

**THE CORPORATION OF THE TOWNSHIP OF NORTH DUMFRIES
BY-LAW NUMBER 3092-19**

**BEING A BY-LAW TO DESIGNATE FIRE ROUTES AND PROHIBIT OR REGULATE
PARKING OR OBSTRUCTION WITHIN FIRE ROUTES IN THE TOWNSHIP OF
NORTH DUMFRIES AND TO REPEAL BY-LAW NO. 1652-96.**

WHEREAS section 7.1 of the Fire Protection and Prevention Act states that a Council of a municipality may pass bylaws 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 owner of the vehicle;

AND WHEREAS section 7.1 of the Fire Protection and Prevention Act further states that, subject to the restrictions set out therein, 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 that section are complied with;

AND WHEREAS the Building Code and Fire Code provide requirements for an access route for fire department vehicles;

AND WHEREAS the Fire Protection and Prevention Act provides authority to issue orders requiring actions to be taken for fire safety purposes;

AND WHEREAS section 11(3)8 of the Municipal Act authorizes municipalities to pass by-laws respecting parking, except on highways;

AND WHEREAS section 436 (1) of the Municipal Act 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 to determine whether or not a by-law of the municipality passed under the Municipal Act or an order made under Section 431 of the Municipal Act are being complied with;

AND WHEREAS section 428 of the Municipal Act provides that the owner of a vehicle is guilty of an offence even if the owner is not the driver of the vehicle, where a vehicle has been left parked, stopped or standing in contravention of a by-law, unless at the time of the offence the vehicle was in the possession of another person without the owner's consent;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF NORTH DUMFRIES ENACTS AS FOLLOWS:

1. Definitions

For the purposes of this by-law, the following terms shall have the corresponding meanings set out below. Terms not defined herein shall have the meaning set out in the Highway Traffic Act.

“Access Route” means an access route as required pursuant to the Building Code or the Fire Code, or any fire route required by the Township in accordance with an order issued under the FPPA;

“Building Code” means O. Reg. 332/12, made under the Building Code Act 1992, S.O. 1992, c. 23, as amended from time to time, or any successor thereof;

“CFPO” means the Chief Fire Prevention Officer of the Township of North Dumfries fire department, or his/her designate;

“Chief Building Official” means the Chief Building Official of the Township, or his/her designate (CBO);

“Chief Fire Official” means the Chief Fire Official of the Township of North Dumfries Fire Department or his/her designate (CFO);

“Clerk” means the Clerk of the Township or his/her designate;

“Council” means the Council of the Township;

“Emergency Service Vehicle” means any vehicle or equipment operated by or on behalf of North Dumfries Fire Department, Waterloo Regional Police or an ambulance service;

“Fees and Charges By-law” means a by-law enacted by Council as amended from time to time, or any successor thereof, imposing fees and charges for services provided by the Township;

“Fire Code” means O. Reg. 213/07 as amended from time to time, or any successor thereof;

“Fire Route” means any part or parts of a private roadway(s) designated as a fire route under this By-law in accordance with Schedule ‘A’ hereto;

“Fire Route Sign(s)” means a sign, with the sign characteristics as depicted in Schedule “B” to this By-law, or as otherwise approved by the CFPO, which is to be placed or erected on or along a Fire Route for the purpose of identifying the Fire Route and/or regulating, warning or guiding traffic in relation to the Fire Route, and includes existing Fire Route signs, where permitted by the CFPO under this By-law and signs replacing existing Fire Route signs;

“FFPA” means the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended from time to time or any successor thereof;

“Highway Traffic Act” means the Highway Traffic Act, R.S.O. 1990, c. H.8 and any regulations thereunder, as amended from time to time, or any successor thereof;

“Municipal Act” means the Municipal Act, 2001, S.O. 2001, c 25, as amended from time to time or any successor thereof;

“Municipal Law Enforcement Officer” means an individual appointed by the Township pursuant to section 15 of the Police Services Act, R.S.O. 1990, c. P. 15, as amended from time to time, or other person appointed by by-law and charged with the duty of enforcing the provisions of the by-laws of the Corporation or any successor thereof;

“Object(s)” includes, but is not limited to, any item such as gates, fences, building materials, vegetation, unlicensed motor vehicles, debris or any other form of obstruction;

“Owner” includes, in relation to private property, the registered owner of the property and any person managing or having control over the property;

“Person(s)” includes a corporation;

“Police Officer” means a Police Officer, as defined by the Police Services Act, R.S.O. 1990, c. P. 15, as amended;

“Private Property” means property not owned by the Township;

“Private Road” means a private road, lane, ramp or other means of vehicular access to or from a building or structure and may include part of a parking lot, but does not include a highway;

“Stop” means the halting of a motor vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Office;

“Township” means the Corporation of the Township of North Dumfries;

“Township Vehicle” means any vehicle or equipment operated by or on behalf of the Township;

2. Scope

2.1 This By-law shall apply to all Private Property and Township lands

3. General Prohibitions

3.1 If a fire route sign has been posted:

- a) No person shall park or stop a motor vehicle in a Fire Route;
- b) No person shall place an object in a Fire Route;
- c) No person shall interfere with, deface, cover or remove a Fire Route sign except with the permission of the Township

3.2 No person shall display a sign of any kind purporting to identify a Fire Route, except along a Fire Route.

4. Exemptions

4.1 This By-law shall not apply to Emergency Service Vehicles or Township Vehicles.

5. Inspections

5.1 A Municipal Law Enforcement Officer, Fire Chief or a Police Officer may enter upon land and into structure at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- a) this By-law;
- b) an order made under this By-law; or
- c) an order made under section 431 of the Municipal Act

6. Work Order

6.1 Where the Clerk has reasonable grounds to believe that a contravention of this by-law has occurred, the Clerk may make an order requiring the Person who contravened this by-law to do work to correct the contravention.

6.2 An order under section 6.1 of this by-law shall set out:

- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
- b) the work to be done and the date by which the work must be done.

6.3 An order under section 6.1 of this by-law may require work to be done even though the facts which constitute the contravention of this by-law were present before this by-law came into force.

6.4 Any Person who fails to comply with an order under section 6.1 of this by-law is guilty of an offence.

7. Order to Discontinue Activity

7.1 Where the Clerk has reasonable grounds to believe that a contravention of this by-law has occurred, the Clerk may make an order requiring the Person who contravened this by-law, or who caused or permitted the contravention, or the owner of the land on which the contravention occurred, to discontinue the contravening activity.

7.2 An order under section 7.1 of this by-law shall set out:

- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
- b) the date by which there must be compliance with the order.

7.3 Any Person who fails to comply with an order under section 7.1 of this by-law is guilty of an offence.

8. Remedial Action

8.1 If a Person fails to do a matter or thing as directed or required by this By-law, including to comply with an order under this by-law, the Township may, in default of it being done by the Person directed or required to do it, do the matter or thing at the Person(s) expense. The Township may recover the costs of doing a matter or thing from the Person directed or required to do it by action or by adding the costs to the tax roll for the property and collecting them in the same manner as property taxes.

8.2 The costs outlined in section 8.1 of this By-law shall include any fees and charges imposed by the Township in accordance with this By-law, in relation to the matters identified in section 8.1, along with interest calculated at a rate of 15 per cent per annum, calculated for the period commencing on the first day the Township incurs the costs and ending on the day the costs, including the interest, are paid in full.

8.3 The amount of the costs, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien. The lien is in respect of all costs that are payable at the time the notice is registered plus interest accrued to the date the payment is made. Upon receiving payment of all costs payable plus interest accrued to the date of payment, the Township shall register a discharge of the lien in the proper land registry office.

9. Fire Routes Designation

9.1 Fire Routes are hereby designated as set out in Schedule A of this By-law.

9.2 Where any Access Route or fire route is approved or required by the Chief Building Official or the Chief Fire Official on Private Property, the Clerk may, by amending Schedule A to this By-law, designate all or part of such Access Route or fire route as a Fire Route under this By-law.

9.3 Where an Access Route or fire route is designated as a Fire Route under section 9.2 of this By-law, the Clerk shall issue a notice to the registered owner of the property advising of the designation and of the requirements of this By-law.

9.4 A notice under section 9.3 of this By-law shall be sent to the registered owner of the property and service shall be considered sufficient if provided by regular mail to the last known address of such owner.

9.5 Where a Fire Route has been designated under Section 9.2 of this By-law, and notice provided in accordance with this By-law, the Owner shall construct and maintain the Fire Route, and all required signage, in accordance with the approval and with this By-law.

10. Existing Fire Routes

10.1 The existing fire routes approved by the Township for the properties as set out in Schedule A are hereby continued and are designated as Fire Routes under this By-law.

10.2 Where, for any property not set out in Schedule A, an Access Route was approved by the Township before the date of passage of this By-law, the Clerk may, by amending Schedule A to this By-law, designate or continue all or part of such Access Route as a Fire Route.

10.3 Where an Access Route is designated as a Fire Route under Section 10.2 of this By-law, the Clerk shall issue a notice to the registered owner of the property advising of the designation and of the requirements of this By-law.

10.4 A notice under section 10.3 of this By-law shall be sent to the registered owner of the property and service shall be considered sufficient if provided by regular mail to the last known address of such owner.

10.5 Where a Fire Route has been continued or designated under Section 10.1 or

10.2 of this By-law, the Owner shall maintain the Fire route, and all required signage, in accordance with the existing approval and with this By-law. To the extent of any conflict between the requirements of an approval existing prior to this By-law and the requirements of this By-law, the existing approval shall supersede.

11. Removal of Fire Route Designation

11.1 Where a Fire Route is no longer required as determined by the Chief Fire Official and the Chief Building Official, or is replaced by a different Fire Route in accordance with this By-law, the Clerk may remove or modify the Fire Route designation for such property by amending Schedule A, as the case may be.

12. Delegation of Authority

12.1 The Clerk is hereby delegated authority to amend Schedule A of this By-law from time to time to add, modify or remove Fire Routes in accordance with this By-law.

13. Signage

13.1 The Owner of Private Property upon which there is a Fire Route shall ensure that signage is erected and maintained that complies with the following requirements:

- a) A Fire Route Sign shall be posted every 20 meters, or less, along the length of the Fire Route;
- b) A Fire Route Sign shall not be set back more than 5 metres from the edge of a Fire Route;
- c) Notwithstanding subsections a) and b), the Clerk may require additional Fire Route Signs to be posted along the Fire Route;
- d) Every Fire Route Sign shall have the characteristics as depicted in Schedule B to this By-law, or be as otherwise approved by the CFPO;
- e) Every Fire Route Sign shall be posted such that the bottom of the sign is a minimum of 2.4 metres above grade and the top of the sign is no more than a maximum of 3.0 metres above grade;
- f) Every Fire Route Sign shall be maintained free of obstructions and shall be readable and clearly visible; and
- g) Every Fire Route Sign shall be permanently affixed to an immovable object, such as a post or building wall, or such other object as may be approved by the CFPO.

13.2 Notwithstanding section 13.1, the CFPO, in his or her discretion, may permit the ongoing and continued use of fire route signs existing on the date of passing of this by-law, or on the date on which a property is added to Schedule A.

13.3 Reference to previous By-law numbers on Fire Route Signs permitted under Section 13.2 shall be a reference to this By-law.

14. Removal of Motor Vehicles

14.1 In addition to any other penalties provided for in this by-law, a Police Officer, Fire Chief or a Municipal Law Enforcement Officer may cause a motor vehicle parked or Stopped in contravention of this By-law to be moved and stored in a suitable place and all costs and charges for the removal, care and storage of the motor vehicle, if any, are a lien upon the vehicle, which may be enforced in the manner provided by the Repair and Storage Liens Act, R.S.O. 1990, c. R.25, as amended from time to time, or any successor thereof.

15. Enforcement

15.1 This By-law may be enforced by a Municipal Law Enforcement Officer, Fire Chief or a Police Officer.

15.2 Private property enforcement officers appointed by the Township are hereby authorized to enforce this By-law on their respective Private Properties.

16. Penalties

16.1 Every Person who contravenes any of the provisions of this by-law is guilty of an offence.

16.2 Every owner of a motor vehicle parked or Stopped in contravention of this By-law is guilty of an offence, unless at the time of the offence the vehicle was in the possession of another Person without the owner's consent.

16.3 Every Person who is convicted of an offence under this By-law is liable to a maximum fine in accordance with the Provincial Offences Act, R.S.O. 1990, c. P. 13, as amended from time to time, or any successor thereof.

17. Fees and Charges

17.1 Council may impose fees and charges to recover costs in relation to the administration and enforcement of this by-law through the Fees and Charges By-law.

18. Short Title

18.1 This by-law may be referred to as the 'Fire Route By-law'.

19. Severability

19.1 If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in full force and effect.

20. Effective Date and Repeal

20.1 This By-law will come into force and effect on the date on which set fines for this By-law are approved and, as of the effective date of this By-law, By-Laws 1586-95, 1625-96 and 2112-05, and any amendments thereto, are hereby repealed.

20.2 This By-law shall apply in addition to any requirements of, and shall not limit, any other Township by-law or any federal or provincial statute or regulation.

20.3 Where the provisions of any other Township by-laws are inconsistent with the provisions of this by-law, the provisions of this by-law shall prevail to the extent of the inconsistency. Where the provisions of this By-law are inconsistent with the requirements of any federal or provincial statute or regulation, the provisions of the federal or provincial statute or regulation shall prevail to the extent of the inconsistency.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 23rd DAY OF SEPTEMBER 2019.



Susan Foxton, Mayor

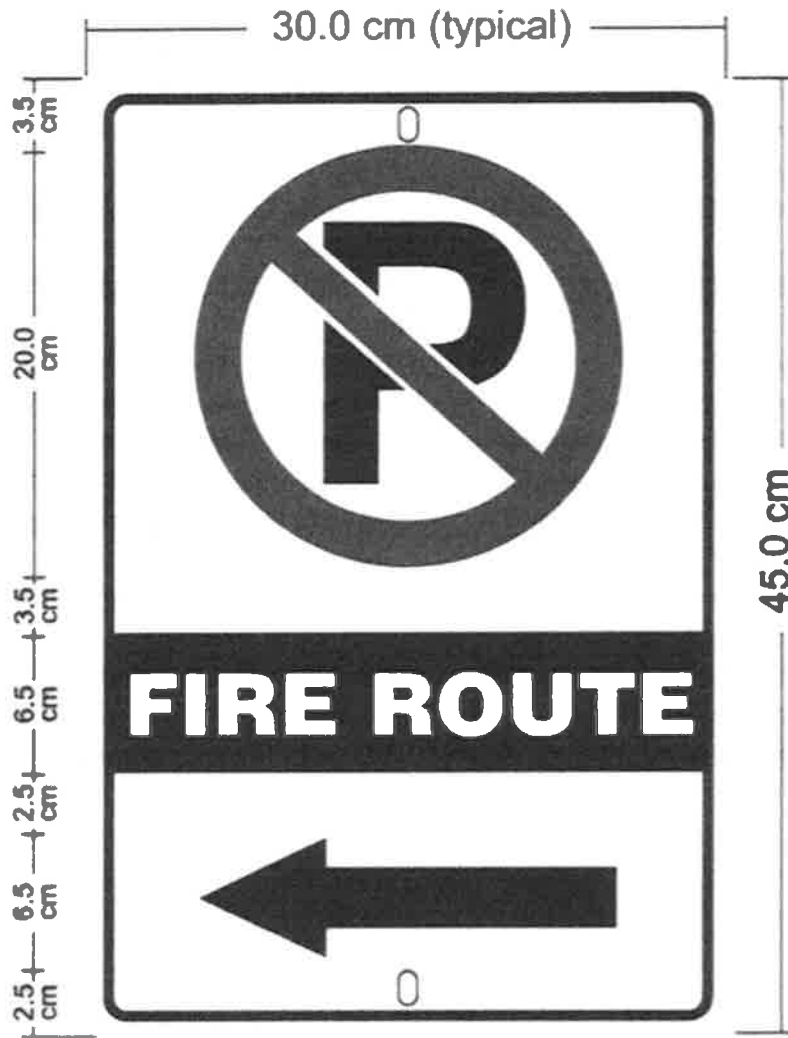


Ashley Sage, Clerk

SCHEDULE A

ADDRESS	ADDRESS
2958 Greenfield Road, NDCC	2977 Cedar Creek Road, Unilock
105 Hall Street, Ayr Public School & rear gate off Manley Street	2931 Cedar Creek Road, Kooner Truck Group
55 Hilltop Drive, Cedar Creek Public School	2907 Cedar Creek Road, Hercules Custom Fabricating
50 Broom Street, St. Brigid School	1021 Industrial Road, Highway Sterling Western Star
35 Bute Street, Village Condos	1010 Industrial Road, Quick Truck Lube
50 Bute Street, Bute Street condos	2616 Cedar Creek Road, Hyndman Transport
50 Gibson Street, Gibson Street Condos	2492 Cedar Creek Road, Flying J Truck Plaza
1126 Swan Street, Joseph Lane Condos	2691 Greenfield Road, M-Con Pipe
1011 Northumberland Street, Foodland – Tim Hortons Plaza	2288-2312 Dumfries Road, Business Plaza
45 Stanley Street, Watson Mall – McNeil Pharmacy	2042 Dumfries Road, Cedar Creek Church
180B Nith River Way, Nithridge Weddings	655 Waydom Drive, Bendall Automotive
2283 Roseville Road, Roseville Estate	100 Guthrie Street, Tampa Hall
1316 Dickie Settlement Road, Whistle Bear Golf Club	191 Stanley Street, Kirkwood Apartments

SCHEDULE B



REQUIRED FIRE ROUTE SIGNAGE

ITEM	COLOUR
“P”	Black
Circle & Slash	Red
Text (Fire Route)	White with red bar
Directional Arrow(s)	Black
Background	White