

THE CORPORATION OF THE CITY OF THOROLD

BY-LAW NO. 132-2007

**A BY-LAW TO DESIGNATE PRIVATE ROADWAYS AS FIRE ROUTES ALONG WHICH NO PARKING OF VEHICLES SHALL BE PERMITTED**

**AND WHEREAS** Section 7.1 of the Fire Protection and Prevention Act, 1997, as amended, provides that by-laws may be passed by the councils of local municipalities for 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** Section 170 (15) of the Highway Traffic Act, R.S.O. 1990 c.H.8, as amended, provides that a police officer, police cadet, municipal law enforcement officer or an officer appointed for the carrying out of the provisions of this Act, upon discovery of any vehicle parked or standing in contravention of subsection (12) or of a municipal 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 a lien upon the vehicle, which may be enforced in the manner provided by the Repair and Storage Liens Act.

**AND WHEREAS** Section 207 (1) of the Highway Traffic Act, R.S.O. 1990, c.H.8, as amended, provides that the owner of a vehicle may be charged with and convicted of an offence under this Act or the regulations or any municipal by-law regulating traffic for which the driver of the vehicle is subject to be charged unless, at the time of the offence, the vehicle was in the possession of some person other than the owner without the owner's consent and on conviction the owner is liable to the penalty prescribed for the offence;

**WHEREAS** the Council of the Corporation of the City of Thorold approved the recommendations of Report PBS2007-95 at a Special Council meeting held on November 20, 2007 and deems it desirable to enact a by-law to designate private roadways as fire routes.

**NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF THOROLD HEREBY ENACTS AS FOLLOWS:**

**SECTION 1   SHORT TITLE**

This by-law shall be known as "Fire Route By-law".

**SECTION 2   DEFINITIONS**

**In this By-law:**

- 2.1 "Authorized Emergency Vehicle" means vehicles and equipment for the prevention of fire and for the containment and suppression of fire;
- 2.2 "City" means the Corporation of the City of Thorold;
- 2.3 "Council" means the Council of the City of Thorold;
- 2.4 "Fire Chief" means a fire chief appointed by Council of the City of Thorold under subsection 6(1), (2) or (4) of the Fire Protection and Prevention Act, 1997, as amended.
- 2.5 "Fire Route" or "Fire Lane" means any private roadway, driveway or laneway designated as a fire route by this by-law.
- 2.6 "Highway Traffic Act" means the *Highway Traffic Act, R.S.O. 1990, c.H8*, as amended;

- 2.7 **“Motor Vehicle”** includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in the Highway Traffic Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, or any 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 with the meaning of the Highway Traffic Act, as amended;
- 2.8 **“Officer”** means a police officer, peace officer or by-law enforcement officer authorized to enforce the Highway Traffic Act or any municipal by-law;
- 2.9 **“Park” or “Parking”** means 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 merchandise of passengers;
- 2.10 **“Private Road”** means any private road, lane, ramp or other means of vehicular access to or from a building or structure and may include part of a parking lot.
- 2.11 **“Stand” or “Standing”** means when prohibited, the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers;
- 2.12 **“Stop” or “Stopping”** means when prohibited, the halting of a vehicle, even momentarily whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of an officer or of a traffic control sign or device;
- 2.13 **“Vehicle”** means a motor vehicle, trailer, traction engine, farm tractor, road building machine, motorized snow vehicle and any vehicle drawn, propelled or driven by any kind of power including muscular power.

### **SECTION 3 GENERAL PROVISIONS**

- 3.1 The lands described in Schedule “A” are *private roads* hereby designated as *fire routes* along which no *parking* of *vehicles* shall be permitted.
- 3.2 No person shall obstruct, encumber, injure or foul up a designated *fire route*.
- 3.3 When properly worded signs have been erected and are displayed, in accordance with the provisions of this By-law, no person shall *stop, stand or park* any *vehicle* or *motor vehicle*, except an *authorized emergency vehicle*, on or partly on any *fire route* designated by this by-law.
- 3.4 Signs designating *fire routes* designated pursuant to this by-law shall be placed, erected and maintained by the owner of the property in accordance with the following:
- (a) All signs designating a *fire route* shall be twelve (12) inches in width and eighteen (18) inches in length, and shall display the words “No *Parking*” or a symbol in lieu thereof as specified in *The Highway Traffic Act* and the words “*fire route*”.
- (b) All signs designating a *fire route* shall be placed:
- (i) at the beginning and end of each designated *fire route*, and
- (ii) at intervals of not less than fifty(50) feet and not more than one hundred(100) feet throughout the designated *fire route*.

**SECTION 4 OFFENCES AND PENALTIES**

- 4.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine under the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.
- 4.2 Where a *motor vehicle* is *parked* or left *standing* on the lands and premises described in Schedule "A" an *Officer* may, upon discovery of a *motor vehicle* so *parked* or left, may cause such *motor vehicle* to be moved, or taken to and placed in a suitable place and all costs and charges for removing, car and storage thereof, if any, are a lien upon such a *vehicle* which may be enforced in the manner provided by the Repair and Storage Liens Act.
- 4.3 Notwithstanding any other provision of this by-law, an *Officer* may, instead of removing the *motor vehicle* as provided in the Repair and Storage Liens Act, issue and attach to the *vehicle* a *City of Thorold Parking Violation Tag*.
- 4.4 Set fines for contraventions of this by-law shall be in accordance with Schedule "B" to this by-law.
- 4.5 Notwithstanding any other provision of this by-law, the driver of a *motor vehicle* not being the owner is liable to any penalty provided under this By-law, and the owner of the *motor vehicle* is also liable to such penalty, unless at the time of the offence, the *motor vehicle* was in the possession of a person other than the owner without the owner's consent.

**SECTION 5 BY-LAWS REPEALED**

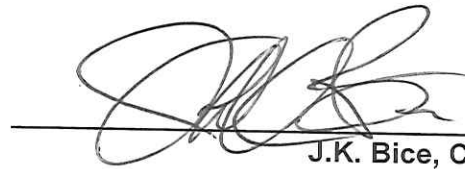
- 5.1 Any and all preceding by-laws or part thereof regarding such provisions described in this by-law are hereby repealed.

**SECTION 6 ENACTMENT**

- 6.1 This by-law shall come into force and effect on February 1, 2008.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED BY COUNCIL THIS  
20<sup>th</sup> DAY OF NOVEMBER, 2007.

  
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H. D'Angela, Mayor

  
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J.K. Bice, City Clerk

**SCHEDULE "A"**  
**By-law 132-2007**  
**Fire Route Parking By-law**

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FIRE ROUTE PARKING

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<u>Owner of Property</u>	<u>Location of Property</u>
786 Ali Limited	64 Front Street South, P11 L1 L42 Pt L43 Pt L44 NP889 L48 Pt Twp L16 Pt Twp L17 Blk A
1578877 Ontario Inc	54 Front Street South Plan George Keefer Lot 4 PT Lots 2 & 3 Pt Lots 39 & 41 NP889
Marsadi Layne Properties Inc	40 Front Street North Plan 11 Pt Lot 17 Lot 18 Pt Lot 19 NP 889 Pt Lots 23 to 26 NP898 RP 59R7457 Part 1
Paideia Press Ltd 1251526 & 1251418 Ontario Ltd (Book Depot)	67 Front Street North PL 889 Lt 21 & Pt Lts 20 22 Pt Water St & Pt of Twp Lt 9 RP 59R11673 Part 18
1655133 Ontario Inc	43 Ormond Street South Plan 889 Lot 45 Pt Lots 43 and 44 Plan 898 Lot 46 Pt Lot 47 Plan 890 Pt Lot 5 Plan 891 Pt Lots 16 and 17
1246322 Ontario Inc	2740 Merrittville Hwy Pt Twp Lot 79
Niagara Institute for Human Development	1604 Merrittville Hwy Pt Twp Lot 193 RP 59R5996 Part 1
Gorge Holdings Inc (Pine Plaza)	9 Pine Street North Plan George Keefer Lot 11 to Lot 20 Pt Lots 58 59 Lots 60 to 67 Pt Lots 82 to 84 NP889
Trinity United Church	15 Pine Street South Plan George Keefer Pt Lot 4 Pt Lot 5 NP889 Plan 11 Pt Lot 76 NP898
Redville Holdings Inc	206 Richmond Street Plan M12 Pt Blk D RP 59R2055 Part 4
Club Capri Thorold Order of Sons of Italy of Canada	36 Cleveland Street Plan 11 Lots 72 73 & 74
Gorge Holdings Inc	296 Collier Road South Pt Twp Lot 32 RP 59R11735 Parts 1 & 2 RP 59R10713 Part 1 RP 59R9537 Pt Part 1
Canadian Corps Association	7 Clairmont Street Plan George Keefer Pt Lot 19 Pt Lot 40 NP889 Pt Lot 30 NP 890

**SCHEDULE "A"**  
**By-law 132-2007**  
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**FIRE ROUTE PARKING**

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<u>Owner of Property</u>	<u>Location of Property</u>
Bomofive Inc	46 Front Street South CP 11 Pt Lot 6 Pt Lot 7 NP889
Mountainview Homes Limited (Four Points Sheraton)	3530 Schmon Parkway Plan 59M131 Pt Lots 1 & 2 RP 59R7291 Parts 3 & 10
2009104 Ontario Inc (Welland Mills)	20 Pine Street North Plan 898 Pt Lot 31A Lots 32 33 91 Pt Twp Lot 17 RP 59R11844 Pts 1 to 7 and 17
District School Board of Niagara (Thorold Secondary School)	250 Ormond Street North Plan 11 Blk L Blk M Pt Blk J Pt Blk K NP898
District School Board of Niagara (Ontario School)	550 Allanburg Road Pt Twp Lot 70
District School Board of Niagara (Richmond Street School)	153 Richmond Street Pt Twp Lot 32
District School Board of Niagara (Westmount School)	73 Ann Street Plan 11 Pt Lot 19
District School Board of Niagara (Prince of Wales School)	40 Pine Street South Plan 11 Lot 214 Lot L Pt Lot 6 Pt Lot 55 Pt Lot 215
Niagara Catholic district School Board (Monsignor Clancy)	41 Collier Road South Pt Twp Lot 20
Niagara Catholic district School Board (St Charles School)	25 Whyte Avenue North Plan 28 Lot 71 NP898
Niagara Regional Municipality (Regional Headquarters)	2201 St Davids Road Pt Twp Lot 38 Pt Twp Lot 39 Pt B F
Niagara Regional Municipality (Environmental Services)	Schmon Parkway Plan 59M131 Lot 21
City of Thorold (City Hall)	3540 Schmon Parkway Plan 59M131 Pt Lot 1 59R7291 Part 2
City of Thorold (Arena)	70 Front Street North Plan 11 Blk 22 Lot 47 to Lot 51 Lot 55 Lot 56 Pt Lot 52 Town Plot Pt Lot 54
City of Thorold (Keefer Mansion)	14 St David Street West Plan 11 Pt Blk 11 NP898 Plan 1890 Pt Lot 5 NP912

**SCHEDULE "B"**  
**By-law 132-2007**  
**Fire Route Parking By-law**

Penalties  
Section 4

Item

Column 1  
Short Form Wording

Column 2  
Provision Creating or Defining  
Offence

Column 3  
Set Fine

1 (Stop/Stand/Park) in a designated fire route

3.3

\$75.00