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c 72 The City of Burlington Act, 1977

Ontario
An Act respecting the City of Burlington

Assented to November 25th, 1977

WHEREAS The Corporation of the City of Burlington, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of the Corporation may pass by-laws for examining, licensing, regulating and governing driveway and paving contractors and master installers of driveways and pavement, and for revoking such licences or for permitting them by reason of licensing by the Association of Professional Engineers for Ontario or by reason of membership in the Ontario Road Builders Association, to be licensed without examination.

(2) The council of the Corporation may pass by-laws providing for an annual fee for a licence issued pursuant to subsection 1, which fee shall not exceed $100.

(3) A by-law passed pursuant to subsection 1 may provide for refusing a licence where the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the applicant will not operate its business in accordance with the law.

(4) A licence shall not be refused pursuant to the power contained in subsection 3 where the applicant has registered as an itinerant seller in accordance with the provisions of The Consumer Protection Act.

(5) Part XXI of The Municipal Act applies mutatis mutandis to by-laws passed under this section.
2.—(1) The council of the Corporation may pass by-laws permitting a tax credit under the Municipal Elderly Resident’s Assistance Act, 1973 to persons who are members or shareholders of a co-operative corporation incorporated under the laws of Canada or of a province of Canada for the sole purpose of providing residential dwelling units to all members or shareholders thereof.

(2) A by-law passed pursuant to subsection 1 shall provide that the full amount of the tax credit in each year shall be credited directly to the person or persons in respect of whom it is granted.

Interpretation

3.—(1) In this section,

(a) "designated fire route" means a fire route so designated by by-law of the Corporation;

(b) "fire route" means any private road, lane, ramp or other means of vehicular access to or egress from a building or structure and it may include part of a parking lot;

(c) "park" or "parking" when prohibited means the standing of a vehicle, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;

(d) "stop" or "stopping" when prohibited means the halting of a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a constable or other police officer or of a traffic control sign or signal;

(e) "trailer" means a vehicle that is at any time drawn upon a highway by a vehicle or any device or apparatus not designed to transport persons or property temporarily drawn, propelled or moved upon the highway and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the vehicle by which it is drawn;

(f) "vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include the car of an electric or steam railway running only upon rails.
(2) Notwithstanding paragraph 112 of subsection 1 of section 354 of The Municipal Act, the council of the Corporation may pass by-laws,

(a) regulating and designating fire routes, and, without limiting the generality of the foregoing, the by-laws may include the following:

1. The dimensions, location, construction and maintenance standards of a fire route or of a designated fire route.

2. The location, the number and the proximity to a building or structure of water hydrants.

3. Authority to the Building Commissioner of the Corporation to refuse to issue a building permit for any building or structure where the plan filed with the building permit application does not show the proposed location of a fire route, where such is required, or where the plan shows a proposed fire route which is not in conformity with the by-laws passed pursuant to this subsection or unless the security referred to in paragraph 4 has been filed.

4. Provision for the filing of security of such nature and amount as the Corporation may determine to ensure the proper construction of a fire route in accordance with the by-laws passed pursuant to this subsection.

5. Provision for the return or release, in whole or in part, of the security referred to in paragraph 4.

6. Requirements that existing fire routes which do not comply with the provisions of the by-laws passed pursuant to this subsection, comply, and the establishment of a time limit within which the fire routes are required to comply, or where there is a requirement for a fire route to an existing building or structure, that it be constructed within the period established in the by-laws passed pursuant to this subsection;

(b) diverting, altering or stopping-up, for a period or permanently, designated fire routes;
(c) regulating and governing traffic on designated fire routes;

(d) prohibiting the parking or leaving of a vehicle unattended on a designated fire route and providing for the removal and impounding of any vehicle so parked or left at the expense of the owner of the vehicle;

(e) providing for the erection of signs, including the granting of the right to enter on land to accomplish this, and providing that the effect of the signs shall be the same as though erected pursuant to any by-law enacted pursuant to The Municipal Act respecting the regulation of traffic;

(f) fixing the fees and charges to be paid to the Corporation for any engineering and inspection services it provides for the construction of a fire route, for designating a fire route and for the erection of signs, and providing for recovery of fees and charges in the event of non-payment in the same manner as a by-law enacted pursuant to The Municipal Act;

(g) authorizing a peace officer or a full-time fire fighter, upon discovery of any vehicle or trailer parked or left unattended in contravention of the provisions of any by-law enacted pursuant to this subsection, to have the vehicle or trailer moved to and stored in another location, and providing that all costs and charges of removal and storage thereof are a lien upon the vehicle or trailer, which may be enforced in the manner provided by section 48 of The Mechanics' Lien Act.

(3) Part XXI of The Municipal Act applies to any by-law passed under this section.

(4) Clause a of paragraph 107 of section 354 of The Municipal Act applies to penalties provided by any by-law passed under this section.

(5) The driver of a vehicle, not being the owner, is liable to any penalty provided in a by-law passed under this section and the owner of the vehicle is also liable to such a penalty unless at the time the offence was committed the vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent.

(6) Before passing a by-law pursuant to subsection 2,
(a) the council of the Corporation shall cause notice of the proposed by-law to be sent by prepaid mail to every owner and occupant as shown on the last revised assessment rolls whose lands or premises may be prejudicially affected by the proposed by-law;

(b) the council of the Corporation or a committee of council shall hear in person or by his counsel, solicitor or agent, any person who claims that his lands or premises will be prejudicially affected by the by-law and who applied to be heard within four weeks of the notice being sent; and

(c) a notice sent under this subsection shall include a statement of the estimated expenses that will be incurred by the owner of the lands on which the fire route is to be designated.

4. This Act comes into force on the day it receives Royal Assent.

5. The short title of this Act is *The City of Burlington Act, 1977*.  

