

THE CORPORATION OF THE TOWNSHIP OF BONNECHERE VALLEY

BY-LAW #2003-11

Being a by-law to authorize temporary closure of a highway for purposes specified in the Township of Bonnechere Valley.

WHEREAS Section 42 of the Municipal Act, 2001, authorizes a municipality to delegate to a committee of council or to an employee of the municipality, subject to any conditions which the municipality may impose, the power to close a highway temporarily for any purpose specified in the by-law.

AND WHEREAS the Council of the Township of Bonnechere Valley is desirous of delegating this authority.

NOW THEREFORE the Council of the Township of Bonnechere Valley enacts as follows:

1. THAT roads within the jurisdiction of the Township of Bonnechere Valley may be temporarily closed for the following purposes: parades, special events or in emergency situations e.g. damage caused by weather (washouts), motor vehicle or environmental accidents, etc.
2. THAT the Council of the Corporation of the Township of Bonnechere Valley delegates to the Public Works Committee authority to close a highway temporarily for special events as cited in Section 1.
3. THAT the Council of the Corporation of the Township of Bonnechere Valley further delegates to the Works Superintendent or his/her designate authority to temporarily close a highway in an emergency situation.
4. The authorization for a temporary highway closing shall be certified by the Public Works Committee or Works Superintendent or his/her designate as the case may be, by way of a certificate as set out in Schedule "A" to this by-law.
5. The certificate shall be filed with the Clerk of the Corporation upon such approval for the said highway closing.
6. Prior to the execution of such a certificate by any members of the Committee, the Chairperson shall first receive a report from the Works Superintendent or his/her designate as it would pertain to the propriety of a highway closing.
7. Nothing as cited in Section 6 of this by-law shall preclude the Committee from making their own determination as to whether the temporary highway closing should be so certified and authorized by the Committee.
8. Where a highway, or portion thereof, is closed pursuant to this by-law, then the municipality shall where able to provide, and keep in repair, a reasonable temporary alternative route for traffic, and for all property owners who cannot obtain access to their property by reason of such closing.
9. While a highway, or portion thereof, is so closed to traffic, there shall be erected at each end of such highway, or portion thereof, and where an alternative route deviates therefrom, a

barricade upon which an adequate warning device shall be exposed and kept in good working order, continuously, from sunset to sunrise, and at such points there shall be erected a detour sign indicating the alternative route of vehicular traffic, and the said detour sign shall contain a notice that the highway is "closed to traffic".

10. The Works Superintendent, or his/her designate, or other employees of the Township acting under the direction of the Works Superintendent shall do all acts to fulfill the obligations of the Township as cited in Sections 8 and 9 of this by-law.
11. Every person who uses a highway, or a portion of a highway, so closed to traffic, and does so by way of the operation of a motor vehicle, does so at his or her own risk and the municipality having jurisdiction over the highway so closed is not liable for any damage sustained by person using the highway, or portion thereof, in contravention of this by-law.
12. Every person who, without lawful authority, uses a highway, or a portion thereof, so closed to traffic pursuant to this by-law, while it is protected in accordance with this by-law, or who removes or defaces any barricade, device, detour sign, or notice posted therein by a lawful authority, is guilty of an offence, and is subject to a penalty as prescribed in the Provincial Offences Act.

READ A FIRST AND SECOND TIME THIS 17TH DAY OF FEBRUARY, 2003.

READ A THIRD TIME AND PASSED THIS 17TH DAY OF FEBRUARY, 2003.

Reeve Arlene Felhaber

CAO Bryan Martin

MUNICIPAL CORPORATION OF THE TOWNSHIP OF BONNECHERE VALLEY

SCHEDULE "A" to By-Law #2003-11

CERTIFICATE FOR TEMPORARY HIGHWAY CLOSING

Certification by all members of the Public Works Committee or Works Superintendent to Temporarily Close a Highway for Parades, Special Events or Emergencies.

Section 42 of the Municipal Act, 2001

Highway to be Closed:.....

Area of the Highway to be Closed: (describe)

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Date and time of commencement of closure:

Date..... Time

Date and time of end of closure:

Date Time

WE/I concur, and certify that the closure may be undertaken pursuant to By-Law No 2003-11

.....
Date Chairperson Public Works Committee

.....
Date Reeve

.....
Date Works Superintendent