THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW NO. 68/2017

Being a By-law to Prohibit Fire Hydrant Obstruction and Interference to Access Fire Hydrant

WHEREAS Section 11 of the *Municipal Act*, *2001*, S.O., 2001, c.25, provides that a Municipality may pass By-laws respecting services including public utilities;

AND WHEREAS Section 8 of the *Municipal Act*, *2001*, S.O., 2001, c.25, provides that Section 11 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS Section 429.(1) of the *Municipal Act, 2001*, S.O., 2001, c.25, as amended, provides that a municipality may establish a system of fines for offences under a By-law of the municipality passed under this Act;

AND WHEREAS Council deems it advisable to establish provisions to prohibit Fire Hydrant Obstruction and Interference to Access Fire Hydrant;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE ENACTS AS FOLLOWS:

Section 1: Definitions

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

1.1 **"Building"** shall have the same meaning as set out in the *Building Code Act*, S.O. 1992, c.23, as amended, or any successor thereof.

1.2 **"Building Code Act"** means the *Building Code Act*, 1992, S.O. 1992, c.23 and the Regulations enacted thereunder, as amended from time to time, or any Act and Regulation enacted in substitution therefore.

1.3 **"Certified Operator"** means a certified operator as defined under Ontario Regulation 128/04, Certification of Drinking Water System Operators and Water Quality Analysts.

1.4 **"Chief Fire Official"** means the Fire Chief of the Municipality of Port Hope Fire and Emergency Services or his/her designate(s).

1.5 **"Deputy Fire Chief"** means the Deputy Fire Chief of the Municipality of Port Hope Fire and Emergency Services or his/her designate(s).

1.6 **"Fire Code"** means the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4 and the Regulations enacted thereunder, as amended from time to time, or any Act and Regulation enacted in substitution therefore.

1.7 **"Fire Hydrant"** means any apparatus for drawing water directly from a watermain and which is used principally for firefighting purposes.

1.8 "**Fire Hydrant User Permit"** means a permit issued by the Municipality of Port Hope to allow the drawing of water from any Fire Hydrant.

1.9 **"Municipality"** means The Corporation of the Municipality of Port Hope and includes its employees, servants and agents.

1.10 **"Municipally Owned Fire Hydrant"** means a Fire Hydrant owned and maintained by the Municipality and located on a public Right-of-Way or on land where there is a registered easement in favour of the Municipality.

1.11 **"Operating Authority"** means the Corporation of the Municipality of Port Hope.

1.12 **"Person"** means any person, firm or corporation having control over property to which this By-law applies and includes the owner registered on the title of the property and any occupant of any building located on such property.

1.13 **"Privately Owned Fire Hydrant"** means a Fire Hydrant owned and maintained by a private owner, that is, not the Municipality, and that is located on private property.

1.14 **"Provincial Offences Act"** means the *Provincial Offences Act*, R.S.O. 1990, c. P.33 and the Regulations enacted thereunder, as amended from time to time, or any Act and Regulation enacted in substitution therefore.

1.15 **"Qualified Inspector"** means either a Professional Engineer with a Ministry of the Environment & Climate Change Certificate of Competency in Water Supply and Distribution, a Certified Engineering Technologist with a Ministry of the Environment & Climate Change Certificate of Competency in Water Supply and Distribution or a Ministry of the Environment & Climate Change Certified Water Operator.

1.16 **"Vegetation"** means all plant growth including but not limited to flowers/plants, trees, shrubs, grass, ground cover, vines, bushes, hedges, tree branches or any other type of foliage.

Section 2: Hydrants

2.1 General

2.1.1 No person, shall connect, draw water or cause or permit water to be drawn or open or close a fire hydrant valve from a private or Municipal fire hydrant for any reason other than the Certified Operator of the Operating Authority or member of the Fire Department during the execution of their duties shall operate a Fire Hydrant. Fire Hydrant use shall be prohibited except for firefighting purposes or other Operating Authority authorized operations.

2.1.2 All Fire Hydrants situated within the Municipal road allowance shall be the property of and maintained by the Municipality.

2.1.3 Every owner shall, at their own expense, maintain all fire hydrants on their property in good operating condition to current Fire Code, National Fire Protection Association (NFPA) and American Water Works Association (AWWA) Standards.

2.2 Visibility

2.2.1 Municipally owned Fire Hydrant barrels shall be painted yellow with high gloss rust inhibiting exterior paint over a quick dry oxide primer. Storz nozzles shall be painted black. The colour(s) of Fire Hydrant bonnet and nozzle caps shall be obtained from the Water Operations Manager and painted with high gloss exterior paint over a quick dry oxide primer.

2.2.2 Every owner of privately owned Fire Hydrant barrels shall comply with the following requirements:

2.2.2.1 Fire Hydrant barrels shall be painted red with high gloss rust inhibiting exterior paint over a quick dry oxide primer.
2.2.2.2 Storz nozzles shall be painted black.
2.2.2.3 The colour(s) of Fire Hydrant bonnet and nozzle caps shall be according to the fire flow test results and painted with high gloss exterior paint over a quick dry oxide primer.

2.2.3 No person shall paint Fire Hydrants or tamper with the colour scheme of any Fire Hydrant.

2.3 Fire Hydrant Spacing

2.3.1 150 meters in residential areas, or to provide for a maximum hose length of 75 meters;

2.3.2 75 meters in industrial, commercial and institutional areas to provide for a maximum hose length of 37.5 meters;

2.3.3 Must not be closer than 10 meters to any structure on private property.

Section 3: Obstruction

3.1 No person shall willingly obstruct the free access or cause a Fire Hydrant to be concealed from view by any type of building, building materials, earth, snow, rubbish, objects or any other obstructive matter or cause or permit to be planted or placed, vegetation within a 3.0 meter corridor between the Fire Hydrant and edge of pavement or curb or within a 1.5 meter radius beside or behind a Fire Hydrant except with the prior written authorization of the Operating Authority.

3.2 Every person shall ensure that the maximum height of vegetation on their property shall not exceed 300 millimeters within the Fire hydrant access corridor described in Section 3.1.

3.3 Every owner shall provide the proper clearances on or around the fire hydrant within twenty four (24) hours of being notified to do so. If an owner fails to comply the Municipality may remove any and all obstructions and the owner shall pay to the Municipality all costs associated with the removal of those obstructions.

3.4 In accordance with the Municipality of Port Hope Traffic and Parking By-law no person shall park an automobile, truck or vehicle of any description within a distance of 3.0 meters of any Fire Hydrant, measured along the curb line or along the shoulder of the roadway immediately adjacent to the Fire Hydrant.

3.5 During winter months, all citizens shall clear snow from around the Fire Hydrant nearest to their homes to help the Operating Authority in maintaining visibility and accessibility to Fire Hydrants, unless alternate arrangements have been made for snow removal to the satisfaction of the Municipality of Port Hope.

Section 4: Corrective Actions

4.1 If Municipal Staff or members of the Fire Department observe a possible obstruction issue regarding a Fire Hydrant, a Certified Operator will be dispatched to confirm. If it is confirmed there is an issue with accessing the hydrant the Water Operations Manager or designate will make contact with the adjacent Property Owner to inform and discuss the obstruction and its removal, provided they are responsible for the obstruction. If the Property Owner is found to be in contravention of this By-law and does not remove the obstruction within the timeframe set-out by the Water Operations Manager, he may cause the obstruction to be removed and the Property Owner invoiced on a time and material basis. The Property Owner may also be fined in accordance with the *Provincial Offences Act* and the *Set Fine Schedule* contained within this by-law under Schedule "A".

Section 5: Enforcement

5 This By-law shall be enforced by a Municipal By-law Enforcement Officer, Police Officer, Fire Chief or designate, any employee of the Municipality appointed to enforce By-laws or an Officer appointed for carrying out the provisions of the Building Code, Fire Code and applicable regulations thereunder.

5.1 No person shall hinder or obstruct any person lawfully carrying out the enforcement of this By-law.

5.2 Any person who hinders or obstructs a person lawfully carrying out the enforcement of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*.

Section 6: Offences and Penalties:

6.1 Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to such fines and penalties as are authorized under Provincial Offences At; R.S.O. 1990, as amended, and all such fines shall be coverable pursuant to the provisions of the Provincial Offences Act.

6.2 Upon a conviction being entered, the Court in which the conviction was entered and any Court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed in this By-law, make an Order prohibiting the continuation or repetition of the offence by the person convicted.

6.3 Each new day of an offence or second offence under this By-law is a continuing offence and charges may be laid for each day or part of each day during which the offence continues, and the person, Director or Officer, as the case may be, is, upon conviction, liable.

6.4 Any Director or Officer of a Corporation who knowingly concurs in the contravention of any provision of this By-law is guilty of an offence and upon conviction is liable to fines as described within the *Set Fine Schedule* within this By-law under Schedule "A".

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

READ a FIRST, SECOND and THIRD time and finally passed in Open Council this 3rd day of October, 2017.

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R. J. Sanderson, Mayor

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B. Gilmer, Municipal Clerk

Schedule “A” to By-law 68/2017

Being a By-law to Prohibit Fire Hydrant Obstruction and Interference to Access Fire Hydrant

Part 1 Provincial Offences Act
Set Fine Schedule

Item	**Column 1** Short Form Wording	**Column 2** Provision Creating or Defining Offence	**Column 3** Set Fine
1.	Unauthorized opening/ closing of fire hydrant valve or connection to fire hydrant	Section 2.1.1	$200.00
2.	Failure to maintain Fire Hydrant in operating condition	Section 2.1.3	$150.00
3.	Paint privately owned fire hydrant in an unauthorized colour	Section 2.2.2	$100.00
4.	Paint or tamper with the colour of a fire hydrant on Municipal property	Section 2.2.3	$100.00
5.	Obstruct access or conceal fire hydrant	Section 3.1	$150.00
6.	Vegetation exceeds maximum height	Section 3.2	$100.00
7.	Failure to provide proper clearance when notified	Section 3.3	$100.00
8.	Failure to clear snow from around fire hydrant.	Section 3.5	$100.00

NOTE: The general penalty provision for the offences indicated above is Section 6 of By-law 68/2017, a certified copy of which has been filed.