



CITY OF KINGSTON

By-Law Number 2005-255

**A By-Law To Delegate The Authority For The Processing And Approval Of
Temporary Highway Closures Pursuant To Section 23.1 Of The Ontario
Municipal Act, 2001 as Amended**

“Delegate Authority By-Law”

Passed: November 1, 2005

As amended by:

By-Law Number:

2015-119

Date Passed:

August 11, 2015

(Office Consolidation)

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Temporary Highway Closures Pursuant To Section 23.1 Of The Ontario
Municipal Act, 2001 as Amended****Passed:** November 1, 2005

Whereas Section 23.1 of the Municipal Act, 2001 as amended, provides that a municipality may delegate to a committee of Council or to an employee of the municipality, subject to any conditions which the municipality may impose, the power to close a highway or portion thereof temporarily for any purpose specified in the by-law;

Therefore the Council of The Corporation of the City of Kingston enacts as follows:

1. That in accordance with Section 23.1 of the Ontario Municipal Act, 2001 as amended and despite any other by-law, the Director, Engineering, or, in the event of organizational changes, another employee designated by City Council (the "Director"), or his/her designate, may temporarily close any highway or portion of a highway in accordance with the "Policy Framework-Delegated Authority for Road Closures" for the following purposes:
 - (a) The construction, repair or improvement of the highway or portion of the highway or the construction or repair of any works, under, over, along, across, or upon the highway or portion of highway;
 - (b) Any social, recreational, community, athletic, or cinematographic purpose, or a combination of such purposes.

(By-Law 2005-255; 2015-119)
2. Notwithstanding the provisions of section 1 of this By-law, Council shall retain all powers and authority under Section 23.1 of the Ontario Municipal Act, 2001 as amended where:
 - (a) The Director or his/her designate, at his/her sole discretion refers the matter to Council;
 - (b) The applicant requests in writing that the matter be referred to Council; or
 - (c) Any member of City Council requests, in writing to the Director, that the request for the temporary road closure approval be referred to Council. Upon receipt of such request, the Director shall refer the matter to Council.

(By-Law 2005-255; 2015-119)
3. Notwithstanding the provisions of section 1 of this By-law, prior to approving any temporary road closure, the Director shall notify the Mayor and Council of the pending closure.
4. This By-law shall come into force and take effect on the date of its passing.