

STAFF REPORT: ENGINEERING AND PUBLIC WORKS DEPARTMENT

REPORT TO: Infrastructure and Recreation
 Committee

MEETING DATE: June 11th 2013

REPORT NO.: EPW.13.052

SUBJECT: Delegation of Authority –
 Temporary Closing of Highways

PREPARED BY: Jim McCannell, Manager of Roads
 and Drainage

A. Recommendations

THAT Council receive Staff Report EPW.13.052, “Delegation of Authority – Temporary Closing of Highways” for information purposes;

AND THAT Council enact a By-law to delegate to the Director of Engineering and Public Works or his or her designate the authority to temporarily close municipal highways for the purposes of construction, repairing or improvement of such highways or any works under, over, along, across or upon such highways.

B. Background

On April 25, 2005, Council enacted By-law 2005-34, being a By-law to provide for Road Use Permits for Events and to regulate the temporary closing of highways. Clause 2 of By-law 2005-34 delegated the authority to temporarily close highways for an Event with a valid Permit to the Town Clerk. Clause 2 also delegated authority to temporarily close a highway for construction or repair to the Public Works Superintendent.

On May 14, 2013, the Infrastructure and Recreation Committee received and approved Staff Report DOR.13.17, “Establishment of a Special Event By-law”. This Report recommended Council enact a new, comprehensive Special Event By-law that would regulate events beyond those utilizing only municipal highways.

This new By-law would replace By-law 2005-34 in its entirety. The delegated authority to temporarily close a highway is not specifically included in the new Special Events By-law.

As a result, Staff recommend Council enact a By-law to delegate the authority to temporarily close municipal highways for the purposes of construction, repairing or improvement of such highways or any works under, over, along, across or upon such highways to the Director of Engineering and Public Works or his or her designate.

C. The Blue Mountains’ Strategic Plan

Town’s Strategic Plan Goal No. 2 “Addressing the Town’s Municipal Infrastructure needs” is in part satisfied by the recommended action.

D. Environmental Impacts

Not applicable

E. Financial Impact

Not applicable

F. In Consultation With

Shawn Everitt, Director of Recreation
Reg Russwurm, Director of Engineering and Public Works

G. Attached

1. Draft By-law to delegate authority

Respectfully submitted,

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**THE CORPORATION OF THE TOWN OF
THE BLUE MOUNTAINS**

BY-LAW No. 2013 –

Being a By-law to delegate powers and duties of Council

WHEREAS subsection 5(3) of the *Municipal Act 2001*, chapter 25, S.O. 2001, as amended (the Act), states that a municipal power, including a municipality’s capacities, rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do so otherwise;

AND WHEREAS Section 11 of the Act enables a local municipality to enact By-laws to regulate highways including parking and traffic on highways;

AND WHEREAS section 23.1 of the Act authorizes a municipality to delegate its powers and duties under this or any other Act to a person or body subject to certain statutory restrictions;

AND WHEREAS section 23.2 of the Act authorizes a municipality to delegate a legislative power of a minor nature including the power to close a highway temporarily;

AND WHEREAS Council deems it expedient to delegate the temporary closing of municipal highways for the purposes of construction, repairing or improvement of such highways or any works under, over, along, across or upon such highways to the appropriate staff person on behalf of Council;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS HEREBY ENACTS AS FOLLOWS:

1. In this By-law:
 - 1.1 **“Council”** shall mean the Council of The Corporation of the Town of The Blue Mountains.
 - 1.2 **“Highway”** shall mean a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway.
 - 1.3 **“Town”** shall mean The Corporation of The Town of The Blue Mountains.
2. Council, pursuant to Section 23 of the Act, hereby delegates to the Director of Engineering and Public Works or his or her designate, the authority to temporarily close a Highway under the jurisdiction of the Town for any period of time during the construction, repairing or improvement of such Highway or any works under, over, along, across or upon such Highway.
3. Where a Highway is closed pursuant to this By-law, a reasonable temporary alternative route shall be provided and kept in repair for traffic and for all property owners who cannot obtain access to their property by reason of such closing.

This By-law shall come into full force and effect upon final passing thereof.

ENACTED AND PASSED this day of , 2013

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Ellen Anderson, Mayor

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Corrina Giles, Clerk