

THE CORPORATION OF THE TOWNSHIP OF TUDOR AND CASHEL

BY-LAW NO. 2022-40

**BEING A BY-LAW TO ADOPT A LEVEL OF SERVICE FOR
MUNICIPAL HIGHWAYS**

WHEREAS Section 44(1) of the Municipal Act, R.S.O. 2001, states that municipalities shall keep all highways and bridges in a reasonable state of repair.

AND WHEREAS if a municipality defaults in complying with Section 44(2), then such municipality shall be liable under the *Negligence Act* for all damages any person sustains because of the default.

AND WHEREAS Section 44(3), a municipality is not liable for failing to keep a highway or bridge in a reasonable state of repair if

- a) It did not or could not have been aware
- b) If reasonable steps were taken to prevent the default for arising
- 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.

AND WHEREAS Section 44(4) provides that the Minister of Transportation may by regulation establish minimum standards of repair for highways and roads; classes of highways and roads; bridges; and classes of bridges.

AND WHEREAS the Township of Tudor and Cashel (“the Township”) desires to adopt and implement such minimum maintenance standards being Ontario Regulation 239/02

NOW THEREFORE, the Council of the Corporation of the Township of Tudor and Cashel enacts as follows:

1. THAT Ontario Regulation 239/02 Minimum Maintenance Standards for Municipal Highways as amended from time to time, be hereby adopted and come into effect on the final date of passing of this bylaw.
2. THAT the Roads Superintendent or their delegate is authorized and shall be responsible for declaring the commencement and end of a significant weather event as defined under OReg. 239/02. Such declaration shall be posted over social media through the Township’s Facebook page or website.
3. The Township adopts the Highway Classification system in accordance with OReg. 239/02 and as detailed in Schedules A and B to this by-law.
4. THAT all operational activities of the municipal road department be directed to provide the desired roadway services as herein described where care is taken to assure that the minimum standards are maintained, and that such services are efficiently and effectively rendered.
5. THAT neither this corporation nor its officials make any promise or assurance that roadway services will be in excess of the minimum standard as defined in O.Reg 239/02.

THE CORPORATION OF THE TOWNSHIP OF TUDOR AND CASHEL

BY-LAW NO. 2022-40

6. THAT where situations arise or applications be made which fall outside of the scope of the minimum standards as defined in OReg 239/02, the Roads Superintendent shall respond as he/she may deem to be appropriate, with respect to budgetary constraint and reasonable practice.
7. AND THAT budgets and Council priorities shall be set on the basis of provision of roadway services to the minimum standards as defined in OReg 239/02.
8. This By-law shall repeal the previous Minimum Maintenance Standards By-law 2013-31, and any other by-laws and/or resolutions pertaining to same.

PASSED THIS 6th day of DECEMBER, 2022.

MAYOR: DAVID HEDERSON

SEAL

CLERK: NANCY CARROL

THE CORPORATION OF THE TOWNSHIP OF TUDOR AND CASHEL

BY-LAW NO. 2022-40

SCHEDULE A

TOWNSHIP OF TUDOR & CASHEL ROAD CLASSIFICATIONS

FULLY & SEASONALLY MAINTAINED ROADS

	Road Name	Length/kms	Class/ level of service	Winter Maintenance Yes/No	Lot/Concession	Speed Limit In kilometers
	Fully Maintained Roads Prior to December 31st 2002 Note: * means the road lies in 2 or more different categories					See By-law 20-2008 for detailed info
1	Beaver Creek Lane	0.2*	6-A	Yes	Lot 17 Con 17	40
2	Butler Lane	0.1	6-A	Yes	Lot 13 & 14 Con 7	40
3	Centre MillBridge Road	2.0	6-A	Yes	Lot 18 Con HER	40
4	Cleveland Road (east/west)	3.0	6-A	Yes	Lot 21 Con 7 to Lot 30 Con A	40
5	Cleveland Road (north/south)	5.3	6-A	Yes	Lot 30 Con A to Lot 5 Con A	40
6	Cooney's Road	0.4	6-A	Yes	Lot 20 Con 5 to Lot 19 Con 5	40
7	Davidson Road	2.4*	6-A	Yes	Lot 34 Con 2 to Lot 20 Con WHR	40
8	East Road	0.8*	6-A	Yes	L25 Con 3 to L23 Con 2	40
9	Egan Creek Road	4.9	6-A	Yes	Lot 25 Con 3 to NE Lot 26 Con 8	40, 60 in posted areas
10	Felbers Road	3.6	6-A	Yes	Lot 34 Con 4 to Lot 20 WHR	40
11	Glanmire Lake Road	1.7	6-A	Yes	Lot 72 Con EHR to Lot 67 Con EHR	40
12	Gunter Lake Road	2.6	6-A	Yes	Lot 25 Con 3 to Lot 22 Con 4	40
13	Hammond Road	1.2	6-A	Yes	Lot 22 Con 4 to Lot 21 Con 4	40
14	Island Road	1.0	6-A	Yes	Agreement with Madoc for Maintenance	40
15	North Jordan Lake Rd	0.5*	6-A	Yes	Lot 17 Con 14 to Lot 19 Con 14	40
16	Old Boundary Road	0.5	6-A	Yes	L31 Con 2	40
17	Old Gilmour Road	0.5	6-A	Yes	Lot 16 Con 17 to Lot 15 Con 17	40
18	Old Hastings Rd	13.9*	6-A	Yes	Lot A Con EHR to Lot 67 Con HER	40
19	Phillips Road	1.2	6-A	Yes	Lot 17 Con 19 to Lot 15 Con 19	40
20	Pine View Ridge Road	3.36	6-A	Yes	Lots 4 to 7 Cons 15 to 18	40

THE CORPORATION OF THE TOWNSHIP OF TUDOR AND CASHEL

BY-LAW NO. 2022-40

21	Reilly Lane	0.2	6-A	Yes	Lot 28 Con 2 to Lot 27 Con 3	40
22	Smith Road	0.5	6-A	Yes	Lot 12 Con 17 to Lot 12 Con 18	40
23	South Jordan Lake Rd	0.3	6-A	Yes	Lot 18 Con 13 to Lot 18 Con 13	40
24	South Steenburg Lake Rd	0.4*	6-A	Yes	Agreement with Limerick for Maint	40
25	St Ola Road	1.7	6-A	Yes	Lot 31 Con2 to Lot 28 Con2	40
26	Stoney Settlement Road	3.0	6-A	Yes	Lot 18 Con EHR to Lot 22 Con A	40
27	Sutton Road	2.3	6-A	Yes	Lot 12 Con 18 to Lot 14 Con 19	40
28	Trumble Road	1.0	6-A	Yes	Lot 30 Con 3 to Lot 29 Con 4	40
29	Weslemkoon Lake Road	26.6	4	Yes	Lot 32 Con 1 to Lot 1 Con 1	50, 60, & 80 in posted areas (Gunter, Gilmour etc)
30	West Road	2.0	6-A	Yes	Lot 20 Con EHR, Lot 20 WHR	40
31	Wolfe Lake Road	1.0	6-A	Yes	Lot 1 Con A to Lot 10 Con 2	40
32	North Steenburg Lake Rd	2.0	6-A	Yes	Agreement with Limerick for Maintenance	
	Seasonally Maintained roads					
1	East Road	2.0*	6-B	No	Lots 20, 21, 22 Con 2	40
2	Egan Creek Road	1.4	6-B	Yes	NE Lot 26 Con 8 to Lot 23 Con 9	40, 60 in posted areas
2	Moore's Lane	0.5	6-B	No	Lot 23, 23 Con 19	40
3	North Jordan Lake Rd	0.7*	6-B	No	Lots 17, 18, 19 Con 14	40
4	South Steenburg Lake Rd	2.6*	6-B	No	Lot 17 Con 19 to Lot 25 Con 19	40
5	Old Hastings Rd	2.4*	6-B	No	Lots 70 to 80 Con EHR	40
6	Beaver Creek Lane	0.4*	6-B	No	Lot 17 Con 17	40

THE CORPORATION OF THE TOWNSHIP OF TUDOR AND CASHEL

BY-LAW NO. 2022-40

SCHEDULE B

TOWNSHIP OF TUDOR & CASHEL ROAD CLASSIFICATIONS

NON-ASSUMED/ NON-MAINTAINED ROADS

Road Name	Length/ kms	Class/ level of service	Lot/Concession
Bayview Lane – private	0.4	6-C	Lots 26 & 27 Con 19
Cedar Drive	0.1	6-C	Lot 23 Con 4
Davidson Road	1.9*	6-C	Lot 34 Con 2 to Lot 20 Con WHR
Elm Lane	0.5	6-C	Lot 23 Con 4
Fraser Lake Lane	0.1	6-C	Lot 5 Con 9 to Lot 4 Con 8
Glanmire Lake Lane – private	3.0	6-C	Lots 23, 24, 25, 26, 27 Con 8 & 9
Gunter Lane	2.0	6-C	Lots 23 & 24 Con 4 & 5
James Lane	0.5	6-C	Lots 23 & 24 Con 5
Maple Lane	0.5	6-C	Lots 22, 23, 24 Con 5
Maple Landing Lane – private	2.0	6-C	Lots 26 & 27 Con 19
Old Hastings Rd	2.4*	6-C	Lots 70 to 80 Con HER
Old Hastings Rd South	1.0	6-C	Lot 1a, 1, 2, 3 Con HER
Robinson Lake Lane – private	2.0	6-C	Lot 5 Con 1
South Pine View Ridge Lane	3.3	6-C	Lots 14 & 15 Cons 7 to 10
Wadsworth Lake Lane	1.5	6-C	Lots 2 & 3 Con 19
Wolfe Lake Road	1.6	6-D	Lot 1 Con A to Lot 10 & 11 Con 2
Crown Land			
Grant Lane	3.0	6-C	Lots 26, 27, 28 Con 7 & 8
Jolley Lane	1.5	6-C	Lots 26 & 27 Cons 5 & 6
Lyons Lane	0.5	6-C	Lot 26 Con 6 & 7 (border)
Mephisto Lake Landing	3.0	6-C	Lots 23, 24, 25, 26 Cons 9 & 10
Renata Lane	2.5	6-C	Lots 26 & 27 Cons 8 & 9
Forestry			
Forest Lane	0.5	6-C	Lot 23 Conc 13
Henry Lane (Heartwood)	4.0	6-C	Lots 10 & 11 Con 1

THE CORPORATION OF THE TOWNSHIP OF TUDOR AND CASHEL

BY-LAW NO. 2022-40

Lillian Lane	1.0	6-C	Lots 4 & 5 Cons 18 & 19
Mayo Lake Rd	12.0	6-C	Lots 15, 16, 17 Cons 8 to 16
Old Hydro Lane (Heartwood)	4.0	6-C	Lots 23, 24, 25 Cons 1 & 2
Perry Lane	0.5	6-C	Lot 27 Con 3

THE CORPORATION OF THE TOWNSHIP OF TUDOR AND CASHEL

BY-LAW NO. 2022-40

ROAD DEFINITIONS

Class 6 Highways shall be further defined and subdivided as follows:

Class 6-A: hereby defined as highways designated for summer and winter maintenance. They are classed as “fully maintained” in “Schedule A” of this by-law. These highways are **assumed** by the township.

Class 6-B: hereby defined as highways **NOT** designated for winter maintenance (summer/seasonal maintenance is performed from April 15th to November 15th as defined by reg. 239/02). These highways are classed as “**seasonally maintained**” in “Schedule A” of this by-law. These highways are assumed by the Township for summer maintenance only, no winter maintenance will take place during this timeframe on roads designated as 6-B.(winter maintenance includes but is not limited to sanding salting and snow plowing)

Class 6-C: highways are **not assumed** and **not maintained** by the Township. They are also attached in “Schedule B” of this by-law. This classification includes non-assumed township roads, Crown Land, Forestry Roads and privately owned roads.

Class 6-D: This classification includes unopened road allowances and right of ways.

THE CORPORATION OF THE TOWNSHIP OF TUDOR AND CASHEL

BY-LAW NO. 2022-40

SCHEDULE C

WINTER OPERATIONS POLICY

1. Commissioning and Decommissioning Winter Operations

An analysis of winter operational records from past years indicates that on average the first occasion for which a winter event response is required will occur on or about November 15th. The need for an ongoing response will on average continue to approximately April 15th.

Therefore the winter season will be from the 1st Monday of November each year through to and including the 1st Friday of April of the next year following. Acknowledging that winter conditions can occur before and after these periods, the Municipality of Tudor and Cashel will gear the conversion of its resources from normal maintenance to winter maintenance mode to meet the following state of readiness guidelines.

Beginning of winter	50% Operational	October 15
	100% Operational	November 1
End of winter	100% Operational	April 1
	50% Operational	April 15

The winter control resources of the Municipality of Tudor and Cashel consists of sufficient resources to meet the level of service set out in this policy for the classification of roads identified in Schedule “A” and Described in Schedule “B” to this policy.

2. Winter Patrol

During the winter operations season, as set out in section 1., the Municipality of Tudor and Cashel carries out a winter patrol on a route of representative roads according to requirements set in Patrolling (O.Reg.239/02, s. 3) of the Minimum Maintenance Standards for Municipal Highways, if it is determined by the municipality that Weather Monitoring (O.Reg. 239/02 s. 3.1) of Minimum Maintenance Standards for Municipal Highways, indicates that there is a substantial probability of snow accumulation on roadways, ice formation on roadways or icy roadways, the standard for patrolling highways is, in addition to that set out in the standard for the frequency of patrolling of highways (O. Reg. 23/10, s. 3 (1); O. Reg. 366/18, s. 3 (2).; O. Reg. 239/02, s. 3, Table; O. Reg. 23/10, s. 3 (2).) that the municipality selects as representative of its highways, at intervals deemed necessary by the municipality, to check for such conditions. The purpose of the patrol is to monitor and record weather and road conditions, mobilize winter maintenance operators and equipment should a winter event be observed and a winter event response is required. On the approach of a winter event or during a winter event, the route of representative roads may be modified, insofar as reasonably practicable, depending on the type and severity of winter event or the direction from which the storm approaches. The patrol person will be familiar with local conditions in their patrol area, and prepare a condition log of road and weather conditions as well as any actions taken during the shift. The winter patrol schedule parallels the designated winter season.

REPRESENTATIVE ROADS

Weslemkoon Lake Road from Hwy 62 East through to the Hamlet of McCrae

THE CORPORATION OF THE TOWNSHIP OF TUDOR AND CASHEL

BY-LAW NO. 2022-40

West Road to the intersection of Old Hastings Road South on Old Hastings Road to the Intersection of Centre Millbridge Road and East to Hwy 62

3. PLOW ROUTES

The road network for the Township of Tudor and Cashel has been divided into 3 routes. A route may contain one or more classes of road as shown in Schedule "A". A winter event response will be initiated by the Roads Supt. or his designate. Snow accumulation will be addressed by providing service that meets the requirements of O.Reg 239/02 for all roads within each route. During times when there is a severe winter condition e.g. heavy snowfall, strong winds, or when equipment breakdowns occur, lower priority road classes may be delayed in an attempt to maintain the higher classes of road (i.e. class 4 before class 6) at the required service levels for both snow accumulation and ice control.

4. Record Keeping

All plow trucks are equipped with GPS/AVL which is capable of recording the location of the vehicle, plow up or down and spreader on or off. These electronic records for each plow truck will be stored electronically. The records kept by the Roads Supervisor, and equipment operators and patrol person are paper based as well as electronic. The Roads Supervisor will complete their record of the day's accomplishment at the end of each shift. The patrol person and equipment operators will record their observations of weather and road conditions at the time of the patrol of representative roads or winter event response respectively. All paper records will be kept as per the municipality's record retention bylaw.

5. Staff Training

The Municipality of Tudor and Cashel requires mandatory annual winter operations training for all operations department staff including contract staff, if any. Training will consist of but not be limited to:

- Review of MMS sections 3, 4 and 5;
- Shift schedules;
- Call out procedures;
- Review of plow routes and any route changes for the upcoming winter session;
- Sand loading instructions, application rates, returning un-used material;
- Plowing techniques, speed of plowing, rounding corners, lifting plows over level crossing, winging back and high winging
- Equipment Pre-trip Inspection
- Equipment Calibration Confirmation
- Record Keeping
- Health and Safety
- Emergency procedures and contact numbers
- Level of Service – policies, practices and procedures
- Yard and Equipment maintenance

Staff will be required to sign off that training has been received.

THE CORPORATION OF THE TOWNSHIP OF TUDOR AND CASHEL

BY-LAW NO. 2022-40

6. Staffing and Hours of Work

The Municipality of Tudor and Cashel has a full time employee assigned to each vehicle used for winter operations. Each vehicle is assigned a route for sanding and/or plowing. The Municipality of Tudor and Cashel adheres to the hours of service as set out in the Highway Traffic Act, Reg. 555/06.

7. Winter Materials Used

The Municipality uses a Sand/Salt mixture at a ratio of 3% salt to keep the sand from freezing.

8. Communications

All winter maintenance vehicles are equipped with two way communications (radios, cell phone, etc.). Municipal staff is responsible for reporting changing winter weather and/or road conditions as the changes are observed.

Call Out Procedures Operational decisions will be made by Road Patrol or the Road Supt. or their designate with the aid of available forecasting, Level of Service policy, patrolling etc. However, it should be emphasized that decisions will be subjective and external input, whether in this policy or elsewhere, merely acts as an aid in determining if a call out of staff and equipment by the Road Patrol or the Roads Supt. to respond to a winter event is warranted. It is vital therefore that the Road Patrol or the Roads Supt. records the prevalent conditions and relevant Winter Operations when he/she makes a decision. Road Patrol or the Roads Supt will call in staff as necessary and relay the required operation.

9. Record Keeping

Full and accurate completion of the documents listed below, according to the applicable procedures, ensures that the municipality is protected from liability by providing solid documentation that procedures have been followed. Staff is responsible for keeping the following records:

For Equipment Operators:

- CVOR Time Card
- Material usage
- Route Plowed and strategy used (plow only, sand/salt only combination plowing/sanding/salting)

For Patrollers:

- Winter Patrol Record
- Patroller's Diary
- Call Out Record
- Weather

For Operations Supervisors:

- Operations Diary
- Incident/Collision Reports

THE CORPORATION OF THE TOWNSHIP OF TUDOR AND CASHEL

BY-LAW NO. 2022-40

- Total materials used
- Equipment Calibration Records

Always retain the original copy of documents regardless of their appearance. Writing must be legible for others to read and written in ink. Stains or dirt on the documents is not an issue. If a document requires correction, then a line is to be placed through the incorrect information without making it illegible and continue writing on the original document. Initial corrections or change in the colour of ink in a case where you change writing pens.