

THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE

BY-LAW NUMBER 2008-123-FR

BEING A BY-LAW to designate and regulate private roadways and/or accesses as fire routes to repeal By-law 2008-114-PR Section 22(b).

WHEREAS the Fire Protection and Prevention Act, S.O.1997, Chapter 4, Section 7.1.(1)(c), provides that the council of a municipality may pass by-laws 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. 2001, c.25,s.475 (3).

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE ENACTS AS FOLLOWS:

1. Definitions:

In this By-law unless the context requires otherwise:

- 1.1. **"AMPS" and "Administrative Monetary Penalty System By-law"** means By-law 2024-039-RE of the Town, as amended from time to time, or any successor thereof;
- 1.2. **"Authorized Sign"** shall mean any signs or roadway, curb or sidewalk marking, or other device placed or erected on a Fire Route under the authority of this by-law for the purpose of regulating, warning or guiding traffic or parking;
- 1.3. **"Building Code"** shall mean the requirements as set out in the Building Code Act, S.O.1992, c.23, or any regulation or by-law enacted in amendment or substitution thereof;
- 1.4. **"Corporation"** shall mean The Corporation of the Town of Whitchurch-Stouffville;
- 1.5. **"Designated Fire Route"** shall mean a Fire Route designed as provided by this by-law and approved by the Fire Chief or his designate;
- 1.6. **"Designated Provision"** means any section of this By-law designated in accordance with section 8 of this By-law;
- 1.7. **"Fire Chief"** shall mean the Chief of the Fire Department or his / her authorized designates for The Corporation of the Town of Whitchurch-Stouffville;
- 1.8. **"Fire Code"** shall mean Ontario Regulation 213/07 and amendments made under the Fire Prevention and Protection Act, 1997;
- 1.9. **"Fire Department"** shall mean the Town of Whitchurch-Stouffville Fire and Emergency Services;

- 1.10. **"Fire Prevention Officer/Inspector"** shall mean a person appointed as a Fire Prevention Officer/Inspector for the Town of Whitchurch-Stouffville;
 - 1.11. **"Fire Route"** shall mean any road, lane, ramp or other means of vehicular access to or egress from a building(s) or structure, and it may include part of a parking lot, used for the purpose of emergency access;
 - 1.12. **"Municipal Law Enforcement Officer"** shall mean an officer or employee of the Corporation of the Town of Whitchurch-Stouffville, or other person appointed by by-law and charged with the duty of enforcing the provisions of the by-laws of the Corporation;
 - 1.13. **"O. Reg. 333/07"** means Ontario Regulation 333/07, made under the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time or any successor thereof;
 - 1.14. **"Park"** or any derivative thereof, shall mean when prohibited, the standing or stopping of a vehicle, whether occupied or not, except for the purpose of, and while engaged in, the loading or unloading goods, wares, merchandise or passengers;
 - 1.15. **"Property Owner"** shall mean the registered owner under the provisions of the Registry Act, R.S.O.1990, c. R.20 or the Land Titles Act, R.S.O., c. L.5;
 - 1.16. **"Town"** means The Corporation of the Town of Whitchurch-Stouffville; and,
 - 1.17. **"Vehicle"** shall mean a motor vehicle, trailer, traction engine, and any vehicle drawn, propelled or driven by any kind of power including muscular power.
2. Schedule B has been removed.
 3. Where a Fire Route has been required to be designated under this by-law, the property owner shall:
 - a. obtain, complete and file with the Fire Department and the Buildings Department, a Fire Route Plan application package showing the proposed location of the fire route in compliance with the Building Code and the Fire Code and this by-law.
 - b. pay to the Corporation a processing and inspection fee in accordance with the provisions of the Corporation's Fee By-law.
 - c. erect and maintain, at his/her own expense, the authorized signs in accordance with the provisions of Schedule "A-1 and A-2".
 4. Where the property Owner, after receiving 5 days written notice of a failure to comply with this by-law, fails to erect or to maintain an authorized sign under this by-law, the Fire Chief, an Assistant(s) to

the Fire Marshal or other individual authorized by the Town may enter on the property owner's land and may erect the authorized signs at the expense of the owner and any costs incurred as a result thereof may be recovered in the like manner as municipal taxes under the Municipal Act.

5.
 - a. No person, shall park a vehicle on a Fire Route, which has been designated under this by-law, where parking is prohibited by an authorized sign.
 - b. The provisions of Section 5. a. do not apply to persons operating vehicles which are ambulances, police, fire or other emergency vehicles or Municipal Law Enforcement Officers in performance of their duties.
6. A police officer or Municipal Law Enforcement Officer appointed by the Corporation who discovers a vehicle parked in contravention of the provisions of Section 5 of this by-law may have the vehicle moved to and stored in another location 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. R.S.O.1990, c.R.25, as amended.
7. No person other than a police officer or Municipal Law Enforcement Officer appointed by the Corporation, shall tow or cause to be towed to another location a vehicle parked in contravention of this by-law.
8.
 - a. Section 5. a. of this By-law is hereby designated for the purposes of Section 3 of O. Reg. 333/07 as part of this By-law to which the Administrative Monetary Penalty By-law applies.
 - b. If a vehicle has been left parked, standing, or stopped in contravention of a Designated Provision, the owner of the vehicle shall, upon issuance of a penalty notice in accordance with the Administrative Monetary Penalty System By-law, be liable to pay an administrative penalty and any administrative fees, in accordance with the Administrative Monetary Penalty By-law.
 - c. The *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended from time to time, or any successor thereof, does not apply to a contravention of a Designated Provision of this By-law.
 - d. Except as set out in sections 8.a. and 8.c., all other provisions of this By-law and of any other applicable legislation shall continue to apply to the Designated Provisions, in addition to the Administrative Monetary Penalty By-law.
 - e. No Person shall provide false information or give a false statement to an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this By-law.
 - f. No Person shall hinder or obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this By-law.

g. Every Person shall comply with any Order or Notice issued under the authority of this By-law.

9. This by-law shall come into force and take effect upon receipt of a Set Fine Order by the Chief Judge of the Ontario Court of Justice at which time the following by-law section shall be deemed to have been repealed

That By-law 2008-114-PR Section 22(b) is hereby repealed.

READ a first and second time this 7th day of October, 2008.

READ a third time and passed this 7th day of October, 2008.

“Wayne Emmerson”
Wayne Emmerson, Mayor

“Michele Kennedy”
Michele Kennedy, Clerk

SCHEDULE "A-1"

FIRE ROUTE SIGNS

Authorized signs shall:

1. Be permanently mounted on a rigid sign post, pole or building at an angle of not less than 30 degrees and not more than 45 degrees to a line parallel to the flow of traffic and should be visible to approaching traffic.
2. Be not less than 30cm in width and 45cm in height.
3. Be made of aluminum or galvanized steel blanks.
4. Bear the symbol and show the wording, colour and numbers as indicated in the Schedule "A-2" annexed.
5. Be placed at intervals not to exceed 50m along the designated fire route, or as frequently as is necessary to identify the route in the judgment of the Fire Chief or designate.
6. Be at each limit of the fire route, and on each side of the fire route. Double headed arrows shall indicate that the prohibition or restriction exists in each direction.
7. Be placed at all curves in the designated Fire Route having a change in direction of greater than 45 degrees and at all locations where the continuity of the Fire Route is interrupted by intersections.
8. Be erected at a height of 2.2m above the pavement measured from the bottom of the sign with permitted height variation from 1.9m to 3m
9. Be no more than 30cm back from the curb. Where there are no curbs, no part of the sign should be closer than 3m, and no further than 4m from the edge of the route surface.
10. Fire Route signs do not apply to a single detached private dwelling which is served by a Fire Route and serves no other buildings or businesses.

Schedule "A-2"

