1975

c 94 The Borough of Etobicoke Act, 1975 (No. 1)

Ontario
CHAPTER 94

An Act respecting the Borough of Etobicoke

Assented to April 18th, 1975

WHEREAS The Corporation of the Borough of Etobicoke, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding the provisions of The Local Improvement Act or of section 362 of The Municipal Act, all assessments, rates or charges levied or to be levied for works constructed under the authority of by-laws heretofore enacted under the provisions of The Local Improvement Act with the exception of clause n of subsection 1 of section 2 thereof or under the provisions of section 362 of The Municipal Act shall be assumed and paid for by the Corporation as a whole as a charge upon all the rateable property in the Borough of Etobicoke.

(2) All liens or charges upon lands in the Borough of Etobicoke created by reason of any expenditure made under The Local Improvement Act with the exception of clause n of subsection 1 of section 2 thereof or under section 362 of The Municipal Act are hereby discharged.

(3) All debentures issued by or on behalf of the Corporation to raise funds for the payment of works constructed under the authority of any by-law enacted under the provisions of The Local Improvement Act with the exception of clause n of subsection 1 of section 2 thereof or under the provisions of section 362 of The Municipal Act are hereby declared to be a debt of the Corporation as a whole and shall be a charge upon all the rateable property in the Borough of Etobicoke.

(4) The Corporation is hereby authorized to proceed with the construction of any works that have been approved.
by the Ontario Municipal Board as a result of an application for approval thereof under the provisions of a by-law enacted under The Local Improvement Act or section 362 of The Municipal Act and for which debentures have not yet been issued and The Municipality of Metropolitan Toronto is hereby authorized to issue debentures therefor or for works which have been completed under any such by-law in such amounts as the Ontario Municipal Board may have approved.

(5) Debentures referred to in subsection 4 except those issued pursuant to a by-law enacted under clause n of subsection 1 of section 2 of The Local Improvement Act shall be a charge upon all of the rateable property in the Borough of Etobicoke.

(6) Where a work is being or has been constructed under the provisions of The Local Improvement Act except work authorized pursuant to clause n of subsection 1 of section 2, the Corporation shall not be obligated to hold any courts of revision or take any other proceedings under the provisions of that Act.

(7) Nothing in this Act shall preclude the Corporation from undertaking any work under the provisions of The Local Improvement Act or section 362 of The Municipal Act.

2.—(1) In this section,

(a) "designated fire route" means a fire route so designated by by-law of the Corporation;

(b) "fire route" 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;

(c) "park" or "parking" when prohibited means the standing of a vehicle, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;

(d) "stop" or "stopping" when prohibited means the halting of a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a constable or other police officer or of a traffic control sign or signal;
(e) "trailer" means a vehicle that is at any time drawn upon a highway by a vehicle or any device or apparatus not designed to transport persons or property temporarily drawn, propelled or moved upon the highway and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the vehicle by which it is drawn;

(f) "vehicle" includes a motor vehicle, trailer, 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 an electric or steam railway running only upon rails.

(2) Notwithstanding paragraph 112 of subsection 1 of section 354 of *The Municipal Act*, the council of the Corporation may pass by-laws,

(a) regulating and designating fire routes, and, without limiting the generality of the foregoing, the by-laws may include the following:

1. The dimensions, location, construction and maintenance standards of a fire route or of a designated fire route.

2. The location, the number and proximity to a building or structure of water hydrants.

3. Authority to the Building Commissioner of the Corporation to refuse to issue a building permit for any building or structure where the plan filed with the building permit application does not show the proposed location of a fire route, where such is required, or where the plan shows a proposed fire route which is not in conformity with the by-laws passed pursuant to this subsection or unless the security referred to in paragraph 4 has been filed.

4. Provision for the filing of security of such nature and amount as the Corporation may determine to ensure the proper construction of a fire route in accordance with the by-laws passed pursuant to this subsection.
5. Provision for the return or release, in whole or in part, of the security referred to in paragraph 4.

6. Requirements that existing fire routes which do not comply with the provisions of the by-laws passed pursuant to this subsection, comply, and the establishment of a time limit within which the fire routes are required to comply, or where there is a requirement for a fire route to an existing building or structure, that it be constructed within the period established in the by-laws passed pursuant to this subsection;

(b) diverting, altering or stopping-up, for a period or permanently, designated fire routes;

(c) regulating and governing traffic on designated fire routes;

(d) prohibiting the parking or leaving of a vehicle unattended on a designated fire route and providing for the removal and impounding of any vehicle so parked or left at the expense of the owner of the vehicle;

(e) providing for the erection of signs, including the granting of the right to enter on land to accomplish this, and providing that the effect of the signs shall be the same as though erected pursuant to any by-law enacted pursuant to *The Municipal Act* respecting the regulation of traffic;

(f) fixing the fees and charges to be paid to the Corporation for any engineering and inspection services it provides for the construction of a fire route, for designating a fire route and for the erection of signs, and providing for recovery of fees and charges in the event of non-payment in the same manner as a by-law enacted pursuant to *The Municipal Act*;

(g) Part XXI of *The Municipal Act* applies to a by-law passed under this section;

(h) clause a of paragraph 107 of section 354 of *The Municipal Act* applies to penalties provided by a by-law passed under this section;
(i) the driver of a vehicle, not being the owner, is liable to any penalty provided in a by-law passed under this section and the owner of the vehicle is also liable to such a penalty unless at the time the offence was committed the vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent;

(j) authorizing a peace officer or a full time fire fighter, upon discovery of any vehicle or trailer parked or left unattended in contravention of the provisions of any by-law enacted pursuant to this subsection, to have the vehicle or trailer moved to and stored in another location, and providing that all costs and charges of removal and storage thereof are a lien upon the vehicle or trailer, which may be enforced in the manner provided by section 48 of The Mechanics' Lien Act.

(3) Before passing a by-law pursuant to subsection 2,

(a) the council of the Corporation shall cause notice of the proposed by-law to be sent by prepayment mail to every owner and occupant as shown on the last revised assessment rolls whose lands or premises may be prejudicially affected by the proposed by-law; and

(b) the council of the Corporation or a committee of council shall hear in person or by his counsel, solicitor or agent, any person who claims that his lands or premises will be prejudicially affected by the by-law and who applies to be heard within four weeks of the notice being sent.

(4) A notice sent under subsection 3 shall include a statement of the estimated expenses that will be incurred by the owner of the lands on which the fire route is to be designated.

3.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1975.

4. This Act may be cited as The Borough of Etobicoke Act, 1975.