

CORPORATION OF THE MUNICIPALITY OF CALVIN

BY-LAW NO. 2016-020

BEING A BY-LAW TO PROVIDE FOR HIGHWAY (ROAD) CLASSIFICATIONS, DEFINITIONS, AND SIGNAGE AND FOR ADOPTING OF MINIMUM MAINTENANCE STANDARDS FOR HIGHWAYS (ROADS) UNDER THE JURISDICTION OF THE MUNICIPALITY OF CALVIN.

WHEREAS Section 27 (1) of the Municipal Act, S.O. 2001, c. 25 as amended, provides that a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway;

AND WHEREAS section 44 (1) of the Municipal Act 2001, c.25 as amended, provides that the municipality that has jurisdiction over a highway or bridge shall keep it in a state of repair that is reasonable in the circumstance, including the character and location of the highway or bridge;

AND WHEREAS Section 44 (4) and (5) of the Municipal Act 2001, c.25 as amended, provides that regulations may be established by the Minister for minimum standards of repair for highways or bridges or any class of them and that the minimum standards may be general or specific in their application;

AND WHEREAS the Municipality of Calvin deems it appropriate to fulfill the requirements of Ontario Regulation 239/02 (Minimum Maintenance Standards for Municipal Highways), made under the Municipal Act, as amended;

NOW THEREFORE the Council of the Corporation of the Municipality of Calvin enacts as follows:

1.0 PURPOSE

The purpose of this By-law is to;

- a) Clearly define the terms Private Road, Private Unassumed Road, Seasonal Road, Unassumed Road, Unopened Road Allowance and Year Round Road;
- b) Classify all roads within the municipality, their levels of service, the patrolling requirements and the maintenance period annually; and,
- c) Identify signage where required for certain types of roads.

2.0 DEFINITIONS

For the purposes of this by-law a;

- a) "*Private Road*" means a road that has not been assumed by the Municipality, which provides access by means of a registered right-of-way to private property, and of which the use, maintenance, and liability of the road are the responsibility of the abutting land owners
- b) "*Private Unassumed Road*" means a road owned by the Municipality and maintained by a private individual/s, organization, or company rather than by the Municipality. The general public is allowed to travel on these roads and, since these roads have not been assumed by the Municipality for maintenance purposes, the responsibility for maintenance and liability is that of the private individual/s, organization or company
- c) "*Seasonal Road*" means an opened road allowance used on a "courtesy" basis by the Public with the understanding that the road, or portion thereof, is owned by the Municipality and which receives limited maintenance from June 1st through October 1st each year, and on which *no winter maintenance is performed*, with the exception of winter maintenance performed at the discretion of the Public Works Superintendent to avoid damage to municipal property or to repair or remove a potential threat to public health and safety. These roads are considered Class 6 Roads, not subject to Minimum Maintenance Standards under Ontario Regulation 239/02
- d) "*Unassumed Road*" means a road for which the Municipality has not assumed responsibility for maintaining and therefore is used at your own risk
- e) "*Unopened Road Allowance*" means unopened roads found along both concession and lot lines throughout the municipality as they were originally surveyed during the Province's early settlement. These are public highways, owned by the Municipality, but not maintained. The Municipality has no obligation to open or assume original road allowances, or to make passage over them easier for the public. The public is however able to "use" these unopened road allowances but they cannot alter the road allowance in any way
- f) "*Year Round Road*" means a road which has been opened and assumed by the Municipality, and maintained year round by the Municipality

3.0 ROAD CLASSIFICATION

Classification for the purpose of this by-law applies to the approximately 66.5 km of Class 4, 5 and 6 Year Round and Seasonally Maintained Roads under the jurisdiction of the Municipality. Classification has been established through the Annual Average Daily Traffic (AADT) count completed in the D.M Wills 2009 Road Needs Study, and by the Minimum Maintenance Standards for Municipal Highways Ontario Regulation 239/02, which sets the minimum standard for levels of service and patrolling requirements on each classification of road within a municipality as per the tables below:

3.1 Class 4 – Patrolling frequency minimum once every 14 days

Class 4 Highway	Surface Area	Depth	Height	Response Time
Snow Accumulation	n/a	8 cm	n/a	16 hours
Icy Roadways	n/a	n/a	n/a	12 hours
Shoulder Drop-offs	n/a	8 cm	n/a	14 days
Cracks	5 cm (width)	5 cm	n/a	180 days
Debris (except snow, ice, slush)	As soon as	practicable,	after	becoming aware
Surface Discontinuities	n/a	n/a	5 cm	21 days
Regulatory & Warning Signs	n/a	n/a	n/a	30 days
Luminaries	n/a	n/a	n/a	14 days
		Potholes		
Paved Surface	1000 cm ²	8 cm	n/a	14 days
Non-paved Surface	1500 cm ²	10 cm	n/a	14 days
Paved & Non-paved Shoulder	1500 cm ²	10 cm	n/a	30 days
Bridge Deck Spalls	1000 cm ²	8 cm	n/a	7 days

3.2 Class 5 – Patrolling frequency minimum once every 30 days

Class 5 Highway	Surface Area	Depth	Height	Response Time
Snow Accumulation	n/a	10 cm	n/a	24 hours
Icy Roadways	n/a	n/a	n/a	16 hours
Shoulder Drop-offs	n/a	8 cm	n/a	30 days
Cracks	5 cm (width)	5 cm	n/a	180 days
Debris (except snow, ice, slush)	As soon as	practicable,	after	becoming aware
Surface Discontinuities	n/a	n/a	5 cm	21 days
Regulatory & Warning Signs	n/a	n/a	n/a	30 days
Luminaries	n/a	n/a	n/a	14 days
		Potholes		
Paved Surface	1000 cm ²	8 cm	n/a	30 days
Non-paved Surface	1500 cm ²	12 cm	n/a	30 days
Paved & Non-paved Shoulder	1500 cm ²	12 cm	n/a	60 days
Bridge Deck Spalls	1000 cm ²	8 cm	n/a	7 days

3.3 Class 6 – Ontario Regulation 239/02 does not apply to Class 6 roads. Patrolling frequency – as determined by the Road Superintendent but at a minimum of once per month from June 1st to October 1st

4.0 ROAD LISTING

ROAD NAME	CLASSIFICATION	ROAD TYPE
Boundary Rd. N. (hard surface 1.9 km)	Class 4	Year Round
Boundary Rd. S (gravel 2.1 km)	Class 5	Year Round (Maintained Papineau-Cameron)
Peddler's Dr. (paved 9.8 km)	Class 4	Year Round
Peddler's Dr. (gravel 5.9 km)	Class 4	Year Round
Pautois Road (.3 km)	Class 4	Year Round
Donald's Rd. (2 km)	Class 4	Year Round
Suzanne's Rd. (4.3 km)	Class 4	Year Round
Daventry Rd. (3.9 km)	Class 4	Year Round
Flood's Rd. (.2 km)	Class 4	Year Round
Homestead Rd. (6.2 km)	Class 4	Year Round
Bronson Lake Rd. (1.9 km)	Class 4	Year Round
Booth Rd. (.6 km)	Class 4	Year Round
Beach Rd. (.1 km)	Class 4	Year Round
Twilight Camp Rd. (.2 km)	Class 4	Year Round
Mount Pleasant Rd. (3.1 km)	Class 4	Year Round
Latimer Lane (.5 km)	Class 4	Year Round
Moreau Rd. (2.3 km)	Class 4	Year Round
Gaiston Rd. (3.3 km)	Class 4	Year Round
Peacefull Lane (.4 km)	Class 4	Year Round
Beckett Lane (1 km)	Class 4	Year Round
Pratt Rd. (1.1 km)	Class 4	Year Round
Adams Rd. (5 km)	Class 4	Year Round
Brule Rd. (4 km)	Class 4	Year Round
McLaughlin Rd. (.4 km)	Class 4	Year Round
Stewart's Rd. (.9 km)	Class 6	Seasonal
Pratt Rd. (1.6 km)	Class 6	Seasonal
Latimer Lane (.7 km)	Class 6	Seasonal
Flood's Rd. (.9 km)	Class 6	Seasonal
Gated Rd (.9 km)	Class 6	Seasonal
Talon Lake Rd. (.4 km)	Class 5	Year Round (Maintained Bonfield)
Von Doeler Rd. (.6 km)	Class 6	Year Round (Maintained Bonfield)

5.0 MAINTENANCE STANDARDS

a) *Seasonal Roads* - Limited maintenance by the Municipality from June 1st to October 1st. Limited maintenance is a service standard below that which is provided for a Year Round road and consists of minimal gravelling, grading and ditching sufficient to permit passage during the seasonal period. No winter maintenance is performed by the Municipality with the exception of winter maintenance performed at the discretion of the Public Works Superintendent to avoid damage to municipal property or to repair or remove a potential threat to public health and safety. Since a seasonal road is maintained at a lower standard, the use of these roads is at "user's risk". All Seasonal roads will be "signed" by the Municipality to indicate the status of the road

and the duration of Municipal maintenance services. Any individual wishing to provide winter maintenance to a Municipal Seasonal road must make written application for permission to the Corporation of the Municipality of Calvin and, if approved, must enter into an Agreement and be aware that they will assume all responsibility for such winter maintenance and for any liability for damage to Municipal property as a result of the actions of private snow removal equipment.

b) Year Round Roads - Maintenance will be provided by the Municipality year round as per the Minimum Maintenance Standards for Municipal Highways, Ontario Regulation 239/02

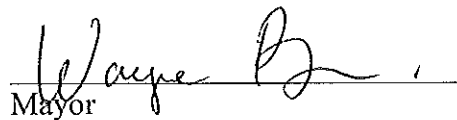
6.0 FORCE AND EFFECT

That this By-law will come into full force and effect upon the date of its passing.

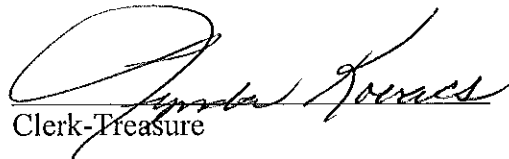
READ A 1ST TIME THIS 25th DAY OF OCTOBER, 2016.

READ A 2ND SECOND TIME THIS 25th DAY OF OCTOBER, 2016.

READ A 3RD THIRD TIME AND FINALLY PASSED BEFORE AN OPEN COUNCIL
THIS 25th DAY OF OCTOBER, 2016.



Mayor



Clerk-Treasure