

THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND

BY-LAW NUMBER 2008-74

BEING A BY-LAW RESPECTING FIRE ROUTES.

WHEREAS section 100 of the Municipal Act, 2001, Chap. c.25, provides that a local municipality may, in respect of land not owned or occupied by the municipality that is used as a parking lot, regulate or prohibit the parking or leaving of motor vehicles on that land without the consent of the owner of the land or regulate or prohibit traffic on that land if a sign is erected at each entrance to the land clearly indicating the regulation or prohibition;

AND WHEREAS the Council of the Corporation of the City of Clarence-Rockland deems it expedient to enact such a by-law designating 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 City of Clarence-Rockland enacts as follows:

1. DEFINITIONS

In this by-law:

- (a) **“Building”** or **“Structure”** means a building or structure situated in the City of Clarence-Rockland.
- (b) **“Municipal Law Enforcement Officer”** means a Peace Officer appointed under Section 15 of the Police Services Act to enforce by-laws.
- (c) **“Chief Building Official”** means the Chief Building Official who is appointed under Section 3(1) of the Ontario Building Code Act, responsible to enforce the Ontario Building Code or his authorized subordinates or assistants.
- (d) **“Engineer”** means the engineer for the City of Clarence-Rockland or his authorized subordinates or assistants.
- (e) **“Council”** means the Council of the Corporation of the City of Clarence-Rockland.

- (f) **“Corporation”** means the Corporation of the City of Clarence-Rockland.
- (g) **“Fire Chief”** means a person appointed by council as the Chief of the Fire Department of the Corporation of the City of Clarence-Rockland or his authorized subordinates or assistants.
- (h) **“Fire Department”** means the Fire Department of the Corporation of the City of Clarence-Rockland.
- (i) **“Fire Route”** means any private access, route, road, way, lane, ramp, or other means of vehicular access to or egress from a building and it may include part of a parking lot that has been set aside for use by emergency vehicles.
- (j) **“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.
- (k) **“Municipal Law Enforcement Officer”** means a Peace Officer appointed under Section 15 of the Police Services Act to enforce by-laws.
- (l) **“Municipal Clerk”** means the Municipal Clerk for the Corporation of the City of Clarence-Rockland or his authorized subordinates or assistants.
- (m) **“Owner”** of a building or structure means any person, firm or corporation controlling the property under consideration as designated in the Ontario Building Code Act, S.O. 1997. and amendments thereto.
- (n) **“Park”** or **“Parking”**, when prohibited, means 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.
- (o) **“Sign, authorized”** means any sign or roadway, curb or sidewalk marking 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.

2. GENERAL PROVISIONS

- a) Those fire routes listed in Schedule “A” to this By-law are hereby designated as fire routes.

3. EXISTING BUILDING OR STRUCTURES

- a) Where a building or structure is in existence at the time of enactment of this by-law, the owner may apply, or on the written order of the Fire Chief, shall apply for approval of the designation of the required fire route, by filing with the Fire Chief an application together with a plan showing the fire route.
- b) The plan to be filed pursuant to Subsection (a) hereof shall show and not limited to:
 - i) the location of every building and 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; and
 - iv) the proposed location of the fire route; and
 - v) the proposed location of each sign as specified in Section 6 of this by-law.
- c) Where an owner is served with an order of the Fire Chief as provided in subsection (a) hereof, the plans required to be filed by subsection (a) hereof, shall be filed within two (2) months from the date of service of the order which shall be deemed to have taken place on the day following the date of mailing thereof by registered mail or on the date of personal service on the owner.
- d) Notwithstanding any of the other provisions of this by-law, where in the opinion of the Fire Chief a fire route is not required to ensure adequate means of access for fire fighting equipment, he may issue a certificate exempting a designated lot or site from the requirements of this by-law and such certificate may be made valid for either a specified or an indeterminate term and may be revoked at any time at the discretion of the Fire Chief.
- e) Subject to subsection (f) hereof, every owner shall ensure that the required fire route is constructed on his property and connected to a public highway in accordance with the

plans approved and the specifications set forth in the Ontario Building Code, and all such construction shall be arranged by and be at the expense of the owner.

- f) Where an owner has been served with an order of the Fire Chief as provided in Section 3.
 - a) the owner shall ensure that the fire route is constructed within six (6) months from the day of service of the order of the Fire Chief.
- g) Upon receipt of the certificate of a Professional Engineer and the as-built plan, or after inspection and approval by the Chief Building Official, the Fire Chief shall, if the said plan confirms that construction of the route has taken place in compliance with this by-law approve the fire route, and submit the necessary information to Council for action for formal designation by by-law of the fire route.

4. SIGN REQUIREMENTS

- a) Upon designation of the fire route, the Fire Chief is hereby authorized and directed to notify the owner that he is required to erect or cause to be erected, inspected and maintained such signs, markings or barricades 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 Fire Chief shall cause such signs to be erected at the expense of the owner and for such purposes may enter upon the lands of the owner.
- b) The fire route signs shall:
 - i) be twelve (12) inches in width, and eighteen (18) inches in height;
 - ii) bear the symbol “no parking” 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:
 - (1) 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
 - (2) one at each limit of the fire route; and
 - (3) as otherwise directed by the Fire Chief; and
 - (4) 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 (4) 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 (50) feet.

5. MAINTENANCE

The owner shall maintain the fire route and all required signs at all times:

- a) in good repair;
- b) clear of snow and ice, and
- c) free of blockage by any means.

6. ACCESS CONTROL

- a) Where an owner has provided a fire 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:
 - i) break-away spot-welded iron posts;
 - ii) a chain between posts provided said chain contains not fewer than two pull-apart of breakable links;
 - iii) wooden posts not less than fifteen (15) feet apart and connected by a wooden barrier colored yellow with diagonal black bars painted thereon;
 - iv) a sign indicating authorized vehicles only; and
 - v) no person shall drive a motor vehicle in a fire route when entry is prohibited or as per this section.

7. EXEMPTION

- a) Police, Fire and Municipal Law Enforcement vehicles are exempt from provisions of the by-law while engaged in the performance of their duties.

8. ENFORCEMENT

- a) The Municipal Law Enforcement Service is responsible for enforcing this By-law.

9. LIABILITY

- a) Any person erecting or maintaining any sign or sign structure shall be liable for such sign or sign structure. The City is not responsible for such sign or sign structure and is not responsible for any claim for damages, loss, expense or otherwise arising from the erection, maintenance, removal or falling of such sign, sign structure, or part thereof.

10. OFFENCES AND PENALTIES

- i) No person shall park or leave a vehicle in any area designated by a sign as a fire route.
- ii) Parking infraction notices may be issued by the Municipal Law Enforcement Officer alleging commission of a parking offence for contravention of the provisions of this by-law.
- iii) Every person who contravenes any provisions of this by-law is guilty of an offence and is subject to the provisions of the Provincial Offences Act, R.S.O. 1990, Chapter P. 33, and amendments thereto.
- v) 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 Municipal 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, R.S.O. 1990, and amendments thereto.

11. PROHIBITION ORDER

When a person has been convicted of an offence under this by-law:

- a) the Ontario Court of Justice, or
- b) any court of competent jurisdiction thereafter,

may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the doing of an act or thing by the person convicted directed toward the continuation of the offence.

12. SEVERABILITY

- a) If a court of competent jurisdiction declares any provision or part of a provision of this by-law to be invalid or of no force and effect, it is the intention of the Council, in enacting this by-law, that each and every other lawful provision of this by-law be applied and enforced in accordance with its terms to the extent possible according to law.

13. BY-LAW REPEALED

- a) By-law Number 2002-39 is hereby repealed.

14. BY-LAW TO TAKE EFFECT

- a) This by-law shall come into force and take effect on **July 1st, 2008**.

READ, DONE AND PASSED IN OPEN COUNCIL THIS 12TH DAY OF MAY 2008.

(Original signed by)

Richard Lalonde, Mayor

(Original signed by)

Daniel Gatién, Clerk

THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND

SCHEDULE "A" TO BY-LAW NUMBER 2008-74

DESIGNATED FIRE ROUTES

Column 1 <u>Location</u>	Column 2 <u>Address</u>
Jean Marc Lalonde Arena	1450 Du Parc Avenue, Rockland
Manon Street	(Private), Rockland
Walmart Canada	3001 Richelieu Street, Rockland
Canadian Tire Store	9040 County Road 17, Rockland
Food Basic	9030 County Road 17, Rockland
Terrace Riviera	(Private), Rockland
Marina Condominiums	134-136 Edwards Street, Rockland
Giant Tiger Store	1657 Laurier Street, Rockland
TSC	2756 Chamberland Street, Rockland
Top Mode Depot	2747 Chamberland Street, Rockland
Jardin Belle Rive	2950 Laurier Street, Rockland
St-Patrick Elementary School	1001 Heritage Drive, Rockland
L'Escale High School	1536 Du Parc Avenue, Rockland
Carrefour Jeunesse Public School	927 St- Jean Street, Rockland
St- Trinity Elementary School	879 St-Joseph Street, Rockland
Your Independant Grocer's	2737 Laurier Street, Rockland
Pope John Paul II Catholic Elementary School	3818 Legault Street, Hammond
St-Francis Xavier High School	1235 Russell Rd. Hammond
Outaouais Golf Club	301 Montée Outaouais (2011-172)
International Hockey Academy	8720 County Rd. 17 (2011-172)
Place Clement	2923-2929 Laurier Street (2011-172)
Smart Center	3000-3002 Richelieu Street (2011-172)
Town Square	189-205 Eliot Street (2011-172)