

**THE MUNICIPALITY OF
CENTRAL MANITOULIN**

BY-LAW NUMBER 2008-16

**BEING A BY-LAW OF THE MUNICIPALITY OF CENTRAL MANITOULIN TO
ESTABLISH A POLICY CONCERNING PROTOCOL FOR HOURS OF SERVICE
EXEMPTIONS**

WHEREAS the Municipal Act, S.O. 2001, c. 25. S. 5 (3) requires a Municipal Council to exercise its powers by by-law, except where otherwise provided;

AND WHEREAS Section S. 10 (2) 6 – 8, of the Municipal Act 2001, as amended, authorizes municipalities to establish health, safety and well-being of persons, services, and protection by-laws.

AND WHEREAS Council of the Municipality of Central Manitoulin deems it expedient to establish a Policy concerning Protocol for Hours of Service Exemptions;

**NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF CENTRAL
MANITOULIN HEREBY ENACTS** as follows:

1. **THAT** this Council does hereby adopt the Protocol for Hours of Service Exemptions, attached hereto as Schedule 'A'
2. **THAT** Schedule 'A' forms part of this by-law.
3. **THAT** this by-law shall come into force and take effect upon receiving the final reading thereof.

**READ A FIRST, SECOND AND THIRD TIME, AND FINALLY PASSED THIS 28th DAY
OF FEBRUARY, 2008.**

Richard Stephens, Reeve

Ruth Frawley, Clerk/Treasurer

I, _____, Clerk of the Municipality of Central Manitoulin, do hereby certify that this is a true copy of By-law 2008-16 as passed in open Council the 28th day of February, 2008.

Clerk

Schedule 'A' to By-Law No. 2008-16

Municipality of Central Manitoulin Policy

Protocol for Hours of Service Exemptions

This policy outlines the protocol and policy for the Municipality of Central Manitoulin as it relates to the hours of work exemptions in Ontario Regulation 555/06, Section 3(1) 4.1 made under the Highway Traffic Act.

Definition of a situation or impending situation:

A situation or impending situation may be declared when the Clerk or the Roads Superintendent or designate determines that conditions are such that additional driving hours are necessary to maintain a safe environment for the municipality and the general public.

This situation shall only be declared when there is a threat of imminent danger though not one of major proportions, to life, property or the environment. This danger may be caused by, but is not limited to, winter storms, wind storms, flooding, severe weather, power outages and requests for emergency assistance by others.

Designated Authority:

The Clerk or the Roads Superintendent or designate shall have the authority to declare that a situation or impending situation exists that is causing, or could cause, an imminent danger though not one of major proportions, to life, property or the environment under Regulation 555/06. It will also be the responsibility of the Clerk or the Roads Superintendent or his designate to determine when the imminent danger has passed and therefore end the declaration.

Documentation and General Procedures:

It will be the responsibility of the Clerk or the Roads Superintendent or designate to ensure that all activities and hours worked during such events are carefully documented and that such documents are filed and maintained for future reference. Such files shall include activities and hours worked by all employees and contracted services involved with the declared situation. Documentation will also include the reason for declaring the situation and when and why the situation is deemed to have ended. It will be vital that accurate logs of all events during a declared situation be kept and reviewed at its termination.

Return to Compliance:

At the end of the declared situation, the Municipality of Central Manitoulin work force will, as soon as possible, comply with the hours of work legislation. This will be accomplished by ensuring that all drivers are granted sufficient time off to comply with the regulation.