

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4710A-14**

**A BY-LAW TO AMEND BY-LAW 4710-14 BEING A BY-LAW TO
REGULATE AND DESIGNATE PRIVATE ROADWAYS AS FIRE
ROUTES ALONG WHICH NO PARKING OF VEHICLES IS
PERMITTED IN THE TOWN OF NIAGARA-ON-THE-LAKE**

WHEREAS By-law 4710-14 was approved by the Council of The Corporation of the Town of Niagara-on-the-Lake (Council) on March 24, 2014;

AND WHEREAS Council adopted the recommendations contained in Community & Development Services Report CDS-14-037, which recommended an amendment to By-law 4710-14;

AND WHEREAS subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "Act") provides that the powers of a municipality under any act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

AND WHEREAS section 9 of the Act provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purposes of exercising its authority under the Act;

AND WHEREAS section 102.1 of the Act 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-law respecting the parking, standing or stopping of vehicles;

AND WHEREAS the *Administrative Penalties*, O. Reg. 333/07 regulation to the Act (the "Regulation") requires by-laws respecting parking, standing, or stopping of vehicles, or parts of such by-laws, to be designated pursuant to the Regulation for a system of administrative penalties to apply;

AND WHEREAS section 391 of the Act authorizes a municipality to pass by-laws imposing fees or charges for costs payable by it for services or activities, and services or activities provided or done by or on behalf of the municipality;

AND WHEREAS Council for The Corporation of the Town of Niagara-on-the-Lake considers it desirable and necessary to provide for a system of administrative penalties and administrative fees, to designate portions of the Fire Route By-Law so the system of administrative penalties and administrative fees applies to those designated portions, and to amend portions of the Fire Route By-Law.

NOW THEREFORE BE IT ENACTED AS A BY-LAW OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE, as follows:

1. By- Law 4710-14, being a by-law regulating the parking of vehicles on fire routes and emergency access points, (the "Fire Route By-Law") shall be amended by adding the following preambles as the thirteenth (13th) and fourteenth (14th) preamble:

AND WHEREAS Section 436 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection;

AND WHEREAS sections 435, 437 and 438 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, set out additional powers and restrictions in regard to the power of entry

2. Section 6 of the Fire Route By-Law shall be repealed and replaced with the following:

SECTION 6: PENALTY FOR NON-COMPLIANCE

1. Every person who contravenes Section 3 of this By-Law is guilty of an offence for each day or part of a day that the offence continues and on conviction is liable to a fine for each offence, as provided for in Part III of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended and the Municipal Act, 2001, S.O. 2001, c. 25.
 2. Every director or officer of a corporation who authorizes, permits or acquiesces in a contravention of Section 3 this By-Law by the corporation is guilty of an offence for each day or part of a day that the offence continues and on conviction is liable to a fine for each offence, as provided for in Part III of the Provincial Offences Act, R.S.O. 1990, c. P. 33 as amended and the Municipal Act, 2001, S.O. 2001, c.25.
 3. Where a person has been convicted of an offence under Section 3 of this By-Law, the Court may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.
 4. Any contravention of Section 4 of this by-law shall be subject to the provisions of By-Law 4744-14, being a by-law to establish a system of administrative penalties and administrative fines (the "Administrative Penalty By-Law") and the system of administrative penalties and fines established therein. All other fines imposed or offences created by this by-law shall be subject to the provisions of the *Provincial Offences Act*.
 5. Section 4 of this By-Law is designated pursuant to section 3(1) of Administrative Penalties, O. Reg. 333/07, as amended.
 6. Every person who contravenes Section 4 of this By-Law, and each registered owner of that vehicle, when given a Penalty Notice in accordance with the Administrative Penalty By-Law, shall be liable to pay the Town the administrative penalties and the administrative fees as set out in the Administrative Penalty By-Law.
3. Section 5 of the Fire Route By-Law shall be amended by adding the following subsections:
 5. The Fire Chief, or their designate, and/or any Municipal Law Enforcement Officer and/or any Police Officer may, at any reasonable time, enter on land for the purpose of carrying out an inspection to determine compliance with this By-Law.
 6. If a Court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-Law that each and every other provision of this By-Law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

If a court of competent jurisdiction declares any section or part of this By-Law invalid or unenforceable the remainder of the bylaw shall continue to be in force.

4. This By-Law shall come into force and take effect immediately upon the passing thereof.
5. If a Court of competent jurisdiction declares any provision, or any part of a provision, of this By-Law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-Law that each and every other provision of this By-Law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 23rd DAY OF JUNE 2014



LORD MAYOR DAVE EKE



TOWN CLERK HOLLY DOWD