

The Corporation of The City of Kawartha Lakes

By-Law 2022-

A By-Law to Regulate and Delegate Authority for Reduced Load Requirements for 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 2016-062.
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 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;

“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” unless otherwise defined by regulation, means a motor vehicle having attached to it a truck or delivery body and includes an ambulance, a hearse, a casket wagon, a fire apparatus, a bus and a tractor used for hauling purposes on a highway;

“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 2.02 of this by-law;

“Director” means the person who holds the position of Director of Public Works and their 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, any 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;

“Motor Vehicle” includes: an automobile, a motorcycle, a motor assisted bicycle unless otherwise indicated in this Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a farm tractor, a self-propelled implement of husbandry or a road-building machine;

“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 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: Reduced Load Period and Restrictions during that time

- 2.01 **Period:** The spring reduced load period commonly occurs from the 1st day of March in each year, to the 31st day of May. Reduced load periods may be invoked at any time for any section(s) of highway 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 vehicle referred to in Section 2.04 or 2.05 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/Poultry 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 **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.
- 2.07 **Non-Compliance with Permit Conditions:** It constitutes an offence for a person who is the bearer of a permit issued pursuant to Section 5.00 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: Permanently Reduced Load Restrictred Roads

- 3.01 **Restricted Roads:** All roads listed in Appendix A shall have a load restriction as shown in Appendix A from January 1 to December 31 of every year unless a permit is obtained in accordance with Section 5.00 of this by-law.

Section 4.00: Delegation to the Director of Public Works

- 4.01 **Designated Highway:** The Director is given the authority to consider the structure, in consultation with the Technical Services Division, on municipal 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.
- 4.02 **Conditions for Permits:** The Director is given the authority to stipulate the conditions for the application of a permit issued pursuant to Section 5.00 of this by-law.
- 4.03 **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 5.00 of this by-law.
- 4.04 **Designates for the Director:** The Director may designate any staff person they deem appropriate to fulfil their delegated duties pursuant to this by-law.

Section 5.00: Exemptions and Permits

- 5.01 **Exemptions:** Section 2.00 of this by-law does not apply to:
- a) vehicles operated by or under authority of the municipality having jurisdiction and control of a highway, where the vehicles are engaged in operational maintenance of highway(s), including but not limited to winter maintenance activity and transporting materials required for operational highway maintenance, where authorized by the Director ;
 - b) vehicles used exclusively for the transportation of milk;
 - c) fire fighting apparatus operated by or under the authority of the City of Kawartha Lakes.
 - d) vehicles operated by or under authority of the City of Kawartha Lakes collecting and/or transporting waste
 - e) public utility vehicles while performing activity deemed to be emergency response by the Director; or
 - f) roads listed in Appendix B - Roads Exempt from the Reduced Load Period.
- 5.02 **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 for the activity identified on the permit.

- 5.03 **Fee for Permits:** A non-refundable administration fee applies to any application for a permit under Section 5.02 of this by-law at a fee rate in accordance with Schedule H of the Consolidated Fees By-law, as amended.
- 5.04 **Permit Limitations:** No person shall operate outside of the permit time and location. Permits issued under Section 5.02 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 5.02 applies strictly and solely to the highways and times prescribed by the permit itself.
- 5.05 **Permit Conditions:** The Director may impose any conditions they consider reasonable for the application and/or validation of the permit referred to in Section 5.02, relating to the protection of persons and property from injury or damage. Conditions may include but are not limited to a pre and post condition survey of the highway(s), a requirement for the applicant to post a bond (or other security sufficient to cover the cost of repairing any possible damage to the highway) with the City.
- 5.06 **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 to carry out the provisions of this by-law. Failure to comply with this condition constitutes an offence.

Section 6.00: Highway Damage

- 6.01 **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 7.00: Enforcement and Penalties

- 7.01 **Enforcement:** This by-law may be enforced by every municipal law enforcement officer, police officer, or other authorized enforcement officer..
- 7.02 **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 8.00: Administration and Effective Date

- 8.01 **Administration of the By-law:** The Director of Public Works is responsible for the administration of this by-law.

8.02 **Effective Date:** This By-law shall come into force on the the date that it is finally passed.

By-law read a first, second and third time, and finally passed, this 13th day of December, 2022.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk

Appendix A - Permanently Reduced Load Restrictd Roads

Road Name	From	To	Weight Limit (Kilograms)
Blackschool Road	County Road 2 (Simcoe Street)	County Road 46	5,000 per axle
Victoria Road	150 meters North of McNamee Road	2,600 meters South of McNamee Road	5,000 per axle
County Road 33 (Centennial Park Road)	County Road 6 (Kirkfield Road)	County Road 48 (Portage Road)	5,000**
Rohallion Road	County Road 33 (Centinnial Park Road)	County Road 47 (Mara/Carden Boundary)	5,000**
Hartley Road (Mitchell Lake Causeway)	Robinson Avenue	County Road 48 (Portage Road)	5,000**
Northline Road	County Road 121	Sommerville 3 rd Concession	5,000**
County Road 43 (Sommerville 6 th Concession)	County Road 44 (Burnt River Road)	Northline Road	5,000**
County Road 6 (Kirkfield Road)	County Road 48 (Portage Road)	1,500 meters North of the Kirkfield Lift Lock (Lock #36)	5,000**
County Road 37 (Bury's Green Road)	County Road 49	County Road 121	5,000**
County Road 24	Mansfield Street	Kenstone Beach Road	5,000**

Yelverton Road	Gray Road	County Road 5 (Janetvill Road)	Commercial Through Traffic of Any Weight Class
Ballyduff Road	Manvers/Scugog Townline	375 meters West of Highway 35	Commercial Through Traffic of Any Weight Class
Waite Road	Manvers/Scugog Townline	Highway 35	Commercial Through Traffic of Any Weight Class
Drum Road	Manvers/Scugog Townline	1,700m Easterly	Commercial Through Traffic of Any Weight Class
Broad Street	Angeline Street	Wallace Drive	Commercial Through Traffic of Any Weight Class
Wallace Drive	Mclaughlin Road	Broad Street	Commercial Through Traffic of Any Weight Class
Commerce Road	Briarwood Avenue	230 meters Northerly	Commercial Through Traffic of Any Weight Class

**** - This weight restriction is the total overall weight of the vehicle, inclusive of any load, occupants or other equipment carried by the vehicle. Outside of the spring reduced load period, properties that front on these road sections with no other means of access via an alternative, unrestricted highway, may be exempt from the above restriction at the discretion of the Director.**

Appendix B - Roads Exempt from the Reduced Load Period

Road Name	From	To
Village of Bobcaygeon	All roads within Village of Bobcaygeon limits	
Town of Lindsay	All road within Town of Lindsay limits	
Village of Fenelon Falls	All road within Village of Fenelon Falls limits	
County Road 49	County Road 121	Village of Bobcaygeon
County Road 36	Village of Bobcaygeon	Highway 7
County Road 121	Boundary Road (Sommerville)	Highway 35
Wilson Road	County Road 36	North End
County Road 31 (Mount Horeb Road)	Highway 7	1142 Mount Horeb Road (Young's Pit Gate East)
Lifford Road	739 Lifford Road (Lafarge Pit Gate West)	Porter Road
Porter Road	Lifford Road	Highway 7A
Whiterock Road	Highway 7	Blackschool Road
Blackschool Road	Whiterock Road	County Road 46
Taylor Road	Highway 7	Skyline Road
County Road 46	Highway 7	County Road 48
County Road 9 (Woodville Road)	County Road 46 (South)	County Road 46 (North)

County Road 48 (Portage Road)	Highway 35	Simcoe Street
County Road 8 (Glenarm Road)	Highway 35	County Road 46 (at Argyle)
Miller Road	800 meters South of County Road 47 (Breachin Road)	Scotts Road
Scotts Road	Miller Road	County Road 47 (Mara/Carden Boundary)
County Road 47 (Mara/Carden Boundary)	Scotts Road	Rohallion Road