

THE CORPORATION OF THE CITY OF CAMBRIDGE

BY-LAW 23-104

Being a by-law to establish maintenance standards for highways, bridges, roads, bike lanes, trails, and sidewalks

**WHEREAS** Section 23.1 of the *Municipal Act* authorizes a municipality to delegate its powers and duties under this or any other Act to a person or body subject to the restrictions set out in the *Municipal Act* provided Council is of the opinion that the power being delegated is of a minor nature;

**WHEREAS** Council has deemed that certain routine administrative and legislative powers are of a minor nature, and the delegation of these powers would contribute to the efficient management of the Municipality while still adhering to the principles of accountability and transparency;

**WHEREAS** Section 44(1) of the *Municipal Act*, R.S.O. 2001, states that municipalities shall keep all highways and bridges in a state of repair that is reasonable in the circumstances including the character and location of the highway and bridge;

**WHEREAS** Section 44(2) of the *Municipal Act*, R.S.O. 2001, states that a municipality that defaults in complying with subsection (1) is, subject to the *Negligence Act*, liable for all damages any person sustains because of the default;

**WHEREAS** Section 44(3) of the *Municipal Act*, R.S.O. 2001, states 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. 2001, c. 25, s. 44(3);

**WHEREAS** Section 44(4) of the *Municipal Act*, R.S.O. 2001, states that the Minister of Transportation may make regulations establishing minimum standards of repair for highways and bridges or any class of them;

**WHEREAS** Section 44(5) of the *Municipal Act*, R.S.O. 2001, states that the minimum standards may be general or specific in their application;

**WHEREAS** Section 3(1) of the *Occupiers' Liability Act*, states that an occupier of premises owes a duty to take such care as in all the circumstances of the case is reasonable to see that persons entering on the premises, and the property brought on the premises by those persons are reasonably safe while on the premises;

**WHEREAS** the Regional Municipality of Waterloo (the "Region") has jurisdiction over Regional roadways that are located within the boundaries of the Local Municipality;

**WHEREAS** the Region and the Corporation of the City of Cambridge have agreed to the terms and conditions set forth in the Region of Waterloo Transportation Division Maintenance Agreement with Local Municipalities, that the City of Cambridge shall provide certain road maintenance services on selected sections of the said roadways;

**AND WHEREAS** the Region delegates authority to the City to administer operations on Regional roadways located within the boundaries of the City in accordance with *Ontario Regulation 239/02: Minimum Maintenance Standards for Municipal Highways*,

**NOW THEREFORE BE IT RESOLVED THAT** The Corporation of the City of Cambridge enacts as follows:

1. The City recognizes the standards set out in *O. Reg. 239/02: Minimum Maintenance Standards for Municipal Highways* (the “MMS”) as the standards for the level of service provided by the City on municipal roads, bike lanes, and sidewalks maintained by City.
2. The City’s Director of Operations, or designate, is delegated authority to declare a Significant Weather Event within the meaning of the MMS in accordance with the provisions of Schedule “A” attached hereto, which forms part of this by-law.
3. All prior municipal by-laws, policies, procedures, and practices related to the maintenance and service levels for municipal highways, bridges, roads, sidewalks, bike lanes, recreational or multi-use trails, and any other land or property under the management of the Corporation of the City of Cambridge are hereby repealed.
4. This by-law shall come into force and effect on the date it is enacted.

**ENACTED AND PASSED** this 28<sup>th</sup> day of November 2023

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MAYOR

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CLERK

**SCHEDULE "A"**

**Declaration of Significant Weather Event**

A Significant Weather Event may be declared in one or more of the following circumstances:

1. 20 centimetres or more of snow accumulation in a 24 hour period is expected to occur;
2. 20 millimetres or more of ice accretion from a freezing rain event lasting 12 hours or more is expected to occur; or
3. Sustained winds of 60 kilometres per hour or more are expected to occur.