

# THE CORPORATION OF THE TOWN OF MIDLAND

## **BY-LAW 2025-8**

Being a By-law to designate highways and private properties as emergency fire routes on which no parking of motor vehicles shall be allowed.

**WHEREAS** Section 7.1(1)(c) of the *Fire Protection and Prevention Act* 1997, S.O. 1997, c. 4. as amended provides that a municipality may pass by-laws for designating private roadways as emergency fire routes along which no vehicle is permitted to be parked and provides the removal and impounding of any vehicle or vehicles left within the fire route as designated at the expense of the owner thereof;

**AND WHEREAS** Section 425 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, authorizes a municipality to create offences and to establish fines for offences under By-laws;

**AND WHEREAS** Section 435 and 436 of the *Municipal Act*, 2001, S.O. 2001, c.25 provide for conditions governing powers of entry on land and the conduct of inspections;

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

This By-law shall be known as the “**Fire Route By-law**”.

### **1.0 DEFINITIONS**

For the purpose of this By-law, the following definitions shall apply:

**"Authorized Emergency Vehicle"** means fire vehicles and equipment, police vehicles, and ambulances operated by or under the authority of the Ambulance Act, R.S.O. 1990, Chapter A.14, while either responding to an emergency call or being used to transport a patient or injured person in an emergency situation.

**"Authorized Sign"** means a designated **Fire Route** Sign which is used to regulate traffic and meets the requirements as set out in Schedule "A" to this By-law or has been approved by the **Chief Fire Official**.

**"Building Code"** means the regulations made under Section 34 of the Building Code Act, 1992, S.O. Chapter 23, as amended.

**"Chief Fire Official"** means the Assistant to the Fire Marshal who is the Municipal Fire Chief or a member or members of the fire department appointed by the Municipal Fire Chief under Article 1.1.1.2 of Division C of the Ontario Fire Code;

**"Fees and Charges By-law"** means the current version of the Town of Midland Fees and Charges By-law;

**"Fire Prevention Officer"** means the full-time position that is appointed as an Assistant to the Fire Marshal under the Fire Protection and Prevention Act and works at the direction of the **Chief Fire Official**. This position is responsible for fire inspections, fire investigations, and public education.

**"Fire Route"** means a private roadway, an access route for fire department vehicles to gain access to a building or a property in response to an emergency or a designated public highway;

**"Officer"** means a Municipal Law Enforcement Officer, Police Officer, **Chief Fire Official** or designate;

**“Owner”** means any person, firm or corporation having control over any portion of the building or property under consideration and includes the persons in the building or property or an authorized agent of the **Owner**;

**“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 actively engaged in loading or unloading merchandise or passengers;

**“Person”** includes an individual, an **Owner**, corporation, partnership, company, firm, association, or party and includes the successors, assigns, heirs, executors, administrators, or other legal representatives of a **Person** to whom the context can apply according to law and the singular shall include the plural;

**“Private Roadway”** means any lane, ramp or other means of vehicular access to or egress from a building or structure which is not a highway and may include part of a private parking lot.

**“Property Owner”** means the registered **Owner** of the property, or a tenant or other **Person** legally entitled to possession of the premise.

**“Town”** means the Corporation of the Town of Midland.

**“Vehicle”** includes a motor vehicle, trailer, traction engine, farm tractor, road building machine, bicycle and any vehicle drawn, propelled or driven by any kind or power, including muscular power and electronic bicycles.

## **2.0 ENFORCEMENT**

2.1 The following persons and positions are deemed to be appointed and to enforce this By-law:

- (a) Municipal Law Enforcement Officers
- (b) Police Officers
- (c) **Chief Fire Official**
- (d) **Fire Prevention Officer**

## **3.0 DESIGNATION AND ESTABLISHMENT OF FIRE ROUTES**

3.1 The Fire Chief Official may require a **Private Roadway** or parking lot or part thereof in the **Town** to be established as a **Fire Route**. Where a **Private Roadway**, parking lot or part thereof has been required to be established as a **Fire Route** under Section 3.2, it is hereby designated as a **Fire Route**. The Fire Chief Official is delegated the authority to amend this By-law and all Schedules to add, remove, or modify established **Fire Routes** as required from time to time.

3.2 Where a **Fire Route** has been designated under this By-law, the Fire Chief Official may issue an Order requiring the **Property Owner** to:

- (a) to establish the **Fire Route** in accordance with the provisions of this By-law; and
- (b) to erect and maintain an **Authorized Sign** at locations on the **Fire Route** approved by the **Chief Fire Official**.

3.3 Where a **Fire Route** has been designated under this by-law on private property, the **Owner** of the property where a **Fire Route** has been designated shall:

- (a) Submit and have a site map approved by the **Chief Fire Official** or their designate;

- (a) Construct the **Fire Route** in accordance with Schedule “A” of this by-law, and
  - (b) Install **Authorized Signs** along the designated **Fire Route** in accordance with the sign design standards as set out in Schedule “A” of this by-law and in the locations as specified within the site map.
- 3.4 Where a **Property Owner** requests a designation of a **Fire Route** under this By-law, the **Property Owner** shall:
  - (a) File with the Fire Department a site map, drawn to scale, showing the location of the **Fire Route** which shall meet the requirements as set out in Schedule “A”;
  - (b) Pay the **Town** a processing and inspection fee in accordance with the **Town’s Fees and Charges By-law**;
  - (c) Purchase, erect and maintain all signs on which the **Fire Route** has been designated in accordance with the sign guidelines as set out in Schedule “A”.
- 3.5 Where a **Private Roadway**, a parking lot or part thereof has been constructed with a width of less than 3.66m (12 feet), the **Chief Fire Official** may designate the area as a **Fire Route**.
- 3.6 Where an **Owner** fails to construct a designated **Fire Route** in accordance with the provisions of this by-law, the **Chief Fire Official** or Municipal Law Enforcement Officer may issue a notice of non-compliance or Order requiring the **Owner** to construct the **Fire Route** in accordance with the provisions of this by-law within the time frame listed on the notice.
- 3.7 The notice of non-compliance or Order shall be personally delivered, delivered by regular mail or registered mail or by the last known email address of the **Owner**.
- 3.8 If the notice or Order is not personally served, the notice is deemed served 5 days after it was sent via regular mail and registered mail or if sent via email, the notice or Order shall be deemed served on the date it was sent.
- 3.9 Every **Person** shall comply with all requirements listed on a notice of non-compliance or Order.
- 4.0 MAINTENANCE**
  - 4.1 Where a **Fire Route** has been constructed in accordance with this by-law, the **Owner** of the property upon which the route is located shall keep a designated **Fire Route**:
    - (a) in good repair
    - (b) clear of snow and ice, and;
    - (c) free of all forms of barriers or obstructions
  - 4.2 The **Owner** of the property in which a **Fire Route** has been constructed shall keep all signs in good repair and free from any obstructions from view.
  - 4.3 No **Person** shall erect or maintain unauthorized signs which have not been designated by the **Chief Fire Official**.
- 5.0 EXEMPTIONS**
  - 5.1 This By-law does not prohibit the use or occupation of a **Fire Route** by an **Authorized Emergency Vehicle**, or by a **Vehicle** owned or operated on behalf of

the **Town** while any enforcement service is being carried out by the driver or any other occupant of that **Vehicle**.

## **6.0 PARKING**

- 6.1 No **Person** shall **Park** a **Vehicle** in a **Fire Route** where **Authorized Signs** have been erected and maintained which prohibit **Parking**.

## **7.0 OBSTRUCTION**

- 7.1 No **Person** shall hinder or obstruct, or attempt to hinder or obstruct, any **Person** or **Officer** exercising a power or performing a duty under this By-law.

## **8.0 ENTRY AND INSPECTION**

- 8.1 An **Officer**, Fire Chief Official or their designate may, at any reasonable time, enter and inspect the land or premise to determine whether or not any provisions of this By-law are being contravened or if any direction by way of a notice or order is being complied with.
- 8.2 A **Property Owner** shall permit an **Officer**, Fire Chief Official or their designate to inspect any land, property or premises for the purposes of determining compliance with this By-law.
- 8.3 An **Officer**, Fire Chief Official or their designate may be accompanied by any **Person** under their direction.

## **9.0 ADMINISTRATION AND ENFORCEMENT**

- 9.1 Any **Fire Route** that has been designated or previously agreed upon through a Site Plan Agreement shall remain in effect and shall be subject to the provisions and Schedules of this By-law.
- 9.2 Where a **Property Owner** fails to erect or maintain any **Authorized Signs** under this By-law, the Fire Chief Official or their designate and any other employee under the direction of the **Town** may enter onto the property and erect the necessary **Authorized Signs** at the expense of the **Property Owner** and the costs incurred as a result thereof may be added to the tax roll and collected by the **Town** in the same manner as property taxes under the *Municipal Act, 2001*.
- 9.3 Where a **Fire Route** has been designated, constructed and signed in accordance with this By-law, if the Fire Chief Official deems it in the interest of life safety requirements under the *Fire Code*, the **Chief Fire Official** may issue an Order for any change to the designated **Fire Route** deemed necessary and the **Property Owner** shall carry out whatever construction or changes to an **Authorized Sign** as may be necessary.
- 9.4 The attached Schedules and Appendices of this By-law can be amended from time to time by a resolution of Council.

## **10.0 OFFENCES AND PENALTIES**

- 10.1 An Officer, upon discovery of a vehicle parked in contravention of this By-law may, in addition to issuing a parking infraction notice to the owner, driver, or upon the vehicle, cause the vehicle to be removed and impounded at the expense of the owner.
- 10.2 All costs associated with removal and impoundment of a vehicle under Section 10.1 of this By-law, if any, are a lien upon the vehicle which may be enforced in the manner provided for in the *Repair and Storage Liens Act*, as amended.

- 10.3 Every person who contravenes any provisions of this By-law is guilty of an offence and upon conviction, is liable to a penalty as provided for under the provisions of the *Provincial Offences Act*, as amended.
- 10.4 Every person who contravenes any section of this By-law shall, upon issuance of a penalty notice in accordance with the Town's Administrative Monetary Penalty System By-law, be liable to pay the **Town** an Administrative Monetary Penalty.
- 10.5 The owner of the vehicle that is parked, stopped or left standing in contravention of this By-law is guilty of an offence and upon conviction is liable to such penalty as provided for under Section 10.4 for the offence, unless, at the time of the offence, the vehicle was in the possession of some person other than the vehicle owner without the owner's consent.

#### **11.0 SEVERABILITY**

- 11.1 If any section or sections of this By-law or parts thereof are found by any court to be illegal or beyond the power of the Council to enact, such Section or Sections or parts thereof shall be deemed to be severable and all other Sections or parts of this By-law shall be deemed to be separate and independent there from and continue in full force and effect unless and until similarly found illegal.

#### **12.0 CONFLICT WITH OTHER BY-LAWS**

- 12.1 In the event of any conflict between any provisions of this By-law and any other by-law heretofore passed, the provisions of this By-law shall prevail.

#### **13.0 SCHEDULES AND APPENDICIES**

- 13.1 All schedules and appendices attached to this By-law shall form part of this By-law.

#### **14.0 EFFECTIVE DATE**

- 14.1 That this By-law shall come into force and effect on the final passage thereof.

**BY- LAW PASSED AND ENACTED THIS 5<sup>th</sup> DAY OF FEBRUARY 2025.**

**THE CORPORATION OF THE TOWN OF MIDLAND**

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**BILL GORDON – MAYOR**

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**SARAH CATHCART – DEPUTY CLERK**

**SCHEDULE “A” to By-law 2025-8  
FIRE ROUTE REQUIREMENTS**

1. All designated fire routes on private property shall be constructed and maintained in accordance with all of the following requirements and must:
  - (a) Be connected to a public thoroughfare;
  - (b) Have a clear driving width of not less than 6 metres, if the building is designated as a Part 3 building under the Ontario Building Code.
  - (c) Be constructed of a hard surface material, such as asphalt, concrete or compacted granular material, that will provide accessibility in all climatic conditions and is capable of supporting a load of not less than 25,500 kg (56,217 lbs) gross vehicle weight;
  - (d) Have a change in gradient of not more than 1 in 12.5 over a minimum distance of 15 metres;
  - (e) Be located not less than 3 metres and not more than 15 metres, measured horizontally and at right angles from the face of the building;
  - (f) Have an overhead clearance of not less than 5 metres;
  - (g) Have a centre line radius of not less than 12 metres with respect to any change in direction of the fire route;
  - (h) Have turn around facilities for any dead end portion of the fire route exceeding 90 metres; such turn around facilities shall be either a 27 metre cul-de-sac or a 35 metres x 6 metre hammerhead;
  - (i) Be designed to provide access to the building face which contains the principal entrance when one only building face is required to be accessible by the Ontario Building Code;
  - (j) Be located not more than 45 metres measured horizontally from an entrance to each portion of a building which is completely cut off from the remainder of the building which is served by the fire route;
2. The clear width of a designated fire route may be reduced to:
  - (a) 4 metres, if the building is designated as a Part 9 building under the Ontario Building Code and the authorized signs are placed along both sides of the driveway prohibiting parking or stopping; or
  - (b) 5 metres, if the building is designated as a Part 9 building under the Ontario Building Code and the authorized signs are placed along one side of the driveway prohibiting parking or stopping.
3. If the building is designated as a Part 9 building under the Ontario Building Code and the clear width of the fire route is 6 metres or greater, parking may be permitted along both sides of the driveway.

**Authorized Sign Design Standards**

4. All signs required by this By-law shall be printed on a 30 cm by 45 cm sign blank and shall display a format as illustrated in Figure “A” below and as required by Section 5 of this schedule.

Figure "A"



5. Authorized signs shall be placed at each limit of a designated fire route and shall display doubled headed arrows pointing in the direction of such designated fire route. Signs shall be placed at intermediate points along the designated fire route at intervals of approximately 30 metres or as identified by the Chief Fire Official.
6. Signs shall be installed at an angle of 45-60 degrees in relation to the edge of the travelled portion of the designated route facing approaching traffic.
7. Signs shall be erected on a sign post anchored securely to the ground or a platform capable of holding the sign erect during all weather conditions. The maximum height of signs shall be no greater than 3 metres and the minimum height of signs shall be no less than 2 metres above the wearing surface of the fire route. The height measurement referred to in this section shall be taken to the top of the sign for both the minimum and maximum heights.
8. Signs shall be erected on the boulevard of a designated fire route so that no part of the sign is closer than 60 cm nor greater than 3 metres to the edge of the fire route.





**SCHEDULE “C” to By-law 2025-8**  
**PART I Provincial Offences Act**  
**Set Fines**

<b>ITEM</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Provision creating or defining offence</b>	<b>COLUMN 3 Set Fine</b>
1	Fail to comply with notice of non-compliance	3.9	\$300.00
2	Fail to comply with an Order	3.9	\$500.00
3	Fail to keep fire route in good repair	4.1(a)	\$300.00
4	Fail to keep fire route clear of snow and/or ice	4.1(b)	\$300.00
5	Fail to keep fire route free from barrier or obstruction	4.1(c)	\$300.00
6	Fail to keep signs in good repair	4.2	\$300.00
7	Fail to keep signs free from obstruction	4.2	\$300.00
8	Erect/Maintain unauthorized sign	4.3	\$300.00
9	Hinder or obstruct or attempt to hinder or obstruct an officer	7.1	\$300.00

**NOTE: The penalty provision for the offences indicted above is Section 10.3 of By-law 2025-8, a certified copy of which has been filed.**

**SCHEDULE “D” to By-law 2025-8**  
**PART II Provincial Offence Act**  
**SET FINES**

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Early Payment	COLUMN 3 Set Fine
1	Park in fire route	6.1	N/A	\$120.00

**NOTE:** The penalty provision for the offences indicted above is Section 10.3 of By-law 2025-8, a certified copy of which has been filed.