

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2003)-17082

A by-law to designate private roads as fire routes, to prohibit parking thereon and to repeal by-law number (1979)-10075 and all amendments thereto, and adopt Municipal Code Amendment #294, which amends Chapter 148 of The Corporation of the City of Guelph's Municipal Code.

Whereas Section 7.1 of the Fire Protection and Prevention Act, 1997, S.O. 1997, Chapter 4, ("the Act") authorizes the designation of private roads as fire routes and the prohibition of parking thereon;

1. (1) In this By-law:
 - (a) "authorized emergency vehicle" means,
 - (i) a vehicle of any fire department;
 - (ii) a vehicle of any police service;
 - (iii) a Ministry of Public Safety and Security (Correctional Services) vehicle;
 - (iv) an ambulance;
 - (v) an armoured car carrying cash or negotiable securities;
 - (vi) a Ministry of Transportation of Ontario maintenance vehicle; and
 - (vii) a clearly marked public utility vehicle, owned by a company (other than a municipality or local board of a municipality) incorporated for the purpose of supplying a public utility, as defined in the *Public Utilities Act*, R.S.O. 1990, c. P. 52, as amended from time to time, or any successor thereof;
 - (b) "City" means The Corporation of the City of Guelph;
 - (c) "City of Guelph by-law enforcement officer" means a by-law enforcement officer employed or contracted by the City and appointed from time to time to enforce the provisions of this By-law;
 - (d) "commissioner" means the Commissioner of the Environment and Transportation Group of the City or his or her designate;
 - (e) "enforcing official" means an officer of the Guelph Police Service, a City of Guelph by-law enforcement officer, the Fire Chief of the City of Guelph Fire Department, a Fire Prevention Officer of the City of Guelph Fire Department and in respect of certain specified properties, a specially appointed by-law enforcement officer whose name appears in Schedule "A" hereto;
 - (f) "fire route" means a fire route as set out in Subsection 2(1) of this By-law;
 - (g) "fire route sign" means a sign set out in Schedule C, D, E or F of this By-law;
 - (h) "owner" when used in relation to real property, means the person shown as the owner of such property on the last revised assessment roll of the Corporation of the City of Guelph;
 - (i) "person" includes a corporation;
 - (j) "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 or grass surface.
 - (2) Any definitions not set out above but which are set out in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended from time to time, or any successor thereof (the "*Highway Traffic Act*"), shall have the meaning set out in the *Highway Traffic Act*.
2. (1) Each private road or portion thereof,
 - (a) that is located on a property the municipal address of which is listed in Schedule "B" to this By-law; and

- (b) that is indicated as a fire route on the corresponding site plan forming part of Schedule “B” to this By-law,

is hereby designated as a fire route.

- 3. (1) The owner of a property who wishes his or her property to be included in Schedule “B” of this By-law and a fire route or routes designated thereon, or who wishes to change the fire route or routes for his or her property as shown in Schedule “B” of this By-law shall,
 - (a) submit a written application, including a site plan for the property, in a form satisfactory to the commissioner requesting that the property be included in Schedule “B” of this By-law and a fire route or routes designated thereon, or requesting that specified changes be made to the fire route or routes for a property listed in Schedule “B”, as the case may be;
 - (b) obtain direction from the commissioner as to the number, location and type of fire route signs to be erected, which direction shall be indicated by the commissioner in writing on the site plan for the property and returned to the applicant ; and
 - (c) upon receipt of the direction of the commissioner as set out in Clause 3(1)(b), erect fire route signs marking the private roads thereon as fire routes, in accordance with such direction.
- (2) (a) No person shall erect any sign to mark a private road as a fire route prior to receiving the written direction of the commissioner as set out in Clause 3(1)(b).
- (b) No person shall erect any sign to mark a private road as a fire route except a fire route sign erected in accordance with direction of the commissioner as set out on the site plan under Clause 3(1)(b).
- 4. (1) Once fire route signs marking the private roads thereon as fire routes have been erected in accordance with the direction of the commissioner as set out in Section 3, the commissioner will request Council to consider,
 - (a) adding the municipal address and site plan to Schedule “B” of this By-law; or
 - (b) changing the existing fire route or routes for the property,as the case may be.
- (2) If Council adds the municipal address and site plan of a property to Schedule “B” of this By-law,
 - (a) The commissioner, following the date upon which Council adds the municipal address and site plan of a property to Schedule “B” of the By-law, shall cause a notice to be mailed by prepaid registered post to the owner of such property.
 - (b) Such notice shall indicate,
 - (i) that the site plan has been approved, and any changes that have been made to the site plan by Council; and
 - (ii) the date on which the municipal address and approved site plan of the property was included in or added to Schedule “B” of this By-law.
- (3) If Council approves a change to the fire route or routes on a property already listed in Schedule “B” of this By-law,
 - (a) The commissioner, following the date upon which Council approves the change, shall cause a notice to be mailed by prepaid registered post to the owner of such property.
 - (b) Such notice shall indicate,
 - (i) that the amended site plan has been approved, and if Council has made alterations to the site plan, the details of any such alterations; and
 - (ii) the date on which the change or changes to the site plan were approved and were added to Schedule “B” of this By-law.
- (4) In the case of a property upon which there is a condominium, notice under Subsection 4(2) or 4(3) of this By-law shall be mailed to the Corporation created or continued by The Condominium Act, S. O. 1998, Chapter 19, as amended from time to time or any

successor thereof, and notice to such Corporation shall be deemed to be notice to the owner of every unit of such condominium.

5. (1) The owner of a property upon which there is a fire route,
 - (a) shall maintain the fire route signs marking the private road as a fire route in good condition and in accordance with the site plan for the municipal address, as set out in Schedule "B" to this By-law; and
 - (b) shall at all times keep such private road,
 - (i) in good repair;
 - (ii) clear of snow and ice; and
 - (iii) free of all obstructions
6. No person shall park a vehicle at any time on or along any part of a fire route.
7. Section 6 of this By-law does not, if compliance therewith would be impractical, apply to an authorized emergency vehicle or to a vehicle operated on behalf of the City by a City employee, while actually engaged in work authorized by the organization for whom the vehicle is operated.
8. (1) If a vehicle is found parked or stopped in violation of any provision of this By-law, an enforcing official may attach to the vehicle a parking infraction notice in the form of a serially numbered notice as prescribed in the Regulations of the *Provincial Offences Act*, R.S.O. 1990, Chapter P. 33, or any successor thereof.
- (2) The owner or operator of a vehicle to which a parking infraction notice is issued may, within fifteen (15) calendar days after the parking infraction notice is attached to the vehicle, pay to commissioner, the set fine amount, which shall be accepted as payment of the penalty in full satisfaction of the alleged offence.
- (3) The owner or operator of the vehicle to which a parking infraction notice is issued may, within fifteen (15) calendar days after the parking infraction notice is attached to the vehicle, plead not guilty to the offence and request a trial of the matter by completing and signing Option No. 2 on the reverse side of the parking infraction notice and delivering the notice to the commissioner.
- (4) If the owner or operator of a vehicle issued with a parking infraction notice does not exercise one of the options set out in subsections 8(2) and 8(3) of this By-law with respect to the parking infraction notice, a conviction may be entered in accordance with the *Provincial Offences Act*, R.S.O. 1990, Chapter P. 33, or any successor thereof.
9. A specially appointed by-law enforcement officer whose name appears in Schedule "A" hereto may enforce the provisions of Section 6 of this By-law as set out in Subsection 8(1), only on the properties of which the municipal addresses are listed beside his or her name in said Schedule "A".
10. An officer of the Guelph Police Service, the Fire Chief of the City of Guelph Fire Department, a Fire Prevention Officer of the City of Guelph Fire Department, or a City of Guelph by-law enforcement officer may enforce any provision of this By-law.
11. An officer of the Guelph Police Service, the Fire Chief of the City of Guelph Fire Department, a Fire Prevention Officer of the City of Guelph Fire Department, or a City of Guelph by-law enforcement officer, upon discovery of any vehicle parked or standing in contravention of this By-law, may cause it to be removed from the location of the violation and impounded, and any costs incurred therein shall be at the expense of the owner of the vehicle.
12. Any person who contravenes any provision of this By-law is guilty of an offence.
13. The owner of a vehicle that is found parked in contravention of this By-law is guilty of an offence and, upon conviction, shall be subject to the governing penalties, unless the owner of the vehicle proves to the court that, at the time of the offence, the vehicle was in the possession of another person without the owner's consent, express or implied.
14. Every person who is convicted of an offence under any provision of this By-law shall be liable to a penalty as set out in Section 61 of the *Provincial Offences Act*, R.S.O. 1990, Chapter P. 33, as amended from time to time, or any successor thereof.
15. All Schedules shall form part of this By-law.
16. By-law number (1979)-10075 and all amendments thereto are hereby repealed as of the date and time on which this By-law comes into effect.
17. This By-law shall come into effect at 12:01 a.m. on August 5, 2003 or when the set fines for this By-law are approved by the Regional Senior Justice, whichever occurs first.

18. This By-law is hereby adopted as Municipal Code Amendment #294, amending Chapter 148 of The Corporation of the City of Guelph's Municipal Code.

PASSED THIS SEVENTEENTH DAY OF MARCH, 2003.

Original Signed by:

KAREN FARBRIDGE - MAYOR

Original Signed by:

LOIS A. GILES – CITY CLERK