

City Council – February 18, 2025

Delegated Authority for Declaring a Significant Weather Event in Accordance with
Ontario Regulation 239/02, “Minimum Maintenance Standards for Municipal Highways”
(All Wards)

It is recommended to City Council:

Whereas many parts of Southern Ontario, including the City of Oshawa, experienced significant snowfall events in the month of February resulting in accumulations of snow exceeding 60 cm; and,

Whereas this quantity of snowfall accumulation impacts the City’s ability to clear snow on roadways and sidewalks in accordance with prescribed standards; and

Whereas Ontario Regulation 239/02, “Minimum Maintenance Standards for Municipal Highways” (“O.Reg 239/02”), is a regulation established under the Municipal Act, 2001, S.O. 2001, c. 25, that sets out minimum standards of repair for highways under municipal jurisdiction; and,

Whereas when there is an approaching or occurring weather hazard with the potential to pose a significant danger to users of the highways within a municipality, such as a significant accumulation of snow, O.Reg 239/02 grants municipalities the ability to declare a significant weather event and sets out specific standards that may be used until the significant weather event is declared ended (“Significant Weather Event”); and,

Whereas if a municipality complies with the statutory standards established in O.Reg 239/02 in a Significant Weather Event, all roadways and sidewalks within the municipality are deemed to be in a state of repair until such time as the municipality has sufficiently addressed the snow accumulation or the impacts of other weather hazards as applicable, and has declared the end of the Significant Weather Event; and,

Whereas a municipality who declares the beginning or end of a Significant Weather Event in accordance with O.Reg 239/02 shall do so in one or more of the following ways:

- by posting a notice on the municipality’s website.
- by making an announcement on a social media platform.
- by sending a press release or similar communication to the media.
- by notification through the municipality’s police service.
- by any other notification method required in a by-law of the municipality; and,

Whereas it is not always feasible to obtain a declaration of a Significant Weather Event from City Council for a significant weather event due to abrupt timing and/or changing weather patterns;

Therefore be it resolved that based on Item CNCL-25-10 dated February 18, 2025:

1. That Council delegate authority to declare a Significant Weather Event in accordance with O.Reg 239/02 to the Commissioner, Community and Operations Services Department or the Director of Parks and Roads Operations Services when there is an approaching or occurring weather hazard with the potential to post a significant danger to users of City highways, including roadways and sidewalks, by posting a notice on the City's website; and,
2. That the Delegation of Authority By-law 29-2009, as amended, be further amended as generally set out in Attachment 1 to said Item and in a final form and content acceptable to the Commissioner, Community and Operations Services Department and City Solicitor.



**By-law XX-2025
of The Corporation of the City of Oshawa**

Being a by-law to further amend Schedule "A" of Delegation of Authority By-law 29-2009, as amended.

Whereas Ontario Regulation 239/02, "Minimum Maintenance Standards for Municipal Highways" ("O.Reg 239/02"), is a regulation established under the Municipal Act, 2001, S.O. 2001, c. 25, that sets out minimum standards of repair for highways under municipal jurisdiction; and,

Whereas when there is an approaching or occurring weather hazard with the potential to pose a significant danger to users of the highways within a municipality, such as a significant accumulation of snow, O.Reg 239/02 grants municipalities the ability to declare a significant weather event and sets out specific standards that may be used until the significant weather event is declared ended ("Significant Weather Event"); and,

Whereas it is not always feasible to obtain a declaration of a Significant Weather Event from City Council for a significant weather event due to abrupt timing and/or changing weather patterns; and,

Whereas Delegation of Authority By-law 29-2009, as amended, delegates certain powers and duties to City staff pursuant to Section 23.1 of the Municipal Act, 2001, S.O. 2001, c. 25; and,

Whereas City Council considers it desirable to delegate authority to the Commissioner, Community and Operations Services or the Director of Parks and Roads Operations Services to declare a significant weather event on behalf of the municipality pursuant to O.Reg 239/02;

Therefore it is enacted as a by-law of The Corporation of the City of Oshawa as follows:

1. Schedule "A" to Delegation of Authority By-law 29-2009, as amended, is hereby further amended as follows:

1.1. That the following be added as Item 87:

| Item # | DELEGATED AUTHORITY | DELEGATE | SOURCE OF POWER OR DUTY | DELEGATION RESTRICTIONS | COMMUNICATION |
|---------------|---|--|--|--------------------------------|---|
| 87 | Declare a significant weather event for the purposes of O. Reg. 239/02 - Minimum Maintenance Standards for Municipal Highways | Commissioner, Community and Operations Services or Director, Parks and Roads Operations Services | Municipal Act, 2001, S.O. 2001, c. 25 Ontario Regulation 239/02 | None | Council informed by memorandum (written or electronic correspondence) |

2. This By-law shall come into effect on the date it is passed.

By-law passed this twenty-fourth day of February, 2025.

Mayor

Deputy City Clerk