

THE CORPORATION OF THE TOWNSHIP OF BONNECHERE VALLEY

BY-LAW NO. 2003-04

Being a by-law to adopt minimum maintenance standards for municipal highways.

WHEREAS Section 44(1) of the Municipal Act, R.S.O. 2001, states that municipalities shall keep all highways and bridges in a reasonable state to repair.

AND WHEREAS if a municipality defaults in complying with Section 44(1), then such municipality shall be liable under the *Negligence Act* for all damages any person sustains because of the default.

AND WHEREAS Section 44(4) provides that the Minister of Transportation may by regulation establish minimum standards of repair for highways and roads; classes of highways and roads; bridges; and classes of bridges.

AND WHEREAS the Township of Bonnechere Valley desires to adopt and implement such minimum maintenance standards being Ontario Regulation 239/02 attached as Schedule "A" hereto, and forming part of this by-law.

AND WHEREAS all roads within the Township of Bonnechere Valley are classified as per the regulation and attached as Schedule "B" hereto, and forming part of this by-law.

NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF BONNECHERE VALLEY ENACTS AS FOLLOWS:

1. THAT the standards herein, and amended from time to time, be hereby adopted and come into effect on the final date of passing of this by-law.
2. THAT in the Township of Bonnechere Valley, that Class 5 standards apply to all Class 6 roads under the jurisdiction of the Township.
3. THAT all operational activities of the municipal road department be directed to provide the desired roadway services as herein described where care is taken first to assure that the minimum standards are maintained, and second that such services are efficiently and effectively rendered.
4. THAT neither this corporation nor its officials make any promise or assurance that roadway services will be in excess of the minimum standard herein defined.
5. THAT these standards, and definitions of terminology, be made available to the ratepayers and users of this public municipal road system when requested. And that where exception is taken to standards stated herein, or interpretation of the same, such concern may be reviewed at a meeting of the Public Works Committee for that purpose, for consideration.
6. THAT where situations arise or applications be made which fall outside of the scope of these standards, the Works Superintendent shall respond as he/she may deem to be appropriate,

with respect to budgetary constraint and reasonable practice.

7. AND THAT budgets and Council priorities shall be set on the basis of provision of roadway services to minimum standards.

READ A FIRST AND SECOND TIME THIS 20<sup>th</sup> DAY OF JANUARY, 2003.

READ A THIRD TIME AND PASSED THIS 20<sup>th</sup> DAY OF JANUARY, 2003.

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Reeve Arlene Felhaber

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CAO Bryan Martin