

**A BY-LAW TO DESIGNATE AND REGULATE FIRE ROUTES (DELEGATION OF AUTHORITY TO THE CHIEF FIRE OFFICIAL)**

**WHEREAS** Council deems it necessary to provide for the designation of private roads as fire routes, to provide fire and other emergency vehicles with access to private property in the event of fire or emergency, and for the designation of fire officials to issue orders to property owners and others to provide fire routes;

**AND WHEREAS** pursuant to section 9 of the Municipal Act, 2001 S.O. 2001, chapter 25 a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** pursuant to section 8. (1) of the Municipal Act, 2001 S.O. 2001, chapter 25 the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate to enhance the municipality's ability to respond to municipal issues;

**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** Section 7.1 of the *Fire Protection and Prevention Act*, 1997 S.O.1997, Chapter 4, authorizes Council to pass By-laws for 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 vehicle 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** the municipality regulates parking of vehicles on public streets and Municipal parking lots, including municipal facilities through the Parking By-law 090-2014;

**NOW THEREFORE** the Council of the Corporation of the Town of Cobourg HEREBY ENACTS as follows:

**1.0 DEFINITIONS**

**“Authorized Sign”** means a designated Fire Route sign which is used to regulate traffic and is set out in Schedule “ ” to this By-law;

**“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 appointed 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;

**“Erect”** means to mount or affix a sign, level and perpendicular to the ground, to a pole or building part in such manner that the sign can be readily seen by motorists that approach within 75 feet;

**“Fire Department”** means 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 or yard, including parking lot areas;

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

**“Maintain”** means to take such steps as are necessary, including replacing a worn or faded sign with a new sign, to ensure the ease of visibility of a fire route sign to achieve the purpose of this by-law;

**“Municipal Act”** means the Municipal Act, 2001 S.O. 2001, c.25, as amended;

**“Officer”** means a municipal law enforcement officer of the Town 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;

**“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 Cobourg;

**“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.

## 2.0 GENERAL

2.1 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 2.2, 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.

2.2 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 an Authorized Sign at locations on the Fire Route approved by the Chief Fire Official.

2.3 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 (in triplicate) plans showing the proposed location of the Fire Route which shall meet the minimum requirements set out by the Chief Fire Official;
- ii. pay the Town where required a processing and inspection fee in accordance with the provisions of the Town’s Fee and Charges By-law as amended from time to time; and
- iii. purchase, erect and maintain all signs on which the Fire Route has been designated in accordance with the sign guidelines set and established by the Chief Fire Official.

2.4 No person shall park, or stand, a vehicle along, in, or over, any properly signed Fire Route designated under this By-law.

2.5 Section 2.4 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; and
- iii. a vehicle used by an officer in the lawful performance to his/her duty.

## 3.0 POWER OF ENTRY AND INSPECTION

3.1 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.

3.2 A Property Owner shall permit an Officer to inspect any land, property or premises for the purposes of determining compliance with this By-law.

3.3 An Officer may be accompanied by a person under his or her direction.

## 4.0 OBSTRUCTION

4.1 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.

## **5.0 ADMINISTRATION AND ENFORCEMENT**

- 5.1 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 2.1, it is hereby designated as a Fire Route.
- 5.2 Any Fire Route which has been designated through site plan development and any agreement entered into thereunder shall continue as a designated Fire Route under this By-law, but shall only be subject to the provisions of Section 2.3, 3.0 and 5.0 of this By-law.
- 5.3 A Property Owner who changes or fails to maintain a designated Fire Route set out in Schedule " A " to this By-law shall be subject to all provisions of this By-law notwithstanding any prior agreement to the contrary.
- 5.4 Where a Property Owner fails to erect or to maintain an Authorized Sign under 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 may be added to the tax roll and collected by the Town in the same manner as property taxes under the *Municipal Act, 2001*.
- 5.5 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 under 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.
- 5.6 The Property Owner shall maintain any Fire Route and Hydrant to the standards set out by the Chief Fire Official and shall remove any snow, ice or obstruction which may prevent the use of a Fire Route or Hydrant.
- 5.7 The Property Owner 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 designated Fire Route is permitted and shall not in any way obstruct or hinder the enforcement of this By-law.
- 5.8 An Officer or the Chief Fire Official may have a vehicle parked or standing in contravention of Section 2.4 of this By-law relocated out of the way in an emergency, by any available means. Whenever a vehicle is in contravention it may also be moved to and stored in another location and all costs of removal and storage thereof shall be a lien upon the vehicle and may be enforced in the manner provided by section 4 of the *Repair and Storage Lien Act*, R.S.O. 1990, c. R. 25, as amended and the municipality shall not be liable for any claims of damages that may result from such relocation, removal or storage of said vehicle(s).

## **6.0 OFFENCE/PENALTY**

- 6.1 Every person who contravenes any of provision of this By-law is guilty of an offence and upon conviction is liable to a maximum fine of \$50,000 dollars, pursuant to the *Municipal Act*.
- 6.2 Upon conviction, in addition to any other remedy and to any penalty imposed by this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may make an order prohibiting the continuation or repetition of the offence by the person convicted.

- 6.3 Where a vehicle has been left in contravention of this By-law, the owner of the vehicle, even if the owner was not the driver of the vehicle at the time of the contravention of the By-law, is guilty of an offence and is liable to a fine in accordance with the provisions of this By-law, unless at the time of the offence the vehicle was in the possession of some person other than the owner without the owner's consent.
- 6.4 Every person who contravenes a provision of this by-law is guilty of an offence and upon CONVICTION, is liable to the penalties provided for in the *Provincial Offences Act* R.S.O. 1990, C. P.33, as well as subject to the set fines set out herein Schedule "B" of this By-Law.

## 7.0 VALIDITY, SEVERABILITY AND INTERPRETATION

- 7.1 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.
- 7.2 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.
- 7.3 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.

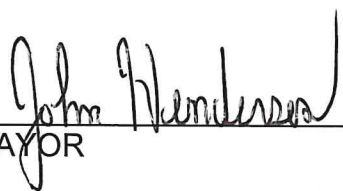
## 8.0 REPEAL

- 8.1 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.

## 9.0 FORCE AND EFFECT

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

By-law read and passed in Open Council on this 16<sup>th</sup> day of May, 2022.

  
MAYOR

  
MUNICIPAL CLERK

**SCHEDULE "A"**

**SCHEDULE "B":**

**The Corporation of the Town of Cobourg  
By-Law No. 000-2022  
Part II Provincial Offences Act**

<b>ITEM</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Provisions creating or defining offence</b>	<b>COLUMN 3 Set Fine</b>
<b>1.</b>	Park of Stand in a Fire Route	Section 2.4	\$100.00

**NOTE: The penalty provision for the offences listed above is section 6.4 of this By-law, as amended and section 61 of the Provincial Offences Act, R.S.O. 1990 c, P 33**