

THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 2471-88

BEING A BY-LAW TO AUTHORIZE THE TEMPORARY CLOSING OF HIGHWAYS TO VEHICULAR TRAFFIC FOR SOCIAL, RECREATIONAL, COMMUNITY, ATHLETIC OR CINEMATOGRAPHIC PURPOSES

WHEREAS, Subsection 208(4) of the Municipal Act, R.S.O. 1980, c. 302, as amended, provides that by-laws may be passed by the councils of all municipalities for closing to vehicular traffic on a temporary basis for such period as shall be specified in the by-law, any highway under the jurisdiction of the council for such social, recreational, community, athletic or cinematographic purpose, or combination of such purposes, as may be specified in the by-law and for authorizing a committee of council or a municipal officer or servant, subject to such conditions as council may impose, to exercise any of the powers of council under this paragraph;

AND WHEREAS, the Council of the Corporation of the Town of Whitby considers it desirable to pass such a by-law;

NOW THEREFORE, the Council of the Corporation of the Town of Whitby enacts as follows:

DEFINITIONS

1. In this by-law,

- (a) "Clerk" means a Clerk of the Corporation of the Town of Whitby;
- (b) "Council" means the Council of the Corporation of the Town of Whitby;
- (c) "Director of Public Works" means the Director of Public Works of the Corporation of the Town of Whitby;
- (d) "Fire Chief" means the Fire Chief of the Corporation of the Town of Whitby;
- (e) "Highway" is as defined in the Highway Traffic Act, R.S.O. 1980, c. 198, as amended; and,
- (f) "Town" means the Corporation of the Town of Whitby.

TEMPORARY CLOSING OF HIGHWAYS

2. The Clerk is authorized to approve the temporary closing of a highway under the jurisdiction of the Town to vehicular traffic for social, recreational, community, athletic or cinematographic purposes, or combination of such purposes, subject to the conditions set out in this by-law.
3. If, for any reason, the Clerk has reason to believe the temporary closing of a highway may be adverse to the public interest, the Clerk shall refer the matter to the Council for consideration.

GENERAL

4. The maximum length of time a highway may be temporarily closed for a social, recreational, community, athletic or cinematographic purpose, or combination of such purposes, shall be 12 hours.
5. When a through highway is to be temporarily closed for a social, recreational, community, athletic or cinematographic purpose, or combination of such purposes, the sponsor of the event shall provide a detour route for through traffic, satisfactory to the Durham Regional Police Force, Director of Public Works and the Fire Chief, or alternatively, the sponsor of the event shall make arrangements to have the Durham Regional Police Force direct the flow of traffic during the temporary highway closure.
6. The sponsor of a social, recreational, community, athletic or cinematographic event, or combination of such events, requiring the temporary closure of a through highway shall provide liability insurance in the minimum amount of \$1,000,000.00 naming the Town as an insured with respect to any and all actions arising either directly or indirectly from the event.
7. The sponsor of a social, recreational, community, athletic or cinematographic event, or combination of such events, requiring the temporary closure of any highway shall provide the Town with a hold harmless agreement indemnifying and saving harmless the Town with respect to any and all actions arising either directly or indirectly from the event.

8. The sponsor of a social, recreational, community, athletic or cinematographic event, or combination of such events, requiring the temporary closure of any highway shall ensure,
 - (a) noise is kept to a reasonable level;
 - (b) the highway, or portion thereof, used for the event is left in a clean condition following the event; and,
 - (c) access to all properties abutting the closed portion of the highway is maintained for emergency vehicles during the event.
9. The sponsor of a social, recreational, community, athletic or cinematographic event, or combination of such events, requiring the temporary closure of a highway shall, where applicable, pay to the Town the sum of \$50.00 to defray the expenses incurred by the Town with respect to the placement and removal of portable barricades required to close off the highway, or portion thereof, used for the event.
10. The Clerk shall notify the Ambulance Service, the Durham Regional Police Force, the Fire Department and the Public Works Department of all temporary highway closings approved by the Clerk.

NEIGHBOURHOOD STREET DANCES

11. Temporary highway closings for the purpose of neighbourhood street dances shall only be permitted on cul-de-sacs, crescents and deadend streets.
12. A minimum of 90% of the owners of property abutting the portion of the highway required to be temporarily closed for the purpose of a neighbourhood street dance must consent to the event.
13. The sponsor of a neighbourhood street dance shall ensure, the highway, or portion thereof, used for the purpose of a neighbourhood street dance is re-opened no later than 1:00 a.m.

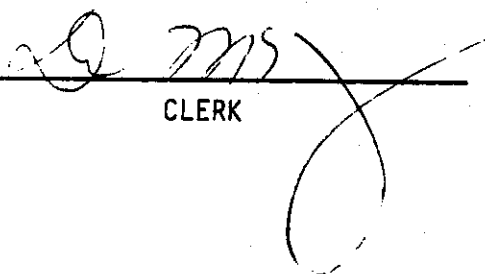
SHORT TITLE

14. This by-law may be referred to as the Temporary Highway Closing By-law.

EFFECTIVE DATE

15. This by-law shall come into force and take effect on the passing thereof.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 12TH DAY OF SEPTEMBER, A.D., 1988.


CLERK


MAYOR