

The Corporation of the City of Burlington

City of Burlington By-law 25-2020

Amendment to By-law 39-2016 being a by-law to Regulate Parking and Idling in the City of Burlington to Create Special Parking Enforcement Areas with Increased Penalties During the COVID-19 Pandemic State of Emergency

TS-17-20

WHEREAS on March 11, 2020 the World Health Organization declared a worldwide pandemic regarding the Novel Coronavirus 19 ("COVID-19 Pandemic"); and

WHEREAS on March 17, 2020, the Province of Ontario declared an emergency relating to the COVID-19 Pandemic under the provisions of the *Emergency Management and Civil Protection Act*. R.S.O. 1990, c.E.9 ("Emergency Management Act"); and

WHEREAS section 4 of the *Emergency Management Act* provides that the head of council of a municipality may declare that an emergency exists in the municipality or in any part thereof and may take such action and make such orders as they consider necessary and are not contrary to law to implement the emergency plan of the municipality and to protect property and the health, safety and welfare of the inhabitants of the emergency area; and

WHEREAS on March 21, 2020 an emergency was declared by the Mayor of the City of Burlington, under the provisions of the Emergency Management Act, relating to the COVID19 Pandemic; and

WHEREAS the Provincial Government's modelling and forecast projects that the State of Emergency will last months and will result in a severe and long-term challenge to the health care system; and

WHEREAS the Council of the City of Burlington considers the protection of health and safety of the public to be a paramount concern, and has suspended the operations of all City facilities, other than those deemed essential for the welfare of the citizens of the City of Burlington, during the COVID-19 emergency; and

WHEREAS on April 6, 2020, Council of The Corporation of the City of Burlington passed By-law 17-2020, being a By-law to Promote and Regulate Physical Distancing During the COVID-19 Pandemic State of Emergency, intended to promote the health, safety and welfare of the citizens of the City of Burlington, by prohibiting certain activities and regulating physical distancing; and

WHEREAS sections 8, 9 and 11 of the Municipal Act, 2001 authorize the City of Burlington to pass by-laws necessary and desirable for municipal purposes, and in particular, paragraphs 5, 6, and 8 of subsection 11(2) authorize by-laws respecting public assets of the municipality, the economic, social and environmental well-being of City, the health, safety and well-being of persons, the protection of persons and property; and Whereas section 425 of the Municipal Act, 2001 provides that any person who contravenes any by-law of the municipality is guilty of an offence; and

WHEREAS pursuant to the *Municipal Act, 2001*, The Corporation of the City of Burlington has enacted a by-law regulating the parking, standing or stopping of vehicles, namely By-law 39-2016, being a By-law to Regulate Parking and Idling in the City of Burlington; and

WHEREAS subsection 102.1(1) of the *Municipal Act, 2001* provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person failed to comply with any by-laws respecting the parking, standing or stopping of vehicles; and

WHEREAS the Province adopted the Administrative Penalties Regulation O.Reg. 333/07 pursuant to the *Municipal Act, 2001* which applies to administrative penalties in respect of the parking, standing or stopping of vehicles; and

WHEREAS the City of Burlington passed the Administrative Penalty By-law 40-2016, being a by-law to establish a system of administrative penalties respecting the stopping, standing or parking of vehicles in the City; and

WHEREAS the City of Burlington has been limiting access to parking facilities in areas prone crowding to aid physical distancing measures;

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

1. That section 1 of By-law 39-2016 is amended by deleting the definition of “Administrative Penalty” and replacing it with the following new definition:

“Administrative Penalty” means an administrative penalty established by this by-law and specified in Schedules “2” and “3” of this by-law;

2. That section 1 of By-law 39-2016 is amended by adding the following new definitions immediately after the definition of “Council”:

“COVID-19 Emergency” means the period of time commencing upon the date of passing of this By-law until the declaration of emergency made by Head of Council under section 4 of the *Emergency Management Act* in relation to the COVID-19 Pandemic has been terminated.

“COVID-19 Special Parking Enforcement Area” means:

- (a) Parking lots and roadways adjacent to municipally owned facilities closed due to the COVID-19 emergency including parks, sports fields, recreation centres, arenas, paths, trails and municipally owned parking lots.
- (b) Temporary permit parking areas created by Authorized Signs for medical personnel surrounding Joseph Brant Hospital on Northshore Boulevard and Lakeshore Road.
- (c) Roadways adjacent to Conservation Areas and the Bruce Trail when these facilities are closed due to the COVID-19 Emergency.

3. That By-law 39-2016 is amended by deleting section 8.2 and replacing it with the following new section 8.2:

8.2 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 Schedules "2 and 3" of this by-law, and any fees related thereto.

4. That PART 2 ADMINISTRATION AND ENFORCEMENT of By-law 39-2016 is amended by adding the following new section after the section titled TOWING:

10.1 COVID-19 Special Parking Enforcement Areas

1. Notwithstanding any other provision in this by-law, no person shall do the following in a COVID-19 Special Parking Enforcement Area:
- (a) park or stand without a consent or permit;
 - (b) park on any portion of the grass or sand adjacent to a Municipal Parking Facility or on Municipal Property;
 - (c) park as to obstruct any portion of a Sidewalk;
 - (d) park on any portion of a Boulevard;
 - (e) park in front of or within one (1) metre of any entrance to a Driveway or laneway, so as to prevent egress or ingress;
 - (f) park in a manner that obstructs traffic or Bicycle Lane;
 - (g) park on a shoulder of a Roadway;
 - (h) park where there are Authorized Signs clearly indicating prohibited Parking on a particular Highway, Roadway or Municipal Property 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;
 - (i) stand, stop, or park where there are Authorized Signs clearly indicating prohibited standing, stopping or parking in an emergency area;
 - (j) stop a vehicle as to obstruct any portion of a Crosswalk or Pedestrian Pathway; or,
 - (k) stop a vehicle where there are Authorized Signs clearly indicating prohibited Stopping on a particular Highway, Roadway or Municipal Property 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.

5. That By-law 39-2016 is amended by adding a new Schedule “3” immediately after Schedule “2” of that By-law in the form attached hereto as Schedule “A”, which forms part of this By-law.
6. If a court of competent jurisdiction declares any provision or part of a provision of this By-law invalid, the provision or part of a provision is deemed severable from this By-law and it is the intention of Council that the remainder of this By-law shall continue to be in force.
7. This By-law comes into force on the date of its passing.
8. This By-law will remain in force for the duration of the COVID-19 Emergency.

PASSED this 20th day of April 2020.

Mayor Marianne Meed Ward _____

City Clerk Kevin Arjoon _____

SCHEDULE “A” to By-law XXX-2020

**SCHEDULE “3”
ADMINISTRATIVE PENALTIES FOR
COVID-19 SPECIAL PARKING ENFORCEMENT AREA**

NO	CONTRAVENTION	PARKING BY-LAW 39-2016 SECTION	PENALTY AMOUNT
1	Park, stop or stand, without consent or permit on municipal property, roadway, or highway	10.1.1(a)	\$250
3	Park on grass or sand on municipal property	10.1.1(b)	\$250
4	Park obstructing any portion of sidewalk	10.1.1(c)	\$250
5	Park on any portion of boulevard	10.1.1(d)	\$250
6	Park in front of or within 1-metre of driveway or laneway	10.1.1(e)	\$250
7	Park in manner that obstructs traffic or bicycle lane	10.1.1(f)	\$250
8	Park on shoulder of roadway	10.1.1(g)	\$250
9	Park in signed prohibited parking area	10.1.1(h)	\$250
10	Park in signed emergency prohibited stopping area	10.1.1(i)	\$250
11	Stop as to obstruct any portion of a crosswalk or pedestrian pathway	10.1.1(j)	\$250
12	Stop in signed prohibited stopping area	10.1.1(k)	\$250