

**The Corporation of the Town of Greater Napanee
By-law No. 2025-0032**

To Delegate the Powers of Council to Temporarily Close a Municipal Road

WHEREAS Section 10(1) of the *Municipal Act, 2001*, as amended, authorizes a municipality to pass by-laws to provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS Section 11(3) of the *Municipal Act, 2001*, as amended provides that a lower-tier municipality may pass by-laws respecting matters within the sphere of jurisdiction of highways, including parking and traffic on highways;

AND WHEREAS Section 35 of the *Municipal Act, 2001*, as amended, provides a municipality with the specific authority to pass by-laws removing or restricting the common law right of passage by the public over a highway and the common law right of access to the highway by the owner of land abutting a highway;

AND WHEREAS Section 23.1 of the *Municipal Act, 2001*, as amended, provides that Council has the authority to delegate its powers and duties;

AND WHEREAS Council deems it advisable to delegate the authority to approve temporary closures of municipal roads for commercial, municipal, and community purposes;

NOW THEREFORE the Council of The Corporation of the Town of Greater Napanee hereby enacts as follows:

Part 1 – Introduction

Short Title

1. This By-law may be referred to as the Temporary Road Closure By-law.

Definitions

2. In this by-law:
 - a) “Applicant” means any person or organization making an application for a Temporary Road Closure.
 - b) “Council” means the Council of the Corporation of the Town of Greater Napanee.
 - c) “Director of Capital Works” means the Town employee holding the position of Director of Capital Works or the employee responsible for the general

oversight and direction of work on municipal roads.

- d) “Municipal Road” means a road under the jurisdiction of the Town and does not include a road under the jurisdiction of the County of Lennox and Addington or Province of Ontario, or under private ownership.
- e) “Permit Holder” means an Applicant who has been granted a Temporary Road Closure Permit.
- f) “Road” means a common and public highway, street, avenue, parkway, driveway, or any part thereof, including bridges, which is intended for or used by the general public for the passage of vehicles and pedestrians and includes the sidewalk or other area within the road allowance.
- g) “Town” means the Corporation of the Town of Greater Napanee.

Part 2 – Approvals and Delegated Authority

- 3. The Director of Capital Works shall have the authority to approve and administer all Temporary Road Closure Permits for Municipal Roads.
- 4. Notwithstanding Section 3, nothing in this By-law shall limit, restrict or impede the lawful authority of a police officer, the Greater Napanee Fire Chief or designate, or any other recognized authority from closing a road in accordance with their existing legislative or regulatory authorities.
- 5. The Director of Capital Works may temporarily close any municipal road to public travel for purpose of repairing or improving the road or any infrastructure contained therein, or for the purpose of installing road works, if a reasonable temporary alternative route for traffic and local access is provided.
- 6. The Director of Capital Works or the Greater Napanee Fire Chief or designate may temporarily close any municipal road to public travel for emergency purposes.
- 7. Where the Temporary Road Closure is requested in conjunction with an event which requires the approval of Council, any Temporary Road Closure permit shall be conditional on Council approval of the event.
- 8. Where a road or portion of a road has been temporarily closed under this by-law, the common law right of passage by the public over the road and the common law right of access to the road by an owner of land abutting the road are restricted.
- 9. The Director of Capital Works shall have authority to order the stoppage of work or cessation of activity on the road where an approved Temporary Road Closure

Permit has not been issued, or where the conditions of an approved permit, or provisions of this By-law, have not been complied with; and to revoke an approved permit if the Permit Holder does not meet the requirements of the permit or of this By-law.

10. Any application for a Temporary Road Closure for the purpose of commercial work or activities in or around a Municipal Road or road allowance shall be made in accordance with and subject to the fees under the Town's Municipal Easement Work Permit process, as overseen by the Director of Capital Works.
11. Any application for a Temporary Road Closure for the purpose of social, recreation or community purposes shall be made in accordance with the provisions of this By-law.

Part 3 – Permits and Permit Conditions

Application for Temporary Road Closure Permit

12. Every person seeking to occupy or close to vehicular traffic any Municipal Road on a temporary basis shall apply in writing to the Town and using such forms as the Director of Capital Works may establish.
13. Every application shall include the following information:
 - a. Name of Applicant
 - b. Address of Applicant
 - c. Phone and/or email contact information of Applicant
 - d. Date of application
 - e. Name of Event or Activity
 - f. Nature of Event or Activity
 - g. Date(s) of Event or Activity
 - h. Whether the Applicant is eligible for municipal support services under the Town's Community Event Policy as a local not-for-profit event organizer.
 - i. Road(s) affected by the proposed road closure and/or occupancy
 - j. Proposed start and finish time for the road closure and/or occupancy
 - k. Sketch showing the proposed detour route, if required
 - l. Sketch showing the proposed locations of warning devices and signage
 - m. Proposed communication plan for any businesses or residences located within the road closure area
 - n. List of all proposed uses of the closed portion of the road and sketch showing the location(s) of such uses
 - o. Proposed safety plan, including a sketch of the proposed entrance and egress routes for emergency vehicles during the closure and/or occupancy.
14. Every application shall be submitted to the Town, where possible, at least thirty (30) days prior to the proposed date of the event.

15. Upon receipt of a completed application, the Director of Capital Works shall circulate the application to internal Town departments for review and comment prior to approval. Depending on the location and purpose of the road closure, such review areas may include:
 - a. Communications staff to identify required notice measures;
 - b. Infrastructure staff to identify routine or planned work within the closure area;
 - c. Fire staff to identify safety, access, and emergency response considerations;
 - d. By-law staff to identify alternate parking considerations;
 - e. Recreation staff to identify event permit requirements, if applicable;
 - f. Any other review or comment deemed appropriate by the Town.
16. Upon receipt of an application to close a Road not under the jurisdiction of the Town, the Applicant shall be directed to contact the appropriate approving authority.
17. The Director of Capital Works shall determine any and all signs, barricades, traffic control devices, personnel, or any other person or equipment required for the proposed road occupancy or closure.
18. The Director of Capital Works shall, upon review of comments provided by applicable departments, determine whether approval shall be granted for the temporary occupancy and/or closure and what terms or conditions shall apply, including but not limited to:
 - a. Road(s) affected by temporary road occupancy or closure;
 - b. Start and end times for temporary road occupancy or closure;
 - c. Location and detour route;
 - d. Provision and/or installation of signs, barricades, and traffic control devices or personnel;
 - e. Permitted uses on the Road during temporary road occupancy and/or closure;
 - f. Insurance requirements;
 - g. Notification to agencies and media of temporary road occupancy and/or closure; and
 - h. Responsibility for clean up after the event and the associated costs if any.
19. Upon approval of a Temporary Road Closure, the Town shall issue a permit which contains all permit conditions and is signed by the Director of Capital Works or designate.
20. Before receiving a Temporary Road Closure Permit, the Applicant shall provide proof of insurance in the form satisfactory to the Town. The policy of insurance

shall:

- a. Provide for indemnification of the Town and the Applicant against all damages, claims, injury or demands of every nature and kind arising from, or incidental to the temporary road occupancy and/or closure;
 - b. Name as additionally insured 'The Corporation of the Town of Greater Napanee';
 - c. Have a minimum liability coverage subject to the discretion of the Town; and
 - d. Require the Town be notified thirty (30) days prior to cancellation or expiry.
21. The Applicant shall be responsible for all costs associated with the required insurance.
22. In addition to any other conditions imposed, when deemed necessary by the Director of Capital Works, it will be the sole responsibility of the Applicant, at the Applicant's cost, to arrange for police attendance for the purpose of traffic control at any barricade or signalized intersection, as applicable.
23. Upon issuance of a Temporary Road Closure Permit, the Town shall notify the necessary agencies, including but not limited to police, ambulance and fire services and Town communications staff.
24. The Director of Capital Works may refuse to grant a permit to any Applicant for any of the following reasons:
- a. Persistent and / or serious violations of any condition of a permit previously issued to the Applicant, or of any provisions of this By-law;
 - b. Failure to receive the necessary approval from any relevant department or agency; or
 - c. Such other reason(s) as the Director of Capital Works deems appropriate, as defined in writing to the applicant.
25. Subject to the *Statutory Powers and Procedures Act*, any Applicant who has been refused a permit or who objects to any condition may appeal to Council and the decision of Council shall be final and binding.
26. Any permit issued pursuant to this By-law may be revoked by the Director of Capital Works through written notice to the Applicant for any of the following reasons:
- a. A violation of any condition of the permit or any provision of this By-law;
 - b. A violation of any provision or other law relating to the road occupancy and/or closure;
 - c. Any act or omission by the Applicant constituting or creating a nuisance or endangering the lives or properties of others;

- d. Where the permit has been issued on mistaken, false or misleading information; or
- e. Where the Applicant is unable or unwilling to meet the terms and conditions of the permit.

Permits and Fees

- 27. In accordance with the Community Events Policy, no permit fee shall be charged for a Temporary Road Closure for local not-for-profit events.
- 28. The fee for a Temporary Road Closure for commercial or purpose shall be the fee for a Municipal Easement Work Permit as set in the current Fees and Charges By-law.
- 29. The Applicant may be required to provide a security deposit to the Town in the amount deemed sufficient to restore and make good all disrupted areas.
- 30. No fee shall be charged for a Temporary Road Closure permit requested or ordered by the Town of Greater Napanee or County of Lennox and Addington.
- 31. No fee shall be charged, or permit required, for temporary road closures ordered by police, fire, or other emergency services lawfully exercising their statutory or regulatory duties.

Detour Routes

- 32. Where a Road or portion of a road is closed under any order of the Town, the Town shall make best efforts to provide a reasonable temporary alternative or detour route for traffic and for all property owners who cannot access their property by reason of such closure.
- 33. A detour route may not be required in the event that the Road is closed to vehicular traffic for the duration of a parade, market, or other special event where the estimated length of time required for the closure is eight (8) hours or less.
- 34. The Permit Holder or the Town shall have regard to providing reasonable access to all public and private properties affected by the Temporary Road Closure.
- 35. All detours shall comply with the requirements of the most recent edition of Ontario Provincial Road Standards Book 7 – “Temporary Conditions”.

Barricades and Warning Devices

- 36. While a Road or portion of a road is closed to traffic under a Temporary Road Occupancy Permit or under an order by the Town, there shall be erected at each end of such road or portion thereof, a barricade, adequate warning device, detour

sign indicating the alternate route, if applicable, and signage indicating that the road is closed to vehicular traffic.

37. For community events, the Town shall provide barricades and warning devices to the Applicant in accordance with the terms of the Temporary Road Closure permit. Commercial Permit Holders shall be required to provide their own barricades and warning devices.
38. The Permit Holder shall ensure that all barricades and warning devices are erected in accordance with the terms and conditions of the Temporary Road Closure Permit. The Permit Holder shall be responsible for the duration of the road closure to keep in place and working all barricades and devices, and take further care and precaution as may be necessary for the protection and safety of the public.
39. The use of barricades and warning devices shall comply with the requirements of the most recent edition of Ontario Provincial Road Standards Book 7 – “Temporary Conditions”.

Part 4 – Enforcement

40. No person shall permit or cause the temporary occupancy and/or closure of a Municipal Road or portion thereof for a commercial, social, recreational, or community purpose without first obtaining a Temporary Road Closure Permit issued under this by-law.
41. Every person who without lawful authority uses a road or portion thereof so closed to traffic while it is protected or who removes or defaces any barricade, device, detour sign or notice placed thereon by lawful authority is guilty of an offence and is also liable to the Town for any damage or injury occasioned by such wrongful use, removal or defacement.
42. Every person who uses a road or portion of a road closed to traffic under this by-law does so at their own risk and the Town is not liable for any damage sustained by a person using a road or portion thereof so closed.
43. No person shall use or permit the use of a road or portion of a road closed to vehicular traffic under this by-law during the period of closure except for pedestrian traffic, emergency vehicles, or such other uses authorized under the Temporary Road Closure Permit.
44. Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to such fines and other penalties as provided for under the Provincial Offences Act, R.S.O. 1990, c.P-33, as amended.

Part 5 - Enactment

45. If any section, clause or provision of this by-law is for any reason declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council that the remaining sections, clauses or provisions of the by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions of this by-law shall have been declared to be invalid.
46. Any previous by-law or policy of the Town of Greater Napanee regarding temporary road closures is hereby repealed.
47. This by-law shall come into force and effect on the date it is finally passed.

Read a first and second time and finally passed this 22nd day of April, 2025.

Terry Richardson, Mayor

Jessica Walters, Clerk