

BY-LAW NO. 39-2012

A BY-LAW OF THE CORPORATION OF THE TOWN OF CARLETON PLACE TO DESIGNATE CERTAIN ROADWAYS AS FIRE ROUTES ALONG WHICH NO PARKING OF VEHICLES SHALL BE PERMITTED

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 or vehicles or left along any fire routes so designated at the expense of the owner thereof 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 to create offences and to establish fines for offences under by-laws 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 and;

WHEREAS the Council of The Corporation of the Town of Carleton Place deems it expedient to provide for the designation of certain private roadways as emergency fire routes;

NOW THEREFORE The Council of the Town of Carleton Place hereby enacts as follows:

1.0 SHORT TITLE

This by-law may be cited as the "Fire Route By-law" and may be referred to internally herein as the "By-law".

2.0 DEFINITIONS

"Authorized Sign" means a designated Fire Route sign which has been approved by the Chief Fire Official

"Building" means a building as defined in the *Building Code Act, 1992, S.O. 1992, c. 23*, as amended, but does not include a building used exclusively for residential purposes containing four (4) or less Dwelling Units;

"Chief Fire Official" means the person appointed by the council to act as the fire chief for the Town as defined in the *Fire Protection and Prevention Act, 1997*, or a member or members of the Fire Department designated by the fire chief under Article 1.1.1.2. of Division C or a person appointed by the fire marshal under Article 1.1.1.1. of Division C of the O. Reg. 213/07 - *Fire Code*, as amended, or his or her designate;

"Dwelling Unit" means one (1) or more habitable rooms designed and intended for use by a single family and in which separate culinary and sanitary facilities are provided for the exclusive use of the family;

"Fire Department" means the Ocean Wave Fire Company, the fire department established by the Town;

"Fire Route" means an access route required for use by the Fire Department provided by means of a private roadway, parking lot or yard;

"Hydrant" means any apparatus for drawing water directly from a main and which is used principally for firefighting purposes;

"Officer" means a municipal law enforcement officer appointed by by-law to enforce municipal by-laws, Chief Fire Official or a police officer;

"Property Owner" includes a person;

- (i) whose interest in land is such that he is deemed to be an owner under the appropriate land registrations system, and
- (ii) who is or appears to be receiving rent or other compensation from the use of land by a third party whether he/she is receiving it on his/her own account or as agent, trustee or representative or like capacity;
- (iii) in the case of a property where there is a condominium, the corporation incorporated under the Condominium Act for that condominium.

"Private Roadway" means any private road, lane, ramp or other means of vehicular access to or egress from a Building or structure and it may include part of a parking lot, as defined in the *Fire Protection and Prevention Act, 1997*;

"Park" or "Parking" when prohibited, shall mean the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;

"Stand" or "Standing" when prohibited, means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers;

"Stop" or "Stopping" when prohibited, means the halting of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic;

"Town" means The Corporation of the Town of Carleton Place;

"Vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power.

3.0 GENERAL

- 3.1** The Chief Fire Official 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 under Section 3.2, it is hereby designated as a Fire Route. The Chief Fire Official is delegated the authority to amend Schedule "A" to add, remove or modify established Fire Routes as required.
- 3.2** Where a Fire Route has been designated under this by-law, the Chief Fire Official may issue an order requiring the Property Owner:
- (i) to establish the Fire Route in accordance with the provisions of this By-law and;
 - (ii) to erect and maintain Authorized Signs at locations and in such manner on the Fire Route as approved by the Chief Fire Official.
- 3.3** Where a Property Owner requests a designation of a Fire Route under this By-law, the Property Owner shall:
- (i) file with the Fire Department plans showing the proposed location of the Fire Route which shall meet the minimum requirements set out in Schedule "B" to this By-law for approval by the Fire Department
 - (ii) purchase, erect and maintain such signs as may be required by the Chief Fire Official in accordance with the guidelines set out in Schedule "C" of this By-law.
- 3.4** No person shall park, or stand, a vehicle along, in, or over, any properly signed Fire Route designated under this By-law.
- 3.5** Section 3.4 shall not apply to:
- (i) a money truck while actually engaged in the business of delivering or picking up money or other valuables;
 - (ii) an emergency vehicle used by persons while actually engaged in their duties
 - (iii) a vehicle used by an officer in the lawful performance to his/her duty.

4.0 POWER OF ENTRY AND INSPECTION

- 4.1** An Officer may, at any reasonable time, enter and inspect any land or premises to determine whether the provisions of this By-law or any direction or order made under the By-law is being complied with.
- 4.2** A Property Owner shall permit an Officer to inspect any land, property or premises for the purposes of determining compliance with this By-law.
- 4.3** An Officer may be accompanied by a person under his or her direction.

5.0 OBSTRUCTION

- 5.1** No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer exercising a power or performing a duty under this By-law.

6.0 ADMINISTRATION AND ENFORCEMENT

- 6.1** The Chief Fire Official may require a Private Roadway or parking lot or part thereof in the Town to be established as a Fire Route as indicated in Schedule "A"
 - (i) where a Private Roadway or parking lot, or part thereof has been required to be established as a Fire Route under Section 6.1, it is hereby designated as a Fire Route; and
 - (ii) where a Private Roadway is designated as a Fire Route along which no parking or standing of vehicles shall be permitted.
- 6.2** Any Fire Route which has been designated under or through site plan development and any agreement entered into thereunder shall continue as a designated Fire Route under this By-law.
- 6.3** A Property Owner who changes or fails to maintain a designated Fire Route identified in Schedule "A" to this By-law shall be subject to all provisions of this By-law notwithstanding any prior agreement to the contrary.
- 6.4** Where a Property Owner fails to erect or to maintain an Authorized Sign as detailed in Schedule "C" of this By-law, the Chief Fire Official or other employee designated by the Town may enter on the Property Owner's land and may erect an Authorized Sign at the expense of the Property Owner and the costs incurred as a result thereof including an administrative fee of \$75.00 which shall be added to the tax roll and collected by the Town in the same manner as property taxes under the *Municipal Act, 2001*.

- 6.5** Where a Fire Route has been designated, constructed and signed in accordance with this By-law, if the Chief Fire Official deems it to be in the interest of the life safety requirements of the *Fire Code*, the Chief Fire Official may issue an order for any change to the designated Fire Route deemed necessary and the Property Owner shall carry out whatever construction or changes to an Authorized Sign as may be necessary.
- 6.6** The Property Owner shall maintain any Fire Route to the standards set out in Schedule "B" and shall remove any snow, ice or obstruction which may prevent the use of a Fire Route or Hydrant.
- 6.7** The Property Owner of a property on which a Fire Route has been designated shall not permit or cause to be done anything that would cause a person to believe that Parking in the designated Fire Route is permitted and shall not in any way obstruct or hinder the enforcement of this By-law.
- 6.8** An Officer or the Chief Fire Official may have a vehicle which is parked or standing in contravention of Section 3.4 of this By-law moved to and stored in another location and all costs of removal and storage thereof shall be a lien upon the vehicle and may enforced in the manner provided by section 4 of the *Repair and Storage Lien Act*, R.S.O. 1990, c. R. 25, as amended.

7.0 FINE FOR CONTRAVENTION

- 7.1** Any person who contravenes any of the provisions of this By-law and the procedures with respect thereto is guilty of an offence and the enforcement and the penalty imposed thereunder shall be subject to the provisions of the Provincial Offences Act, R.S.O. 1990, Chapter P. 53 and any amendments thereto and the penalty for the commission of any such offence shall be as provided for in the said Provincial Offences Act.

8.0 VALIDITY, SEVERABILITY AND INTERPRETATION

- 8.1** Should a court of competent jurisdiction declare a part or whole of any provision of this By-law to be invalid or of no force and effect, the provision or part is deemed severable from this By-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under law.
- 8.2** Whenever any reference is made in this By-law to a statute or regulation of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute or regulation and all successor legislation to such legislation.
- 8.3** Words importing the singular number shall include the plural, and words importing the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the By-law otherwise requires.

9.0 REPEAL

- 9.1** All by-laws and/or resolutions that are inconsistent with the provisions of this By-law and the same are hereby repealed or rescinded insofar as it is necessary to give effect to the provisions of this By-law.

10.0 ENACTMENT

- 10.1** This By-law shall come into force and effect upon receipt of a set fine approval by the Regional Senior Justice of the Ontario Superior Court of Justice or his or her designate for the purpose of proceedings under Part I and Part II of the *Provincial Offences Act*.

**READ A FIRST TIME, A SECOND TIME AND A THIRD TIME AND FINALLY PASSED
THIS 11th DAY OF SEPTEMBER 2012.**

Wendy LeBlanc, Mayor

D.H. Rogers, Clerk

**SCHEDULE "A" TO BY-LAW 39-2012
(FIRE ROUTES)**

	NAME/ID OF AREA	CIVIC ADDRESS	FIRE ROUTE LOCATION	SIGNS LOCATION
1	North Ridge Manor	North Ridge Manor	Entire length of private roadway except for designated visitor parking spaces	Posted both sides
2	Bennett Gates	Bennett Gates	Entire length of private roadway	Posted both sides
3	Carleton Place and District Memorial Hospital	211 Lake Ave. E.	Along north side of building	On building face
4	Carleton Place Community Centre	75 Neelin St.	Along west side of building	On building face
5	Freshco	110 Lansdowne Ave.	Along north side of building	On building face
6	Steve's Your Independent Grocer	455 McNeely Ave.	Along south, east and north sides of building	Posted on side nearest building
7	Canadian Tire	485 McNeely Ave.	Along west side of building	On building face
8	Carleton Place High School	215 Lake Ave. W.	Area in front of main entrance and gate at north end of parking lot	Posted on side nearest building and on gate
9	Notre Dame High School	157 McKenzie St.	Along south and east sides of building	Posted on side nearest building
10	St. Gregory's Separate School	176 Town Line Rd. W.	Along north side of building	Posted on side nearest building
11	Arklan Public School	123 Patterson Cr.	Along north, west and south sides of building	On building face and both sides of front driveway
12	Carleton Place Childcare Centre	3 Francis St.	Along north side of building	On building face
13	240 Mississippi Ct.	240 Mississippi Ct.	Entire length of private roadway	Posted both sides
14	Stoneridge Manor	256 High St.	Entire perimeter of building	On building face
15	Wal-Mart	450 McNeely Ave.	Along east side of building	On building face
16	Home Depot	570 McNeely Ave.	Along east side of building	On building face
17	Carleton Plaza	505 – 565 McNeely Ave.	Perimeter of parking lot	Posted both sides
18	Rona	535 McNeely Ave.	Along west side of building	On building face
19	Waterside Retirement Residence	105 McNeely Ave.	Along south and east sides of building	Posted on side nearest building
20	380 Flora St	380 Flora St.	Along south and east sides of building	On building face
21	Heritage Square	130 Lansdowne Ave.	Along face of building	On building face
22	DRS Flight Safety and Communications	115 Emily St.	Along south and east sides of main building	On building face
23	Elizabeth Court	105 Elizabeth St.	Driveway along north and west sides of building	Posted at entrance to driveway

**SCHEDULE “B” TO BY-LAW 39-2012
(FIRE ROUTES)**

All designated fire routes shall be constructed and maintained in accordance with all of the following requirements unless otherwise authorized in writing by the Chief Fire Official:

1. Be connected to a public thoroughfare by an entrance at least six (6) metres in width.
2. Have a clear driving width not less than six (6) metres except for a controlled access point.
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 lbs. (11,363 kg.) per axle.
4. Have a change in gradient of not more than 1 in 12.5 over a minimum distance of fifteen (15) metres.
5. Be located not less than three (3) metres and not more than fifteen (15) metres, measured horizontally and at right angles from the face of the building.
6. Have an overhead clearance of not less than five (5) metres.
7. Have a centre line radius of not less than twelve (12) metres with respect to any change in direction of the access route.
8. Have turn-around facilities for any dead-end portion of the access route exceeding ninety (90) metres.
9. Be designed to provide access to the building face which contains the principal entrance when only one (1) building face is accessible.
10. Be located not more than forty-five (45) metres 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 access route.
11. The control of entry to a fire access route may be provided with a chain barrier of a link size not greater than 3/8". The chains shall be connected to posts on either side of the fire route and suitable signs shall be posted.
12. Unloading and loading zones when forming part of a designated fire access route shall be approved by the Chief Fire Official. Such zones shall be clearly identified, signed and maintained.

SCHEDULE “C” TO BY-LAW 39-2012
(FIRE ROUTES)

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 1.9 metres and 2.5 metres as measured from the edge of the travelled portion of the designated route to the bottom edge of the sign.
3. Fire route signs shall be installed at a distance between 0.3 metres and 3.0 metres from the travelled edge of the designated route.
4. Approved fire route signs shall be installed along the route at approximately 12 to 15 metre intervals or as frequently and in such manner as is necessary in the judgement of the Chief Fire Official to adequately identify the designated route.