

The Corporation of the City of Kawartha Lakes

By-Law 2022-xxx

A By-Law to Temporarily Close Bicycle Lanes in the City of Kawartha Lakes

Recitals

1. Section 27 (1) of the Municipal Act, 2001, S.O. 2001, chapter 25 provides that a municipality may pass by-laws in respect of highway only if it has jurisdiction over the highway. This includes portions of highway consisting of sidewalks or bicycle lanes.
2. O. Reg. 239/02: Minimum Maintenance Standards (MMS) for Municipal Highways under the Municipal Act, 2001, S.O. 2001, c. 25 provides guidance in the maintenance responsibilities of the Municipality.
3. Council recognized that Public Works is unable to provide the year-round level of service on bicycle lanes required by the MMS with current resources.
4. Section 16.8(1) of the MMS states that when a municipality closes a highway or part of a highway pursuant to its powers under the Act, the highway is deemed to be in a state of repair in respect of all conditions described in the Regulation from the time of the closure until the highway is re-opened by the municipality.
5. Council considers it desirable to approve the closure of bicycle lanes during the winter months, Nov 1st to April 15th, in order to meet level of service obligations under the MMS.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2022-xxx.

Section 1.00: Definitions and Interpretation

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

“**Bicycle**” as defined by the Highway Traffic Act includes a tricycle, a unicycle and a power-assisted bicycle but does not include a motor assisted bicycle;

“**Bicycle lane**” as defined by the MMS means a portion of a roadway that has been designated by pavement marking or signage for the preferential or exclusive use of cyclists;

“**Bicycle lane, contraflow**” means a bicycle lane that operates in the opposite direction of motor vehicle traffic, enabling two-way bicycle travel on a roadway that has one-way operation for motor vehicles;

“Bicycle lane, conventional” means a bicycle lane for one-way bicycle travel only. A typical configuration on a two-way roadway includes a conventional bicycle lane on each side;

“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;

“Highway” as defined by the Highway Traffic Act includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

“MMS” means O. Reg 239/02: Minimum Maintenance Standards for Municipal Highway under the Municipal Act, 2001, S.O. 2001, c. 25;

“Vehicle” as defined by the Highway Traffic Act includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car.

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: Bicycle Lane Closure

2.01 **Seasonal Closure:** Bicycle lanes designated as seasonal in Schedule “A” are deemed to be closed from November 1st to April 15th when signed appropriately as set out in 2.02.

2.02 **Authorized Signs:** The lane closures specified in Schedule “A” are not valid unless signage denoting “No Winter Maintenance of Bicycle Lanes. November 1st to April 15th” are in place at:

(a) For conventional bicycle lanes designated with pavement markings and/or signs under OTM Book 18, warning signs specified in 2.02 shall be located near the beginning of the bicycle lanes on both sides of the street, determined by the directional vehicle travel of the nearest lane.

(b) For contraflow bicycle lanes designated with pavement markings and/or signs under OTM Book 18, warning signs specified in 2.02 shall be located near both ends of the bicycle lane.

Section 3.00 General Terms

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

3.02 **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 22nd day of November, 2022.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk

Schedule "A" to By-Law 2022-xxx

Bicycle Lanes Designated as Seasonal

Bicycle Lane	Side of Street	Extents
Victoria Avenue South	Both	Russel St W to Durham St W
Logie Street	Both	Lindsay St S to Dobson St