



THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER 2024-051

A By-law to Prohibit the Use of Train Whistles at Specified Railway/Roadway Crossings situated within the Boundaries of the Township of King

WHEREAS Section 8 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended (Municipal Act), provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the Municipal Act provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS Section 11 (2)6 of the Municipal Act provides that a municipality may pass by-laws in the interest of the health, safety and well-being of persons;

AND WHEREAS the *Railway Safety Act, R.S.C. 1985, c.32 (4th Supplement)* (the Railway Safety Act) legislates to ensure the safe operation of railways within Canada;

AND WHEREAS the Council of the Corporation of the Township of King deems it desirable to pass a by-law to prohibit the use of train whistles at specified railway/roadway crossings situated within the boundaries of the Township of King;

NOW THEREFORE the Council of the Corporation of the Township of King **HEREBY ENACTS AS FOLLOWS:**

1. That this By-law may be referred to as the "Train Whistle Cessation By-law".
2. That except as hereinafter provided, the sounding of whistles on any railway equipment at the railway/roadway crossings within the boundaries of the Township of King listed in Schedule "A" attached hereto and forming part of this By-law, is hereby prohibited.
3. That Section 2 of this By-law shall not prohibit the sounding of a whistle if:
 - a) There is an emergency;
 - b) Any rules in force under section 19 or 20 of the *Railway Safety Act*, as amended, require its use; or,
 - c) A railway safety inspector orders its use under section 31 of the *Railway Safety Act*, as amended.
4. This By-law shall apply to a particular railway/roadway crossing listed in Schedule "A" on the date upon which the railway company has issued special instructions in respect of that crossing pursuant to Rule 14(1)(iv) of the Canadian Rail Operating Rules, which relieves the railway company of its obligation to sound a whistle at that crossing.
5. This By-law shall come into force and effect on the date of its passing and enactment.

READ a FIRST and SECOND time this 17th day of June 2024.

READ a THIRD time and **FINALLY PASSED** this 17th day of June 2024.

Steve Pellegrini
Mayor

Denny Timm
Township Clerk

Schedule "A" to By-law 2024-051

List of Anti-Whistling Railway/Roadway Crossings

| | |
|----|---|
| 1. | Station Road |
| 2. | Dufferin Street at Mile 24.60 |
| 3. | 15 th Sideroad at Mile 26.10 |