

THE CORPORATION OF THE  
T O W N     O F     P E L H A M

BY-LAW NO. 1496 (1992)

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

WHEREAS, Section 210, Subsection 52 of the Municipal Act, R.S.O. 1990, Chap. M.45 provides that by-laws may be passed by the councils of local municipalities for designating private roadways as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle or vehicles parked or left along any fire route so designated at the expense of the owner thereof;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it desirable to pass a by-law designating certain private roadways as fire routes;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

1.            This by-law shall be known as the "Fire Route By-law".
2.            In this by-law,
  - (a)    **"Authorized Emergency Vehicle"** means vehicles and equipment required for the prevention of fire and for the containment and suppression of fire;
  - (b)    **"Corporation"** means the Corporation of the Town of Pelham.
  - (c)    **"Fire Route"** or **"Fire Lane"** means any private roadway designated as a fire route by this by-law;
  - (d)    **"Holiday"** means Sunday, Saturday, New Year's Day, Good Friday, Easter Monday, Victoria Day, Canada Day, the day proclaimed as a Civic Holiday, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, the day proclaimed as the birthday or day fixed by proclamation of the Governor General or Lieutenant-Governor-in-Council as a public holiday or for a general fast or thanksgiving and the next following day when any such holiday falls on a Sunday.

(e) **"Law Enforcement Officer"** means the By-law Enforcement Officer of the Corporation of the Town of Pelham or any Officer authorized to enforce this or any other by-law of the Corporation of the Town of Pelham, or a constable or police officer appointed for the carrying out of the provisions of The Highway Traffic Act and includes the Fire Chief of the Corporation;

(f) **"Motor Vehicle"** includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, motor assisted bicycle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of The Highway Traffic Act;

(g) **"Park"** or **"Parking"**, when prohibited, means 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 or passengers;

(h) **"Private Roadway"** means any private road, lane, ramp or other means of vehicular access to or egress from a building or structure and it may include part of a parking lot;

(i) **"Vehicle"** includes 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;

3. The lands, as municipally described in Schedule "A" attached hereto forming part of this By-law, are those lands upon which **private roadways** as hereinafter demarcated are hereby designated as **fire routes**:

(a) the shaded areas shown and demarcated upon the sketches contained in Schedule "B" attached hereto and forming part of this By-law; and

(b) marked by signs on the actual site in accordance with the provisions of this By-law.

4. No person shall obstruct, encumber, injure or foul up a designated **fire route**.

5. When properly worded signs have been erected and are on display, in accordance with the provisions of this By-law, no person shall **park** or leave any **vehicle** or **motor vehicle**, except an **authorized emergency vehicle**, on any fire route designated by this by-law.

6. Signs designating **fire routes** pursuant to this by-law shall be designed, placed, erected and maintained 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 by The Highway Traffic Act and Regulations passed thereunder, and the words "**Fire Route**".

(b) All signs designating a **fire route** shall be placed:

(i) one 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**.

7. Any person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a penalty as prescribed by this by-law and The Provincial Offences Act.

8. The driver of a **vehicle** or **motor vehicle**, not being the owner, is liable to a fine of not more than thirty-five (\$35.00) dollars, exclusive of costs, for each offence, and the owner of the **vehicle** or **motor vehicle** is also liable to such penalty unless, at the time of the offence, the **vehicle** or **motor vehicle** was in the possession of a person other than the owner, without the consent of the owner.

9. A **Law Enforcement 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 removing, care and storage thereof, if any, are a lien.

10. Notwithstanding any other provisions of this by-law, a **Law Enforcement Officer** may, before removing the **vehicle** or **motor vehicle** as provided in this by-law, issue and attach to the **vehicle** or **motor vehicle** a Town of Pelham **parking** infraction notice alleging that the provisions of this by-law have been contravened.

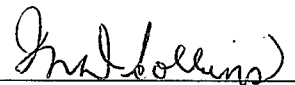
11. Notwithstanding all other provisions of this by-law in respect to penalties, for violations, any person may, upon presentation of a **parking** infraction notice at the office of the **Corporation's** treasurer, pay out of court, within seven (7) days exclusive of **Holidays** from the date of issue of the said **parking** infraction notice, the sum of twenty-five (\$25.00) dollars and, upon such payment, no further proceedings shall be taken under this by-law in respect to the said offence alleged in the notice.

12. If the voluntary payment of **parking** penalties provided for in section 10 of this by-law remain unpaid after fifteen (15) days exclusive of **Holidays** from the date of issue of the said **parking** infraction notice, the provisions of sections 7 and 8 shall apply.

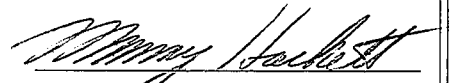
13. By-law No. 756 (1982) is hereby repealed.

14. This by-law takes effect on the day of its final passing.

READ A FIRST, SECOND AND THIRD TIME  
AND FINALLY PASSED BY COUNCIL THIS  
20th. DAY OF JULY 1992 A.D.



MAYOR



CLERK