

THE CORPORATION OF THE TOWNSHIP OF SEVERN

BY-LAW NO. 2012-03

BEING A BY-LAW TO PROVIDE FOR THE TEMPORARY CLOSING OF HIGHWAYS

WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25, Section 23.2., provides that a municipality may delegate to an individual who is an officer, employee or agent of the municipality the power to close a highway temporarily for any purpose;

AND WHEREAS the Council of the Corporation of the Township of Severn deems its expedient to enact a By-law to provide for such temporary highway closures and to authorize the Director of Public Works to act on its behalf;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEVERN HEREBY ENACTS AS FOLLOWS:

1. **Definitions**

That for the purpose of this By-law:

“Applicant”	means any person making an application for a Temporary Highway Closure Permit.
“Emergency Vehicles”	means a vehicle of the Fire Department, Police Vehicle, Ambulance, Township of Severn Public Works Vehicles, and authorized emergency vehicles of other Municipal Departments.
“Municipal Law Enforcement Officer”	means a person appointed by the Council of the Township of Severn as a Municipal By-law Enforcement Officer to enforce the provisions of this By-law.
“Highway”	means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.
“Municipality”	means the Corporation of the Township of Severn.
“Pedestrian”	means a person on foot, or an invalid or a child in a wheelchair or carriage.
“Person”	includes a Corporation and any heirs, executors, administrators or other legal representatives of a person to whom the context can apply to laws.

“Director of Public Works”

includes the Director of Public Works of the Township of Severn or his/her authorized representative.

“Vehicular Traffic”

means a motor vehicle, trailer, tractor engine, farm tractor, highway building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power including muscular power, motorized snow vehicles, and cars of electric or steam railways running only on rails.

2. Applications

- 2.1 That certain highways within the jurisdiction of the Council of the Corporation of the Township of Severn may be closed to vehicular traffic on a temporary basis to provide for a social, recreational, community, athletic or cinematographic purpose, or combination of such purposes.
- 2.2 That every person seeking to close to vehicular traffic any highway under the jurisdiction of the Township on a temporary basis for a social, recreational, community, athletic or cinematographic purpose, or combination of such purposes shall apply in writing to the Director of Public Works on the form attached hereto as Schedule “A” and forming part of this By-law.
- 2.3 The maximum duration of any closure granted by the Director of Public is eight hours, and the street closed must be re-opened to traffic for at least forty-eight hours before a subsequent closure begins. Variations beyond these limits must be specifically approved by resolution of Council.
- 2.4 Every application shall be filed with the Director of Public Works at least thirty (30) days prior to the proposed date of the event.
- 2.5 That the Director of Public Works shall upon receipt of an application filed under Section 2.1 determine any and all signs, barricades, traffic control devices, personnel, or any other person or equipment required for the proposed highway closure.
- 2.6 That the Director of Public Works shall upon receipt of a completed application under Section 2.1, determine whether or not approval shall be granted for the temporary highway closure, and give consideration to what terms or conditions shall apply, including but not limited to:
 - a) Highways affected by the temporary highway closure;
 - b) Start and end times for temporary highway closure;
 - c) Location of detour route;
 - d) Provision and/or installation of signs, barricades, traffic control devices or personnel;
 - e) Permitted uses on highway allowances during temporary highway closures;
 - f) Any insurance which may be required;
 - g) Notification to agencies and media of temporary highway closure; and
 - h) Responsibility for clean up after the event and associated costs, if any.
- 2.7 An application approved for temporary highway closure shall contain all conditions imposed by the Director of Public Works and be signed by the Director of Public Works.

- 2.8 In addition to any conditions, it is the sole responsibility of the applicant, at the applicant's sole cost, to arrange for police attendance for the purpose of traffic control at any barricade or signalized intersection, as applicable.
- 2.9 That the Director of Public Works may upon receipt of an application under Section 2.1 refuse to grant a permit to any applicant for any of the following reasons:
- a) Persistent and/or serious violations of any condition of a permit previously issued to the applicant, or of any provisions of this By-law applicable to a permit previously issued hereunder; and
 - b) Such other reason(s) as the Director of Public Works deems proper, said reason(s) to be delivered in writing to the applicant.
- 2.10 That subject to the Statutory Powers & Procedures Act, any applicant who has been refused a permit or who objects to any condition may appeal to the Township of Severn Council and the decision of the Council shall be final and binding on the applicant.
- 2.11 That any permit pursuant to this By-law may be revoked by the Director of Public Works upon giving notice to the applicant for the following reasons:
- a) A violation of any condition of a permit or any provision of this By-law;
 - b) A violation of any provision of all law relating to the temporary highway closure;
 - c) The existence of any condition or the doing of any act constituting or creating a nuisance or endangering other lives or properties of others;
 - d) Where the permit has been issued on mistaken, false or misleading information; and
 - e) Where the applicant is unable or unwilling to meet the terms and conditions of the permit.

3. **Alternative Routes**

- 3.1 Where a highway or portion thereof is temporarily closed under this By-law, the applicant shall provide, keep and repair a reasonable temporary alternative route for traffic for all property owners that cannot obtain access to their property by reason of such closing.
- 3.2 That the applicant shall ensure that access to all public and private property is maintained.

4. **Barricades & Warning Devices**

- 4.1 That while a highway or portion thereof is closed to traffic under a Temporary Highway Closure Permit, there shall be erected at each end of such highway or portion thereof, and where a detour route deviates therefrom, a barricade upon which an adequate warning device shall be exposed and in good working order continuously from sunset to sunrise; and that at such points there shall be erected a detour sign indicating the alternative route and containing a notice that the highway is closed to traffic.
- 4.2 That the Director of Public Works may provide such barricades and warning devices to the applicant in accordance with the terms and conditions of the Temporary Highway Closure Permit.

- 4.3 That the applicant shall ensure that prior to the closing of the highway that all barricades and warning devices are erected in accordance with the terms and conditions of the Temporary Highway Closing Permit; and further that the applicant shall keep in place and working all barricades and warning devices, and take further care and precaution as may be necessary for the protection and safety of the public.

5. **Exceptions**

- 5.1 This By-law shall not apply if compliance therewith would be impractical to:
- a) police, fire or ambulance vehicles; and
 - b) vehicles registered to or in the service of the Corporation of the Township of Severn when such vehicles are actually being used for or on behalf of the Township of Severn.

6. **Insurance**

- 6.1 That before receiving a Temporary Highway Closure Permit from which a condition was imposed under Section 2.7 of this By-law, every applicant shall deposit proof of insurance with an insurer satisfactory to the Township of Severn. The policy of insurance shall be in the amount of \$2,000,000.00 and provide for indemnification of the Township of Severn and the applicant against all damages, claims, injury or demands of every nature and kind arising from or incidental to the temporary highway closure. The policy of insurance shall include the name of the Township of Severn and the applicant as insured during the term of the event. The applicant shall be responsible for all costs associated with such insurance.

7. **Fees**

- 7.1 The fees for issuance of a Temporary Highway Closure Permit shall be as set out in the Township of Severn's Tariff of Fees By-law.

8. **Offences**

- 8.1 No person shall permit or cause the temporary closure of a highway or portion thereof for a social, recreational, community, athletic or cinematographic purpose without obtaining a Temporary Highway Closure Permit issued under this By-law.
- 8.2 Every person who without lawful authority uses a highway or portion thereof so closed to traffic while it is protected or who removes or defaces any barricade, warning device, detour sign or notice placed thereon by lawful authority is guilty of an offence and is also liable to the Municipality having jurisdiction for any damage or injury occasioned by such wrongful use, removal or defacement.
- 8.3 Every person who uses a highway or a portion of a highway closed to traffic under this By-law does so at their own risk and the Municipality having the jurisdiction over the highway is not liable for any damage sustained by a person using the highway or portion thereof so closed.
- 8.4 No person shall use or permit the use of a highway or a portion of a highway closed to vehicular traffic under this By-law during the period of closure except for pedestrian traffic or other such uses authorized under a Temporary Highway Closure Permit.

8.5 Should any provision of this By-law be declared by a Court of competent jurisdiction to be void or ultravires for any reason, the remaining provisions shall be read as if the offending section or subsection had been struck out.

8.6 In this By-law where a time, date, hours are referred to the time shall be construed to be in accordance with Standard Time or Daylight Savings Time as may be in current official use in the Township of Severn.

9. **Enforcement**

9.1 This By-law shall be enforced by one or more persons appointed by the Council of the Corporation of the Township of Severn as Municipal Law Enforcement Officers to enforce the provisions of this By-law.

9.2 This By-law may be enforced by the Ontario Provincial Police.

10. **Penalties**

10.1 Any person violating any of the provisions of this By-law is guilty of an offence and upon conviction thereof is liable to a fine or penalty as provided for in the Provincial Offences Act.

11. **Enactments**

11.1 That this By-law shall come into force and effect on the date of passing thereof.

12. **Repeal**

12.1 That By-law No. 2007-151 be and it is hereby repealed.

By-law read a first and second time this 5th day of January, 2012.

By-law read a third time and finally passed 5th day of January, 2012.

CORPORATION OF THE TOWNSHIP OF SEVERN


MAYOR


CLERK-TREASURER



SCHEDULE "A" TO BY-LAW NO. 2012-03

**THE CORPORATION OF THE
TOWNSHIP OF SEVERN**

**TEMPORARY ROAD CLOSING
APPLICATION/PERMIT**

1. In order to obtain approvals, permit applications must be received by the Public Works Department thirty (30) days in advance if a temporary road closing affects a Municipal Highway only.
2. Note that individual agencies may require that you obtain additional permits and pay any relevant fees.
3. Please print or type the information on the application.
4. Read and follow the procedures carefully.

SECTION 1: General Information

Date of Application: _____ Fee: _____

Name of Organization: _____

Address: _____

Contact's Name: _____ Title: _____

Phone No.: (Home) _____ (Work) _____

Name of Event: _____

Date of Event: _____

Start Time: _____ Finish Time: _____

Total Number of Participants: _____

Location(s): _____
(Start & Finish Points)

Name of Property Owner: _____

SECTION 2: Nature of Event

Describe your event (ie. parade, festival, sports tournament, bike-a-thon, etc.)

If appropriate, attach a detailed sketch of the route, including:

- 1. Highway(s) affected by proposed road closure;
- 2. Proposed detour route;
- 3. Proposed location(s) of warning devices and signage; and
- 4. A list of proposed uses of the subject road together with a sketch showing the locations of such uses.

_____ Route Sketch Attached

Has your organization ever hosted a similar event before in Severn Township? If yes, please describe.

SECTION 3: Insurance

The applicant must obtain comprehensive general liability insurance in an amount not less than two million dollars (\$2,000,000.00) per occurrence, naming the Township of Severn as an additional insured with respect to this event. *A valid Certificate of Insurance must be presented to the Township prior to the scheduled event.*

RETURN COMPLETED FORM TO THE PUBLIC WORKS DEPARTMENT

For Director of Public Works' Use Only

_____ Approved

_____ Denied

Comments: _____

Authorized Signature
Director of Public Works

Date

- c.c. Fire Department
- Municipal Law Enforcement
- O.P.P.
- Ambulance
- Simcoe County Transportation