

# THE CORPORATION OF THE TOWNSHIP OF SOUTHGATE

## By-law Number 2023-027

### being a by-law to designate and regulate fire routes within the Township of Southgate

**Whereas** Subsection 11 of the Municipal Act 2001 S O 2001, as amended, authorizes municipalities to pass by-laws prohibiting or regulating parking on highways and on properties other than highways;

**Whereas** Section 425 of the Municipal Act 2001 S O 2001 c.25 as amended, authorizes a municipality to create offences and to establish fines for offences under By-laws;

**Whereas** Subsection 7.1 of the Fire Protection and Prevention Act, 1997 authorizes a municipality to pass by-laws designating private roads as fire routes and providing for the impounding of any vehicle parked or left along any of the fire routes at the expense of the owner of the vehicle;

**Now therefore be it resolved that** the Council of the Corporation of the Township of Southgate hereby enacts as follows:

#### 1. Definitions

For the purposes of this By-law:

- 1.1 **"Authorized Emergency Vehicle"** means fire vehicles and equipment, police vehicles, and ambulances operated by or under the authority of the Ambulance Act R.S.O. 1990, Chapter A.14, while either responding to an emergency call or being used to transport a patient or injured person in an emergency situation.
- 1.2 **"Authorized Sign"** means a designated Fire Route Sign which is used to regulate traffic and meets the requirements as set out in Schedule "A" to this By-law ("Authorized Sign Design Standards") or has been approved by the Chief Fire Official. Authorized signs shall display the following:
  - The symbol for "No Parking" specific under The Highway Traffic Act; and
  - The number of this by-law
- 1.3 **"Building Code"** means the regulations made under Section 34 of the Building Code Act, 1992, S.O. Chapter 23, as amended.
- 1.4 **"Chief Fire Official"** means the Fire Chief or his or her designate.
- 1.5 **"Fire Route"** means a private roadway or an access route for fire department vehicles to gain access to a building or a property in response to an emergency.
- 1.6 **"Park or Parking"** when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purposes of and while engaged in loading or unloading merchandise or passengers.
- 1.7 **"Person"** includes a corporation.
- 1.8 **"Private roadway"** means any lane, ramp or other means of vehicular access to or egress from a building or structure which is not a highway and may include part of a private parking lot.

- 1.9 **"Property Owner"** means the registered owner of the property, or a tenant or other person legally entitled to possession of the premise.
- 1.10 **"Officer"** means a Municipal by-law enforcement officer appointed by the Council of the Corporation of the Township of Southgate, a Police Officer, the Chief Fire Official or any other person authorized to enforce this By-law.
- 1.11 **"Vehicle"** includes a motor vehicle, motor assisted bicycle, bicycle, trailer, traction engine, farm tractor, horse and buggy, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not included a motorized snow vehicle or the cars of electric or steam railways running only upon rails.

## **2. Enforcement**

- 2.1 The following persons are deemed to be appointed to enforce this By-law:
- a) Municipal By-law Enforcement Officer;
  - b) Police Officers; and
  - c) the Chief Fire Official.

## **3. Designation and Establishment of Fire Routes**

- 3.1 A fire route may be located upon a highway, public parking lot or private property where authorized signs are erected.
- 3.2 A fire route may be located upon private property subject to a municipally approved site plan agreement that designates such private property to be a fire route.
- 3.3 Where a private roadway, or parking lot or part thereof has been constructed with a width less than 3.66m (12 feet), the Chief Fire Official may designate the area as Fire Route
- 3.4 The Chief Fire Official shall cause notice to be either personally delivered or mailed by prepaid registered mail to the owner of the property where a fire route has been designated containing:
- a) the date on which the fire route was designated;
  - b) a site plan outlining the location of the designated fire route and authorized sign locations; and
  - c) a copy of this by-law
- 3.5 Where a fire route has been designated under this by-law, the owner of the property upon which the route is located shall:
- a) construct a fire route in accordance with the fire route requirements set out in Schedule "A" to this by-law, and
  - b) install authorized signs along the designated fire route in accordance with the sign design standards set out in Schedule "A" to this by-law and in the locations outlined on the site plan referred to above
- 3.6 Where the owner fails to construct a designated fire route in accordance with the provisions of this by-law, the Chief Fire Official may issue a notice to comply requiring the owner to construct a fire route in accordance with the provisions of this by-law by the time specified in the notice.

- 3.7 The Chief Fire Official shall cause the notice to comply to be either personally delivered or mailed by prepaid registered mail to the owner.
- 3.8 Where the owner fails to construct a designated fire route in accordance with the provisions of this by-law, the Chief Fire Official may issue a notice to comply requiring the owner to construct a fire route in accordance with the provisions of this by-law by the time specified in the notice.

#### **4. Mandatory Information on Fire Route Signage**

- 4.1 Where a fire route has been designated under this by-law, the owner of the property upon which the route is located shall keep a designated fire route:
- a) in good repair
  - b) clear of ice and snow, and
  - c) free of all forms of barriers and obstructions
- 4.2 The owner shall keep all authorized signs in good repair and in a clearly visible location.

#### **5. Parking Regulations**

- 5.1 No person shall park a vehicle at any time on or along any part of a designated fire route along which authorized signs are erected.
- 5.2 This section is not applicable to:
- a) authorized emergency vehicles; or
  - b) vehicles actually engaged in work for or on behalf of the Township.

#### **6. Obstruction**

- 6.1 No person shall hinder or obstruct or attempt to hinder or obstruct any officer exercising a power or performing a duty under this by-law.

#### **7. Penalty**

- 7.1 An officer upon discovery of a vehicle parked in contravention of this by-law may, in addition to issuing a parking infraction notice to the owner or driver, cause the vehicle to be removed and impounded at the expense of the vehicle owner.
- 7.2 All costs and charges for removal and impounding of a vehicle under Section 7 .1 of this by-law, if any, are a lien upon the vehicle which may be enforced in the manner provided by the Repair and Storage Liens Act, as amended.
- 7.3 Every person who contravenes any provision of this by-law shall be guilty of an offence and, upon conviction, is liable to penalty as provided for under the provisions of the Provincial Offences Act, as amended.
- 7.4 The owner of the vehicle that is parked, stopped or left standing in contravention of this by-law is guilty of an offence and upon conviction is liable to such penalty as is provided for under Section 7.3 of the offence, unless, at the time of the offence, the vehicle was in the possession of some person other than the vehicle owner without the owner's consent.

## **8. Schedules and Severability**

- 8.1 The schedule attached to this by-law is included in and shall be considered part of this by-law.
- 8.2 If a court of competent jurisdiction declares any section or part of a section of this by-law invalid, the invalidity does not affect other provisions of this by-law and the remainder of the by-law shall continue to be in force and effect.

## **9. Provincial Offences Act**

- 9.1 Part II of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended, applies in respect of all parking infractions under this by-law.

## **10. Conflict with Other By-laws**

- 10.1 In the event of any conflict between any provisions of this by-law and any other by-law heretofore passed, the provisions of this by-law shall prevail.

## **11. Force and Effect**

- 11.1 This by-law shall come into force and take effect immediately upon the final passing thereof.

**Read a first, second and third time and finally passed this 15<sup>th</sup> day of March, 2023.**

Original Signed By

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**Brian Milne – Mayor**

Original Signed By

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**Lindsey Green - Clerk**

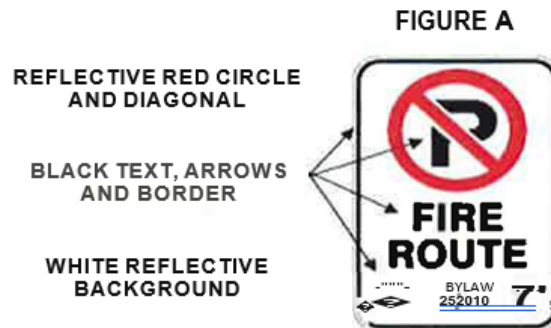
## **Schedule "A" to By-Law No. 2023-027**

### **Physical Requirements**

1. All designated fire routes shall be constructed and maintained in accordance with all of the following requirements, and must
  - a) be connected to a public thoroughfare;
  - b) have a clear driving width of not less than 6 metres, if the building is designated as a Part 3 building under the Ontario Building Code;
  - c) be constructed of a hard surface material, such as asphalt, concrete or compacted granular material, that will provide accessibility in all climatic conditions and is capable of supporting a load of not less than 25,500 kg (56,217 lbs) gross vehicle weight;
  - d) have a change in gradient of not more than 1 in 12.5 over a minimum distance of 15 metres;
  - e) be located not less than 3 metres and not more than 15 metres, measured horizontally and at right angles from the face of the building;
  - f) have an overhead clearance of not less than 5 metres;
  - g) have a centre line radius of not less than 12 metres with respect to any change in direction of the fire route;
  - h) have turn around facilities for any dead-end portion of the fire route exceeding 90 metres; such turn around facilities shall be either a 27 metre cul-de-sac or a 35 metres x 6 metre hammerhead;
  - i) be designed to provide access to the building face which contains the principal entrance when one only building face is required to be accessible by the Ontario Building Code;
  - j) be located not more than 45 metres measured horizontally from an entrance to each portion of a building which is completely cut off from the remainder of the building which is served by the fire route;
2. The clear width of the designated fire route may be reduced to:
  - a) 4 metres, if the building is designated as a Part 9 building under the Ontario Building Code and the authorized signs are placed along both sides of the driveway prohibiting parking or stopping; or
  - b) 5 metres, if the building is designated as a Part 9 building under the Ontario Building Code and the authorized signs are placed along one side of the driveway prohibiting parking or stopping.
3. If the building is designated as a Part 9 building under the Ontario Building Code and the clear width of the fire route is 6 metres or greater, parking may be permitted along both sides of the driveway.

## Authorized Sign Design Standards

4. All signs required by this by-law shall be printed on a 30 cm by 45 cm sign blank and shall display a format as illustrated in Figure A below and as required by Section 5 of this schedule.



5. Authorized signs shall be placed at each limit of a designated fire route and shall display doubled headed arrows (Figure A) pointing in the direction of such designated fire route. Signs shall be placed at intermediate points along the designated fire route at intervals of approximately 30 metres or as identified by the Chief Fire Official. Signs shall be installed at an angle of 45-60 degrees in relation to the edge of the travelled portion of the designated route facing approaching traffic
6. Signs shall be erected on a sign post anchored securely to the ground or a platform capable of holding the sign erect during all weather conditions. The maximum height of signs shall be no greater than 3 metres and the minimum height of signs shall be no less than 2 metres above the wearing surface of the fire route. The height measurement referred to in this section shall be taken to the top of the sign for both the minimum and maximum heights.
7. Signs shall be erected on the boulevard of a designated fire route so that no part of the sign is closer than 60 cm nor greater than 3 metres to the edge of the fire route.