

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2007-91

**A BY-LAW WITH RESPECT TO FIRE ROUTES (AND
TO REPEAL BY-LAW NO. 114-86, AS AMENDED)**

WHEREAS Section 7.1(1)(c) of the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4, allows a Council of a Municipality to pass By-Laws designating private roads as Fire Routes where parking is prohibited and provide for the removal and impounding of any motor vehicle parked on a Fire Route;

AND WHEREAS the Council passed Resolution No. 2007-216 at its Regular Meeting held Monday, April 2, 2007 to authorize the consolidation of the by-law with respect to Fire Routes;

NOW THEREFORE THE COUNCIL FOR THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

Definitions:

1. In this By-Law:
 - (a) "Chief Fire Prevention Officer" means the Chief Fire Prevention Officer of North Bay Fire and Emergency Services or his designate.
 - (b) "Commercial motor vehicle" means a motor vehicle which is identified by a sign which is painted or firmly attached to the outside of the vehicle, which bears the name or style of the business and which vehicle is used for the purpose of delivery of materials.
 - (c) "Fire Route" means any means of vehicular access to or egress from a building or structure, which may be utilized for access to the building or structure for firefighting purposes, other than a municipal highway.
 - (d) "Motor vehicle" includes an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power.
 - (e) "Owner" means any person, firm or corporation having control over the building, structure or the land adjacent thereto, except this definition shall not apply to the word "owner" as contained in Section 13(2) of this By-Law.
 - (f) "Park" means the stopping or standing of a vehicle whether occupied or not, with or without the engine activated.
 - (g) "Registered owner" means the owner of a motor vehicle as indicated in the records of the Ministry of Transportation.
2. This By-Law shall apply to all buildings or structures in the City of North Bay, whether erected before the passage of this By-Law or afterwards.
3. The owner of every building or structure which has firefighting access for that building or structure provided from a private road, private driveway or private parking lot shall provide a Fire Route in accordance with the provisions of this By-Law.
4. (a) The Chief Fire Prevention Officer may inspect every Fire Route to determine if it complies with this By-Law.

- (b) If the Chief Fire Prevention Officer determines that a Fire Route complies with this By-Law, then the Chief Fire Prevention Officer shall file a Certificate of Designated Fire Route with the City Clerk.
 - (c) The Certificate of Designated Fire Route shall be in a form as shown in Schedule "A" to this By-Law.
- 5.
- (a) If the Chief Fire Prevention Officer determines that a Fire Route does not comply with this By-Law, then he shall advise the owner of the land; tenant; property manager or local representative of the owner, upon which the Fire Route is located, in writing, of the deficiencies with the Fire Route.
 - (b) Upon receiving the notice of the deficiencies pursuant to Section 5(a) of this By-Law, the owner of the Fire Route shall correct the deficiencies and shall bring the Fire Route into compliance with the provisions of this By-Law so that a Certificate of Designated Fire Route can be filed with the City Clerk by the Chief Fire Prevention Officer.
 - (c) Once a "Certificate of Designated Fire Route" has been filed with the City Clerk by the Chief Fire Prevention Officer, then the owner of the Fire Route shall maintain the Fire Route in accordance with the provisions of this By-Law.
6. Once a Fire Route has been designated in accordance with Section 4(b), the Fire Route shall remain as a Fire Route and shall not be abolished, modified, or altered in any respect, nor put to any non-complimentary use, unless the change is pre-approved by the Chief Fire Prevention Officer or is in accordance with a Building Permit, issued pursuant to the *Building Code Act*.
7. Every Fire Route shall:
- (a) be no less than five (5) metres wide;
 - (b) be paved with concrete or asphalt or be compacted gravel or other aggregate capable of withstanding the weight of fire fighting vehicles.
8. (a) The owner of the Fire Route shall erect or cause to be erected such signs as are required by this By-Law and shall ensure that the signs are regularly maintained and inspected.
- (b) The Fire Route signs shall:
- (i) be not less than 30 centimetres (12 inches) in width;
 - (ii) bear the symbol and show the wording and numbers as indicated in Schedule "B" annexed hereto;
 - (iii) be placed, in a fixed manner,
 - (a) at intervals of not less than 15 metres (49.2 feet) and not more than 45 metres (147.5 feet) along the designated Fire Route;
 - (b) one at each limit of the Fire Route;
 - (c) at all curves existing in the designated Fire Route having a change in direction of greater than 45 degrees and at all locations where the continuity of the Fire Route is interrupted by intersections, such as driveways; and

- (d) be erected not less than 1.9 metres (6 feet) and not more than 3 metres (10 feet) from the bottom of the sign to the pavement.
 - (c) Fire Route signs which were erected prior to the passage of this By-Law and which indicate on the sign "By-Law No. 114-86" or words or numbers to that effect, are deemed to comply with this By-Law despite Section 8(b)(ii) of this By-Law.
9. No person shall, without authority from the Chief Fire Prevention Officer or in accordance with a Building Permit issued pursuant to the *Building Code Act*, erect, alter, move, remove or deface or in any manner interfere with any sign placed, erected or maintained pursuant to this By-Law.
10. The owner of the Fire Route shall maintain the Fire Route:
- (a) in good repair,
 - (b) clear of snow and ice,
 - (c) free of blockage by any means, and
 - (d) with required signs clearly posted at all times in accordance with this By-Law.
11. (a) No person shall park a motor vehicle in a Fire Route which is indicated as such by a sign or signs as set out in Schedule "B" or in accordance with Section 8(c) of this By-Law.
- (b) Section 11(a) of this By-Law shall not apply to a commercial motor vehicle used for delivery purposes while actually engaged in loading or unloading, for a maximum time period of 20 minutes.
- (c) Section 11(a) of this By-Law shall not apply to a motor vehicle used by a police service, fire service, ambulance service, utility company or motor vehicle owned by the City of North Bay, while providing emergency services.

Enforcement

12. (a) Any Police Officer, Officer of the North Bay Fire and Emergency Services, By-Law Enforcement Officer or Provincial Offences Officer is authorized to enforce this By-Law pursuant to the provisions herein; the *Municipal Act*, 2001, S.O. 2001, c.25 as amended or any successor thereof; the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4, as amended or any successor thereof and the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, or any successor thereof.
- (b) Any Police Officer, Officer of the North Bay Fire and Emergency Services, By-Law Enforcement Officer or Provincial Offences Officer may enter upon land at any reasonable time to inspect the land to determine whether this By-Law is being complied with.

Offences

13. (a) Any person who contravenes any provision of this By-Law is guilty of an offence and on conviction is liable to a fine, penalty or order as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, or any successor thereof, or in the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, or any successor thereof.

- (b) The registered owner of the motor vehicle which is parked on a Fire Route in contravention of Section 11(a) of this By-Law is liable to any fine, penalty or order provided for in Section 13(a) to the same extent as the driver of such motor vehicle unless at the time of the offence, the motor vehicle was in the possession of some person other than the owner, without the owner's consent.

Vehicle Towing

- 14. In addition to any other penalties provided by this By-Law, upon discovery of any motor vehicle parked in contravention of the provisions of this By-Law, a Police Officer, an Officer of the North Bay Fire and Emergency Services, a By-Law Enforcement Officer or a Provincial Offences Officer may cause such motor vehicle to be removed and impounded in another location, at the sole risk and expense of the owner of the motor vehicle, and all costs and charges of removal and storage thereof are a lien upon the motor vehicle.

By-Law Approval

- 15. This By-Law shall not come into force or take effect until the set fines for offences pursuant to the By-Law are approved by the Regional Senior Justice of the Ontario Court of Justice.

Repeal

- 16. By-Law No. 114-86, as amended, is hereby repealed upon approval of the set fines for offences pursuant to this By-Law by the Regional Senior Justice of the Ontario Court of Justice.

READ A FIRST TIME IN OPEN COUNCIL THIS 30TH DAY OF APRIL, 2007.

READ A SECOND TIME IN OPEN COUNCIL THIS 30TH DAY OF APRIL, 2007.

READ A THIRD TIME IN OPEN COUNCIL, AND ENACTED AND PASSED THIS 30TH DAY OF APRIL, 2007.



MAYOR VIC FEDELI



CITY CLERK CATHERINE CONRAD

SCHEDULE "A"

CERTIFICATE OF DESIGNATED FIRE ROUTE

Municipal Address: _____

Legal Description: _____

Name of Business: _____

or

Description of Building/Structure: _____

Description of Location of Fire Route: _____

I hereby certify that the Fire Route as described on the property indicated above is a designated Fire Route, in accordance with City of North Bay By-Law No. 2007-91.

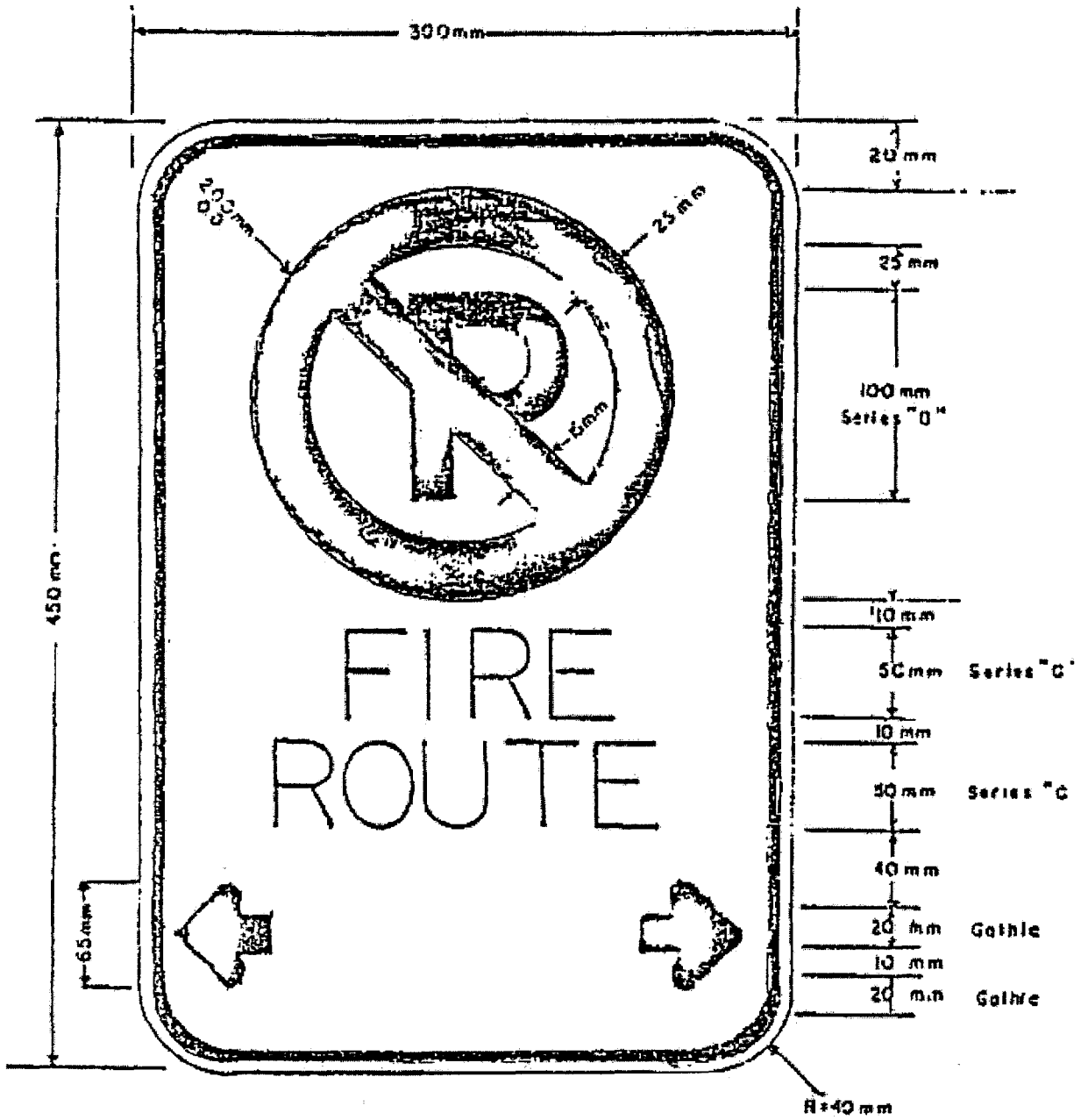
Signature

Date

Name: _____

Title: _____

SCHEDULE "B"



RED CIRCLE AND DIAGONAL
BLACK LETTERS ON WHITE -BACKGROUND REFLECTORIZED