



**Consolidated Version as of March 28, 2022 – Amended by By-law No: 2019-030, 2021-038, 2022-031**

## **THE CORPORATION OF THE TOWN OF OAKVILLE**

### **BY-LAW NUMBER 2007-135**

A by-law under section 23.2 of the Municipal Act, 2001 to delegate power to close a highway temporarily

**WHEREAS** clause 23.2(1)(c) of the Municipal Act, 2001, as amended, permits a municipality to delegate certain legislative and quasi-judicial powers to an individual who is an officer, employee or agent of the municipality;

**AND WHEREAS** subsection 23.2(4) of the Municipal Act, 2001 limits the ability to delegate such powers to such an individual except where, in the opinion of council of the municipality, the power being delegated is of a minor nature;

**AND WHEREAS** subsection 23.2(5) of the Municipal Act, 2001 specifically lists the power to close a highway temporarily as an example of powers considered to be of a minor nature;

**AND WHEREAS** Council of The Corporation of the Town of Oakville determines that it is in the public interest to delegate the power to close a highway temporarily to the Director of Engineering and Construction or the Director of Roads and Works or their designates or in absence of any designate, the Commissioner, Community Development Commission (collectively, the "Delegate"); **(By-law 2019-030)**

**THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF OAKVILLE ENACTS AS FOLLOWS:**

#### **I. DEFINITIONS**

In this By-law:

**"Administrative Penalties for Non-Parking Violations and Orders By-law"** means By-law 2021-038, or successor by-laws; **(By-law 2021-038)**

**"Council"** means the Council of the Corporation of the Town of Oakville; **(By-law 2019-030)**

Deleted by By-law 2021-038

“**Officer**” means any person authorized by the Corporation of the Town of Oakville to enforce by-laws and includes Municipal Law Enforcement Officers, provincial offences officers, Halton Regional Police Officers; **(By-law 2019-030)**

“**Penalty Notice**” means a notice issued pursuant to the provisions of the Administrative Penalties for Non-Parking Violations and Orders Bylaw; **(By-law 2021-038)**

“**Person**” means an individual, firm, corporation, sole proprietorship, association or partnership and includes an applicant for a permit under this By-law as the context requires; **(By-law 2019-030)**

Deleted by By-law 2021-038

Deleted by By-law 2021-038

“**Town**” means The Corporation of the Town of Oakville. **(By-law 2019-030)**

1. Council of The Corporation of the Town of Oakville hereby delegates to the Delegate the power to close a highway temporarily for a maximum period of six (6) months, which delegation may be revoked at any time without notice.
- 1(a) This By-law is a Designated By-law under the Administrative Penalties for Non-Parking Violations and Orders By-law. **(By-law 2021-038)**
2. Notwithstanding paragraph 1, both the Council and the Delegate may exercise the power to close a highway temporarily.
3. Notwithstanding paragraph 1, Council shall exercise the power to close a highway temporarily where:
  - a. The Delegate refers the matter to Council; or
  - b. Any member of Council, in writing, requests the Delegate to refer a temporary highway closure to Council.
4. In exercising such power the Delegate shall consider the impact of the temporary closing of a highway on:
  - a. Public health, safety and welfare;
  - b. Traffic patterns and emergency access/egress routes;
  - c. Fire and emergency response times in and around the area;

- d. Municipal services, in particular Transit services; and
  - e. Area businesses and residents.
5. The Delegate shall notify the Mayor and appropriate Ward Councillors of any temporary highway closure under consideration prior to its approval.
6. The Delegate shall ensure that temporary highway closures are implemented in accordance with the Corporate Public Notification Policy as the same may be amended or replaced from time to time.
- 6.1 Any person(s) who closes a highway or portion thereof temporarily without receiving the proper approval in advance is guilty of an offence. **(By-law 2019-030)**
- 6.2 Where an Officer has reasonable grounds to believe that a contravention of this By-law has occurred, the Officer may issue an order to the person contravening this By-law in accordance with the provisions of the Administrative Penalties for Non-Parking Violations and Orders By-law. **(By-law 2021-038)**
- 6.3 Any person who contravenes an order under this By-law is guilty of an offence. **(By-law 2019-030)**
- 6.4 Deleted by By-law 2021-038
- 6.4 An Officer who finds or has reasonable cause to believe that a person has contravened any provision of this By-law, including any Schedules, may issue a penalty notice to the person. **(By-law 2021-038)**
- 6.5 Each person who has been issued a penalty notice shall, upon issuance of the penalty notice, be liable to pay an administrative penalty to the Town in the amount of \$300 or as revised in the Town's rates and fees schedule. **(By-law 2021-038)**
- 6.6 If an Officer has issued a penalty notice under subsection 6.5 of this By-law and has reasonable cause to believe that the same person has contravened the same provisions of this By-law, including any Schedules, for a second time within twenty-four (24) months of the date the first penalty notice is deemed to be served, the Officer may issue a second penalty notice to the person. **(By-law 2021-038)**



- 6.7 Upon issuance of the second penalty notice, the person shall be liable to pay an administrative penalty to the Town in the amount of \$400 or as revised in the Town's rates and fees schedule. **(By-law 2021-038)**
- 6.8 If an Officer has issued a penalty notice under subsection 6.7 of this By-law and has reasonable cause to believe that the same person has contravened the same provision of this By-law, including any Schedules, for a third or subsequent time within twenty-four (24) months of the date the second penalty notice is deemed to be served, the Officer may issue a third or subsequent penalty notice to the person. **(By-law 2021-038)**
- 6.9 Upon issuance of a third or subsequent penalty notice, the person shall be liable to pay an administrative penalty to the Town in the amount of \$500 or as revised in the Town's rates and fees schedule. **(By-law 2021-038)**
- 6.9.1 A person who has been issued a penalty notice under this By-law may request a review of the penalty notice in accordance with the Administrative Penalties for Non-Parking Violations and Orders By-law. **(By-law 2022-031)**
- 6.9– 6.25 Deleted by By-law 2021-038
- 6.10 Service of any penalty notice, order, or any other notice may be given as specified in the Administrative Penalties for Non- Parking Violations and Orders By-law. **(By-law 2021-038)**
- 6.11 An Officer may, at any reasonable time, enter and inspect any land to determine whether this by-law or an order under this bylaw is being complied with. **(By-law 2019-030, By-law 2021-038)**
- 6.12 It shall be an offence to obstruct or permit the obstruction of such inspection. **(By-law 2019-030, By-law 2021-038)**
- 6.13 If a court of competent jurisdiction declares any provisions or part of a provision of this by-law to be invalid or to be of no force and effect, it is the intention of the Council in enacting this by-law that each and every other provision of this By-law authorized by law, be applied and enforce in accordance with its terms to the extent possible according to law. **(By-law 2019-030, By-law 2021-038)**
- 6.14 Every person who contravenes any of the provisions of this By-law and every director of a corporation who concurs in such contravention by the corporation is guilty of an offence and on conviction liable to a fine not exceeding \$25,000 for a first offence and \$50,000 for any subsequent offence. **(By-law 2019-030, By-law 2021-038)**
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6.15 Where a corporation is convicted of an offence under this By-law, the maximum penalty is \$50,000 for a first offence and \$100,000 for any subsequent offence. **(By-law 2019-030, By-law 2021-038)**

7. This By-law may be cited as the "Temporary Road Closure By-law".

PASSED by the Council this 3rd day of December, 2007

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MAYOR

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CLERK