



By-law 2018-19

Train Whistle Cessation By-law

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 Railway Safety Act provides that a Council of a municipality may, in appropriate circumstances, prohibit the use of the whistle on any railway equipment in an area within the municipality;

AND WHEREAS the Council of The Corporation of the City of Markham 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 City of Markham.

NOW THEREFORE the Council of The Corporation of the City of Markham enacts as follows:

1. By-law Title

This By-law may be referred to as the “Train Whistle Cessation By-law”.

2. Train Whistle Prohibition

Except as hereinafter provided, the sounding of whistles on any railway equipment at the railway/roadway crossings within the boundaries of the City of Markham listed in Schedule “A” attached hereto and forming part of this By-law (the “Crossings”), is hereby prohibited.

3. Exceptions

Section 2 of this By-law shall not prohibit the sounding of a whistle if:

- (1) there is an emergency;
- (2) any rules in force under section 19 or 20 of the *Railway Safety Act, as amended*, require its use; or
- (3) a railway safety inspector orders its use under section 31 of the *Railway Safety Act, as amended*.

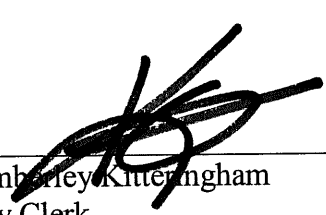
4. Application of By-Law

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.

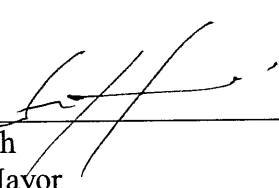
5. Enactment

This By-law shall come into force and effect on the date of its passing and enactment.

Read a first, second and third time and passed on April 3, 2018.



Kimberley Kitteringham
City Clerk



Jack Heath
Deputy Mayor

Attachment "A"

City (Anti-Whistling) Crossing Locations

Castlemore Avenue
Bur Oak Avenue
Main Street Markham
Snider Drive
Main Street Unionville
Eureka Street
Denison Street