

THE CORPORATION OF THE MUNICIPALITY OF BILLINGS

BY-LAW 2004- 37

BEING A BY-LAW TO REGULATE PARKING , LEAVING OF SNOW OR OTHER OBSTACLES ON,DAMAGING, OR CONTRIBUTIONG TO DRIFTING OR ICING OF PUBLIC ROADWAYS

THIS BY-LAW SHALL UPDATE AND SUPERCEDE 1974-10 and 1991-02 and existing By-laws addressing Parking and Leaving of Snow on Roadways.

NOTHING IN THIS BY-LAW may contradict or render invalid the charge of a Criminal Offence as concerning the barricading of a road or hindering of traffic.

IF ANY PART OF THIS BY-LAW, for any reason whatsoever is declared to be invalid, the remaining sections of the By-law shall remain in force and effect.

WHEREAS the Township of Billings deems it necessary to regulate intentional conduct which impedes the plowing and maintenance of its public roadways, and the Ontario Municipal Act s.o. 2001 c. 25S44 (14) authorizes municipalities to so regulate:

DEFINITIONS

“ROAD” shall mean traveled portion of the roadway plus the plowed shoulder

“ROADWAY” shall mean the entire road allowance, being 66 ft in the case of Concession, side, and regulation subdivision roads, and the actual traveled road and existing ditches in given roads. Roadways shall be all Billings public roadways as ROADS COMPREHENSIVE BY-LAW 2004-35 Appendix 1 lists.

“PARKING” shall mean the leaving of a vehicle with the engine turned off and operator away from the vehicle. Items include but are not limited to cars, trucks, snowmobiles and other vehicles.

“LEAVING OF SNOW” shall include snow, ice, rock and other materials left in ridges or piles on the traveled portion of the road as a result of snow removal or grading or other road maintenance efforts being made to an adjacent public or private roadway by a private citizen. That the snow, ice, rock or other material was placed there by a person and forms a possible impediment to plows or other road equipment is the judgment of the Roads staff.

“OBSTACLE” shall mean any object whatsoever left on the roadway or road allowance, so as to, in the opinion of the Roads staff, interfere with plowing, stacking, ditching or any other road maintenance activity, or with line of sight for drivers, or with the flow of snow so as to cause drifting. Obstacles include but are not limited to boats, box, flat and travel trailers, cut brush, logs and other vegetation.

“BARRICADE” shall mean any object or materials, signage or other means used to indicate that this road is blocked to public use. It is not necessary that the barricade be effective in physically blocking a vehicle. The standard of judgment is if, in the opinion of Roads Staff, a person not knowledgeable of the status of roads would reasonably interpret the objects as prohibiting him to use the road.

“PROHIBITED FENCE” shall mean a fence, privacy barrier or any such structure which, In the opinion of the Roads staff, creates drifting or interferes with a clear line of sight as defined by Ontario Municipal Act Section 11, or clear fetch of wind. No type of fence or barrier structure is specifically prohibited, the prohibition being connected with results of its placement.

