

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2016-062**

### **A By-Law To Regulate and Designate Responsibilities Relating To A Reduced Load Period Affecting Highways In The City of Kawartha Lakes**

#### **Recitals**

1. Subsection 122(7) of the Highway Traffic Act, R.S.O. 1990, c.H.8, provides: the municipal corporation or other authority having jurisdiction over a highway may by by-law designate the date on which a reduced load period shall start or end and the highway or portion thereof under its jurisdiction to which the designation applies.
2. This by-law updates and replaces by-law 2005-77.
3. Section 23(1) of the Municipal Act, 2001, S.O. 2001 c.25 as amended, allows Council to delegate its powers and duties.
4. This delegation is required to be adopted by by-law.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2016-062.**

#### **Section 1.00: Definitions and Interpretation**

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

**“City”, “City of Kawartha Lakes” or “Kawartha Lakes”** means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

**"City Clerk"** means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

**“commercial Motor Vehicle”** means a motor vehicle with a permanently attached truck or delivery body. The definition includes: ambulances, hearses, casket wagons, fire apparatus, buses and tractors used for hauling purposes on the highways;

**“Council” or “City Council”** means the municipal council for the City;

**“designated highway”** means a highway which has been posted for load restrictions in accordance with Section 3.02 of this by-law;

**“Director of Public Works” or “Director”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

**“gross weight”** means the combined weight of a vehicle and its load;

**“highway”** includes: a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, and part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines of the road allowance;

**“Municipal Law Enforcement Officer”** means a person within the administration of the City who has been appointed as an officer for the purposes of the enforcement of any or all of the City's By-Laws;

**“Police Officer”** means a chief of police or any other police officer in a police service that is appointed for enforcing or carrying out the provisions of this by-law;

**“road-building machine”** means a self-propelled vehicle of a design commonly used in the construction or maintenance of highways, including, but not limited to,

- a) asphalt spreaders, concrete paving or finishing machines, motor graders, rollers, tractor-dozers and motor scrapers;
- b) tracked and wheeled tractors of all kinds while equipped with mowers, post-hole diggers, compactors, weed spraying equipment, snow blowers and snow plows, front-end loaders, back-hoes or rock drills; and
- c) power shovels on tracks and draglines on tracks, but not including a commercial motor vehicle;

**“trailer”** means a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, a mobile home, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon a highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn;

**“vehicle”** includes: a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driving 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: Reduced Load Period and Restrictions during that time**

2.01 **Period:** The reduced load period shall be on and from the 1<sup>st</sup> day of October in each year, to and on the 31<sup>st</sup> day of May of the following year or as required to protect the road infrastructure in the City of Kawartha Lakes at the discretion of the Director.

2.02 **Requirement to Designate by Signage:** The reduced load period applies only on highways where the Director has caused reduced load signs to be posted.

2.03 **Maximum Weight:** During the reduced load period, no person shall operate, draw or haul a commercial motor vehicle or trailer, other than a public vehicle referred to in Section 1.01 upon any designated highway, where the weight upon any one axle of the vehicle exceeds five thousand (5000 kg) kilograms.

2.04 **Transporting Fuel:** During the reduced load period, no person shall operate a two axle tank truck, while used exclusively for the transportation of liquid or gaseous heating fuel upon any designated highway where the weight upon an axle exceeds seven thousand five hundred (7500 kg) kilograms.

2.05 **Transporting Livestock or Feed:** During the reduced load period no person shall operate a two axle truck, while used exclusively for the transportation of livestock or feed upon any designated highway where the weight upon an axle exceeds seven thousand five hundred (7500 kg) kilograms.

- 2.06 **Transporting Poultry:** During the reduced load period, no person shall operate a two axle truck, while used exclusively for the transportation of poultry upon any designated highway where the weight upon tan axle exceeds seven thousand five hundred (7500 kg) kilograms.
- 2.07 **Load on Tire Width:** During the reduced load period, no person shall operate a vehicle having a carrying capacity in excess of one thousand (1000 kg) kilograms, other than a motor vehicle or trailer, upon any designated highway where the weight upon any millimeter in the width of the tire exceeds five (5 kg) kilograms.
- 2.08 **Non-Compliance with Permit Conditions:** It constitutes an offence for a person who is the bearer of a permit issued pursuant to Section 4.00 of this by-law, to fail to comply with any conditions set out in the permit relating to protection of persons and property from injury or damage.

### **Section 3.00: Delegation to the Director of Public Works**

- 3.01 **Designated Highway:** The Director of Public Works is given the authority to consider the structure on the highways in Kawartha Lakes and determine which, if any, should be restricted to reduced loads during the reduced load periods declared in Section 2.00 of this by-law.
- 3.02 **Conditions for Permits:** The Director of Public Works is given the authority to stipulate the conditions for the application of a permit issued pursuant to Section 4.00 of this by-law.
- 3.03 **Security Deposits:** The Director is given the authority to stipulate the amount of security deposit for damages to highways, if any, is required prior to the issuance of a permit pursuant to Section 4.00 of this by-law.
- 3.04 **Designates for the Director:** The Director may designate any staff person her or she deems appropriate to fulfil his or her delegated duties pursuant to this by-law.

### **Section 4.00: Exemptions and Permits**

- 4.01 **Exemptions:** Section 2.00 of this by-law does not apply to:
- a) vehicles operated by or on behalf of the municipality or other authority having jurisdiction and control of a highway, where the vehicles are engaged in highway maintenance, including the carriage and application of abrasives or chemicals to the highway, the stock piling of abrasives or chemicals for use on a highway, or the removal of snow from a highway;
  - b) vehicles used exclusively for the transportation of milk;
  - c) fire apparatus;
  - d) vehicles operated by or on behalf of the municipality collecting and/or transporting waste; or
  - e) public utility vehicles.
- 4.02 **Permits:** Upon application in writing, a permit may be granted to a person to permit the moving of heavy vehicles, loads, objects or structures in excess of the load restrictions set out in this by-law during reduced load periods. The holder of a permit is exempt from the provisions of Section 2.00 of this by-law.
- 4.03 **Fee for Permits:** A non-refundable administration fee applies to any application for a permit under Section 4.02 of this by-law at a fee rate in accordance with Schedule Y of the Consolidated Fees By-law.
- 4.04 **Permit Limitations:** No person shall operate outside of the permit time and location. Permits issued under Section 4.02 shall be effective only for the time period specifically set out for that permit, and for the particular highway or highways set out for that permit. The exemption granted by Section 4.02 applies strictly and solely to the highways and times prescribed by the permit itself.

- 4.05 **Permit Conditions:** The Director may impose any conditions he or she considers reasonable for the application and/or validation of the permit referred to in Section 4.02, relating to the protection of persons and property from injury or damage. Conditions may include a requirement for the applicant to pose a bond (or other security sufficient to cover the cost of repairing any possible damage to the highway) with the City.
- 4.06 **Mandatory Condition:** It is deemed to be a condition of every permit used that the original of the permit be carried in the vehicles for which the permit was issued and be produced when demanded by a police officer or an officer appointed by carrying out the provisions of this by-law. Failure to comply with this condition constitutes an offence.

## **Section 5.00: Highway Damage**

- 5.01 **Liability:** Any person who contravenes any provision of this by-law is liable for the damages caused to the highway as a result of that contravention, in addition to, and not in substitution for, any penalty imposed for committing an offence pursuant to this by-law.

## **Section 6.00: Enforcement and Penalties**

- 6.01 **Enforcement:** This by-law may be enforced by every municipal law enforcement officer, police officer, or the Director and his or her designates for the City.
- 6.02 **Offence and Penalty:** Every person who commits an offence pursuant to this by-law is liable upon conviction to the fines prescribed in the Highway Traffic Act , R.S.O. 1990, c.H.8, and in accordance with the provisions of the Provincial Offences Act, 1990, c.P.33 and to any other applicable penalty.

## **Section 7.00: Administration and Effective Date**

- 7.01 **Administration of the By-law:** The Director of Public Works is responsible for the administration of this by-law.
- 7.02 **Effective Date:** This By-law shall come into force on the 1<sup>st</sup> day of June, 2016.

By-law read a first, second and third time, and finally passed, this 22<sup>nd</sup> day of March, 2016.

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Andy Letham, Mayor

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Judy Currins, City Clerk