

The Corporation of the City of Kawartha Lakes

By-Law ~~2017-085~~ **2022-**

A By-Law To Temporarily Close a portion of Victoria Avenue North within Kawartha Lakes ~~A Certain Street Within Kawartha Lakes~~

Recitals

1. The Municipal Act, 2001, S.O. 2001 c.25 authorizes Council to close any highway under its jurisdiction to vehicular traffic on a temporary basis for social, recreational, community, athletic or cinematographic purpose, or combination of those.
2. Council, at its meeting of May 2, 2017, approved By-Law 2017-085 to grant a request from the Lindsay Farmers' Market Association to close Victoria Avenue North periodically during each Farmers' Market season for the purposes of hosting the Farmers' Market between the first Saturday in May and the last Saturday in October during the calendar years 2017 through 2021, both inclusive.
3. The Lindsay Farmers' Market Association submitted a request to extend their use of Victoria Avenue North for the purposes of hosting the Farmers' Market between for a further five (5) year period.
4. Council, at its meeting of April 19, 2022, approved By-Law 2022-057 to . amend Section 2.01 (b) of By-Law 2017-085 and extend the street closure until the last Saturday in July, 2022. The extension provided an opportunity for Staff to review the request to extend for a further five (5) year period and report back to Council no later than July 31,2022.
5. Council, at its meeting of July 19, 2022, considered Report ED2022-030 and adopted resolution CR2022- to grant the request from the Lindsay Farmers' Market Association to close a portion of Victoria Avenue North periodically during each Farmers' Market season for the purposes of hosting a Farmers' Market between the first Saturday in May and the last Saturday in October during the calanar years 2022 through 2026, both inclusive.
- ~~2.6. This By-Law shall replace By-Law 2017-085, being a By-Law to Temporarily Close a Portion of Victoria Avenue North within Kawartha Lakes and By-Law 2022-057, being a By-Law to Amend By-Law 2017-085. Council, at its meeting of May 2, 2017, granted a request from the Lindsay Farmers' Market Association to close Victoria Avenue North periodically during each Farmers' Market season for the purposes of hosting the Farmers' Market.~~

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law ~~2017-085~~ **2022-**.

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes.

“Council” or “City Council” means the municipal council for the City.

“Director of Public Works” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Farmers’ Market” means a public market at which vendors sell produce and other products directly to consumers;

“LFMA” means the authorized representative of the Lindsay Farmers’ Market Association;

“Street” means the area to be used by the Lindsay Farmers’ Market Association in section 2.01 a), as applicable.

1.02 **Interpretation Rules:**

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Road Closure Details

2.01 **Saturday Farmer’s Market**

2.01(a) **Street Closure Victoria Avenue North:** That portion of the southbound lanes of Victoria Avenue North, in the geographic area located between the north curb line of Kent Street West and the south curb line of Peel Street, and that portion of the northbound lanes of Victoria Avenue North, in the geographic area located between the north curb line of Kent Street West and the south curb line of Peel Street, the portion of the parking lot area, north and south side, adjacent to the Paramedic Services Building and the Public Library, comprised of up to sixteen (16) public parking spots and the boulevard areas including the centre island are temporarily closed from time to time, for the time periods set out in Section 2.01 (b).

2.01(b) **Street Closure Time:** The specified period of time which the street noted in Section 2.01 (a) is and shall remain closed, is from 5:00 o’clock a.m. until 2:00 o’clock p.m. on every Saturday between the first Saturday in May and the last Saturday in October, both inclusive, during the calendar years ~~2017-2022~~ through ~~2021~~2026, both inclusive.

2.02 **Opting Out:** The Lindsay Farmers’ Market Association shall provide a minimum of four (4) weeks advance notice to~~advise~~ the City of any dates and/or times specified in Subsection 2.01(b) on which it does not wish the Street to be closed, and this By-law shall be deemed to have been amended to exclude those dates.

2.03 **Details:** The closure referenced in Section 2.01 and 2.02 is with respect to vehicular traffic. Pedestrian traffic is permitted on the closed Street.

2.04 **Exclusive Use:** During the dates and times set out in Section 2.01(b) (as deemed amended in accordance with Section 2.02), the City grants to the Lindsay Farmers’ Market Association exclusive use of the Street.

2.07 **Repairs to Damage:** The Lindsay Farmers’ Market Association shall restore, at its expense and to the City’s satisfaction, any damages to the

~~street or landscaped areas landscaped areas of the Street~~ which are damaged during the course of the Farmers' Market events.

Section 3:00 Exemptions

- 3.01 **Emergency Vehicles:** Section 2.00 of this By-law does not apply to emergency vehicles requiring passage along the Street.

Section 4:00 Use of the Closed Road

- 4.01 **Permitted Use:** Permission is granted to the Lindsay Farmers' Market Association to use the Street on the dates and during the times specified in this By-law for the purposes of holding a farmers' market.

- 4.02 **Alternate Route:** ~~The standard Alternate Routes for passing traffic shall be Kent Street West to Sussex Street North to Peel Street, or Kent Street West to Cambridge Street North to Peel Street. Should these routes not be available for use, an alternate detour must be applied for by the LFMA per By-law 2020-148, as amended. The City shall provide a reasonable temporary alternate route for passing traffic. Where there are residential homes on the Street, the City shall provide a reasonable temporary alternate route for vehicular access for the owners of those residential homes.~~

- 4.03 **Barriers & Signs:** While the Street is closed, the LMFA shall ensure that barriers ~~and detour signs are erected per a City approved traffic control plan compliant with OTM Book 7, April 2022 amendments. are erected at each end of the affected part of the Street.~~ These barriers shall contain either or both warning signals and signs indicating that the Street is closed as approved by the Director of Public Works. Where an alternative route has been set out for passing vehicular traffic, the LMFA shall ensure that adequate detour signs are erected, to the satisfaction of the Director of Public Works of the City, to indicate the alternate route. The LFMA can work with the City to borrow signs where possible. Where the City is unable to provide signs or barriers, the LFMA shall be responsible to provide and erect appropriate signage.

Section 5:00 General Terms

- 5.01 **Administration of the By-law:** The Director of Public Works is responsible for the administration of this by-law.

5.02 **Repeals:** By-law 2017-085 and By-law 2022-057 are hereby repealed.

5.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 19th day of July, 2022.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

5.02 **Effective Date**: This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 2nd day of May, 2017.

Andy Letham, Mayor

Judy Currins, City Clerk