

CORPORATION OF THE TOWNSHIP OF HAVELOCK-BELMONT-METHUEN

BY-LAW NO. 2014 - 53

Being a by-law to continue and regulate Fire Routes for the Township of Havelock Belmont - Methuen.

WHEREAS section 7.1 of the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, as amended, provides that a municipality may pass by-laws for designating private roadways as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle(s) parked or left along any fire routes so designated at the expense of the owner;

AND WHEREAS subsection 7.1(4) of the *Fire Protection and Prevention Act*, 1997 provides that a municipality may appoint an officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether by-laws enacted in accordance with this section are being complied;

AND WHEREAS section 425 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, authorizes a municipality may pass a by-law providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

AND WHEREAS sections 435 and 436 of the *Municipal Act*, 2001, provide for conditions governing powers of entry on land and the conduct of inspections;

THEREFORE, the Council of the Corporation of the Township of Havelock-Belmont- Methuen enacts as follows:

1. Definitions

In this by-law, unless the context otherwise requires:

- a) **Council** means the Council of the Township of Havelock-Belmont-Methuen;
- b) **Chief or Fire Chief**, also known as Manager of Fire and Emergency Measures, means the person appointed by a by-law of the Council to act as Fire Chief;
- c) **Chief Building Official** means the person appointed by a by-law of Council to act as Chief Building Official;
- d) **Fire Route**, means any private road way, lane,amp or other means of vehicular access to or egress from a building and it may include part of a parking lot set aside for use by authorized emergency vehicles;

- e) **Hydrant**, means any apparatus for drawing water directly from a main and which is used principally for fire fighting purposes;
 - f) **Motor Vehicle** includes an automobile, motorcycle, motor assisted vehicle and any other vehicle propelled or driven otherwise than by muscular power;
 - g) **Vehicle**, includes a Motor Vehicle, trailer, motor assisted bicycle, 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 any railway running only upon rails.
 - h) **Park or Parking**, means the standing of a vehicle, whether occupied or not except when standing temporarily for the purpose of and while actually engaged in the loading or unloading of merchandise or passengers;
 - i) **Property Owner**, includes:
 - 1) a person whose interest in land is such that he is deemed to be an owner under the appropriate land registration system; and
 - 2) a person who is or appears to be receiving rent or other compensation from the use of land by a third party whether he is receiving it on his own account or as agent, trustee or representative, or like capacity;
 - j) **Stop or Stopping**, when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, 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;
2. Those Fire Routes listed in Schedule "A" to this by-law are hereby designated as Fire Routes.
3. Authorized signs shall be placed or erected by the Property Owner on or along a designated fire route in accordance with Schedule "B" to this by-law.
4. Where a Fire Route has been designated under this by-law the Chief Building Official may refuse to issue a building permit for any building to be located on the lot on which the Fire Route has been designated;
- 1) if the plan(s) filed with the building application do not show the proposed location of the designated Fire Route including Hydrants, if required;
 - 2) If the proposed location of the Fire Route is not in conformity with this by-law.

5. (1) The Property Owner shall maintain the Fire Route and signs and shall remove any snow, ice or obstruction that may prevent the use of the Fire Route or obscures the visibility of an authorized sign.

(2) No person shall interfere with, deface or remove an authorized fire route sign.

(3) Where the Property Owner fails to erect or to maintain an authorized sign under this by-law, the Fire Chief or other designated employee of the Township of Havelock-Belmont-Methuen may enter on the Property Owner's land and may erect the authorized signs at the expense of the Property Owner and any costs incurred as a result thereof may be recovered in like manner as municipal taxes under the *Municipal Act*.

6. (1) No person shall Stop or Park a vehicle on a designated Fire Route where Stopping or Parking is prohibited by an authorized sign, except that:

(2) Subsection (1) does not apply to a person who parks or stops an ambulance, police, fire or other emergency vehicle.

REMOVAL OF VEHICLES

7. (1) A police officer, parking control officer, by-law enforcement officer or firefighter who discovers a vehicle parked in contravention of the provisions of Section 5. may have the Vehicle moved to and stored in another location and all costs of removal and storage shall be a lien upon the said Vehicle and may be enforced in the manner provided by the *Municipal Act* or *Fire Protection and Prevention Act*.

(2) No person other than a police officer, parking control officer or firefighter shall move or cause a Vehicle to be moved to another location.

ENFORCEMENT

8. The Fire Chief is responsible for the enforcement of this by-law, and a police officer, a parking control officer or a by-law enforcement officer may enforce the by-law.

LIABILITY

9. Any person erecting or maintaining any sign or sign structure shall be liable for such sign or sign structure. The Township of Havelock-Belmont-Methuen is not responsible for such sign or sign structure and is not responsible for any claim for damages, loss, expense or otherwise arising from the erection, maintenance, removal or falling of such sign, sign structure, or part thereof.

OFFENCES AND PENALTIES

10. (1) Every person who contravenes any provision of this by-law is guilty of an offense.
- (2) Every person who is convicted of an offence is liable to a fine of not more than five thousand dollars (\$5,000.00) as provided for in the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.
- (3) A person who has been convicted of an offence under this by-law by:
 - (a) The Ontario Court of Justice, or
 - (b) Any court of competent jurisdiction thereafter,

May, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the doing of an act or thing by the person convicted directed toward the continuation of the offence.

VALIDITY

11. If a court of competent jurisdiction declares any provision or part of a provision of this by-law to be invalid or of no force and effect, it is the intention of the Council, in enacting this by-law, that each and every other lawful provision of this by-law be applied and enforced in accordance with its terms to the extent possible according to law.

HEADINGS

12. The headings contained in this by-law are for the purposes of convenience and reference only and do not form part of this by-law.

EXISTING SIGNS

13. Fire route signs in place at the time of enactment of this by-law are permitted and may remain in place and may be the subject of enforcement for a period of five (5) years from the date of this by-law's enactment. (By-law No. 2014-)

SCHEDULES ADOPTED

14. The Schedules referred to in this by-law shall form part of this by-law.

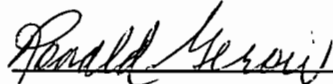
SHORT TITLE

15. This by-law may be referred to as the "Fire Routes By-law".

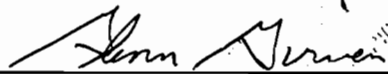
ENACTMENT

16. This By-law shall come into force and effect on the date of passing.

Read a FIRST, SECOND AND THIRD Time and passed by Council this 11th day of August 2014.



Mayor Ron Gerow



Clerk Glenn Girven

Schedule "A"

1. 55 Mathison St. E. (Public School), 1531 020 00119700, Plan 18 Lot 318N Mathison W; William Pt Blk J Inst 120187
2. 12 Oak St., 1531 020 001 05601, Plan 14, Part Lot 116, 117; RP 45R1085 Parts 6 to 7
3. 6830 Highway 7, 1531 010 002 20300, Bel Con 5 and 6, Pt lots 6 to 9 and Pt Rd Allow RP 45R 14076 Parts 2 to 10
4. 5 George St. N., 1531 020 002 05500, Plan 12 Lot 179 S/S George St. W. Oak
5. 39 Mathison St. E. (Arena), 1531 020 001 12500, Plan 14 Pt Blk J Plan 12; Lot 218
6. 13 Quebec St. (Havelock Library), 1531 020 002 08500, Plan 14 Pt Lots 243,244 & 215; Shown as 45R3703, Parts 1, 2 & 3
7. 55 Alfred St. (Cordova Library), 1531 010 006 05810, Con 5 Part Lot 20; Plan 15 Blk 172 to 175 and Block C

Schedule "B"

1. Unless otherwise specifically required pursuant to an approval of a fire route in accordance with the Fire Protection and Prevention Act or the Fire Code, the Building Code Act or the Ontario Building Code or a Site Plan Control By-law under the Planning Act, the following requirements shall apply to signs for fire routes:

- (a) A sign prohibiting parking in a fire route shall,
 - (i) be not less than 45 centimetres in height and not less than 30 centimetres in width;
 - (ii) bear the markings and message that the area is a fire route where parking is prohibited and include double arrows, except at the ends of a fire route where single arrows shall be included;
 - (iii) include, in black letters of a minimum height of 4.0 em, the English Language message "FIRE ROUTE" and

- (b) Despite subsection (a), signs of a larger size and pavement or curb markings may be required where considered necessary by the Fire Chief to more clearly delineate a fire route.

- (c) Authorized signs shall be located no more than 25.0 metres apart unless otherwise or as frequently as is necessary to identify the route in the judgement of the Fire Chief or his designate, and the lower edge of each sign shall be between 1.9 metres and 2.5 metres above, measured from the edge of the travelled portion of the designated route..

- (d) Despite the above minimum requirements, any sign which lawfully existed as an authorized and required sign at the date of the passing of this by-law continues to be lawful as an authorized and required sign:
 - (i) unless such sign has been required to be changed pursuant to an order of the Fire Chief under the Fire Protection and Prevention Act or Fire Code.