

THE CORPORATION OF THE TOWNSHIP OF SEVERN

BY-LAW NO. 2004-53

As Amended by By-law No. 2007-145

BEING A BY-LAW TO DESIGNATE AND REGULATE PRIVATE ROADWAYS AS FIRE ROUTES WITHIN THE TOWNSHIP OF SEVERN

WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25, Section 11.(2), provides that a municipality may pass By-laws with respect to the health, safety and well-being of persons and the protection of persons and property, including consumer protection;

AND WHEREAS the *Fire Prevention & Protection Act*, 1997, Chapter 4, Section 7.1(c), provides that a municipality may pass by-laws designating private roads 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 of the fire routes at the expense of the owner of the vehicle;

AND WHEREAS it is deemed expedient to designate and regulate fire routes within the Township of Severn;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEVERN HEREBY ENACTS AS FOLLOWS:

1. **Definitions**

In this By-law:

- 1.1 “**Building Requirements**” shall mean the requirements as set out in the *Building Code Act*, S.O. 1992, or any code or By-law enacted in amendment or substitution thereof.
- 1.2 “**Building**” or “**Structure**” shall mean a residential, commercial or industrial building or structure over 4,000 ft. ² of floor space and situated in the Township of Severn and does not include the following residential use buildings:
 - (a) “Single Family Dwelling” shall mean a dwelling house containing one dwelling unit and occupied by not more than one family;
 - (b) “Semi-detached Dwelling” shall mean one of a pair of two attached single-family dwelling houses with a common wall dividing the pair of single-family dwelling houses vertically, each of which has an independent entrance directly from the outside; and

- (c) “Duplex Dwelling” shall mean the whole of a dwelling house that is divided horizontally into two separate dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule.
- 1.3 “**Chief Building Official**” shall mean the officer employed by the Corporation of the Township of Severn as is appointed by By-law to perform the duties as set out in the *Building Code Act*, S.O. 1992.
- 1.4 “**Corporation**” shall mean the Corporation of the Township of Severn.
- 1.5 “**Council**” shall mean the Council of the Corporation of the Township of Severn.
- 1.6 “**Designated Fire Route**” shall mean a fire route designed as provided by this By-law and listed in Schedule “B” attached hereto and forming part of this By-law, as amended from time to time.
- 1.7 “**Director of Public Works**” shall mean the Director of Public Works as appointed by the Corporation of the Township of Severn or his/her authorized designates.
- 1.8 “**Dwelling Unit**” shall mean a room or a suite of two or more rooms, designed or intended for use by one family only, in which sanitary conveniences are provided, in which facilities are provided for cooking or for the installation of cooking equipment, in which a heating system is provided, and which has a private entrance from outside the building or from a common hallway or stairway inside, and does not include a tent, trailer, mobile home, or a room or suite of rooms in a boarding or rooming house, hotel, motel, motor hotel or tourist home.
- 1.9 “**Fire Chief**” shall mean the Chief of the Fire Department of the Corporation of the Township of Severn or his/her authorized designates.
- 1.10 “**Fire Department**” shall mean the Fire Department of the Corporation of the Township of Severn.
- 1.11 “**Fire Route**” shall mean any road, lane, ramp or other means of vehicular access to or egress from a building or a structure and it may include part of a parking lot.
- 1.12 “**Motor Vehicle**” shall mean 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, a motor assisted bicycle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine.
- 1.13 “**Municipal Clerk**” shall mean the Municipal Clerk appointed by By-law for the Corporation of the Township of Severn.
- 1.14 “**Municipal Law Enforcement Officer**” shall mean an officer or employee of the Corporation of the Township of Severn appointed by By-law and charged with the duty of enforcing the provisions of By-laws of the Corporation.
- 1.15 “**Ontario Provincial Police**” shall mean a Police Officer and member of the police force of the Ontario Provincial Police.

- 1.16 “**Owner**” shall mean the registered owner under the provisions of the *Registry Act*, R.S.O. 1990, Chapter R.20 or the *Land Titles Act*, R.S.O. 1990, Chapter L.5.
- 1.17 “**Park**” or “**Parking**” shall mean when prohibited, 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 goods, ware, merchandise or passengers.
- 1.18 “**Private Roadway**” shall mean any private road, lane, ramp or other means of vehicular access to or egress from a building or structure and it may include part of a parking lot.
- 1.19 “**Service Road**” shall mean a road which, provides access to the building or parking area, and is located on the property of the owner.
- 1.20 “**Sign, authorized**” shall mean any signs 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.
- 1.21 “**Trailer**” shall mean a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, which shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn, and does not include a mobile home dwelling.
- 1.22 “**Vehicle**” shall mean a motor vehicle, trailer, traction engine, farm tractor, road building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power including muscular power, but does not include a motorized snow vehicle or the cars of electric or steam railways running only upon rails.
- 1.23 “**Zoning Requirements**” shall mean the requirements set out in the Zoning By-laws of the Corporation of the Township of Severn, as amended, or any By-laws enacted in substitution thereof.

2. **Fire Routes**

- 2.1 Every owner of a building or structure shall ensure that his building or structure is served by a fire route constructed and maintained in compliance with the provisions of this By-law, save and except where the location, nature, purpose or size of a building or structure is such that, in the opinion of the Fire Chief, a fire route is not required then this By-law shall not apply.
- 2.2 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.

3. **Building Permits**

- 3.1 Subject to Section 2.1 hereof, no building permit for a building or structure or any 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 with the approval of the Fire Chief endorsed thereon, and all other plans and documentation which, together constitute the application, shall, if necessary, be amended to recognize and coincide with all aspects of the said fire route.

- 3.2 The plans to be filed pursuant to Section 3.1 hereof shall show:
- (a) the location of every building or structure on the site,
 - (b) the location of all pedestrian walks, parking areas, parking isles and driveways on the site,
 - (c) the location of all fire hydrants,
 - (d) the proposed location of each sign as specified in Section 6. of this By-law, and
 - (e) the proposed location of the fire route designated in compliance with the specifications set forth in Schedule "A" attached hereto and forming part of this By-law.

4. **Existing Building or Structure**

- 4.1 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 in duplicate showing the fire route.
- 4.2 The plan to be filed pursuant to Section 4.1 hereof shall show:
- (a) the location of every building or structure on the site,
 - (b) the location of all pedestrian walks, parking areas, parking isles and driveways on the site,
 - (c) the location of all fire hydrants,
 - (d) the proposed location of each sign as specified in Section 6. of this By-law, and
 - (e) the proposed location of the fire route designated in compliance with the specifications set forth in Schedule "A" attached hereto and forming part of this By-law.
- 4.3 The plans shall be amended in accordance with the requirements of the Fire Chief who shall notify the Municipal Law Enforcement Officer in writing of his approval of the fire route.
- 4.4 Where an owner is served with an order of the Fire Chief as provided in Section 4.1 hereof, the plans required to be filed by Section 4.1 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.

5. **General**

- 5.1 Subject to 5.5.2 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 Schedule "A" attached hereto and forming part of this By-law, and all such construction shall be arranged by and be at the expense of the owner.
- 5.2 Where an owner has been served with an order of the Fire Chief as provided in Section 4. hereof, the owner shall ensure that the fire route is constructed in accordance with the plans approved and the specifications set forth in Schedule "A" attached hereto and forming part of this By-law within six (6) months from the day of service of the order of the Fire Chief.
- 5.3 The owner shall, within twelve (12) months of service of the order as provided in Section 4. hereof, file with the Fire chief a certificate from a Professional Engineer (registered in the Province of Ontario) confirming that he has carried out inspections and ascertained that the fire route has been constructed in accordance with the provisions of this By-law.

- 5.4 The owner shall file with the certificate required in Section 5.3 hereof an as-built plan (in duplicate) of the fire route with the Fire Chief.
- 5.5 Upon receipt of the certificate of the Professional Engineer and the as-built plan, the Fire Chief shall, if the said plan confirms that construction of the route has taken place in compliance with this By-law,
 - (a) approve the fire route by affixing his/her signature to the as-built plan of the fire route, and
 - (b) notify the Municipal Law Enforcement Officer and Chief Building Official of the approval referred to in Section 5.5 (a) hereof.
- 5.6 Upon receipt of the notice referred to in Section 5.5 (b) hereof, the Municipal Law Enforcement Officer shall take such action as may be necessary for formal designation of the fire route and erection of signs.
- 5.7 Upon formal designation of the fire route as aforesaid, the Fire Chief shall be notified of such designation.
- 5.8 Designated fire routes in the Township of Severn are those set out in Schedule "B" attached hereto and forming part of this By-law.
- 5.9 The plans of the designated fire route shall in the Township of Severn Administration Office located at 1024 Hurlwood Lane, and be made available for viewing to the public upon request.

6. **Signs**

- 6.1 Upon receipt of notice of the designation of the fire route, the Fire Chief is hereby authorized and directed to notify the owner that they are required to erect or cause to be erected and maintain 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.
- 6.2 The designated fire route signs shall:
 - (a) be twelve (12) inches (*304 mm*) in width and eighteen (18) inches (*457 mm*) in height,
 - (b) bear the "no parking" symbol with the words "FIRE ROUTE" in black letters with a height of not less than one and one-half (1 2) inches (*38 m*) on white background with a red circle and red interdictory stroke, and
 - (c) be placed
 - (i) at intervals of not more than seventy-five (75) feet maximum (*25 m*) along the designated fire route, and
 - (ii) one at each limit of the fire route, and
 - (iii) as otherwise directed by the Fire Chief, and
 - (iv) suitably mounted and displayed by the owner as directed by the Fire Chief.

7. **Accounts**

- 7.1 The owner shall pay the Corporation for the services prescribed in Section 6.1 hereof.
- 7.2 All accounts rendered by the Corporation for services (including expanses of the Corporation) as referred to in Section 7.1 hereof shall be paid within thirty (30) days of the billing.

7.3 If payment is not made by the owner in accordance with the provisions of Section 7.2 hereof, the Corporation may recover the expense incurred by action, or the same may be recovered in like manner as municipal taxes.

8. **Maintenance of Fire Route**

8.1 No person shall, without authority from the Fire Chief, erect, alter, move, remove or deface or in any manner interfere with any sign, marking or barricade placed, erected or maintained under the authority of this By-law.

8.2 Every owner shall notify the Fire Chief when any sign, marking or barricade has been interfered with or requires maintenance.

8.3 The owner shall maintain all required signs to the satisfaction of the Corporation and bear the cost of such maintenance.

8.4 The Corporation shall have no duty to maintain any sign, marking or barricade.

8.5 The owner shall maintain the fire route at all times:

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

9. **Control of Traffic**

9.1 If an owner provides a fire route for the sole purpose of a fire route, the control of entry or vehicles to that fire route shall be by one of the following methods:

- (a) a six (6) inch (152 mm) concrete curb,
- (b) break-away spot-welded posts,
- (c) a chain between posts connected with a padlock or pull apart breakable link,
- (d) drive through flexible barriers, or
- (e) portable barriers.

10. **Control of Parking**

10.1 No person shall park or leave a vehicle in any area designated by a sign as a designated fire route.

11. **Penalty**

11.1 Tags or tickets may be issued by the Ontario Provincial Police, the Fire Chief or Municipal Law Enforcement Officer alleging commission of an offence for contravention of the provisions of Section 10. hereof.

- (a) Subject to Sections 11.1 (b) and (c) hereof, any person who contravenes any of the provisions of this By-law is guilty of an offence, and on summary conviction is liable to a fine of not more than one thousand dollars (\$1,000.00) exclusive of costs.
- (b) Any person who contravenes the provisions of Section 10. hereof is, upon conviction, liable to a penalty of one hundred dollars (\$100.00).
- (c) Notwithstanding all other provisions of this By-law with respect to penalties for violations of the provisions of Section 10. of this By-law, any person may, upon presentation of a tag or ticket, issued alleging commission of an offence provided in the said section of

the office designated on the tag, within five (5) days (exclusive of Sundays, Saturdays and Public Holidays) from the date of issue of the said tag, pay out of court the penalty of seventy-five dollars (\$75.00) for such offence at the office listed on the tag or ticket, and upon such payment, no further proceedings shall be taken under this By-law in respect of the said offence alleged on the tag or ticket. The receipt for payment signed by the person assigned to the duty of receiving payments shall be evidence of payment of the penalty provided for such violation.

- 11.2 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 Fire Chief or 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 removing and storage thereof, if any, are a lien upon the vehicle, which may be enforced in the manner provided for in the *Repair and Storage Liens Act*, R.S.O. 1990, Chapter R.25.
- 11.3 When a person has been convicted of an offence under this By-law, the Provincial Court (Criminal Division) of the Judicial District of Simcoe or any other 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.

12. **Force & Effect**

- 12.1 That this By-law shall come into force and effect on the date of passing thereof.

13. **Repeal**

- 13.1 That By-law No. 2001-11, as amended, be and it is hereby repealed.

By-law read a first and second time this 1st day of April, 2004.

By-law read a third time and finally passed this 1st day of April, 2004.

CORPORATION OF THE TOWNSHIP OF SEVERN

Phil Sled

MAYOR

W. Henry Sander

CLERK-TREASURER

SCHEDULE "A" TO BY-LAW NO. 2004-53

Fire Route Specifications

CONSTRUCTION AND DESIGN

1. Where a fire route is not used as a part of a service road it shall be constructed to not less than the following:
 - (a) A subgrade compacted and graded to proper alignment overlaid with a twelve (12) inch (304 mm) depth of compacted granular "B" which in turn is overlaid with a six (6) inch (152 mm) depth of compacted granular "A". This construction shall be done with sound engineering practices and approved by the Township of Severn.
2. Where the fire route is used as part of a service road, it shall be constructed as follows:
 - (a) not less than two (2) inches (50 mm) of hot mix HL3 asphalt on not less than five (5) inches (127 mm) crushed stone or gravel on twelve (12) inches (304 mm) of granular "B" on a compacted subgrade, or
 - (b) not less than five (5) inches (127 mm) of concrete slab minimum compressive strength four thousand (4,000) p.s.i. on not less than six (6) inches (152 mm) crushed granular "A" on a compacted base.
3. Changes in horizontal direction of a fire route shall have an inside radius of not less than thirty (30) feet (9 m).
4. If a fire route is constructed over an underground structure, it shall be capable of supporting two hundred and fifty (250) pounds per square foot (76 kg per square metre).
5. A fire route shall have a vertical clearance throughout its width and length of not less than sixteen (16) feet (4.9 m) and such clearance shall be maintained at all times.
6. No portion of a fire route shall have a grade of more than 10 percent (10%), with no part of the grade of the fire route creating a vertical change of more than twelve degrees (12°).
7. Where the building or structure is three (3) or more storeys in height, the nearest edge of the fire route shall be located not less than twenty (20) feet (6 m) from a building and not more than forty (40) feet (12 m) from a building.
8. A fire route shall be:
 - (a) not less than twenty (20) feet (6 m) in width on the straight portion of the fire route that is parallel to the face or faces of the building or structure which it serves, and
 - (b) not less than twenty (20) feet (6 m) in width on curved portions, and
 - (c) provided with a turning area at the end of each dead end fire route suitable to the Fire Chief.
9. Notwithstanding Sections 5. and 7. and Sections 8. (a), (b) and (c), all widths and clearance around existing buildings prior to the incorporation of this By-law may be varied at the discretion of the Fire Chief, when in his opinion existing service roads would be adequate in width and clearances to serve as suitable fire routes.

SCHEDULE "B" TO BY-LAW NO. 2004-53

Township of Severn - Designated Fire Routes

<u>Property</u>	<u>Location</u>
Ardrea Public School	3797 Telford Line
Canadian Tire	1017 Brodie Drive
Coldwater Arena	11 Michael Anne Drive
Coldwater Curling Club	9 Michael Anne Drive
Coldwater Heritage Mill	1 Mill Street
Coldwater Public School	33 Gray Street
Coldwater Seniors Apartments	11 Mill Street
Cumberland Beach Public School	2746 Cumberland Road
Hawk Ridge Golf & Country Club	1151 Hurlwood Lane
Marchmont Public School	1902 Division Road West
Orillia Square Mall	1029 Brodie Drive
Shoppers Drug Mart	4435 Burnside Line
Staples	1087 Brodie Drive