPACE

1. The collection of the fees deposited in all Parking Pay Stations shall be the responsibility of the Corporation of the City of Burlington.

2. Authorized Signs shall be affixed to Parking Pay Stations or adjacent to Parking Pay Station Zones to indicate days and hours of operation and the fees required to pay for that Parking Pay Station Zone.

3. The operator of every Vehicle that Parks a Vehicle in a Municipal Parking Facility, on Municipal Property or on the Roadway shall pay the Parking rates in the amount and manner as set out on the Parking Pay Station or in Schedule “1” of this by-law.

19. PROHIBITIONS

No person shall Park a Vehicle at any time in any Municipal Parking Facility or on Municipal Property or on a Roadway:

1. Unless the Parking Pay Station Permit or Parking Permit or Residential Parking Permit, where applicable, is clearly displayed in the windshield and readable from the outside of the Vehicle or unless the Vehicle’s license plate is clearly legible so that Municipal Law Enforcement Officers may verify whether payment has been made electronically;

2. Without consent on Municipal Property;

3. Without paying the necessary fee (physical or electronic), where applicable, in accordance with the rates as set out on the Parking Pay Station or in Schedule “1” of this by-law;

4. With an invalid Parking Pay Station Permit or invalid Parking Permit;

5. Exceeding the three (3) hour time limit in a Parking Pay Station Zone within a Day;

6. Where the Parking Pay Station is covered prohibiting the use of that Parking Space or during the prohibited times and dates as indicated on the Parking Pay Station or as otherwise indicated by Authorized Signs;

7. Exceeding the 20-minute limit indicated by Authorized Signs in the Municipal Parking Garage;

8. Between 11:00 pm to 7:00 am as indicated on the Municipal Property by Authorized Signs;

9. Exceeding the 4-hour limit or not being actively connected to an Electric Vehicle Charging Station while Parked in an Electric Vehicle Parking Space;

10. Outside the lines painted on the pavement designating a Parking Space;

11. If the Vehicle is Parked on any portion of the grass or sand adjacent to a Municipal Parking Facility or on Municipal Property;

12. With an Alton Community Residential Parking Permit contrary to the permit rules.

PART 5

PRIVATE PROPERTY PARKING

20. ENFORCEMENT

1. The Director is authorized to permit enforcement of illegally parked Vehicles, on Private Property for such times and on such terms as are approved by the Director.

2. Private Property enforcement shall only be conducted on properties where the public has access (i.e. condominiums, apartments, shopping malls, plazas, retirement homes, etc.) whether by payment of a fee, permit or otherwise. The City shall not enforce illegal Parking for single family or multi-family dwelling units.

3. Prior to enforcing illegal Parking on Private Property, Owners shall apply and sign an authorization form to grant the City's Officers and/or approved designates the right to enter onto their respective lands to enforce illegal Parking on their specific properties.

4. The Owners shall follow the City's guidelines and requirements regarding the enforcement of illegal Parking on Private Property including posting the required Authorized Signs.

5. The City reserves the right to refuse or cease enforcement on any property at anytime.

21. PROPERTY OWNERSHIP

If it is alleged in a proceeding that Part 5 of this by-law has been contravened, the oral or written evidence of a Municipal Law Enforcement Officer is receivable as proof, in the absence of evidence to the contrary, of the facts stated therein in respect of:

1. The ownership or occupancy of the Private Property;
2. The consent of the Owner for the City's enforcement;
3. Whether any person is an "Owner" as defined in Part I of this by-law.

22. SIGNS

For the purposes of this Part, the Owner of a Private Property shall post Authorized Signs on the Private Property used for Parking a Vehicle, stating the regulations on which a Vehicle may be Parked or left on the Private Property.

23. PROHIBITIONS

No person shall Park a Vehicle at any time on any Private Property without the consent of the Owner of the property.

PART 6

FIRE ROUTE PARKING REGULATIONS

24. ENFORCEMENT

Despite Part 5 of this by-law, regarding Private Property, Municipal Law Enforcement Officers do not need authorization forms from the Owners of Private Property to enter onto their respective lands to enforce the provisions under Part 6.

25. PROHIBITIONS

1. No person shall Park or Stop a Vehicle on or in a Fire Route at any time.

2. No person, being the Owner of Private Property upon which a Fire Route is located shall fail to install or maintain Authorized Signs identifying the Fire Route and prohibiting Parking upon the Fire Route in the manner and form specified by the Fire Chief.

3. No person, being the Owner of a property on which a Fire Route is located, shall fail to maintain a Fire Route in good repair to allow safe passage of a fire truck.

4. No person, being the Owner of a property on which a Fire Route is located shall fail to keep the Fire Route clear of snow and ice.

5. No person, being the Owner of a property on which a Fire Route is located, shall fail to keep the Fire Route free and clear of obstructions.

PART 7

IDLING CONTROL PARKING REGULATIONS

26. ENFORCEMENT

Despite Part 5 of this by-law, regarding Private Property, Municipal Law Enforcement Officers do not need authorization forms from the Owners of Private Property to enter onto their respective lands to enforce the provisions under Part 7.

27. PROHIBITIONS

No person shall cause or permit a Vehicle to idle for more than one-minute (60 seconds) on a Highway, Private Property, and Municipal Property or in a Municipal Parking Facility.

28. EXEMPTIONS

The one-minute (60 second) limit does not apply to the following situations, except where idling is substantially for the convenience of the operator of the Vehicle:

1. Emergency Vehicles while actually engaged in operational activities, including training and patient transfer activities;

2. A Vehicle that is stationary because of an emergency, traffic conditions, traffic control signals or mechanical difficulties over which the driver of the Vehicle has no control;

3. A Vehicle transporting a person who has in their possession a medical doctor’s certificate stating that for medical reasons, the person requires the temperature or humidity to be maintained within a certain range and the idling of the vehicle is necessary to achieve that temperature or humidity level;

4. Mobile Work Vehicles while they are in the course of being used for their basic function;

5. Vehicles where idling is required as part of the repair process or to prepare the Vehicle for service;

6. Vehicles engaged in a parade or any other event authorized by the City; or

7. Vehicles which are operating on the travelled portion of a Drive-through lane.

PART 8

PARKING AND STOPPING ON A HIGHWAY

29. METHOD OF PARKING

1. General

   All Vehicles, when parking or Stopping, shall only Park or Stop a Vehicle on the Roadway, having regard to the direction of the normal flow of traffic.

30. LOADING ZONE AND LARGE VEHICLE LOADING ZONE RESTRICTIONS

1. A Loading Zone and Large Vehicle Loading Zone shall be designated by Authorized Signs.

2 The times and duration of the operation of the Loading Zones and Large Vehicle Loading Zones shall be indicated on the Authorized Signs.

3. No person shall Park a Vehicle in a Loading Zone exceeding the twenty (20) minute time limit as indicated by the Authorized Sign.

4. No person shall Park a Vehicle in a Large Vehicle Loading Zone unless the Vehicle is a Large Vehicle while actually engaged in loading or unloading merchandise during the time specified on the Authorized Sign.

31. EMERGENCY PARKING OR STOPPING RESTRICTIONS

Notwithstanding any other provisions of this by-law, the Chief of Police, Fire Chief, or the Director during an emergency or special circumstance may:

1. Prohibit any or all Parking on a Highway within the area affected by an emergency or special circumstance;

2. Authorize the erection of “No Parking” or “No Stopping” signs, traffic control devices or traffic signals;

3. Decide that any Vehicle already Parked shall be relocated, pursuant to Section 10.2 of this by-law.

32. LAY-BYS

Vehicles are permitted to Park or Stop within a Lay-by provided the Vehicle does not extend from the Lay-by into the Roadway. If the Lay-by is obstructed, for example with snow, Vehicles are not permitted to Park or Stop adjacent to the obstructed Lay-by.

33. PARKING PROHIBITIONS

Unless specifically permitted by other provisions of this by-law or permitted by Authorized Signs, no person shall Park any Vehicle at any time on any Highway:

1. That is parked facing the wrong way having regard to the direction of the normal flow of traffic;

2. As to obstruct any portion of a Sidewalk;

3. On any portion of a Boulevard;

4. In front of or within one (1) metre of any entrance to a Driveway or laneway, so as to prevent egress or ingress;

5. Within three (3) metres of a fire hydrant;

6. In a manner that obstructs traffic or Bicycle Lane;

7. On a shoulder of a Roadway;

8. Exceeding five (5) hour limit on a Roadway and which has not been moved a distance of at least twenty-five (25) metres from its original parking location;

9. Between 1:00 am to 6:00 am, any day of the week;

10. If that Vehicle is a Large Vehicle on any residential Roadway unless it is actively engaged in making a delivery;

11. During a snow storm or before snow removal operation is completed on the Roadway;

12. Within nine (9) metres of an Intersection;

13. In any curved portion of a Roadway obstructing sight-lines;

14. Where there are Authorized Signs clearly indicating prohibited Parking on a particular Highway at any time or any day of the week or during specified times or days of the week, unless the Authorized Sign permits Parking at that particular time;

15. Where there are Authorized Signs clearly indicating prohibited Stopping in an emergency area;

16. Adjacent to or perpendicular in Lay-by;

17. If that Vehicle is un-plated or immobile;

18. Outside the lines painted on the pavement that designates a Parking Space.

34. STOPPING PROHIBITIONS

Unless otherwise permitted in this by-law or permitted by Authorized Signs, no person shall stop a Vehicle at any time on any Highway:

1. As to obstruct any portion of a Crosswalk or Pedestrian Pathway;

2. Within fifteen (15) metres of either side of a Bus Stop;

3. Where there are Authorized Signs clearly indicating prohibited Stopping on a particular Highway at any time or any day of the week or during specified times or days of the week, unless the Authorized Sign permits Stopping at that particular time;

4. Where there are Authorized Signs indicating a Loading Zone for a School Bus;

5. In a manner that obstructs the use of Parking Space where an Authorized Signs is displayed;

6. On or within one hundred (100) metres of a bridge that is over, under or across which the Highway passes;

7. On or within three (3) metres of a railway crossing;

8. In front of or within fifteen (15) metres of either side of any Fire Station on the same side of the Highway as the Fire Station;

9. Within forty five (45) metres from a point in the curb or edge of Roadway directly opposite the centre point of the fire hall on the opposite side of the Highway from the Fire Station; or

10. Within fifty (50) metres of an Intersection on a Highway.

PART 9

ACCESSIBLE PARKING REGULATIONS

35. ACCESSIBLE PARKING SPACES

1. Every owner or operator of a Public Parking Area shall provide Accessible Parking Spaces for the exclusive use of Vehicles operated by or conveying a Person With A Disability upon which Vehicles shall be properly displayed an Accessible Parking Permit as provided for in this by-law.

2. The minimum number of Accessible Parking Spaces, which must be provided, shall be calculated in accordance with the City's Zoning by-law 2020, as amended.

3. Subsection 2 does not apply to an owner or operator of a Public Parking Area which was in compliance with the requirements of the City's Zoning By-law 2020, as amended, or is otherwise in compliance with the requirements of the *Planning Act*, R.S.O. 1990, c. P.13, as amended on the date this by-law comes into force and effect.

36. REQUIREMENTS AND SPECIFICATION FOR DESIGNATED ACCESSIBLE PARKING SPACES

Every owner or operator of a Public Parking Area shall ensure that the Accessible Parking Spaces shall:

1. comply with the City's Zoning By-law 2020, as amended; and

2. be located so as to be readily accessible to a Person With A Disability, whether via curb ramp, depressed curb or other means and where the Public Parking Area is intended to serve a particular building or complex, located within easy access of said building or complex; and

3. be identified by an Accessible Parking Sign located upright on a permanent post, pillar, wall or other permanent structure, conforming to the requirements or regulations made under the *Highway Traffic Act*.

37. RESPONSIBILITY OF MAINTAINING ACCESSIBLE PARKING SPACES

Every owner or operator of a Public Parking Area shall ensure that Accessible Parking Spaces as required, shall be:

1. Kept free and clear from obstructions; and

2. Kept free and clear of snow, ice and slush; and

3. Maintained to the same standards as all other Parking Spaces in the same Public Parking Area.

38. ACCESSIBLE PARKING SIGNS

1. Accessible Parking Signs referred to in this by-law shall comply with regulations made under the *Highway Traffic Act.*

2. Accessible Parking Signs shall be mounted on a permanent post, pillar, wall or other permanent structure, conforming to the requirements or regulations made under the *Highway Traffic Act* and shall be:

   (a) At a minimum height of one and a half (1.5) metres or 1,500 millimetres from grade to the centre line of the sign; and

   (a) At a maximum height of two and a half (2.5) metres or 2,500 millimetres from grade to the centre line of the sign; and

   (c) Directly in front of the Accessible Parking Space, midway between the lateral limits of the Accessible Parking Space, so as not to block Vehicle or passenger access and;

   (d) Within three (3) metres or 3,000 millimetres of the front of the Accessible Parking Space.

3. Every owner or operator of each Public Parking Area in which Accessible Parking Signs are located, pursuant to this by-law, shall be responsible for the procurement, installation and maintenance of said Accessible Parking Signs and for ensuring that said Accessible Parking Signs comply with regulations made under the *Highway Traffic Act* and with the provisions under this by-law.

39. PROHIBITIONS

1. No person shall Park a Vehicle in an Accessible Parking Space unless a valid Accessible Parking Permit is properly displayed upon the Vehicle ensuring that the permit number and expiry date are clearly visible.

2. No owner or operator of a Public Parking Area shall fail to provide the required number of Accessible Parking Spaces pursuant to Section 35 of this by-law.

3. No owner or operator of a Public Parking Area shall fail to provide an Accessible Parking Space that does not meet the requirements under Section 36 of this by-law.

4. No owner or operator of a Public Parking Area shall fail to maintain an Accessible Parking Space pursuant to Section 37 of this by-law.

5. No owner or operator of a Public Parking Area shall fail to provide Accessible Parking Signs pursuant to the requirements under Section 38 of this by-law.

PART 10

PARKING EXEMPTIONS

40. PARK WITHOUT PAYMENT EXEMPTIONS

Notwithstanding any other provision of this by-law, an exemption from Section 18.3 of this by-law, may be granted to the owner of any Vehicle to Park at a Parking Pay Station Space or in a Municipal Parking Facility or on the Roadway without having to pay the required standard Parking fees, for the maximum time allowed:

1. Where the Vehicle clearly displays a valid Accessible Parking Permit;

2. Where the Vehicle displays a Parking Permit issued to a Veteran by the Corporation of the City of Burlington;

3. Where the Vehicle displays a licence plate issued to a Veteran by the Ministry of Transportation;

4. On a Statutory Holiday or Declared Holiday.

41. 5-HOUR LIMIT AND 1:00AM-6:00AM EXEMPTION

Notwithstanding any other provision of this by-law, an exemption from sections 33.8 and 33.9 of this by-law may be granted based on the following:

1. An individual submits a request for an exemption for a specific Vehicle licence plate, excluding Recreational Vehicles, on a specific street and for a specific time period; and

2. The request is received by the City prior to the Vehicle Parking on the Highway; and

3. The Vehicle license plate in question has not requested more than 15 days of exemptions within one calendar year.

42. LARGE VEHICLE EXEMPTION FOR RECREATIONAL VEHICLE (RV)

Notwithstanding any other provision of this by-law, an exemption from section 33.10 regarding Large Vehicles of this by-law may be granted to Recreational Vehicles (RVs), based on the following:

1. An individual submits a request for an exemption for a specific Recreational Vehicle licence plate, on a specific street and for a specific time period; and

2. The request is received by the Corporation of the City of Burlington prior to the Recreational Vehicle Parking on the Highway; and

3. The Recreational Vehicle license plate in question has not requested more than 15 days of exemptions within one calendar year.

43. LARGE VEHICLE EXEMPTION FOR SCHOOL BUS

Notwithstanding any other provision of this by-law, an exemption from section 33.10 regarding Large Vehicles is granted to School Buses between 9:00 am and 3:00 pm, September 1 to June 30, Monday to Friday, except for holidays and school breaks in a residential area.

44. 1:00AM - 6:00AM PARKING EXEMPTION IN NEIGHBOURHOOD ON-STREET PARKING PROGRAM (NOSPP) AREAS

Notwithstanding any other provision of this by-law, Parking on streets shall be permitted through the Neighbourhood On-Street Parking Program (NOSPP) between the hours of 1:00am - 6:00 am based on the following:

1. Residents of the City of Burlington may request specific Roadways to have the NOSPP designation by formal application to the Director; and

2. The Director of Transportation may approve specific Roadways for the NOSPP designation;

45. COMMENCEMENT

This by-law shall come into force and take effect on September 1, 2016.

46. REPEAL OF BY-LAWS

By-law 40-2014, as amended, By-law 4-15, as amended and By-law 41-2014 is repealed on the date this by-law takes effect.

Enacted and passed this 18th day of July, 2016

Mayor Rick Goldring _____

Acting City Clerk Danielle Pitoscia _____

THE CORPORATION OF THE CITY OF BURLINGTON
PARKING AND IDLING BY-LAW 39-2016

SCHEDULE "1"
PART 4
MUNICIPAL PARKING RATES AND FEES

FACILITY	PARKING FEES Monday to Friday 9am to 6pm			FACILITY USE	
Name and Address	Hour	Day	Month	Free Parking	Daily & Monthly Permit Parking
Pearl St Lot 431 Elizabeth St	$1.75	$14	$132	Mon to Fri, 6pm to 9am All Day Sat, Sun, Holidays & Month of December	Mon to Fri, 9am to 6pm Daily & Monthly Permit
Burlington Ave Lot 455 Burlington Ave				Mon to Fri, 6pm to 9am All Day Sat, Sun, Holidays & Month of December	Mon to Fri, 8am - 6pm Monthly Permit
John St North Lot 533 John St	$1.75	$14	$83	Mon to Fri, 6pm to 9am All Day Sat, Sun, Holidays & Month of December	Mon to Fri, 9am - 6pm Daily & Monthly
Elizabeth St Lot 421 John St	$1.75	$14	$132	Mon to Fri, 6pm to 9am All Day Sat, Sun, Holidays & Month of December	Mon to Fri, 9am to 6pm Daily & Monthly Permit
Brant St Lot 391 Brant St	$1.75	$14		Mon to Fri, 6pm to 9am All Day Sat, Sun, Holidays & Month of December	Mon to Fri, 9am to 6pm Daily Permit
Brock Ave South Lot 430 Brock Ave	$1.75	$14	$83	Mon to Fri, 6pm to 9am All Day Sat, Sun, Holidays & Month of December	Mon to Fri, 9am to 6pm Monthly Permit
Locust St Lot 500 Locust St	$1.75	$14	$132	Mon to Fri, 6pm to 9am All Day Sat, Sun, Holidays & Month of December	Mon to Fri, 9am to 6pm Daily & Monthly Permit
Caroline St. Lot 523 Locust St	$1.75	$14	$132	Mon to Fri, 6pm to 9am All Day Sat, Sun, Holidays & Month of December	Mon to Fri, 9am to 6pm Daily & Monthly Permit
Elgin St Lot 1370 Elgin St					Mon to Fri, 8am to 6pm Monthly Permit _____ St. Luke's Church Only Mon to Fri, 6pm - 8am Sat, Sun & Holidays
Martha St Lot 412 Martha St			$132	Mon to Fri, 6pm to 9am All Day Sat, Sun, Holidays & Month of December	Mon to Fri, 9am to 6pm Monthly Permit
City Hall Lot 426 Brant St	$1.75			Mon to Fri, 6pm to 9am All Day Sat, Sun, Holidays & Month of December	Mon to Fri, 9am to 6pm Daily Permit 3-Hour Maximum Limit _____ 7-Days Councilor Permit

THE CORPORATION OF THE CITY OF BURLINGTON
PARKING AND IDLING BY-LAW 39-2016

SCHEDULE "1"
PART 4
MUNICIPAL PARKING RATES AND FEES

FACILITY	PARKING FEES Monday to Friday 9am to 6pm			FACILITY USE	
Name and Address	Hour	Day	Month	Free Parking	Daily & Monthly Permit Parking
Brock Ave North Lot 475 Brock Ave	$1.75	$14	$83	Mon to Fri, 6pm to 9am All Day Sat, Sun, Holidays & Month of December	Mon to Fri, 9am to 6pm Monthly Permit
Waterfront Parking Garage 414 Locust St	$1.75	$14	$132	Mon to Fri, 6pm to 9am All Day Sat, Sun, Holidays & Month of December	Mon to Fri, 9am to 6pm Daily & Monthly Permit
Waterfront Park East Lot 1340 Lakeshore Rd	$1.75			7 Days, 6pm to 9am	7 Days, 9am to 6pm Daily Permit
Waterfront Park West Lot 1340 Lakeshore Rd	$1.75			7 Days, Midnight -9am	7 Days, 9am to 4pm Daily Permit 7 Days, 4pm to Midnight Reserved Spaces

Additional Permits and Fees		
Permit Type	Fee	Description
Downtown Street - Hourly Parking Permit	$1.75	Fee per Parking Space per hour. Three-hour parking limit per day per Parking Pay Station Zone.
Downtown Lot - Monthly Premium Fee for a Parking Space with Personal Sign	$20	Fee added to monthly permit fee for the particular facility for a specific Parking Space identified with a personal sign.
Downtown Street - Temporary Parking Permit to Reserve a Parking Space	$21	Fee per Parking Space per day, Monday-Friday from 9am-6pm.
Downtown Lot - Temporary Parking Permit to Reserve Parking Spaces	$100	Fee per Facility per day, Monday-Friday after 6pm and all day Saturday, Sunday or Holiday.
Alton Community Street Permit - Monthly Residential Parking Fee	$30	Fee per vehicle licence plate per month.
Alton Community Street Permit - Annual Residential Parking Fee	$350	Fee per vehicle licence plate per year.

Disclaimer: Refunds will not be issued due to parking machine operational problems.

THE CORPORATION OF THE CITY OF BURLINGTON
PARKING AND IDLING BY-LAW 39-2016

SCHEDULE "2"
ADMINISTRATIVE PENALTIES

NO	CONTRAVENTION	SECTION	PENALTY
1	Park without consent on municipal property	19.2	$46
2	Park without payment	19.3	$23
3	Park with an invalid permit	19.4	$23
4	Park exceeding 3-hour limit in a parking pay station zone within a day	19.5	$23
5	Park at covered parking pay station space or during prohibited times	19.6	$46
6	Park exceeding 20-minute limit in municipal parking garage	19.7	$23
7	Park between 11pm - 7am on municipal property	19.8	$46
8	Park exceeding 4-hour limit or not connected to electric vehicle charging station	19.9	$46
9	Park on grass or sand on municipal property	19.11	$46
10	Park with a residential parking permit contrary to permit rules	19.12	$46
11	Park without consent on private property	23	$46
12	Park or stop on or in fire route at anytime	25.1	$100
13	Park idling vehicle exceeding 1-minute	27	$100
14	Park exceeding 20-minute limit in vehicle loading zone	30.3	$46
15	Park in large vehicle loading zone contrary to By-law	30.4	$100
16	Park facing wrong way on roadway	33.1	$46
17	Park obstructing any portion of sidewalk	33.2	$62
18	Park on any portion of boulevard	33.3	$46
19	Park in front of or within 1-metre of driveway or laneway	33.4	$46
20	Park within 3-metre of fire hydrant	33.5	$62
21	Park in manner that obstructs traffic or bicycle lane	33.6	$46
22	Park on shoulder of roadway	33.7	$46
23	Park exceeding 5-hour limit on roadway within a 25-metre distance	33.8	$46
24	Park between 1am-6am	33.9	$46
25	Park large vehicle on residential roadway	33.10	$100
26	Park during snow storm or before snow removal operation is completed	33.11	$100

THE CORPORATION OF THE CITY OF BURLINGTON
PARKING AND IDLING BY-LAW 39-2016

SCHEDULE “2”
ADMINISTRATIVE PENALTIES

NO	CONTRAVENTION	SECTION	PENALTY
27	Park within 9-meters of an intersection	33.12	$62
28	Park in any curved portion of a roadway obstructing sight-lines	33.13	$46
29	Park in signed prohibited parking area	33.14	$46
30	Park in signed emergency prohibited stopping area	33.15	$46
31	Park adjacent to or perpendicular in lay-by	33.16	$46
32	Park vehicle that is un-plated or immobile	33.17	$46
33	Park outside lines designating a parking space	19.10, 33.18	$46
34	Stop as to obstruct any portion of a crosswalk or pedestrian pathway	34.1	$62
35	Stop within 15-metres of signed bus stop	34.2	$62
36	Stop in signed prohibited stopping area	34.3	$62
37	Stop in signed loading zone for a school bus	34.4	$100
38	Park in an accessible parking space without a valid permit	39.1	$400