

CORPORATION OF THE TOWN OF HAWKESBURY
By-Law N° 29-96

**A by-law of the Corporation of the Town of Hawkesbury
respecting Fire Routes**

WHEREAS paragraph 52 of section 210, chapter M. 45 of the Municipal Act, R.S.O. 1990, authorizes the enactment of 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 parked or left along any fire route so designated at the expense of the owner thereof;

NOW THEREFORE the Council of the Corporation of the Town of Hawkesbury enacts as follows:

TITLE

Short Title

1. The short title of this by-law is "The Fire Route By-Law".

DEFINITIONS

2. In this by-law:
 - (1) **"Building"** or **"Structure"** means a building or structure situated in the Town of Hawkesbury and does not include the following:
 - i) **"single family dwelling"** which means a detached building containing one (1) dwelling unit only;
 - ii) **"semi-detached dwelling"** which means a detached building divided vertically into two (2) dwelling units only, each of which has an independent entrance either directly from the outside or through a common vestibule;
 - iii) **"duplex dwelling"** which means a detached building divided horizontally into two (2) dwelling units only, each of which has an independent entrance either directly from the outside or through a common vestibule;
 - iv) **"accessory building"** which means any building or structure accessory to the main building or structure on a lot and not so designed or erected as to be suitable for human habitation.
 - (2) **"By-Law Enforcement Officer"** means the officer in charge of By-Law Enforcement of the Corporation of the Town of Hawkesbury or his authorized subordinates or assistants;
 - (3) **"Chief Building Official"** means the official in charge of the Building Inspection Division of the Corporation of the Town of Hawkesbury or his authorized subordinates or assistants;
 - (4) **"Chief of Police"** means the Chief of the Police Department of the Corporation of the Town of Hawkesbury or his authorized subordinates or assistants;

- (5) **"Director of Technical Services"** means the official in charge of the Technical Services Division of the Corporation of the Town of Hawkesbury or his authorized subordinates or assistants;
- (6) **"Council"** means the Council of the Corporation of the Town of Hawkesbury;
- (7) **"Corporation"** means the Corporation of the Town of Hawkesbury;
- (8) **"Fire Chief"** means the Chief of the Fire Department of the Corporation of the Town of Hawkesbury or his authorized subordinates or assistants;
- (9) **"Fire Department"** means the Fire Department of the Corporation of the Town of Hawkesbury;
- (10) **"Fire Route"** means any private road, lane, sidewalk, ramp or other means of vehicular access to or egress from a building or structure and may include a part of a parking lot that has been designated as a fire route and is listed in Schedule "B" to this by-law;
- (11) **"Motor Vehicle"** includes an automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways or other motor vehicles running only upon rails or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the Highway Traffic Act, R.S.O. 1990, and amendments thereto;
- (12) **"Municipal Clerk"** means the Municipal Clerk for the Corporation of the Town of Hawkesbury or his authorized subordinates or assistants;
- (13) **"Owner"** of a building or structure means any person, firm, or corporation controlling the property under consideration as provided in the Ontario Building Code Act, R.S.O. 1990, Ont/Reg 413/90 and amendments thereto;
- (14) **"Person"** means not only an individual, but also a partnership and body corporate and any association;
- (15) **"Sign, authorized"** means any fire route sign or marker, barricade, curb 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.

GENERAL

Requirements

- 3. (1) Every owner of a building or structure shall ensure that his building or structure is served by a fire route in compliance with the provisions of the Ontario Building Code, Ont/Reg. 61/90 as amended, and said fire route shall be constructed as specified in Schedule "A" of this by-law;
- (2) No person shall establish a fire route or erect any sign relating to a fire route other than in accordance with the provisions of this by-law.

4. (1) Subject to Section 3, subsection (1) hereof, no building permit for a building or structure or an extension thereof shall be issued by the Chief Building Official unless at least one of the plans filed with the building permit application shows the proposed location of the required fire route. Said plan and all other plans and documentation which, together, constitute the application, shall recognize and coincide with all aspects of the said fire route.
- (2) The plan to be filed pursuant to subsection (1) hereof shall be in duplicate and show:
- i) the location of every building or structure on the site;
 - ii) the location of all pedestrian walks, parking areas, parking isles and driveways on the site;
 - iii) the location of all fire hydrants;
 - iv) the proposed location of the fire route; and
 - v) the proposed location of each sign as specified in Section 7 of this by-law.
5. Upon receipt of the certificate of a Professional Engineer and the as-built plan, if the said plan confirms that the construction of the fire route has taken place in compliance with this by-law, or after inspection and approval by the Chief Building Official or the Director of Technical Services, the Municipal Clerk will submit the necessary information to Council for action for formal designation by by-law of the fire route.
6. (1) Upon designation of the fire route, the Municipal Clerk is hereby authorized to notify the owner that he is required to erect or cause to be erected, inspected and maintained the sign, authorized such as fire route signs, markers, barricades or curbs as are required to give effect to this by-law and as are required to regulate and govern traffic and parking. In the event that the owner shall fail to erect the required signs as directed, the Municipal Clerk may cause such signs to be erected at the expense of the owner and, for such purposes, may enter upon the lands of the owner;
- (2) The fire route signs shall:
- i) be twelve (12) inches in width, and eighteen (18) inches in height;
 - ii) bear the symbol:

or graphic representation of a fire truck

with the words "FIRE ROUTE" in black letters with a height of not less than three quarters (3/4") of an inch on white background with a red circle and red interdictory stroke; and
 - iii) be placed:
 - (a) at intervals of not less than twenty-five (25) feet or (7.6) meters and not more than seventy-five (75) feet or (22.8) meters along the fire route; and
 - (b) one at each limit of the fire route; and

- (c) as otherwise directed by the Fire Chief; and
 - (d) suitably mounted and displayed by the owner as directed by the Fire Chief.
- iv) Where a part of a parking lot has been designated a fire route, the section so designated shall be identified by white lines not less than four inches in width painted on the lot surface surrounding the boundary of the section and shall have the words "FIRE ROUTE NO PARKING" painted in white on the lot surface at each end of the section and within the section at intervals not less frequently than every fifty feet.
7. The owner shall maintain the fire route and all required signs at all times:
- (1) in good repair;
 - (2) clear of snow and ice; and
 - (3) free of blockage by any means.
8. (A) Where an owner has provided a route for the sole purpose of a fire route, he may, with the prior approval of the Fire Chief, control the entry of vehicles to the said fire route by one of the following methods:
- (1) break-away spot-welded iron posts;
 - (2) a chain between posts provided said chain contains not fewer than two pull-apart or breakable links;
 - (3) wooden posts not less than fifteen (15) feet apart and connected by a wooden barrier coloured yellow with diagonal black bars painted therein;
 - (4) a sign indicating "AUTHORIZED VEHICLES ONLY".
- (B) No person shall drive a motor vehicle in a fire route when entry is prohibited as per this section.
- (C) No person shall park or leave a motor vehicle in any area designated by a sign as a fire route except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
9. (1) The owner of a motor vehicle that is parked, stopped or left standing in contravention of this by-law is guilty of an 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, express or implied.
- (2) The owner of a motor vehicle shall incur the penalties provided for any contravention of this by-law unless, at the time of the contravention, the motor vehicle was in the possession of some person other than the owner or his chauffeur without the owner's consent, and the driver or operator of a motor vehicle not being the owner shall incur the penalties provided for any such contravention.
10. Police, Fire and By-Law Enforcement vehicles are exempt from the provisions of this by-law while engaged in the performance of their duties.

OFFENCES

11. Any person who contravenes any of the provisions of this by-law is guilty of an offence, and on conviction is liable to a fine of not more than Five Thousand (\$5,000.00) Dollars, exclusive of costs, recoverable under the Provincial Offences Act, R.S.O., 1990, c.P. 33.

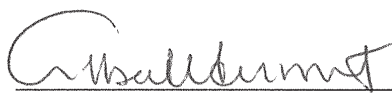
PENALTIES


12. (1) Tags and tickets may be issued by the Fire Chief, the Chief Building Official, the Chief of Police or the By-Law Enforcement Officer.
- (2) Any person who contravenes any of the provisions of this by-law is guilty of an offence and shall be liable to pay a penalty as set out in this by-law.
- (3) The receipt of payment signed by the person assigned to the duty of receiving payments out of Court, shall be evidence of payment of the penalty provided for the violation.
13. In addition to any other penalties provided by this by-law upon discovery of such vehicle parked or left unattended in contravention of the provisions of this by-law, the Chief of Police, the Fire Chief and the By-Law Enforcement Officer may cause such vehicle to be moved or taken to and placed in another location and all costs and charges for the removal 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, chapter R-25, R.S.O. 1990.
14. When a person has been convicted of an offence under this by-law, the court of competent jurisdiction may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted, directed towards the continuation or repetition of the offence.

SEVERABILITY

15. If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.
16. That by-law 117-95 is hereby repealed.
17. This by-law shall come into full force and effect on the date of passing thereof.

READ a first, second and adopted upon third reading this 29th day of April 1996.


Town Clerk or Acting Clerk


Mayor or Reeve

SCHEDULE "A"

By-Law N° 29-96

FIRE ROUTE SPECIFICATIONS

ONTARIO BUILDING CODE 3.2.5.7.

Where a required access route is provided by means of a roadway or yard, the design and location of that portion of the roadway or yard required for fire department use shall:

- a) have a clear width of at least 6 m (19 ft, 4 ins), unless it can be shown that lesser widths are satisfactory;
- b) have a centre line radius of not less than 12 m (39 ft, 4 ins);
- c) have an overhead clearance of at least 5 m (16 ft, 5 ins);
- d) have a change of gradient of not more than 1 in 12.5 over a minimum distance of 15 m (49 ft, 3 ins);
- e) be designed to support the expected loads imposed by fire fighting equipment and be surfaced with concrete, asphalt or other material designed to permit accessibility under all climatic conditions;
- f) have turnaround facilities for any dead end portion of the access route exceeding 90 m (295 ft, 3 ins); and
- g) be connected with a public thoroughfare (see Appendix "A").

Appendix "A"

The design and construction of fire department access routes involve the consideration of many variables, some of which are specified in the requirements in the Code. All these variables should be considered in relation to the type and size of fire department vehicles available in the municipality or area where the building will be constructed. It is appropriate, therefore, that the local fire department be consulted prior to the design and construction of access routes.