

The Corporation of the City of Kawartha Lakes

By-law 2017-XXX

A By-law to Temporarily Prohibit Heavy Traffic From Using Portions of Various Roads in the Area of the Stoney Creek Culvert, Highway 35

Recitals

1. In the *Municipal Act, 2001*, Section 35 authorizes a municipality to pass a by-law removing or restricting the common law right of passage by the public over a highway.
2. The Ministry of Transportation will temporarily close Highway 35 south of River Road and North of Tower Road in order to complete culvert rehabilitation at Stoney Creek.
3. Council deems it necessary to prohibit heavy traffic from using portions of various roads in the area of the Stoney Creek Culvert, Highway 35.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2017-XXX.

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law:

- (a) **"City", "City of Kawartha Lakes" or "Kawartha Lakes"** means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.
- (b) **"Council"** means the municipal council for the City.
- (c) **"Heavy Traffic"** means the use of Highways by a Vehicle, object or contrivance for moving loads, having a registered Gross Weight, including the Vehicle, object or contrivance and load, in excess of four thousand, five hundred and forty five point forty five (4,545.45) kilograms, but does not include a passenger Vehicle, an ambulance, a public works Vehicle, a Vehicle of the police or fire departments, a privately owned commercial Vehicle, being driven to or from the residence of the owner by the owner or other family member or a Commercial Motor Vehicle making a delivery to or collection from a bonafide destination, which cannot be reached by way of a Highway or Highways upon which Heavy Traffic is not prohibited by this By-Law or a School Bus as defined in this By-Law.
- (d) **"Municipal Act, 2001"** means the provincial legislation cited as S.O. 2001, c. 25, as amended from time to time, including successor legislation.
- (e) **"Vehicle"** includes a Motor Vehicle, trailer, traction engine, farm tractor, road building machine, Bicycle and any Vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow Vehicle or a Street car.

1.02 **Interpretation Rules:**

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Heavy Traffic Prohibited

2.01 Excepting local deliveries, no person shall operate "Heavy Traffic" on any of the Highways or parts of Highways when properly worded signs have been erected and are on display as listed below:

- Tower Road from Mt.Horeb Rd to Hwy 35
- Star Hill Rd from Tower Rd to Hillhead Rd
- Hillhead Rd from Mt.Horeb Rd to River Rd
- Post Rd from Mt.Horeb Rd to Hwy 7
- Confederation Rd from Hillhead Rd to Post Rd
- Crosswind Rd from Post Rd to Heights Rd
- Old Mill Rd from Mt.Horeb Rd to Hwy 7
- Lilac Rd from Mt.Horeb Rd to Hwy 7
- Heights Rd from Mt.Horeb to Hwy 7
- River Rd from Hwy 35 to Hwy 7

Section 3.00: Effective Date

3.01 **Effective Date:** This by-law shall come into force on the date it is finally passed.

3.02 **Expiry:** This by-law expires on November 17, 2017.

By-law read a first, second and third time, and finally passed, this 12th day of September, 2017.

Andy Letham, Mayor

Ron Taylor, Acting City Clerk