

CITY OF NIAGARA FALLS

By-law No. 2019 - 97

A by-law to regulate the requirements for fire access routes and emergency vehicle access to buildings and properties within the City of Niagara Falls.

WHEREAS section 11(2) of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, authorizes a municipality to pass by-laws for the protection of persons and properties;

AND WHEREAS section 425 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, authorizes a municipality to pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence.

AND WHEREAS section 7.1(1)(c) of the *Fire Protection & Prevention Act*, 1997, S.O. 1997, c. 4, as amended, authorizes the council of a municipality to pass by-laws providing for the designation of 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 pursuant to section 23.1 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, the Council of The Corporation of the City of Niagara Falls deems the designation of Fire Access Routes under section 7.1(c) of the FPPA to be of a routine and administrative nature and wishes to delegate the designation of Fire Access Routes in the City to the Fire Chief of the Niagara Falls Fire Department.

THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

Definitions

1. In this by-law:

- 1.1 “Authorized Emergency Vehicle” means vehicles and equipment operated by the Fire Department, emergency medical services or Police Services;
- 1.2 “Building” means:
 - 1.2.1 a structure occupying an area greater than ten (10) square metres consisting of a wall, roof and floor, or any of them, or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto;
 - 1.2.2 a structure occupying an area of ten (10) square metres or less that contains plumbing, including plumbing appurtenant thereto, or
 - 1.2.3 structures designated in the Ontario Building Code;

- 1.3 “City” or “City of Niagara Falls” means the municipal Corporation of the City of Niagara Falls or the geographic area of the City of Niagara Falls as the context requires;
- 1.4 “Designated” means to be identified as a Fire Access Route under this by-law and operated in compliance with the regulations in this by-law and listed in Schedule “B” of this by-law;
- 1.5 “Enforcement Officer” means any person employed by the City that is appointed to enforce parking and traffic regulations of the City;
- 1.6 “Fire Access Route” means the identified area on a property that is required to adequately provide the Fire Department access to Buildings and property;
- 1.7 “Fire Access Route Sign” means a sign which is used to regulate traffic in the Fire Access Route and meets the requirements as described in this by-law;
- 1.8 “Fire Chief” means the Fire Chief appointed under subsection 6(1) of the *FPPA* for the City, or his or her designate;
- 1.9 “Fire Department” means the City of Niagara Falls Fire Department;
- 1.10 “FPPA” means the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, as amended, and the regulations enacted thereunder, as amended from time to time, or any Act and Regulations enacted in substitution therefor;
- 1.11 “Fire Lane” means a Fire Access Route that had been Designated under Previous By-law or a route that had signs erected identifying it as a Fire Access Route before the enactment of this by-law;
- 1.12 “Motor Vehicle” includes an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven by a means other than by muscular power;
- 1.13 “Park” or “Parking” means the Stopping of a Motor Vehicle, whether occupied or not, except when stopped temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers;
- 1.14 “Police Services” means the Niagara Regional Police Services and any other police services having jurisdiction in the City of Niagara Falls;
- 1.15 “Police Officer” means a sworn officer of the Police Services;
- 1.16 “Previous By-law” means By-law No. 80-114 and any amendments to the by-law;

- 1.17 “Stop or Stopping” 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 Police Officer or of a traffic control sign or signal.

2. Delegation of Authority

- 2.1 Pursuant to section 23.1 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, the powers described in section 7.1(c) of the FPPA are hereby delegated to the Fire Chief.
- 2.2 Notwithstanding the delegation in subsection 2.1, the Council of the City retains the right to exercise the power under section 7.1(c) of the FPPA.

3. Designations

- 3.1 All Fire Access Routes required by the Ontario Building Code or otherwise required under this by-law shall be Designated as Fire Access Routes.
- 3.2 Fire Access Routes and Fire Lanes that were Designated or identified prior to the enactment of this by-law or described in Schedules A and B of the Previous By-law are Designated as Fire Access Routes under this by-law.

4. Required Fire Access Routes

- 4.1 The following Buildings and/or properties shall have a Fire Access Route:
- 4.1.1 All Buildings required to have a Fire Access Route under the Ontario Building Code;
 - 4.1.2 Every Building that is equipped with an automatic sprinkler system and contains Fire Department connections;
 - 4.1.3 Every Building that is equipped with a standpipe system and contains Fire Department connections;
 - 4.1.4 Every parking lot where the distance from the entrance to the lot to the most remote parking space exceeds ninety (90) metres;
 - 4.1.5 Every Building where access to the Building would be hindered during an emergency response; and
 - 4.1.6 Any other Building and/or property that the Fire Chief or his or her designate determines requires a Fire Access Route to maintain public safety.

5. Application for Designation of New Fire Access Route

- 5.1 The owner of a property required to have a Fire Access Route by section 4 of this by-law is responsible for ensuring the Fire Access Route is Designated under this by-law.
- 5.2 To obtain the Designation of a Fire Access Route on its property, the owner shall submit to the Fire Department the following documents:
 - 5.2.1 A letter addressed to the Fire Chief requesting the Fire Access Route be Designated; and
 - 5.2.2 A site plan showing the limits of the Fire Access Route and compliance with section 6 of this by-law.
- 5.3 The Fire Chief shall review the request for designation and may have the property inspected by member of the Fire Department to ensure the accuracy of the information provided by the owner.
- 5.4 Upon the Fire Chief satisfying himself that the proposed Fire Access Route meets the requirements of this by-law, the Fire Chief shall designate the Fire Access Route.
- 5.5 The Fire Chief shall maintain an up-to-date list and description of all Fire Access Routes in the City.

6. Fire Access Route Design Requirements

- 6.1 Fire Access Routes required under the Ontario Building Code shall meet the minimum requirements set out in that regulation.
- 6.2 Fire Access Routes not required under the Ontario Building Code but otherwise required by this by-law shall be designed in accordance with and meet the following requirements:
 - 6.2.1 Be connected to a public thoroughfare by an entrance of at least six (6) metres in width;
 - 6.2.2 Have a clear driving width not less than six (6) metres;
 - 6.2.3 Be constructed of hard surface material that can support the weight imposed by fire apparatus;
 - 6.2.4 Have a change in gradient of not more than 1 in 12.5 over a minimum distance of fifteen (15) metres;

- 6.2.5 Be located not less than three (3) metres and not more than fifteen (15) metres, measured horizontally and at right angles from the face of the Building;
 - 6.2.6 Have an overhead clearance not less than five (5) metres; and
 - 6.2.7 Have a centreline radius of not less than twelve (12) metres with respect to any change in direction of the Fire Access Route.
- 6.3 The Fire Chief may waive the requirements of subsection 6.2 if it can be demonstrated by the owner that the existing Building access can provide effective emergency access to the existing Building. This provision does not apply to Buildings that were constructed under the Ontario Building Code and were required to have a Fire Access Route at the time of construction.

7. Fire Access Route Signs – Design

- 7.1 All Fire Access Routes Designated under this by-law shall be identified by Fire Access Route Signs that comply with the following regulations:
 - 7.1.1 The Fire Access Route Sign shall be no less than thirty (30) centimetres in width and forty-five (45) centimetres in length;
 - 7.1.2 The Fire Access Route Sign shall display the information “Fire Access Route, No Parking or Stopping” or a symbol in lieu thereof as specified by the *Highway Traffic Act*, R.S.O. 1990, c. H.8 and its regulations; and
 - 7.1.3 The Fire Access Route Sign shall display additional information required by the Fire Chief.

8. Location of Fire Access Route Signs

- 8.1 All Fire Access Route Signs identifying a Fire Access Route shall be installed in compliance with the following regulations:
 - 8.1.1 The Fire Access Route Signs shall be installed at each limit of the Fire Access Route and at intervals not exceeding fifteen (15) metres along the Designated route; and
 - 8.1.2 The Fire Access Route Signs shall be installed at a height between one point nine (1.9) and two point five (2.5) metres and shall be clearly visible to operators of Motor Vehicles in the vicinity of the Fire Access Route.

9. Parking Prohibited

- 9.1 No person shall Stop or Park a Motor Vehicle on a Fire Access Route.
- 9.2 The provisions of subsection 9.1 do not apply to a person who Parks or Stops an Authorized Emergency Vehicle.
- 9.3 Any Enforcement Officer or Police Officer who discovers a Motor Vehicle Parked in contravention of the provision of subsection 9.1 of this by-law may have the Motor Vehicle moved to and stored in another location and may issue a ticket in accordance with the *Provincial Offences Act*, .R.S.O. 1990, c. P.33, as amended.
- 9.4 Any action taken under subsection 9.3 shall be at the expense of the owner of the Motor Vehicle including costs related to the removal and storage of the Motor Vehicle.

10. Fire Access Route Maintenance

- 10.1 The owner of a property required to have a Fire Access Route shall ensure that the Fire Access Route is maintained in accordance with the provisions of the Fire Code established under the FPPA.
- 10.2 The owner of a property shall ensure that all Authorized Signage required under this by-law is clearly visible and maintained at all times.

11. Administration and Enforcement

- 11.1 The Fire Chief shall be responsible for the administration of the provisions of this by-law.
- 11.2 Enforcement Officers shall be responsible for the enforcement of this by-law.
- 11.3 Any Enforcement Officer, Fire Prevention Officer or Police Officer may enter onto property in the course of their duty at any time, without prior notice, for the purpose of carrying out an inspection to determine whether the provisions of this by-law have been complied with.
- 11.4 No person shall hinder or obstruct, or attempt to hinder or obstruct, an Enforcement Officer, Fire Prevention Officer or Police Officer who is performing a duty which is authorized under this by-law.
- 11.5 No person shall knowingly furnish false or misleading information to the City or the Fire Department with respect to this by-law.
- 11.6 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended from time to time, or any replacement legislation.

12. Severability

12.1 Each provision of this by-law is independent of all other provisions, and if any provision of this by-law be declared by a Court of competent jurisdiction to be invalid, or of no force and effect, or beyond the power of Council to enact, such provisions shall be deemed to be severable from this by-law, and it is the intention of Council that the remaining provisions will nevertheless continue in full force and effect without being impaired or invalidated in any way.

13. Repeal By-laws

13.1 By-law No. 80-114, is hereby repealed.

14. Short Title

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

15. Effect

15.1 This by-law shall come into force and effect on the day it is passed.

Read a First, Second and Third time; passed, signed and sealed in open Council this 13th day of August, 2019.

.....
WILLIAM G. MATSON, CITY CLERK

.....
JAMES M. DIODATI, MAYOR