

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

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 AND TO REPEAL BY-LAW 3170-97 AND BY-LAW 4309-09 SECTION 6.3(e).

WHEREAS Section 7.1(1) of the Fire Protection and Prevention Act, 1997 S.O. 1997, Chapter 4, as amended, authorizes Council to pass By-laws for designating private roads as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle parked or left along any of the fire routes at the expense of the vehicle owner;

AND WHEREAS Section 7.1(4) of the Fire Protection and Prevention Act, 1997 S.O. 1997, Chapter 4, as amended, authorizes a Municipality to appoint an Officer to enter upon land at any reasonable time to determine whether By-laws enacted in accordance with the section are being complied with;

AND WHEREAS Section 436 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes a municipality to pass By-laws providing that the municipality may enter onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a By-law, direction, order or licence;

AND WHEREAS Section 2.5.1.2 of the Fire Code, O. Reg. 213/07, made under the Fire Protection and Prevention Act, 1997 S.O. 1997, Chapter 4, as amended, requires that fire access routes and access panels or windows provided to facilitate access for firefighting operations not be obstructed by vehicles, gates, fences, building materials, vegetation, signs or any other form of obstruction;

AND WHEREAS Section 2.5.1.3 of the Fire Code, O. Reg. 213/07, made under the Fire Protection and Prevention Act, 1997 S.O. 1997, Chapter 4, as amended, requires fire access routes to be maintained so as to be immediately ready for use at all times by fire department vehicles.

AND WHEREAS Section 2.5.1.4 of the Fire Code, O. Reg. 213/07, made under the Fire Protection and Prevention Act, 1997 S.O. 1997, Chapter 4, as amended, requires that approved signs be displayed to indicate fire access routes;

AND WHEREAS Section 170(12) of the Highway Traffic Act, R.S.O. 1990, c.H.8, as amended, prohibits parking or standing a vehicle on a highway in such a manner as to interfere with the movement of traffic or the clearing of snow from the highway.

AND WHEREAS Section 170(15) of the Highway Traffic Act, R.S.O. 1990, c.H.8, as amended, provides that a Police Officer, Police Cadet, Municipal Law Enforcement Officer or an Officer appointed for the carrying out of the provisions of the Act, upon discovery of any vehicle parked or standing in contravention of section 170(12) or of a Municipal By-law, may cause it to be removed or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, are a lien upon the vehicle, which may be enforced in the manner provided by the Repair and Storage Liens Act;

AND WHEREAS Section 207(1) of the Highway Traffic Act, R.S.O. 1990, c.H.8, as amended, provides that the owner of a vehicle may be charged with and convicted of an offence under the Act or the regulations or any Municipal By-law regulating traffic for which the driver of the vehicle is subject to be charged unless, at the time

of the offence, the vehicle was in the possession of some person other than the owner without the owner's consent, and on conviction the owner is liable to the penalty described for the offence;

AND WHEREAS Section 100.1 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes a municipality, in respect of land not owned or occupied by the municipality, to regulate or prohibit the parking or leaving of motor vehicles without the consent of the owner of the land;

AND WHEREAS Section 425 of the Municipal Act, 2001, S.O. 2001, c.25 as amended, authorizes a Municipality to create offences;

AND WHEREAS Section 429 of the Municipal Act, 2001, S.O. 2001, c.25 as amended, authorizes a Municipality to establish a system of fines or offences under a By-law of a Municipality passed under the Act;

AND WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes a Municipality to pass By-laws respecting, among other things, the health, safety and well-being of persons, parking on property, and structures including fences and signs;

AND WHEREAS Council deems it necessary to provide for the designation of private roads as fire routes, to provide fire and other emergency vehicles with access to private property in the event of fire or emergency, and for the designation of fire officials to issue orders to property owners and others to provide fire routes;

AND WHEREAS the Town has reviewed its requirements with regard to such legislation and wishes to repeal By-law 3170-97 and By-law 4309-09 S. 6.3(e) and enact this By-law.

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

SECTION 1: DEFINITIONS AND INTERPRETATION

AUTHORIZED SIGN means a sign, as detailed in Schedule "B", in of which size, shape, colour, material and mounting position/location have been approved by the Fire Chief, or their designate, and which displays the words "Fire Route" and the following symbols and information;

- (a) the symbol for "No Stopping" specified under the Highway Traffic Act; or
- (b) the symbol for "No Parking" specified under the Highway Traffic Act; and
- (c) words to the effect that indicates a "Fire Route" and that vehicles parked or stopped in the designated route will be towed;

BUILDING means any structure consisting of walls, foundation and a roof, which is used or intended to be used for the shelter, accommodation or enclosure of animals, goods or materials and shall exclude a boundary wall or fence and any Motor Vehicle as defined herein;

BUILDING CODE means the Building Code Act 1992, S.O. Chapter 23, as amended;

COUNCIL means the Council of the Corporation of the Town of Niagara on the Lake;

DWELLING means a building or part thereof used or intended to be used as a residential unit;

EMERGENCY ACCESS means a designated entry that is a continuous and unobstructed way to travel from any point in the most direct, efficient and expedient manner for purposes of fire, medical or other public safety emergencies;

EMERGENCY VEHICLE means fire vehicles and equipment, police vehicles and equipment and ambulances while either responding to an emergency call or being used to transport any person in an emergency situation;

FIRE CHIEF means the Fire Chief of the Corporation of the Town of Niagara on the Lake or their designate;

FIRE CODE means the Fire Code established under Part IV of the Fire Protection and Prevention Act, S.O. 1997, Chapter 4, as amended;

FIRE PREVENTION OFFICER means any person employed by the Town under direction of the Fire Chief as a Fire Prevention Officer;

FIRE ROUTE means any private roadway, lane, ramp or other means of vehicular access to or egress from a building or property, used for the purpose of emergency access, and it may include part of a parking lot set aside for use by emergency vehicles;

MOTOR VEHICLE means an automobile, motorcycle, motor assisted vehicle and any other vehicle propelled or driven otherwise than by muscular power;

MUNICIPAL LAW ENFORCEMENT OFFICER means any person appointed by the Council of the Town to enforce this and other By-laws;

PROPERTY OWNER means any person who is a registered owner, has a legal or equitable interest, has a legal right to obtain possession, or who has control or management of any property;

PARK or PARKING means the standing of a motor vehicle whether occupied or not, except when standing temporarily for purpose of, and while actually engaged in, loading or unloading of merchandise or passengers;

POLICE OFFICER means any person appointed or employed as a Police Officer of the Niagara Regional Police Service under authority of the Police Services Act R.S.O. 1990 Chapter P.15, as amended;

POLICE SERVICE means the Niagara Regional Police Service;

PRIVATE ROAD means any privately owned road, lane, ramp or other means of vehicular access or egress from a building or structure and may include part of a parking lot;

PROPERTY means any lot, block or other area in which land is held or into which it is subdivided, including the buildings and structures thereon;

STOP or STOPPING means the halting of a vehicle, even momentarily, whether occupied or not; and

TOWN means the Corporation of the Town of Niagara on the Lake.

SECTION 1.01

Unless otherwise specified, words importing the singular include the plural and vice versa and words importing gender include all genders, and the past, present or future tense or other related form of defined term shall have the same meaning as the defined term.

SECTION 2: FIRE ROUTE DESIGNATION

1. Fire Routes are hereby established and designated as set out in Schedule "E". The Fire Chief may require a Private Roadway or parking lot or part thereof in the Town to be established as a Fire Route. Where a Private Roadway or parking lot, or part thereof has been required to be established as a Fire Route, it is hereby designated as a Fire Route. The Fire Chief is delegated authority to amend Schedule "E" to add, remove, or modify established Fire Route as required.
2. Where a Fire Route has been designated under this By-law, the Fire Chief or their designate may issue an Order requiring the Property Owner;
 - (a) to establish the Fire Route in accordance with the provisions of this By-law;
 - (b) to erect and maintain Authorized Signs at locations on the Fire Route approved by the Fire Chief or their designate.
3. Where a Property Owner requests a designation of a Fire Route under this By-law, the Property Owner shall;
 - (a) file with the Town Fire and Emergency Services, plans for approval by the Fire Chief or their designate showing the proposed location of the Fire Route which shall meet the minimum requirements set out in Schedule "A" to this By-law;
 - (b) pay to the Town a processing and inspection fee in accordance with the provisions of the Town Fire and Emergency Services Fee, Schedule "D";
 - (c) erect, at their own expense, the Authorized Signs in accordance with the provisions of Schedule "B";
4. Where a Fire Route has been designated, constructed and signed in accordance with this By-law, the Fire Chief, or their designate, in the interest of life safety requirements under the Fire Code, may order any change to the designated Fire Route as deemed necessary and the Property Owner shall carry out whatever construction or Authorized Sign changes are required.

SECTION 3: FIRE ROUTE MAINTENANCE

1. The Property Owner shall maintain all designated Fire Routes and Authorized Signs to the standards set out in Schedule "A" and "B" and shall remove any snow, ice or obstruction which may prevent the use of a Fire Route.
2. No person shall;
 - (a) erect and maintain unauthorized signs which appear to be, or which may be confused for an Authorized Sign indicating a Fire Route at any location not designated by the Fire Chief or their designate;
 - (b) move or remove, or permit to be moved or removed, a required Authorized Sign without the approval of the Fire Chief or their designate;
 - (c) change the content of, damage or obstruct, or permit the change of content or damage or obstruction of any required Authorized Sign; and

- (d) obstruct a Fire Route or cause or permit a Fire Route to be obstructed.
3. Where a Property Owner fails to erect or maintain an Authorized Sign under this By-law, the Fire Chief, or their designate, may enter on the property and erect the Authorized Signs at the expense of the Property Owner and any costs incurred as a result thereof shall be recovered in like manner as municipal taxes under the Municipal Act.
4. Where a Fire Route has been designated under this By-law, the Property Owner shall construct the Fire Route in accordance with minimum Fire Route requirements set out in Schedule "A" to this By-law

SECTION 4: PARKING AND STOPPING

1. No person shall park a Motor Vehicle on a Fire Route where Authorized Signs have been erected and maintained which prohibit parking.
2. No person shall stop a Motor Vehicle on a Fire Route where Authorized Signs have been erected and maintained which prohibit stopping.

SECTION 5: ENFORCEMENT

1. The Fire Chief, or their designate, and/or any Municipal Law Enforcement Officer, and/or any Police Officer shall be responsible for the enforcement of this By-law.
2. The Fire Chief, or their designate, a Police Officer, a Municipal Law Enforcement Officer or any other Officer appointed for enforcing the provisions of this By-law, upon discovery of any Motor Vehicle parked or stopped in contravention of this By-law, may cause such Motor Vehicle to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, are a lien upon such Motor Vehicle, which may be enforced in the same manner provided in the Repair and Storage Liens Act.
3. No person, other than the Fire Chief or their designate, a Police Officer, a Municipal Law Enforcement Officer or any other Officer appointed for enforcing the provisions of this By-law shall move or cause a Motor Vehicle to be moved to another location.
4. The Fire Chief, or their designate and/or a Municipal Law Enforcement Officer are empowered to enter onto land at any reasonable time to inspect any building or property for the purposes of carrying out an inspection to determine whether this By-law or a notice or order issued is being complied with.

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 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

3. Provincial Offences Act, R.S.O. 1990, c. P. 33 as amended and the Municipal Act, 2001, S.O. 2001 c. 25.
4. Every person who contravenes Section 4 of this By-law is guilty of an offence and on conviction is liable to a fine as set out in Schedule "C" of this By-law as provided for in Part II of the Provincial Offences Act, R.S.O. 1990, c. P. 33.
5. Where a person has been convicted for an offence under 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.
6. The owner of a Motor Vehicle may be charged with an offence for contravention of Section 4 of this By-law for which the driver of the vehicle is subject to be charged and on conviction, the owner is liable to the penalty described for the offence unless at the time of the offence, the vehicle was in possession of some person other than the owner without the owner's consent.

SECTION 7: EXEMPTION

1. The provisions of this By-law do not apply to a person who parks or stops on a designated Fire Route indicating a prohibition to parking if the Motor Vehicle is a;
 - (a) fire or police vehicle or ambulance or other Emergency Vehicle;
 - (b) vehicle operated or staffed by the Fire Chief, or their designate, a Municipal Law Enforcement Officer or a Police Officer while actively engaged in the enforcement of this By-law; or
 - (c) vehicle where the operator is at the vehicle and actively engaged in the loading and/or unloading of people or cargo.

SECTION 8: CONFLICT AND SEVERABILITY

1. If any portion of this By-law is found to be in conflict with any other provision of any zoning, building, fire, safety or other By-law of the Town or regulations or Provincial or Federal legislations, the provision which establishes the higher standard shall prevail.
2. Should any section, clause or provision of this By-law be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part hereof, other than the part which was declared to be invalid.

SECTION 9: REPEAL

1. By-law 3170-97 shall be and is hereby repealed; and
2. By-law 4309-09, Section 6.3(e) shall be and is hereby repealed.

SECTION 10: EFFECTIVE DATE

This By-law shall come into full force and effect of the final date of passage hereof at which time all By-laws that are consistent with the provisions of this By-law and the same are hereby repealed insofar as it is necessary to give effect to the provisions of this By-law.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 24TH DAY OF MARCH 2014



LORD MAYOR DAVE EKE



TOWN CLERK HOLLY DOWD

SCHEDULE A

MINIMUM FIRE ROUTE REQUIREMENTS

All designated Fire Routes shall be constructed and maintained in accordance with the following requirements;

1. Be connected to a public thoroughfare by an entrance of at least 6m in width.
2. Have a clear driving width not less than 6m unless otherwise approved by the Fire Chief, or their designate.
3. Be constructed of hard surface material such as asphalt, concrete or lockstone and designed to support a load of not less than 25,000 pounds per axle.
4. Have a change in gradient of not more than 1 in 12.5 (8.00%) over a minimum distance of 15m.
5. Be located not less than 3m and not more than 15m, measured horizontally and at right angles from the face of the building.
6. Have an overhead clearance not less than 5m.
7. Have a centre line radius of not less than 12m with respect to any change in direction of the Fire Route.
8. Have turn-around facilities for any dead end portion of the Fire Route exceeding 90m. Such turn-around shall be either a cul-de-sac that shall maintain a radius of not less than 12m or a hammerhead.
9. Be designed to provide access to the building face which contains the principle entrance when only one (1) building face is accessible.
10. Be located so as to provide access to the rear yards of residential occupancies such as Townhouses at not more than 90m intervals.
11. Be located not more than 45m measured horizontally from a principle entrance of each portion of a building which is completely cut off from the remainder of the building which is served by the Fire Route.
12. The control of entry to a Fire Route may be provided with a chain barrier (chain link size not to exceed 3/8"). The chains shall be connected to posts on either side of the Fire Route and suitable signs shall be posted.

SCHEDULE B

FIRE ROUTE SIGNS

1. Fire Route signs shall be permanently mounted on a rigid sign post, pole or building structure.
2. Fire Route signs shall be erected at a height of between 1.9m and 2.5m as measured from the edge of the travelled portion of the designated Fire Route, to the bottom edge of the sign.
3. Fire Route signs shall be installed at a distance of between 0.3m and 3m of the travelled edge of the designated Fire Route.
4. Fire Route signs that indicate a prohibition of either both sides or the entire driveway or surface of the designated Fire Route, shall be installed at a 90 degree angle in relation to the edge of the travelled portion of the designated Fire Route, in such a manner as to allow both of the sign faces to be visible to traffic.
5. Fire Route signs that indicate a prohibition to only one half of the travelled portion of the designated Fire Route shall be installed at a 45 degree angle in relation to the edge of the travelled portion of the designated Fire Route facing approaching traffic.

SCHEDULE C

SET FINES

PART II PROVINCIAL OFFENCES ACT			
Town of Niagara on the Lake By-law #0000-13, Short Title: Fire Route By-law			
ITEM #	COLUMN 1: Short Form Wording	COLUMN 2: Provision Creating or Defining Offence	COLUMN 3: Set Fine
1.	Park on Designated Fire Route	Section 4 (1)	\$100
2.	Stop on Designated Fire Route	Section 4 (2)	\$100

NOTE: The general penalty provision for the offences listed above is Section 61 of the Provincial Offences Act, R.S.O., 1990, c. P. 33

SCHEDULE D

Appendix B



TOWN OF NIAGARA-ON-THE-LAKE
FIRE & EMERGENCY SERVICES

FEE SCHEDULE

INSPECTION FEE SCHEDULE

TASK PERFORMED		PROPOSED FEE	
		2011	2012
1.	File Search:		
	Letters of Compliance	\$ 75.00	\$ 75.00
	Insurance Company Reports	\$ 75.00	\$ 75.00
	L.L.B.O. Letters of Compliance	\$ 75.00	\$ 75.00
	L.L.B.O. Special Occasion Permit Letters	\$ 25.00	\$ 25.00
2.	On Site Inspections: (For Legal Transactions)		
	Residential	\$ 50.00	\$ 50.00
	1 to 4 Apartment Units	\$100.00	\$100.00
	Per Unit over 4	\$ 25.00	\$ 25.00
3.	On Site Inspections: (For Real Estate Transactions)		
	Commercial and Industrial		
	First 10,000 square feet	\$250.00	\$250.00
	Additional 5,000 square feet	\$100.00	\$100.00
4.	On Site Inspections: (For Real Estate Transactions)		
	Multi-Unit Hotels and Motels		
	1 to 10 Units	\$250.00	\$250.00
	Per Unit Over 10	\$ 25.00	\$ 25.00
5.	On Site Inspections: (For Accreditation)		
	Private Home Day Care	\$ 50.00	\$ 50.00
6.	On Site Inspections: (For Accreditation)		
	Day Care Centres	\$100.00	\$100.00
	Nursing Homes	\$300.00	\$300.00
	Rest Homes	\$300.00	\$300.00
	Old Age Homes	\$300.00	\$300.00
	Homes for Special Care	\$200.00	\$200.00
7.	Fire Safety Training (NEW in 2010):		
	One free per calendar year, subsequent training will be at	\$ 75.00 per hour	\$ 75.00 per hour

SCHEDULE E

ESTABLISHED FIRE ROUTES

PROPERTY	ADDRESS
Vineyard Subdivision (Line 2 / Bordeaux)	Tuscany Cr. / Zinfandel Cr. / Pinot Trail / Chardonnay Pl. / Seyval Pl. / Riesling Dr.
Harvest Creek (Creekside/Four Mile Creek)	Suncrest Lane / Crimson Dr. / Hillside Dr.
NOTL Community Centre	14 Anderson Lane
Pleasant Manor	15 Elden Street
Creekside Seniors Estates	21 – 25 Four Mile Creek Road
Centennial Arena	1567 Four Mile Creek Road
Dr. Matjevic Dental Offices	1630 Four Mile Creek Road
Niagara Corporate Business Centre	509 Glendale Ave. East
Stone Road Village	453 Hunter Road
Pillar & Post Hotel	48 John St. East
Two Sisters Winery	240 John St.
Lamberts Walk	678 Line 2
Inniskillin House Wines	1499 Line 3 Road
Shalomar Lake	1501 Line 8 Road
Royal Niagara Golf Club	1 Niagara on the Green Blvd.
Niagara District Airport	468 Niagara Stone Road
Southbrook Farms	581 Niagara Stone Road
Hillebrand Winery	1249 Niagara Stone Road
Cross Roads School	1350 Niagara Stone Road
Glen Brook Townhouses	1439 Niagara Stone Road
Parkway Place Townhouses	1448 Niagara Stone Road
Virgil Heights Plaza	1585 Niagara Stone Road
Stratus Vineyards	2059 Niagara Stone Road
Jackson Triggs	2145 Niagara Stone Road
Greystone Condos	222 Ricardo Street
Niagara College	135 Taylor Road
White Oaks Resort	233 – 253 Taylor Road
Outlet Collection at Niagara	300 Taylor Road
Leons	440 Taylor Road
Chateau Gardens	120 Wellington
Gateway Plaza	495 York Road
Hilton Garden Inn	500 York Road
Harley Davidson	590 York Road
Husky Oil	609 – 645 York Road
Public Works Canada	630 York Road
Chateau Des Charmes Winery	1025 York Road
St. David's Public School	1344 York Road
Ravine Vineyard	1360 – 1366 York Road