

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**BY-LAW NO. 2005-25**

Being a By-law designating fire routes and prohibiting parking thereon and to repeal By-law No. 2170

**WHEREAS**, pursuant to the *Fire Protection and Prevention Act*, S.O. 1997, c. 4, section 7.1, the Council of a municipality may pass a by-law 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 and necessary by Council to establish fire routes within the Town of Amherstburg;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF  
THE TOWN OF AMHERSTBURG HEREBY ENACTS AS FOLLOWS:**

1. DEFINITIONS:

In this By-law:

- a) "By-law Enforcement Officer" means any person appointed by the Town to assist in the enforcement of this by-law;
- b) "Corporation" means the Corporation for the Town of Amherstburg;
- c) "Council" means the Council of the Corporation of the Town of Amherstburg;
- d) "Fire Chief" means the Chief of the Fire Department of the Corporation;
- e) "Fire route" means a private road or part thereof designated as a fire route pursuant to this by-law;
- f) "Park" means the halting of a vehicle, even momentarily, together with the absence, even momentarily, from the seat ordinarily occupied by the driver of the vehicle, of a person duly licensed, if licensing be necessary, and otherwise qualified and able to operate such a vehicle;
- g) "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;
- h) "Sign" means a sign described in section 4 used to identify a fire route;
- i) "Stop" means 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 a constable or other Police Officer or of a traffic control sign or signal;
- j) "Town" means the Corporation of the Town of Amherstburg;
- k) "Vehicle" means an automobile, motorcycle, truck, motor assisted vehicle, motorized snow vehicle, farm tractor and any other vehicle propelled or driven otherwise than by muscular power.

2. DESIGNATION:

- a) The Fire Chief, with the approval of Council, shall have the authority to designate fire routes in the Town of Amherstburg. The Town shall enter into a Fire Route Agreement with the property owner in the form hereto annexed in Schedule "C". The private roadways or portions of the private roadways located on the lands designated on Schedule "A" to this by-law are designated as fire routes.
- b) Upon the designation of a fire route, the Fire Chief or a By-law Enforcement Officer is hereby authorized and directed to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether this by-law is being complied with.

3. PROHIBITION:

- a) No person shall park or stop at anytime in the fire routes on municipality owned property or on a private roadway as set out in Schedule "A" to this by-law.
- b) 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 barricades placed, erected or maintained under the authority of this by-law.

4. SIGNS:

- a) The designated fire route sign shall:
  - i. be 30 centimetres (12 inches) in width and 45 centimetres (18 inches) in height as indicated in Schedule "B";
  - ii. have a red border;
  - iii. bear the words NO STOPPING in red letters two or more inches (2+ inches) in height on a white background on the top portion of the sign;
  - iv. bear a red double-headed arrow on a white background, located in the upper and lower portions of the sign, respectively;
  - v. bear the words ANY TIME and FIRE ROUTE in white letters and one and one-quarter inches or more (1¼+ inches) in height on a red background and located in the central portion of the sign;
  - vi. be placed at intervals of not more than 30 metres along the designated fire route and spaced such that at least one (1) sign is clearly visible and lettering is legible from all locations within the fire route. There must be a sign located at each limit of the fire route;
  - vii. be mounted at a minimum height of 2.2 metres and a maximum height of 3 metres measured from the top limit of the sign to the grade of the fire route surface adjacent to the fire route sign;
  - viii. be displayed at an angle of not less than 30 degrees and not more than 45 degrees to a line parallel to the flow of traffic
- b) Where a curb or equivalent edge treatment is not provided to define the edge of the fire route, the sign shall be erected a minimum of 3.0 metres (10 ft) and a maximum of 4.0 metres (13 ft) from the edge to any part of the sign. Where a curb or equivalent edge treatment is provided to define the edge of the fire route, the sign shall be erected a minimum of 0.3 metres (1 ft) and a maximum 1.0 metre (3 ft) from the edge to any part of the sign.
- c) The designated fire route signs shall be purchased and erected by the Town at the cost of the owner of the lands and premises;

- d) The property owner is responsible to ensure that physical obstructions are not placed or constructed in locations that interfere with the visibility and/or legibility of any fire route sign and to ensure sufficient maintenance of vegetation such that unobstructed views to all fire route signs are maintained at all times and under all circumstances

5. RESPONSIBILITY OF PROPERTY OWNER:

- a) A designated fire route shall be in compliance with the Ontario Building Code, 1997, section 3.2.5.
- b) The owner shall maintain the fire route so as to be immediately ready for use at all times, including, but not limited to keeping the fire route:
  - i. in good repair;
  - ii. clear of snow and ice;
  - iii. free of blockage by any means;
  - iv. with the proper signs.
- c) If such owner shall fail to carry out any maintenance or repair required pursuant to this by-law within the reasonable time limited in a written notice from the Town, the servants or agents of the Town may enter on the lands of the owner and carry out the maintenance and/or repair at the cost of the owner.
- d) Any account rendered by the Town on the owner for materials or labour, including costs of inspections, shall be paid within 30 days, failing which the same may be recovered by action, or in like manner as municipal taxes.

6. EXEMPTIONS:

Notwithstanding Section 3, the prohibition shall not apply to:

- a) ambulance and emergency vehicles;
- b) vehicles actually engaged in work under taken for or on behalf of the municipality of the Town of Amherstburg;
- c) security vehicles used for transporting of securities or security personnel;
- d) police vehicles or municipality law enforcement vehicles while actually engaged in enforcement;

7. SCHEDULES:

Schedules "A", "B" and "C" attached hereto form part of this by-law.

8. ENFORCEMENT:

- a) Police Officers of the Town of Amherstburg Police Service and By-law Enforcement Officers of the Corporation shall have the duty of enforcing the provisions of this by-law.
- b) An Officer or Constable of the Town of Amherstburg Police Force, or Municipal By-law Enforcement Officer upon discovery of any vehicles parked or stopped in contravention to the provisions of this by-law may cause it to be removed and impounded and all costs and charges for

removing and impounding shall be at the expense of the owner of the vehicle.

9. PENALTIES:

- a) Every person who contravenes any provisions of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*.
- b) The owner of a vehicle parked or stopped in contravention of this by-law is guilty of an offence under and on conviction is liable to a fine as provided for in the *Provincial Offences Act*, and even though the owner was not the driver of the vehicle at the time of the contravention of the by-law, 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.

10. REPEAL:

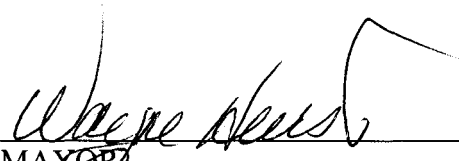
The Town of Amherstburg By-law No. 2170, being a by-law establishing a policy in relation to fire routes in the Town of Amherstburg, be and the same is hereby repealed.

11. SHORT TITLE:

This by-law may be cited as the "Fire Routes By-law".

This by-law shall come into force and take effect on the date of final passage thereof.

Passed this 18th day of July, 2005.

  
\_\_\_\_\_  
MAYOR  
\_\_\_\_\_  
CLERK

1<sup>st</sup> Reading: July 18, 2005  
2<sup>nd</sup> Reading: July 18, 2005  
3<sup>rd</sup> Reading: July 18, 2005

Certified to be a true copy of By-law  
No. 2005-25 passed by Council of the  
Town of Amherstburg on the 18<sup>th</sup>  
day of July, 2005.

\_\_\_\_\_  
Clerk

SCHEDULE "A"

BY-LAW NO. 2005-25

Column 1

Column 2

LOCATION	ADDRESS
White Woods Mall (see attached map I)	400 Sandwich Street South
Rosewood Crescent Co-Operative Housing Inc. (see attached map II)	168 Richmond Street
Amherstburg Arena (see attached map III)	209 Victoria Street South
The Verdi Club (see attached map IV)	689 Texas Road

SCHEDULE "B"

BY-LAW NO. 2005-25

30 cm (12")



45 cm (18")

SCHEDULE "C"

THE CORPORATION OF THE TOWN OF AMHERSTBURG  
FIRE ROUTE AGREEMENT

THIS AGREEMENT made duplicate this      day of      ,      .

BETWEEN:

THE CORPORATION OF THE TOWN OF AMHERSTBURG

Hereinafter called the "Town"  
OF THE FIRST PART,

-and-

Hereinafter called the "Owner"  
OF THE SECOND PART,

WHEREAS the Owner is the registered owner of lands and premises in the Town of Amherstburg known for municipal purposes as (street address) \_\_\_\_\_ which meets the policy criteria for Fire Routes established by the Fire Department of the Town and upon which have been laid out certain private roadways which the owner has requested be designated and administered by the Town as Fire Routes pursuant to Section 475(3)(c) of the *Ontario Municipal Act*, 2001, S.O. 2001, c.25;

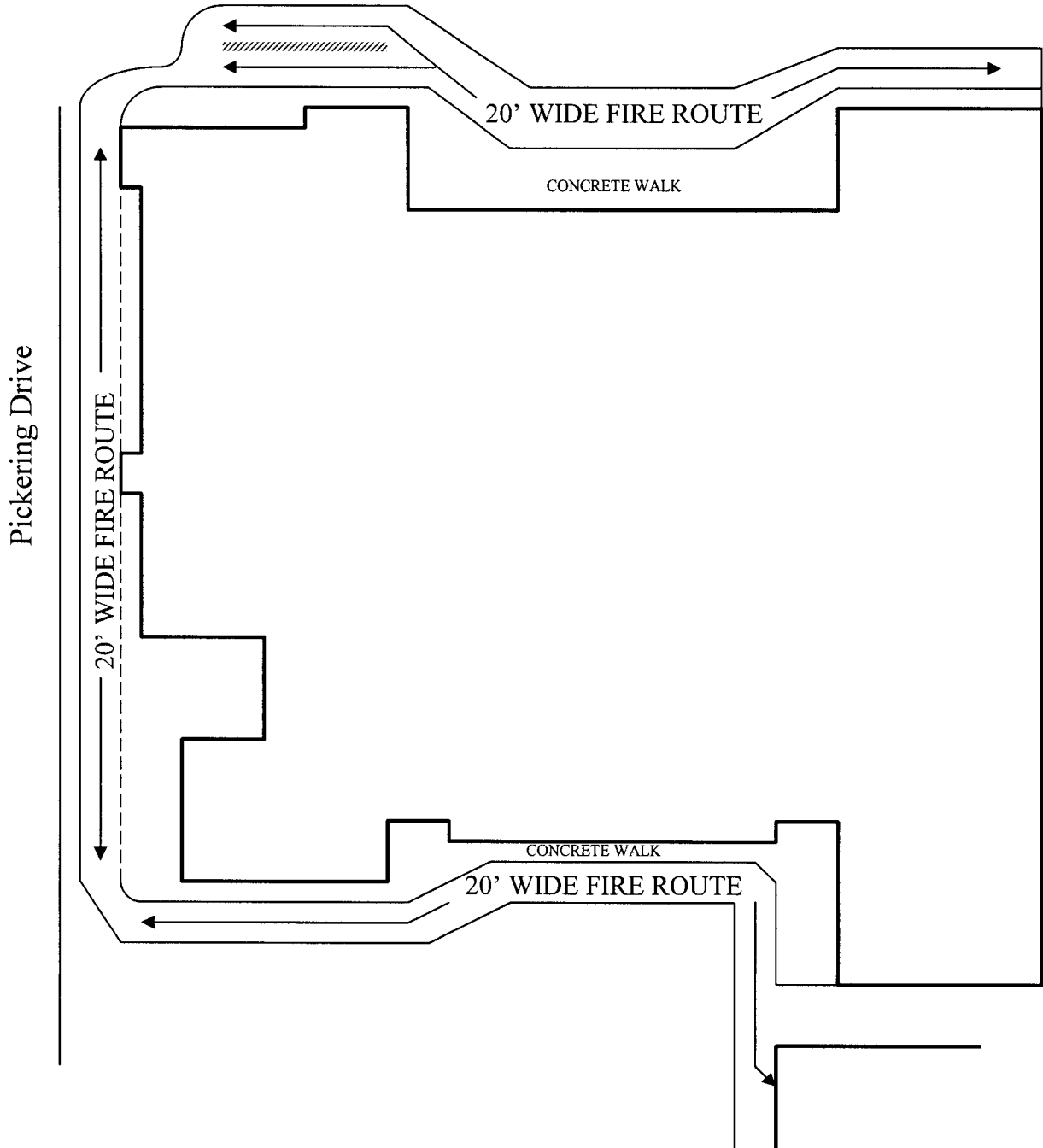
NOW THEREFORE this Agreement witnesseth that for good and valuable consideration now paid by the Town to the Owner, the receipt and sufficiency of which is hereby acknowledged by the Owner:

1. The Owner consents during the term of this agreement to the designation by the Town of a private roadway as a Fire Route pursuant to Section 475(3)(c) of the *Ontario Municipal Act*, 2001, S.O. 2001, c.25, and to the full and free administration and enforcement with respect to such private roadway of by-laws pertaining to Fire Routes including, but without restricting the generality of the foregoing, the right of free and unhindered entry and re-entry at all times upon the Owner's lands and premises by the Town's employees, servants, agents and municipal Parking By-law Enforcement Officers, constables and officers appointed for the carrying out of the provisions of the *Highway Traffic Act* for purposes of erecting, maintaining and removing authorized signs, prohibiting parking and ticketing, removing and impounding vehicles parked or left along the Fire Route.
2. The Owner covenants and agrees:
  - a) That the Town shall be responsible for initially erecting authorized signs and standards for which the Owner shall pay to the Town the actual costs on invoice, preceded by a deposit advance of \$100.00 at the time of application and the material and labour costs of the Town for erecting authorized signs and standards in accordance with its Public Works Management;
  - b) That once authorized signs are erected, the Owner shall be responsible for their maintenance at his expense in accordance with the standards of the Town;
  - c) That the Town shall have the right to remove or re-erect authorized signs at the expense of the Owner;
  - d) That the owner shall not permit anything to be done which obstructs the plain view of any authorized sign by the driver of a vehicle along a Fire Route;
  - e) That the Owner shall at all times keep the Fire Route in good repair, free and clear of any obstruction, excavation, object or thing likely to hinder, obstruct or interfere with the movement of a fire truck or emergency vehicle along the Fire Route.
3. The Owner releases the Town from all manner of debts, claims, demands causes of action or suits which the Owner may now or hereafter have against the Town, or its employees, servants and agents in respect of any matter contained in or arising from this agreement.
4. The Owner agrees that this agreement shall continue in full force and effect from the date hereof until termination by the Town upon one month's prior written notice delivered personally or sent by first class mail at his last known address.
5. This agreement shall enure to the benefit of and be binding upon the Town and the Owner, and their respective heirs, executors, administrators, successors and assigns, as the case may be.

IN WITNESSETH WHEREOF the Town of Amherstburg has hereto affixed its seals attested by the signatures of its proper signing officers and the Owner has hereto affixed its seal attested by the signature of its proper signing officer in that regard.

SIGNED, SEALED AND DELIVERED	)	THE CORPORATION OF THE TOWN OF AMHERSTBURG
In the presence of	)	
	)	Per: _____
	)	Mayor
	)	
	)	Per: _____
	)	Clerk
	)	
	)	We have authority to bind the corporation
	)	
	)	OWNER
	)	
_____	)	Per: _____
Witness	)	
	)	
_____	)	Per: _____
Witness	)	

MAP I  
WHITE WOODS MALL

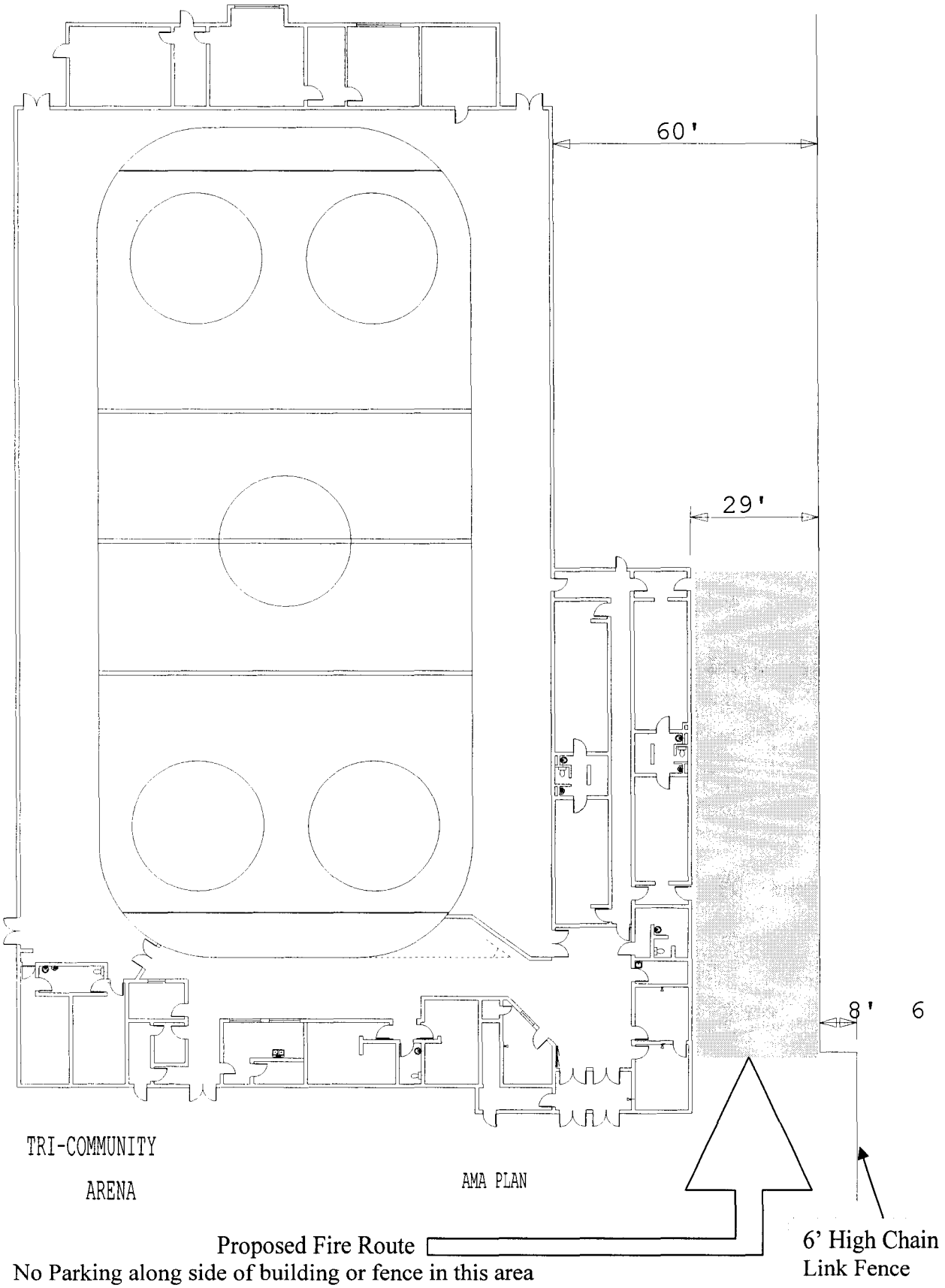


\*Map not to scale

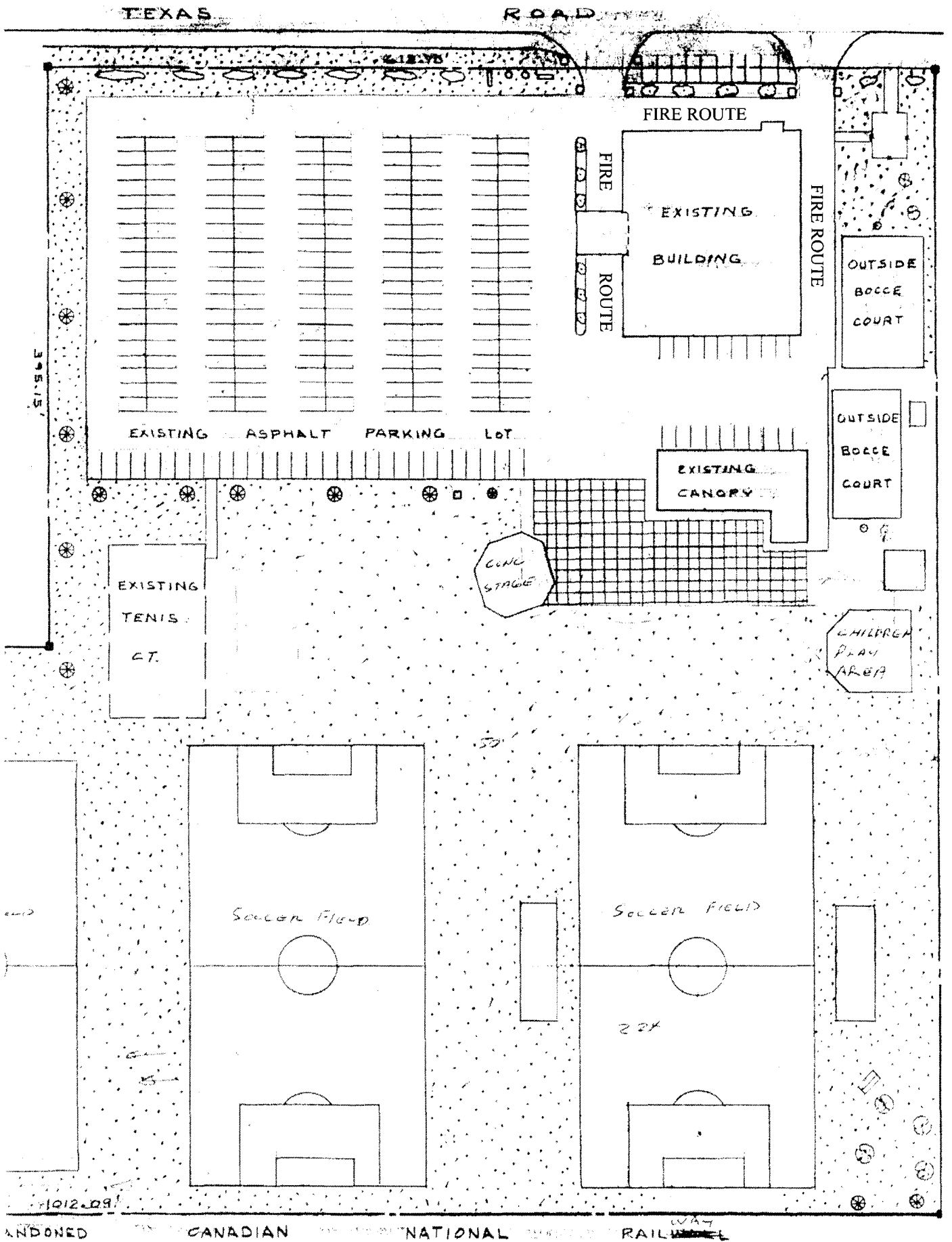




MAP III  
AMHERSTBURG ARENA



MAP IV  
VERDI CLUB



**ONTARIO COURT OF JUSTICE**

**PROVINCIAL OFFENCES ACT**

**PART I**

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2005-25 of the Town of Amherstburg, attached hereto are the set fines for those offences. This Order is to take effect September 20th, 2005.

Dated at London this 20th day of September, 2005.

A handwritten signature in black ink, appearing to read 'A. M. Graham', with a long, sweeping horizontal line extending to the right.

Alexander M. Graham  
Regional Senior Justice  
West Region

**SET FINE SCHEDULE**

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**BY-LAW NO. 2005-25**

**A By-law to Designate Fire Routes and Prohibit Parking  
thereon and to Repeal By-law No. 2170**

***PART I Provincial Offences Act***

<b>ITEM</b>	<b>SHORT FORM WORDING</b>	<b>PROVISION CREATING OFFENCE</b>	<b>SET FINE</b>
1	[Erect / Alter / Move / Remove / Deface / Interfere] with fire route sign, marking or barricade	s. 3 (b)	\$75.00
2	Fail to keep fire route in good repair	s. 5 (b)(i)	\$75.00
3	Fail to keep fire route clear of snow and ice	s. 5 (b)(ii)	\$75.00
4	Fail to keep fire route free of blockage by any means	s. 5 (b)(iii)	\$75.00
5	Fail to keep fire route with proper signs	s. 5 (b)(iv)	\$75.00

NOTE: The general penalty provision for the offence listed above is section 9(a) of by-law 2005-25, a certified copy of which has been filed.