

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

## **By-Law 2022-\_\_\_\_**

### **A By-law to Prohibit Commercial Through Traffic of Any Weight Class from Using Parts of Yelverton Road, Ballyduff Road, Waite Road, and Drum Road**

#### **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. Council deemed it necessary to prohibit any weight class of commercial through traffic from using parts of Yelverton Road, Ballyduff Road, Waite Road, and Drum Road when Resolution Number **CR2022-\_\_\_\_** was adopted on April 19, 2022.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2022-\_\_\_\_.**

#### **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.

**“Council”** means the municipal council for the City.

**"Commercial Through Traffic of Any Weight Class"** means the use of highways by a commercial, hauling, or institutional vehicle, object or contrivance for moving loads, having any registered Gross Weight, but does not include a passenger vehicle, an ambulance, a public works vehicle, a vehicle of the police or fire departments, a school bus, a privately owned commercial vehicle, being driven to or from the residence of the owner by the owner or other family member, a commercial vehicle accessing a local pit while using an identified local haul access route, 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 Commercial Traffic is not prohibited by this By-Law.

**“Municipal Act, 2001”** means the provincial legislation cited as S.O. 2001, c. 25, as amended from time to time, including successor legislation.

**"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) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
- (b) References to items in the plural include the singular, as applicable.
- (c) The words “include”, “includes” and “including” are not to be read as limiting the phrases or descriptions that precede them.
- (d) The headings in this By-law are for ease of reference only and are not to be used as interpretation tools.

**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: Commercial Through Traffic of Any Weight Class Prohibited**

**2.01** No Person shall operate "Commercial Through Traffic of Any Weight Class" on any of the Highways or parts of Highways when properly worded signs have been erected and are on display as listed below:

Highway:	From:	To:
Yelverton Road	Gray Road	Janetville Road
Ballyduff Road	Manvers Scugog Townline	A point 375 metres west of Highway 35
Waite Road	Manvers Scugog Townline	Highway 35

Drum Road	Manvers Scugog Townline	A point 1.7km easterly
-----------	----------------------------	------------------------

### **Section 3.00: Administration and Effective Date**

- 3.01 **Administration of the By-law:** The Director of Engineering and Corporate Assets is responsible for the administration of this by-law. The Director of Public Works is responsible for the installation and maintenance of any signs authorized by this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed, and after properly worded signs have been erected.

By-law read a first, second and third time, and finally passed, this 19<sup>th</sup> day of April, 2022

---

Andy Letham, Mayor

---

Cathie Ritchie, City Clerk