

The Corporation of the Town of Pelham

By-law No. 4462(2022)

Being a By-law to designate private roadways as fire routes along which no parking of vehicles or motor vehicles shall be permitted.

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (“*Municipal Act, 2001*” or “the statute”) provides that the powers of a municipality under the statute or any other Act shall be interpreted broadly so as to confer broad authority on the municipality and enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

AND WHEREAS section 11 of the *Municipal Act, 2001* provides that a municipality has the authority to pass by-laws respecting parking on highways and on properties other than highways;

AND WHEREAS section 7.1 of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4 (“*Fire Protection and Prevention Act, 1997*”) 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 subsection 170(15) of the *Highway Traffic Act*, R.S.O. 1990, c. H.8 (“*Highway Traffic Act*”) provides that vehicles parked in such a manner as to interfere with the movement of traffic or in contravention of a municipal by-law may be removed and placed in a suitable storage place and that all costs for the removal, care and storage of the vehicle are a lien upon it that may be enforced in the manner provided by the *Repair and Storage Liens Act*, R.S.O. 1990, c. R. 25 (“*Repair and Storage Liens Act*”);

AND WHEREAS section 207 of the *Highway Traffic Act* provides that the owner of a vehicle may be charged with and convicted of an offence under the *Highway Traffic Act* or a 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;

AND WHEREAS section 428 of the *Municipal Act, 2001* provides that a by-law may provide that where a vehicle has been left parked in contravention of a by-law, the owner of the vehicle is guilty of an offence, even though the owner was not the driver of the vehicle at the time of the contravention, and is liable to the applicable fine unless, at the time of the offence, the vehicle was in the possession of another person without the owner’s consent;

AND WHEREAS section 425 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the statute is guilty of an offence;

AND WHEREAS section 429 of the *Municipal Act, 2001* authorizes a municipality to establish a system of fines for offences under its by-laws;

AND WHEREAS section 434.1 of the *Municipal Act, 2001* authorizes a municipality to establish a system of administrative monetary penalties to assist the municipality in promoting compliance with its by-laws;

AND WHEREAS Council of the Corporation of the Town of Pelham deems it necessary and desirable to enact a by-law to designate certain private roadways as fire routes;

NOW THEREFORE Council of the Corporation of the Town of Pelham enacts as follows:

1. Purpose

- 1.1. The purpose of this By-law is to designate certain private roadways as fire routes along which no parking of vehicles or motor vehicles shall be permitted.

2. Definitions

- 2.1. In this By-law:

"Authorized Emergency Vehicle" means vehicles and equipment required for the prevention of fire and for the containment of suppression of fire.

"By-law Enforcement Officer" means a By-law Enforcement Officer of the Town of Pelham authorized to enforce this or any other By-law of the Town and includes the Fire Chief of the Town.

"Fire Route" means any private roadway designed as a fire route by this By-law.

"Fire Route Sign" means a sign that is placed or erected on or along a Fire Route for the purposes of identifying the Fire Route and/or regulating, warning or guiding traffic in relation to the Fire Route.

"Highway" has the same meaning as in the *Highway Traffic Act*.

"Motor Vehicle" has the same meaning as in the *Highway Traffic Act*.

"Officer" means any provincial offences officer or police officer authorized to enforce this By-law, the *Highway Traffic Act* and any other applicable legislation.

"Park" or **"Parking"** has the same meaning as in the *Highway Traffic Act*.

"Person" means an individual, corporation, partnership or association.

"Private Roadway" 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.

"Vehicle" has the same meaning as in the *Highway Traffic Act*.

"Town" means the Corporation of the Town of Pelham.

3. General Provisions

- 3.1. The lands described in Schedule "A" and Schedule "B" to this By-law are Private Roadways that are hereby designated as Fire Routes along which no Parking of a Vehicle or Motor Vehicle shall be permitted.
- 3.2. No Person shall obstruct, encumber, injure, foul or obscure a Fire Route or a Fire Route Sign.
- 3.3. Where a Fire Route Sign is on display, no Person shall Park or leave any Vehicle or Motor Vehicle, except an Authorized Emergency Vehicle, on any Fire Route.
- 3.4. Fire Route Signs shall be placed, erected and maintained in accordance with the following:
 - a. All Fire Route Signs 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 by the *Highway Traffic Act* and/or the regulations passed thereunder and shall further contain the words "Fire Route".
 - b. All Fire Route Signs shall be placed:
 - I. One at the beginning and end of each Fire Route; and
 - II. At intervals of not less than fifty (50) feet and not more than one hundred (100) feet along the entirety of the Fire Route.

4. Enforcement

- 4.1. This By-law shall be administered and enforced by the Town, a By-law Enforcement Officer and/or an Officer.
- 4.2. A By-law Enforcement Officer and an Officer may, for the purpose of enforcing this By-law, exercise any power, authority or remedy granted to the Town pursuant to the *Municipal Act, 2001*, the *Fire Protection and Prevention Act, 1997* and/or the *Highway Traffic Act*.
- 4.3. No Person shall obstruct or hinder, or attempt to obstruct or hinder, any By-law Enforcement Officer or Officer in the exercise of a power or the performance of a duty under this By-law.

5. Penalty

- 5.1. Any Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to such penalties as are provided for in the *Municipal Act, 2001*, the *Highway Traffic Act* and the *Provincial Offences Act*, R.S.O. 1990, c. P. 33.
- 5.2. Administrative Penalty System By-law No. 4353(2022), applies to each administrative penalty issued pursuant to this By-law.

- 5.3. Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty System By-law No. 4353(2022), be liable to pay to the Town an administrative penalty in accordance with that By-law.
- 5.4. For greater certainty, both the driver and the owner of a Vehicle or Motor Vehicle are liable to the penalties prescribed by section 5.1 and section 5.3 of this By-law unless, at the time of the offence or By-law contravention, the Vehicle or Motor Vehicle was in the possession of a person other than the owner without the consent of the owner.
- 5.5. A By-law Enforcement Officer or Officer, upon the discovery of a Vehicle or Motor Vehicle Parked or left in contravention of this By-law, may cause the Vehicle or Motor Vehicle to be moved or taken to and placed or stored in a suitable place, and all costs and charges for the removal, care, and storage thereof, if any, are a lien upon it that may be enforced in the manner provided by the *Repair and Storage Liens Act*.
- 5.6. Notwithstanding any other provision of this By-law, a By-law Enforcement Officer may, before removing or causing to be removed the Vehicle or Motor Vehicle as provided for in this By-law, issue and attach to the Vehicle or Motor Vehicle a Town parking infraction notice alleging that the provisions of this By-law have been contravened.

6. General

- 6.1. The short title of this By-law is the "Fire Route By-law".
- 6.2. If any section or part of this By-law is found by any court of competent jurisdiction to be illegal or beyond the power of Council to enact, such sections or parts shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.
- 6.3. This By-law shall be read with all changes in number or gender as are required by context.
- 6.4. Any reference to legislation in this By-law includes the legislation and any amendment, replacement, subsequent enactment or consolidation of such legislation.
- 6.5. The Town Clerk is hereby authorized to effect any minor modifications or corrections solely of an administrative, clerical, numerical, grammatical, semantical or descriptive nature or kind to this By-law as are determined to be necessary.

7. Repeal and Enactment

- 7.1. By-laws 756(1982), 1496(1992), 1537(1993), 97-2030(1997), 2228(2000), 2391(2002), 2987(2008), 3988(2018), 4069(2019) being by-laws to designate private roadways as fire routes, are hereby repealed and replaced.

8. Effective Date

- 8.1. This By-law shall come into force on the date that it is passed.

Read, Enacted, Signed and Sealed this

07th Day of June, 2022.

Marvin Junkin, Mayor

Holly Willford, Town Clerk

Schedule "A"
Fire Route By-law No. XXXX

Common Name	Location	Schedule Number
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Fonthill Shopping Centre	20 Highway #20 East, Fonthill	Plan Schedule B-1
St. Alexander School	26 Highway #20 East, Fonthill	Plan Schedule B-2
Sobeys Plaza	110 Highway #20 East, Fonthill	Plan Schedule B-3
Fonthill Marketplace	130 Highway #20 East, Fonthill	Plan Schedule B-4
Shops on 20	160 Highway #20 East, Fonthill	Plan Schedule B-5
Uptown Square Plaza	160 – 170 Highway #20 West, Fonthill	Plan Schedule B-6
Lookout Village	190 Highway #20 West, Fonthill	Plan Schedule B-7
E.L. Crossley Secondary School	350 Highway #20 West, Ridgeville	Plan Schedule B-8
Peninsula Lakes Golf Course Clubhouse	569 Highway #20 West, Fenwick	Plan Schedule B-9
Pelham Seniors Apartments	45 Pelham Town Square, Fonthill	Plan Schedule B-10
Canboro Garden Apartments	704 Canboro Road, Fenwick	Plan Schedule B-11
Woodlands of Sunset	920 Pelham Street, Welland	Plan Schedule B-12
Glynn A. Green School	1353 Pelham Street, Welland	Plan Schedule B-13
Shorthills Villa Retirement Community	1532 Pelham Street, Fonthill	Plan Schedule B-14
A.K. Wigg School	1337 Haist Street, Fonthill	Plan Schedule B-15
Davis Heights Condominium	1535 Haist Street, Fonthill	Plan Schedule B-16
Wellspring Niagara	50 Wellspring Way, Fonthill	Plan Schedule B-17
E. W. Farr Memorial Public School	9 Alsop Avenue, Fenwick	Plan Schedule B-18
Welland Golf Club	206 Webber Road, Welland	Plan Schedule B-19
Lookout Ridge Retirement Home	1505 Lookout Street, Fonthill	Plan Schedule B-20
The One Twenty Condominium	120 Summersides Boulevard, Fonthill	Plan Schedule B-21
Summersides Mews Condominium		Plan Schedule B-22
Saffron Common Condominium		Plan Schedule B-23
Saffron Valley Condominium		Plan Schedule B-24
Lavender Fields Condominium		Plan Schedule B-25