

**CORPORATION OF THE TOWNSHIP OF CHISHOLM
BY-LAW 2024-23**

*Being a by-law to establish a level of service for the township roads for the Corporation
of the Township of Chisholm*

WHEREAS Section 11(3) of the Municipal Act, 2001, as amended authorizes the Municipality to pass By-Laws respecting matters within spheres under the jurisdiction of the Municipality including highways, including parking and traffic on highways;

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

AND WHEREAS Section 44(2) of the Municipal Act, 2001, as amended provides that a municipality that defaults in complying with subsection 44(1) is, subject to the Negligence Act, liable for all damages any person sustains because of the default;

AND WHEREAS Section 44(3) of the Municipal Act, 2001, as amended provides that despite subsection (2), a municipality is not liable for failing to keep a highway or bridge in a reasonable state of repair if,

- (a) it did not know and could not reasonably have been expected to have known about the state of repair of the highway or bridge;
- (b) it took reasonable steps to prevent the default from arising; or
- (c) at the time the cause of action arose, minimum standards established under subsection(4) applied to the highway or bridge and to the alleged default and those standards have been met;

AND WHEREAS Section 44(4) of the Municipal Act, 2001, as amended the Minister of Transportation may make regulations establishing minimum standards of repair for highways and bridges or any class of them;

AND WHEREAS Ontario Regulation 239/02 defines the minimum maintenance standards for Municipal Highways;

AND WHEREAS municipal highways are classified based on average daily traffic counts and speed limits;

AND WHEREAS the highways within the Township of Chisholm are classified as Class 4, 5 and 6;

AND WHEREAS as the township grows, staff will periodically be measuring average daily traffic counts to verify the highways continue to be classified properly;

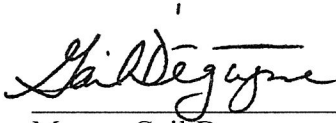
AND WHEREAS with limited staffing resources and equipment, the township will meet Ontario Regulation 239/02 and further strive to exceed the standard while working within the budgetary, equipment and driving time constraints;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CHISHOLM ENACTS AS FOLLOWS:

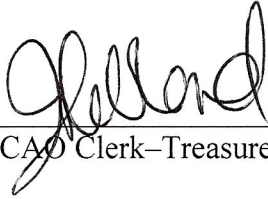
1. That the township must adhere to Ontario Regulation 239/02.
2. That the classification of highways is outlined in Schedule "A" attached hereto and forming part of this By-Law be here by set.
3. That this By-law shall come into force and take effect upon the passing thereof.

4. That By-law 2002-30 is hereby repealed.

BE READ A FIRST, SECOND & THIRD TIME AND FINALLY PASSED ON THIS
10th DAY OF SEPTEMBER, 2024.

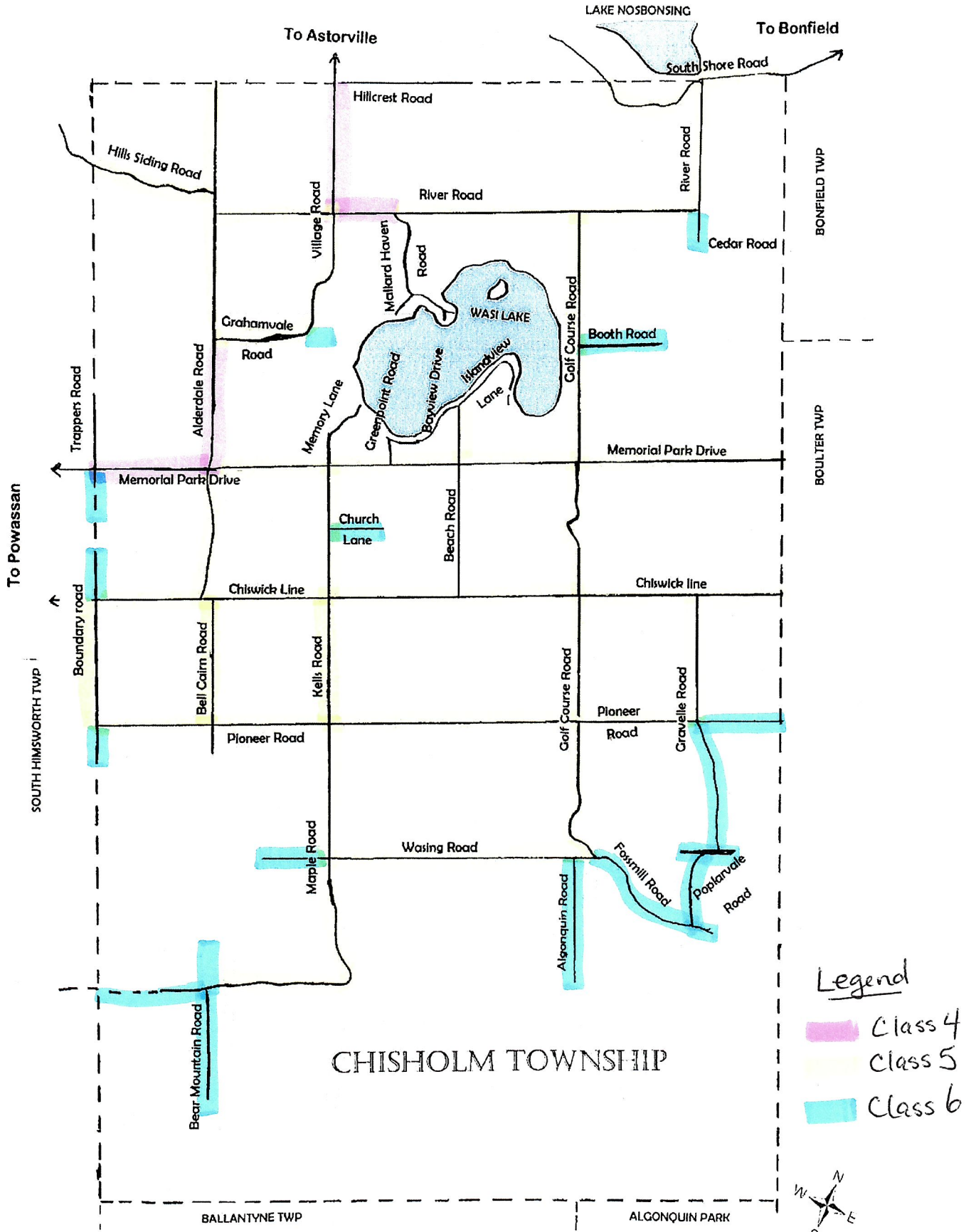


Mayor, Gail Degagne



CAO Clerk-Treasurer, Jennistine Leblond

Schedule 'A' Bylaw 2024-23



*Based on Road Needs Study 2022