

THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 4084-97

**BEING A BY-LAW TO DESIGNATE CERTAIN PRIVATE ROADWAYS AS FIRE ROUTES
AND TO PROHIBIT PARKING THEREON**

WHEREAS, Subsection 210(52) of the Municipal Act, R.S.O. 1990, c. M.45, as amended, provides that by-laws may be passed by the councils of 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 Corporation of the Town of Whitby considers it desirable to pass such a by-law;

NOW THEREFORE, the Council of the Corporation of the Town of Whitby enacts as follows:

DEFINITIONS

1. (1) The meaning ascribed to any term defined in Subsection 1(1) of the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended from time to time, shall be the meaning of that term as used in this by-law, unless that term is otherwise defined in Subsection 2 of this Section.
- (2) For the purpose of this by-law,
 - (a) "an apartment building" means a building containing three or more dwelling units, each unit having access from an internal corridor system;
 - (b) "assembly hall" means a building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, political, religious or social purposes and shall include a banquet hall or private club;
 - (c) "authorized sign" means a fire route sign placed or erected pursuant to the provisions of this by-law;
 - (d) "camp" means a summer camp as defined under the regulations made under the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, as amended from time to time, or a camp operated by a charitable corporation approved under the Charitable Institutions Act, R.S.O. 1990, c. C.9, as amended from time to time;
 - (e) "Chief Building Official" means the Chief Building Official of the Town of Whitby or his or her designate;

- (f) "Chief of Police" means the Chief of Police of the Durham Regional Police Service or any police officer or any person or persons acting under his command or supervision;
- (g) "children's residence" means a children's residence as defined in the Child and Family Services Act, R.S.O. 1990, c. C.11, as amended from time to time;
- (h) "commercial building" means a building or structure, or part thereof, used or intended to be used for the purpose of selling any product or service;
- (i) "day nursery" means a day nursery as defined in the Day Nurseries Act, R.S.O. 1990, c. D.2, as amended from time to time;
- (j) "designated building" means an apartment building, assembly hall, children's residence, commercial building, day nursery, elderly persons centre, group housing, home for the aged, home for retarded persons, home for special care, hospital, hotel, industrial building, licensed establishment, lodging house, motel, municipal facility, nursing home, rest home, retirement house, sanitarium, school, seminary, theatre, and any other structure which is used for the accommodation of the public or for the gathering or assembling of people;
- (k) "elderly persons centre" means a centre as defined in the Elderly Persons Centres Act, R.S.O. 1990, c. E.4, as amended from time to time;
- (l) "Fire Chief" means the Fire Chief of the Corporation of the Town of Whitby or his or her designate;
- (m) "fire route" means a private roadway or part hereof designated as a fire route under this by-law or any predecessor thereof;
- (n) "fire route sign" means a sign installed pursuant to Section 4 of this by-law;
- (o) "group housing" means a building or group of buildings consisting of six or more dwelling units, the access to which building or buildings is by means of a common private roadway;
- (p) "homes for the aged" means a home as defined in and regulated under the Homes for the Aged and Rest Homes Act, R.S.O. 1990, c. H.13, as amended from time to time;
- (q) "home for retarded persons" means a home for retarded persons as defined in the Homes for Retarded Persons Act, R.S.O. 1990, c. H.11, as amended from time to time;

- (r) "home for special care" means a home for special care as defined in the Homes for Special Care Act, R.S.O. 1990, c. H.12, as amended from time to time;
- (s) "hospital" means a private hospital as defined in the Private Hospitals Act, R.S.O. 1990, c. P.24, as amended from time to time, or a hospital as defined in the Public Hospitals Act, R.S.O. 1990, c. P.40, as amended from time to time;
- (t) "hotel" means a hotel as defined in the Hotel Fire Safety Act, R.S.O. 1990, c. H.16, as amended from time to time;
- (u) "industrial building" means a building or structure, or part thereof, used or intended to be used for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, storing, or adapting for sale any goods, substance, article or thing and shall include the storage of building and construction equipment or materials;
- (v) "licensed establishment" means any establishment required to be licensed under the regulations made under the Liquor Licence Act, R.S.O. 1990, c. L.19, as amended from time to time;
- (w) "lodging house" shall have the same meaning as an apartment building as defined in Clause 1(2)(a) of this by-law;
- (x) "motel" means a tourist establishment as defined in the Tourism Act, R.S.O. 1990, c. T.16, as amended from time to time;
- (y) "municipal by-law enforcement officer" means a municipal by-law enforcement officer of the Corporation of the Town of Whitby and any other officer authorized by the Corporation of the Town of Whitby for the enforcement of by-laws in the Town of Whitby;
- (z) "municipal facilities" means a library, arena, school, swimming pool, community hall, skating rink, marina, pavilion, administration building or other buildings owned or controlled by the Corporation of the Town of Whitby, the Corporation of the Regional Municipality of Durham, the Central Lake Ontario Conservation Authority, the Whitby Hydro-Electric Commission, the Durham Board of Education, or, the Durham Region Roman Catholic Separate School Board;
- (aa) "nursing home" means a nursing home as defined in the Nursing Homes Act, R.S.O. 1990, c. N.7, as amended from time to time;
- (bb) "occupant" has the meaning ascribed thereto in Clause 210(131)(g)(ii) of the Municipal Act, R.S.O. 1990, c. M.45, as amended from time to time;
- (cc) "owner" for the purpose of Section 3 hereof has the meaning ascribed thereto in Clause 210(131)(g)(i) of the Municipal Act, R.S.O. 1990, c. M.45, as amended from time to time;

- (dd) "private roadway" means a road, lane, ramp, or other means of vehicular access to and egress from a public highway which is located on private property and includes any portion of a parking lot that is used as a means of vehicular access to or egress from any parking space provided in the parking lot;
- (ee) "rest home" means a home as defined and regulated under the Homes for the Aged and Rest Homes Act, R.S.O. 1990, c. H.13, as amended from time to time;
- (ff) "school" means a school as defined in the Education Act, R.S.O. 1990, c. E.2, as amended from time to time or private vocational school as defined in the Private Vocational Schools Act, R.S.O. 1990, c. P.26, as amended from time to time, and "private school" means a private school as defined in the Education Act, R.S.O. 1990, c. E.2, as amended from time to time;
- (gg) "tourist establishment" means a tourist establishment as defined in the Tourism Act, R.S.O. 1990, c. T.16, as amended from time to time;
- (hh) "Town" means the Corporation of the Town of Whitby;
- (ii) "trailer" has the meaning ascribed thereto in the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended from time to time;
- (jj) "vehicle" has the meaning ascribed thereto in the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended from time to time.

GENERAL

2. (1) The Fire Chief may require a private roadway or part thereof in the Town to be established as a fire route.
- (2) Where a private roadway or part thereof has been required to be established as a fire route under Subsection 2(1) of this by-law, it is hereby designated as a fire route.
- (3) No person shall place, maintain or display on any fire route any sign, marking or device which purports to be or is an imitation or resembles an authorized fire route sign or which conceals from view or interferes with the effectiveness of an authorized sign;
- (4) No person shall remove or deface an authorized fire route sign.
- (5) If any provision of this by-law shall be found to be, become or be deemed to be ultra vires, illegal or invalid, the remainder of the by-law shall not be affected thereby.
- (6) The provisions of this by-law shall be enforced by the Chief of Police and the Town's municipal by-law enforcement officers.

DESIGNATION OF FIRE ROUTES

3. Where a fire route has been designated under this by-law, the Fire Chief may issue an order requiring the property owner,
 - (a) to establish the fire route in accordance with the provisions of this by-law; and,
 - (b) to erect and maintain authorized signs at locations on the fire route approved by the Fire Chief.
4. The designated fire route signs shall,
 - (a) be permanent and stationary;
 - (b) be a minimum of 30.0 centimetres in width and a minimum of 60.0 centimetres in height;
 - (c) bear the words "Fire Route" in letters not less than 5.0 centimetres in height in conjunction with the "No Parking" symbol as specified in the Ontario Highway Traffic Act and be placed,
 - (i) not greater than 7.5 metres from each limit of the designated fire route;
 - (ii) at intervals not greater than 30.0 metres along the designated fire route;
 - (iii) at a minimum height of 1.5 metres and a maximum height of 2.5 metres above grade;
 - (iv) not greater than 4.0 metres from the edge of the private roadway designated as a fire route.

GENERAL STOPPING AND PARKING REGULATIONS

- 5.(1) No person shall park any vehicle or trailer on any a fire route.
- (2) The provisions of Subsection 5(1) of this by-law do not apply to a person who parks or stops an ambulance, police, fire or other emergency vehicle.

ADMINISTRATION

6. No building permit shall be issued for a designated building until a fire route has been designated in accordance with the provisions of this by-law, or the Fire Chief has advised the Chief Building Official that no fire route needs to be designated in respect of the structure for which a building permit application has been submitted.

PENALTIES

- 7.(1) Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction thereof is liable to a fine in the amount provided for by Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, or any successor legislation in substitution therefor.
- (2) Any police officer, municipal by-law enforcement officer, or fire chief, upon discovery of any vehicle or trailer parked or standing in contravention of this by-law, may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, are liens upon the vehicle which may be enforced in the manner provided in the Repair and Storage Liens Act, R.S.O. 1990, c. R.25, as amended from time to time.
- (3) The owner of a vehicle shall incur the penalties provided for in the contravention of this by-law unless at the time of the contravention, the vehicle was in the possession of some person other than the owner without the owner's consent, in which case the person in possession of the vehicle shall be liable to incur the penalties provided for such contravention.

SHORT TITLE

- 8. This by-law may be referred to as the Fire Route By-Law.

REPEAL OF EXISTING BY-LAWS

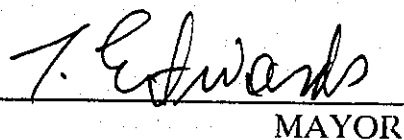
- 9. By-law Nos. 2433-88, 2484-88 and 2977-91 are repealed.

EFFECTIVE DATE

- 10. This by-law shall come into force and take effect upon the final passing thereof.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 14TH DAY OF OCTOBER, A.D., 1997.


CLERK


MAYOR