

A by-law to regulate
the designation, establishment,
maintenance and enforcement of private
road fire routes and Hydrants
and to repeal Fire Route By-law 1036-1981,
as amended

WHEREAS sections 10 and 11 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended (“Municipal Act”), authorize a municipality to pass by-laws respecting the health, safety and well-being of persons.

AND WHEREAS subsection 7.1 (1) (a) of the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4 (“FPPA”), authorizes the council of a municipality to pass by-laws regulating fire prevention including the prevention of the spreading of fires.

AND WHEREAS subsection 7.1 (1) (c) of the FPPA further authorizes the council of a municipality to 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 the *Building Code Act*, 1992, S.O. 1992, c.23 (“BCA”), and Building Code Regulation 332/12 under it, establish standards for fire protection and public health and safety which include requirements for fire access routes and Hydrants.

AND WHEREAS the Corporation of the City of Mississauga deems it important and desirable to set out the designation, establishment, maintenance, and enforcement of private road Fire Routes, and Hydrants, by enacted by-law, for the purposes of fire prevention and public safety.

AND WHEREAS the recommendations of a corporate report titled New Fire Route By-law Report #0574-2023 which recommended the enactment of a new Fire Route by-law for the City, was approved by Council under Recommendation GC-_____, on December 6, 2023.

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

SHORT TITLE

- 1. This by-law may be referred to as the “Fire Route By-law”.

DEFINITIONS

- 2. The following terms as defined in section 3 herein, shall comprise the defined terms for the purposes of this by-law. Any terms not defined herein shall be interpreted as defined under FPPA or the BCA, or their regulations respectively, if defined therein.
- 3. In this by-law,

“Administrative Fees” means any fees as set out in the City’s Administrative Penalty By-law, as amended;

“Administrative Penalty” means a monetary penalty as set out in the City’s Administrative Penalty By-law, as amended, for a contravention of a designated by-law thereunder;

“Administrative Penalty By-law” means the City’s Administrative Penalty By-law 0282-2013, as amended (or its successor), being a by-law to establish a system of

administrative penalties respecting the stopping, standing or Parking of Vehicles in the City of Mississauga;

“Approved Sign” means a designated Fire Route (“FR”) sign as set out in Schedules A to this by-law, which shall be required to be placed, erected or installed on a Fire Route for the purposes of identifying the Fire Route, regulating traffic, and alerting or warning the public that parked or stopped Vehicles are not permitted for the safety of the public;

“Building Code” means Ontario Regulation (O Reg.) 332/12, or its successor regulation, defined and made under sections 1 and 34 of the BCA;

“City” and/or **“Corporation”** means The Corporation of the City of Mississauga;

“Fire Chief” means the Fire Chief for the City or their designate, and head of the City’s Fire Department;

“Fire Code” means Ontario Regulation (O Reg.) 213/07, or its successor regulation, defined and made under Part IV of FPPA;

“Fire Department” means the Fire and Emergency Services division of the City, headed by the Fire Chief, being a Fire Department as defined under FPPA;

“Fire Route” means any fire access route, Private Road, lane, ramp or other means of vehicular access to or egress from a building or property, that is designated as a Fire Route under this by-law in accordance with the requirements set out in this by-law, in order to allow the Fire Department access in case of fire or emergency, and it may include part of a parking lot set aside for use by authorized emergency Vehicles;

“Hydrant” means any apparatus for drawing water directly from a main and which is used principally for fire fighting purposes;

“Officer” means a provincial offences officer of the City, a person including a municipal law enforcement officer, appointed under the authority of a municipal by-law or by Council to enforce City by-laws, as well as a police officer employed by the Peel Regional Police Services or successor law enforcement agency;

“Park or Parking” means the standing of a Vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in the loading or unloading of merchandise or passengers;

“Penalty Notice” means a notice given to a person pursuant to the City’s Administrative Penalty By-law for a contravention of a by-law designated under the Administrative Penalty By-law;

“Private Road” means any lane, ramp, or other means of vehicular access to or egress from a building or structure which is not a highway under the *Highway Traffic Act*, R.S.O. 1990, c H.8, as amended, and may include part of a parking lot;

“Property Owner” includes:

- (1) The registered owner of the building or property under the land registry office, or
- (2) A person with a registered interest on the building or property including but not limited to an easement or right-of-way, such that they have care and control; or
- (3) A tenant, occupant, or spouse or common-law partner of the registered owner, who has care and control of the building or property or any portion thereof; or
- (4) An agent, trustee, or representative of the registered owner or of the person with care and control of the building and property or any portion thereof; or
- (5) A person who receives rent or other compensation from the use of the building or property by a third party whether they are receiving it on their own account or as agent, trustee or representative or like capacity, of the registered owner.

“Stop or Stopping”, when prohibited, 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 a traffic control sign or signal;

“Vehicle” includes a motor Vehicle, trailer, motor assisted bicycle, traction engine, farm tractor, road-building machine and any Vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include the car of any electric or steam railway running only upon rails, each and all as may be defined under the *Highway Traffic Act*, R.S.O. 1990, c H.8, as amended.

DESIGNATION OF FIRE ROUTES

4. (1) The Fire Chief is authorized to require a Private Road or part thereof in the City to be established as a Fire Route, including if a Fire Route for such Private Road or part thereof is required under the Fire Code or the Building Code.
- (2) Where a Private Road, or part thereof has been required to be established as a Fire Route under subsection (a), it is hereby designated as a Fire Route.
5. Where a Fire Route has been designated under this by-law, the Fire Chief or an Officer may issue an order requiring the Property Owner:
 - (1) To establish the Fire Route in accordance with the provisions of this by-law;
 - (2) To erect and maintain Approved Signs in accordance with Schedule A of this by-law, at locations on the Fire Route approved by the Fire Chief; and
 - (3) To install Hydrants in accordance with the provisions of this by-law.

FIRE ROUTE REQUIREMENTS

6. Where a Fire Route has been designated under this by-law, the Property Owner shall:
 - (1) Complete and file with the City's Fire Department an application form, inclusive of plans for approval showing the proposed location of the Fire Route and any required Hydrants; and
 - (2) Pay to the City a processing and inspection fee in accordance with the provisions of the applicable User Fees and Charges By-law, as may be amended for time to time.
7. Where a Fire Route has been designated under this by-law, the chief building officer for the City, or their authorized designate, may refuse to issue a building permit for any building to be located on the property on which the Fire Route has been designated, unless the Property Owner first satisfies the following:
 - (1) Compliance with the requirements of this by-law, including the payment of fees or security to insure proper construction of the Fire Route, as may be required;
 - (2) That the plan(s) filed with the owner's building permit application show the proposed location of the designated Fire Route including Hydrants, if required; and
 - (3) That the proposed location of the Fire Route is in compliance with this by-law, any other municipal requirements, or any applicable legislation and regulation.
8. Where a Fire Route has been designated under this by-law, the Property Owner shall design, locate, erect, and construct the Fire Route, and required signs and Hydrants, in accordance with the requirements of this by-law, the Building Code and the Fire Code, as applicable, as well as the following additional requirements of the City:
 - (1) Have turn-around facilities for any dead end portion of a Fire Route required for Fire Department Vehicles that exceeds ninety metres in length. Such turnaround shall be either a twenty-seven metre diameter cul-de-sac or a thirty-five metre hammerhead turnaround;
 - (2) Install concrete-filled steel bollards ten centimetres in diameter around Hydrants, which shall be provided where fire Hydrants may be subject to Vehicle damage; and

- (3) Erect, at their own expense, the required Approved Signs in accordance with the provisions of Schedule A of this by-law.
- 9. Where a Fire Route has been designated and constructed, and Approved Signs have been erected in accordance with this by-law, the Fire Chief may, if they deem it to be in the interest of the life safety requirements under the Fire Code, order any change to the designated Fire Route as they deem necessary and the Property Owner shall carry out whatever construction or Approved Sign changes as may be so ordered.
- 10. Once a Fire Route has been designated and constructed, the Property Owner shall:
 - (1) Maintain and perform maintenance on the Fire Route, Approved Signs, and Hydrants; and
 - (2) Remove any snow, ice or obstruction which may prevent the use of the Fire Route, Approved Signs, or Hydrants,all to the standards as required under the Fire Code.

REVIEW, ENTRY AND INSPECTION

- 11. For greater certainty, the Fire Chief, an Officer, or the chief building officer may refuse any application, plan, design or proposal submission made by the Property Owner under this by-law, in their sole discretion acting reasonably.
- 12. The Fire Chief or an Officer may enter on to a property or in a building at any reasonable time to inspect the property and/or building, for the purposes of determining if this by-law and the requirements of FPPA and the BCA, and their regulations, are complied with.
- 13. Where the Property Owner fails to erect or to maintain an Approved Sign, or fulfill any other requirements under this by-law, the Fire Chief or an Officer may:
 - (1) Enter on to the property and erect the Approved Signs or fulfill other requirements where feasible, under the authority the FPPA and its regulations, or this by-law, at the expense of the owner and any costs incurred as a result thereof may be recovered in like manner as municipal taxes under the *Municipal Act*, as amended; and
 - (2) Exercise any and all enforcement measures as set out below.

PROHIBITIONS AND ENFORCEMENT

- 14. This by-law is identified as a designated by-law under the Administrative Penalty By-Law, as defined therein.
- 15.
 - (1) No person shall Park, Stop, or leave a Vehicle on a designated Fire Route where Stopping or Parking is prohibited by an Approved Sign.
 - (2) Subsection one (1) does not apply to a person who parks, stops, or leaves an ambulance, police, fire or other emergency Vehicle.
- 16. Every person who contravenes any provision of Section 15 shall be in violation of this by-law and subject to a Penalty Notice:
 - (1) Every person when given a Penalty Notice shall:
 - (a) Be liable to pay to the City the Administrative Penalties and Fees in the amounts specified by the City including in the City's Administrative Penalty By-law; and
 - (b) Follow the procedures for payment or review/appeal as outlined in the City's Administrative Penalty By-law.
 - (2) The owner of a Vehicle may be subject to a Penalty Notice and liable to pay to the City an Administrative Penalty pursuant to the *Municipal Act*, as amended, for a contravention of Section 15 of this by-law even though the owner was not the driver or operator of the Vehicle at the time of the contravention, unless the Vehicle was in the possession of some person other than the owner without the owner's consent.

17. Any Officer who discovers a Vehicle parked in contravention of the provisions of Section 15 of this by-law may have the Vehicle removed, taken away, and stored in another location and all costs of removal and storage thereof shall be a lien right upon the said Vehicle and may be enforced in the manner provided for by the *Repair and Storage Liens Act*, RSO 1990, c R.25, as amended.
18. No person other than an Officer shall move or cause a Vehicle to be moved to another location.
19. Every person who fails to comply with or violates any other provision of this by-law, including Schedule A herein as well as the following actions, is guilty of an offence under this by-law, the FPPA, or the BCA, and is liable upon conviction to a fine of not less than \$500.00, exclusive of costs, and any other penalties imposed pursuant to the provisions of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended:
 - (1) Making a false or deceptive statement in any application, plan, design, or proposal submission required under this by-law, or any other document requested by the City.
 - (2) Falsely identifying themselves or failing to identify themselves when requested to do so by an Officer.

GENERAL

20. (1) Any and all Fire Routes which have been designated by the City prior to this by-law coming into effect, shall continue as designated Fire Routes under this by-law, but shall only be subject to the provisions of Sections 11 to 19 of this by-law, and the Fire Code.
- (2) Any Property Owner who changes or fails to maintain a Fire Route as designated by the City, shall be subject to all of the provisions of this by-law notwithstanding any prior agreement to the contrary.
21. The City shall not in any way be responsible for any design, construction, erection, or maintenance costs of required Fire Routes, Fire Route signs, or Hydrants, or for any related costs, or costs set out in this by-law. All costs are to be borne by the Property Owner.
22. Where there may result a conflict with the requirements of this by-law and the Building Code or Fire Code, the requirements of the Building Code and Fire Code shall prevail.
23. Any section of this by-law, or any part thereof, that is found by a court of competent jurisdiction to be invalid shall be severable, and the remainder of the by-law shall continue to be valid.
24. Schedule A attached hereto shall form part of this By-law.

REPEALING BY-LAW AND ENACTMENT

25. Fire Route By-law 1036-1981, is hereby repealed effective December 13, 2023, immediately before this by-law comes into force and effect.
26. This by-law shall come into force and take effect on December 13, 2023.
27. Notwithstanding the repeal of Fire Route By-law 1036-1981, that by-law shall continue to apply to any acts, omissions, or violations that took place prior to the enactment of this by-law.

ENACTED and **PASSED** this day of 2023.

Approved by Legal Services City Solicitor City of Mississauga

Maurizio Artale
Date: 2023/12/07
File: LA 25-23 59

MAYOR

CLERK

SCHEDULE "A" TO BY-LAW _____

DESIGNATED FIRE ROUTE SIGNS AND INSTALLATION REQUIREMENTS

FR-1



30 cm x 40 cm in size

1. Fire Route signs shall be as illustrated above, which serves as the approved Fire Route sign under this by-law, to be permanently mounted on a rigid sign post, pole or building structure and erected at a height of between 1.9 metres and 2.5 metres measured from the ground surface of the travelled portion of the designated route to the bottom edge of the Fire Route sign.
2. Fire Route signs shall be installed along the designated fire access route as follows:
 - a. At a distance between 0.3 metres and 3 metres from the travelled edge of the route;
 - b. Along the route at approximate 30 metre intervals (or as frequently as is necessary to identify the route in the judgement of the Fire Chief) and at changes in direction;
 - c. So that one is at each limit of the Fire Route;
 - d. Parallel to the Fire Route; and
 - e. Direction arrows shall be masked with the appropriate material on Fire Route signs at the limits of the Fire Route.
3. Any previously installed Fire Route signs approved prior to this by-law shall be deemed to be in compliance with the sign requirements of this by-law, despite the repeal of any prior by-law or the fact that such signs may not comply with this by-law.
4. Nothing in section 3 of this schedule precludes the owner of a designated Fire Route from replacing a Fire Route sign approved prior to this by-law, with the approved FR-1 Fire Route sign of this by-law.
5. Without the permission of the Fire Chief, no person shall alter, replace, move or remove, deface or in any manner obstruct a Fire Route sign. Doing so shall be considered an offence under this by-law.