

Office Consolidation - Updated as Amended

Bill No. 217

City of Hamilton

By-law No. 01-217

To Establish and Regulate Fire Routes

WHEREAS Council deems it necessary to provide for the establishment of fire routes along private roadways, for fire and other emergency vehicle access to private property in the event of fire or emergency, which process includes the designation of fire officials to issue orders to property owners and others to provide fire routes;

AND WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to the following former area municipalities: The Corporation of the Town of Ancaster; The Corporation of the Town of Dundas; The Corporation of the Town of Flamborough; The Corporation of the Township of Glanbrook; The Corporation of the City of Hamilton; and, The Corporation of the City of Stoney Creek; (hereinafter referred to as the "former area municipalities");

AND WHEREAS the City of Hamilton Act, 1999 provides that the By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Section 210 (49) of the Municipal Act, R.S.O. 1990, Chapter M.45, provides that by-laws may be passed by local municipalities for making such other regulations for preventing fires and the spread of fires as the council considers necessary;

AND WHEREAS Section 210 (52) of the Municipal Act provides that by-laws may be passed by local municipalities 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 parked or left along any fire route so designated at the expense of the owner thereof;

AND WHEREAS the Council of the City of Hamilton deems it expedient to provide for a single by-law for the designation of new fire routes, while recognising previously designated routes in those former area municipalities;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

DEFINITIONS

1. In this by-law,
 - (a) "authorized emergency vehicle" means fire vehicles and equipment, police vehicles, and ambulances or cardiac arrest emergency vehicles which are operated by or under the authority of a hospital while either responding to an emergency call or being used to transport a patient or injured person in an emergency situation;
 - (b) "authorized signs" means signs of which the size, shape, colour, material and mounting position are approved by the Fire Chief and displaying words "Fire Route" or Fire Access Route" or the following symbols or information:
 - (i) A. for signs erected on or before December 31, 1977, using the words displaying the information "No Stopping" or a symbol in lieu thereof specified under The Highway Traffic Act; and
 - B. for signs erected after December 31, 1977, using the symbol for "No Stopping" specified under The Highway Traffic Act; or
 - (iii) A. for signs erected on or before December 31, 1977, using the words displaying the information "No Parking" or a symbol in lieu thereof specified under The Highway Traffic Act; and
 - B. for signs erected after December 31, 1977, using the symbol for "No Parking" specified under The Highway Traffic Act;
- and further such signs may include;
- (iv) the number of this by-law, or any one of the previous By-law numbers including: 77-93, 3217-80, 80-52-F, 517-95, 89-73, 75-168, or 4875-99; and,
- (v) words to the effect that vehicles will be tagged or tagged and towed away;
- (c) "Building Code" means the regulations made under section 34 of the Building Code Act, 1992, S.O. Chapter 23, as amended;
- (d) "Chief Fire Prevention Officer" means the person holding the position within the Hamilton Fire Service;
- (e) "City" means the City of Hamilton;

- (f) "Fire Chief" means the Chief of the Hamilton Fire Service and includes his or her designate and successor;
- (g) "Fire Code" means the fire code established under Part IV of the Fire Protection and Prevention Act, S.O. 1997, Chapter 4, as amended;
- (h) "fire route" means a route designated or deemed designated under this by-law;
- (i) "municipal property" includes property of a local board of the City;
- (j) "officer" means a person entitled to enforce this by-law;
- (k) "park" or "parking" when prohibited means the standing of a vehicle, whether the vehicle is occupied or not, except while actually engaged in loading or unloading merchandise or passengers;
- (l) "parking lot" means an area set aside or used for the parking of motor vehicles;
- (m) "police officer" means an person appointed or employed as a member of the Hamilton Police Service;
- (n) "property owner" means the registered owner of the property, or a tenant or other person entitled to possession of the premises;
- (o) "private roadway" means any privately-owned 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;
- (p) "stop" or "stopping" when prohibited means the halting of a vehicle, even momentarily, whether occupied or not; and
- (q) "vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by muscular power.

ENFORCEMENT

2. The following persons are deemed to be appointed to enforce this by-law:

- (a) persons employed or appointed as a Municipal Law Enforcement Officer for the City of Hamilton;
- (b) police officers; and,

- (c) the Fire Chief.

EXCEPTION FOR EMERGENCY AND MUNICIPAL VEHICLES

3. This by-law does not apply to prohibit the use or occupation of a fire route by an authorized emergency vehicle, or by a vehicle owned or operated on behalf of the City of Hamilton while by-law enforcement services are being carried out by the driver or occupant, nor to require the owner of the property or driver of the vehicle in such circumstances to take any steps to remove the vehicle.

DESIGNATION AND ESTABLISHMENT OF FIRE ROUTES

4. (1) The Fire Chief may designate a fire route or routes on private roadways, or on municipal property, where fire access is required under the Building Code, Fire Code or where otherwise in the Fire Chief's opinion and experience the route is necessary for access to a building or other structure on the property in the event of fire or other emergency.
- (2) The route chosen in Section 4(1) shall be in accordance with the Building Code or Fire Code as may be applicable, or otherwise be a minimum of 3.66 metres [12 ft.] in width, with sufficient and reasonable clearance for turning of fire vehicles, and their entry to and exit from the property.
- (3) Once the Fire Chief has chosen a fire route for a particular property, an order requiring the provision of the fire route shall be sent to the property owner by such method as is satisfactory to the Fire Chief.
- (4) Upon the order in Section 4(3) being sent, the route shall be deemed a designated fire route.
- (5) The order in Section 4(3) to the property owner may describe the location of the fire route or provide a diagram with measurements indicating the location of the route, and will provide a time period for posting signs.
- (6) A copy of order in Section 4(3) shall be forwarded to the Manager of Parking and Enforcement Operations for the City.
5. The property owner to whom an order has been issued shall comply with the order within the time specified, and in particular provide the required fire route and place the required authorized signs.

PREVIOUSLY ESTABLISHED FIRE ROUTES

6. (1) Subject to Section 6(2), where a route for fire access has been approved under a by-law of a former area municipality and the access and authorized

signs are maintained for use, such approved route for fire access is deemed to be a fire route under this by-law.

- (2) Where the Fire Chief deems it necessary to provide fire access to the property or to clarify any issue or dispute over the extent or existence of the previous access route including signage or location, the Fire Chief may designate a new fire route in place of the existing access route in Section 6(1) by following the process provided in this by-law.
- (3) A fire route under Section 6(1) shall be maintained by the property owner in accordance with this by-law, and in particular signed with legible authorized signs and maintained free of obstructions and encumbrances, all at the expense of the owner.

MAINTENANCE AND REPAIR

7. No person shall erect and maintain authorized signs, or signs which appear to be, or which may be confused for authorized signs indicating a fire route at any location not approved by the Fire Chief.
8.
 - (1) No person shall move or remove, or permit to be moved or removed, a required authorized sign without the approval of the Fire Chief.
 - (2) No person shall change the content, injure or obstruct, or permit the changing of the content, injury to or the obstruction of, any required authorized sign.
9. A fire route shall be established and maintained by the property owner fully free of obstruction or encumbrance, with legible authorized signs in full view of traffic within the route, all at the expense of the owner.
10. No person shall obstruct or encumber a fire route or cause or permit a fire route to be obstructed or encumbered.

PARKING AND STOPPING

11. No person shall park a vehicle on a fire route where signs have been erected and maintained which prohibit parking.
12. No person shall stop a vehicle on a fire route where signs have been erected and maintained which prohibit stopping.
13. An officer, upon discovery of a vehicle parked or standing 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 moved or taken to and placed or stored in a suitable place at the expense of the vehicle owner.

14. All costs and charges for removing, care and storage of the vehicle, if any, are a lien upon the vehicle, under the provisions of the Repair and Storage Liens Act, R.S.O. 1990, c.R.25, as amended.
15.
 - (1) Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to such penalty as may be provided for under the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.
 - (2) The owner of a 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 (1) for the offence, unless the owner proves to the satisfaction of the court that at the time of the offence the motor vehicle was in the possession of another person without the owner's consent.
16. Any person upon presentation of the parking infraction notice for payment may pay out of court, within seven days of the date of the issuance of the notice, the reduced penalty in respect of a vehicle parked or stopped in the amount as has been ordered by the Regional Chief Justice.
17. Where a property owner fails to establish or maintain a fire route as required under this by-law, or fails to do so in accordance with the requirements of the Fire Chief, the Fire Chief or the Chief Fire Prevention Officer, may cause the matters or things to be done in a satisfactory manner at the expense of the property owner and the City shall recover the expense incurred in doing it in a like manner as municipal taxes.
18. Every reference to By-laws 77-93, 3217-80, 80-52-F, 517-95, 89-73, 75-168, or 4875-99 on a sign required or permitted for use under this by-law shall be deemed a reference to this By-law.
19.
 - (1) By-law No. 77-44 (Ancaster) passed on the 9th day of May, 1977; By-law No. 3217-80 (Dundas) passed on the 3rd day of November, 1980; By-law No. 80-52-F (Flamborough) passed on the 21st day of May, 1980; By-law No. 517-95 (Glanbrook); and By-law No. 89-73 (Hamilton) passed on the 28th day of February, 1989; and all subsequent amendments thereto are hereby repealed on the date that this by-law comes into force and effect.
 - (2) A route for fire or other emergency vehicles established under a by-law of the former area municipalities, shall be deemed to be a fire route under this by-law for all purposes, in particular but not limited to the obligations of the property owner to prevent obstruction, maintain signs, or for prohibitions of parking or stopping.

20. This By-law shall come into force and effect upon the date of issue of an order by the Regional Senior Justice establishing set fines for this by-law.

PASSED AND ENACTED on the _____ day of _____, 2001.

Office Consolidation - Updated as Amended

Mayor

City Clerk