

THE CORPORATION OF THE TOWNSHIP OF WELLESLEY

BY-LAW NUMBER 11/2011

BEING A BY-LAW TO DESIGNATE ROADWAYS AS EMERGENCY FIRE ROUTES ALONG WHICH NO PARKING OF VEHICLES SHALL BE PERMITTED

WHEREAS Section 7.1(1)(c) 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 the routes so designated at the expense of the owner thereof;

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 the Council of the Township of Wellesley deems it expedient to provide for the designation of private roadways or accesses as emergency fire routes;

NOW THEREFORE the Council of The Corporation of the Township of Wellesley hereby enacts as follows:

1.0 SHORT TITLE

This By-law may be cited as the “Fire Route Designation By-law” and may be referred to internally herein as the “By-law”.

2.0 DEFINITIONS

2.1 “*Authorized Emergency Vehicle*” means fire vehicles and equipment, police vehicles, and ambulances operated by or under the authority of the Ambulance Act, R.S.O. 1990, Chapter A.14, while either responding to an emergency call or being used to transport a patient or injured person in an emergency situation.

2.2 “*Authorized sign*” means a sign in respect of which the size, shape, colour, material and mounting position/location have been approved by the Fire Chief, and which displays the words “Fire Route” or “Fire Access Route” with the following symbols and information:

- The symbol for “No Parking” specified under the Highway Traffic Act, and
- The number of this By-law

2.3 “*Fire Department*” means the Fire Department established by the Township of Wellesley.

2.4 “*Fire Route*” means an access route required for use by the Fire Department provided by means of a Private Roadway or yard or access.

2.5 “*Enforcing Officer*” means an officer or constable of the Regional Municipality of Waterloo Police Force, a Municipal By-law Enforcement Officer of the Township of Wellesley, a Regional By-law Enforcement Officer, the Fire Chief or District Chief of the Township of Wellesley Fire Department.

2.6 “*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 the land by a third party whether he/she is receiving it on his/her own account or as agent, trustee or representative of like capacity;

- 2.7 “*Private Roadway*” means any private road, lane, ramp or other means of vehicular access to ingress or egress from a Building or structure and it may include part of a parking lot.
- 2.8 “*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 engaging in loading or unloading merchandise or passengers;
- 2.9 “*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;
- 2.10 “*Stop or Stopping*” when prohibited means the halting of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic;
- 2.11 “*Vehicle*” includes a motor vehicle, trailer, traction engine, farm tractor, road building machine, bicycle and any vehicle drawn, propelled or driven by any kind or power, including muscular power.

3.0 GENERAL

- 3.1 When or if the Fire Chief of the Township of Wellesley requires a private roadway or parking lot or part thereof in the Township of Wellesley to be established as a Fire Route, it is hereby designated as a Fire Route. The Fire Chief hereby is delegated the authority to amend Schedule “A” to add, remove or modify established Fire Routes as required;
- 3.2 The Fire Chief for the Township of Wellesley shall cause notice to be mailed by prepaid first class post to the owner of a property that has been established as a Fire Route;
- 3.3 Such notice shall indicate when the municipal address of the property was included in or added to Schedule “A” of this By-law and which private roadways thereon shall be marked as Fire Routes by signs;
- 3.4 The Fire Route designated under Section 3.1 of this By-law shall be in accordance with the Ontario Building Code and/or the Ontario Fire Code.
- 3.4 In the case of a property upon which there is a condominium, notice under this Section shall be mailed to the Corporation incorporated by The Condominium Act 1998 S.O. 1998 c.19, as amended, and notice to such Corporation shall be deemed to be notice to the owner of every unit of such condominium.
- 3.5 The Property Owner, before erecting signs pursuant to a notice under this Section, shall obtain direction and approval from the Fire Chief or the person(s) designated by him to give such direction and approval, for all such signs, the wording thereon and the location thereof.
- 3.6 The Property Owner shall erect signs, at his or its expense, marking private roadways thereon as Fire Routes in accordance with the approval under this Section within thirty (30) days following the date upon which a notice under this Section is mailed.
- 3.7 No person shall park, or stand, a vehicle in, or over, any properly signed Fire Route designated under this By-law.

4.0 POWER OF ENTRY AND INSPECTION

- 4.1 An Enforcing 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 under this By-law is being complied with.
- 4.2 A Property Owner shall permit an Enforcing Officer to inspect any land, property or premises for the purposes of determining compliance with this By-law.
- 4.3 An Enforcing Officer may be accompanied by a person under his/her direction.

5.0 EXCEPTION FOR EMERGENCY AND MUNICIPAL VEHICLES

- 5.1 This By-law does not
- i. 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 Township of Wellesley while By-law Enforcement services are being carried out by the driver or occupant of the vehicle.

6.0 OBSTRUCTION

- 6.1 No person shall hinder or obstruct, or attempt to hinder or obstruct and Enforcing Officer exercising a power or performing a duty under this By-law.

7.0 ADMINISTRATION AND ENFORCEMENT

- 7.1 A Property Owner who changes or fails to maintain a designated Fire Route set out in Schedule "A" of this By-law shall be subject to all provisions/penalties of this By-law notwithstanding any prior agreement to the contrary.
- 7.2 The Property Owner shall maintain the Fire Route, as needed and shall remove any snow, ice or obstruction which may prevent the proper or intended use of the Fire Route.
- 7.3 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 the designated Fire Route is permitted.
- 7.4 Property Owners shall not in any way obstruct or hinder the enforcement of this By-law.
- 7.5 An Enforcing Officer may have a vehicle which is parked or standing in contravention of Section 3.7 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 be enforced in the manner provided by Section 4 of the Repair and Storage Lien Act, R.S.O. 1990. c.R25, as amended.

8.0 MAINTENANCE AND REPAIR

- 8.1 No person shall erect and maintain unauthorized signs which appear to be, or which may be confused for authorized signs indicating a Fire Route at any location not designated by the Fire Chief.
- 8.2 No person shall move or remove, or permit to be moved or removed, a required authorized sign without the approval of the Fire Chief.
- 8.3 No person shall change the content of, damage or obstruct or permit the changing of the content of, or damage to or the obstruction of, any required authorized sign.
- 8.4 No person shall obstruct a Fire Route or cause or permit a Fire Route to be obstructed.

9.0 FINE FOR CONTRAVENTION

- 9.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the Provincial Offences Act, R.S.O. 1990 c.P33, as amended.
- 9.2 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 this By-law, is guilty of an offence and is liable to a fine in accordance with the provisions of the Provincial Offences Act, 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.

10.0 VALIDITY, SEVERABILITY AND INTERPRETATION

- 10.1 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.

10.2 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.

11.0 REPEAL

11.1 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, including By-law 46/2010.

12.0 ENACTMENT

12.1 This By-law comes into force and effect on the date it is passed by the Council of the Township of Wellesley.

12.2 The Schedule of Set Fines shall come into force and effect upon the approval of the Regional Senior Judge, West Region 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 and second time this 4th day of April, 2011.

Read a third and final time and passed this 4th day of April, 2011.

Mayor Ross Kelterborn

CAO/Clerk, Susan Duke

TOWNSHIP OF WELLESLEY

FIRE ROUTE BY-LAW By-law 11/2011

SCHEDULE "A" Fire Route Designation By-law

NS Bauman Ltd.,	7202 Line 86,	RR#3 Wallenstein
Broadway Metals / Trimar Steel	3595 Ament Line	RR# 4 Elmira
Jones Feed Mill	1024 Alfred Street	Linwood
Leis Feed & Supply Ltd.,	1214 Queen's Bush Road	Wellesley
Township of Wellesley Administration Office	4639 Lobsinger Line	RR#1 St. Clements
Mapleview Mennonite Church	5074 Deborah Glaister Line	RR#2 Wellesley
Wallenstein Bible Chapel	4522 Herrgott Road	Wallenstein
Wellesley Public School	1058 Queen's Bush Road	Wellesley
Linwood Public School	50 Pine St.,	Linwood
St. Clements Catholic School	3639 Lobsinger Line	St. Clements
Pondview Residence	1288 Queen's Bush Road	Wellesley
Wellesley Community Centre & Arena	1000 Maple Leaf St.,	Wellesley
St. Clements Community Centre & Arena	1 Green St.,	St. Clements
Linwood Community Centre	5279 Ament Line	Linwood

TOWNSHIP OF WELLESLEY

FIRE ROUTE BY-LAW

**By-law 11/2011
Set Fine Schedule**

SCHEDULE "B"

ITEM	SHORT FORM WORDING	PROVISION CREATING or DEFINING OFFENCE	SET FINE
1	Parked or standing vehicle in a designate Fire Route	3.7	\$ 75.00
2	Failure to maintain designated Fire Route	7.1	\$ 75.00
3	Failure to remove snow and ice from a designate Fire Route	7.2	\$ 75.00
4	Erection of an unauthorized Fire Route sign	8.1	\$ 75.00
5	Removal of an authorized Fire Route sign	8.2	\$ 75.00
6	Change or injure of an authorized Fire Route sign	8.3	\$ 75.00
7	Obstruction of an authorized Fire Route sign	8.4	\$ 75.00

Note: the general penalty provision for the offences listed above is Section 9.1 of By-law 11/2011, a certified copy of which has been filed