



## By-law 2021-73

To amend Bylaw 2018-19 being a Bylaw to implement  
Train Whistle Cessation to include additional locations

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**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 (4<sup>th</sup> 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" Amendment 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 September 28, 2021.

  
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Kimberley Kitteringham  
City Clerk  
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Frank Scarpitti  
Mayor



**EXPLANATORY NOTE**

BY-LAW NO: 2021-73  
Amendment to By-law 2018-19

**Title**  
To amend Bylaw 2018-19 being a Bylaw to implement Train Whistle Cessation to include additional locations

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**Attachment “A” Amendment**

**City (Anti-Whistling)**  
**Crossing Locations**

Castlemore Avenue
Bur Oak Avenue
Main Street Markham
Snider Drive
Main Street Unionville
Eureka Street
Denison Street
Elgin Mills Road
19 <sup>th</sup> Avenue