

The Corporation of The City of Kawartha Lakes

By-Law ~~2005-77~~2016-062

A By-Law to ~~Regulate Identify Locations and Delegate Authority for~~  
~~Reduced Load Requirements for Highways~~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~~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 ~~2005-77~~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” ~~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; 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;

“~~D~~esignated highway” means a highway which has been posted for load restrictions in accordance with Section ~~32~~.02 of this by-law;

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

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

“~~highway~~ Highway” includes: a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any ~~d~~ 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 traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine;

**Commented [A1]:** This is s steam engine. Do we really need to list this?

**Commented [A2]:** If we list road building machines under Motor Vechile, the will be exempt from restrictions as only commercial vehicles.

**“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 ~~shall commonly occur~~be on and from the 1<sup>st</sup> day of ~~March~~October in each year, to ~~and on~~ the 31<sup>st</sup> day of ~~May~~of the following year. Reduced load periods may be invoked at any time for any section(s) of highway ~~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:** ~~T~~he 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 ~~4.042.04 or; 2.05 or 2.06~~ 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 **Transporting Poultry:** During the reduced load period, no person shall operate a two axle truck/vehicle, while used exclusively for the transportation of live poultry upon any designated highway where the weight upon an 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 45.00 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 Restrictd Roads

3.01 **Restricted Roads:** All roads listed in Appendix BA shall have a load restriction as shown in Appendix BA from January 1 to December 31 of every year unless a permit is obtained in accordance with Section 5.02 to 5.06 of this by-law.

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### Section 43.00: Delegation to the Director of Public Works

43.01 **Designated Highway:** The Director ~~of Public Works~~ is given the authority to consider the structure, in consultation with the Technical Services Division, on municipal ~~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.

43.02 **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 45.00 of this by-law.

43.03 **Security Deposits:** The ~~De~~irector 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 54.00 of this by-law.

43.04 **Designates for the Director:** ~~¶~~The ~~d~~irector may designate any staff person ~~her or shethey~~ deems appropriate to fulfil ~~his or her~~their delegated duties pursuant to this by-law.

### Section 54.00: Exemptions and Permits

54.01 **Exemptions:** Section 2.00 of this by-law does not apply to:

- a) vehicles operated by or under authority on behalf of the municipality ~~or other authority~~ having jurisdiction and control of a highway, where the vehicles are engaged in operational maintenance of highway(s)-maintenance, including but not limited to winter maintenance activity and transporting materials required for operational highway

~~maintenance, where authorized by the Director of Public Works 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 ~~fighting~~ apparatus ~~operated by or under the authority of the City of Kawartha Lakes.~~
- d) vehicles operated by or ~~under authority on behalf of the municipality~~City of Kawartha Lakes collecting and/or transporting waste; ~~or~~
- e) public utility vehicles ~~while performing activity deemed to be emergency response by the Director; or-~~
- f) ~~r~~Roads listed in Appendix AB - Roads Exempt from the Reduced Load Period.

**54.02 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.~~

**54.03 Fee for Permits:** A non-refundable administration fee applies to any application for a permit under Section 45.02 of this by-law at a fee rate in accordance with Schedule ~~Y-H~~ of the Consolidated Fees By-law, ~~as amended.~~

**54.04 Permit Limitations:** No person shall operate outside of the permit time and location. Permits issued under Section 45.02 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 45.02 applies strictly and solely to the highways and times prescribed by the permit itself.

**54.05 Permit Conditions:** The Director may impose any conditions ~~he or she~~ ~~they~~ considers reasonable for the application and/or validation of the permit referred to in Section 45.02, 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.

**54.06 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 to carry~~ out the provisions of this by-law. Failure to comply with this condition constitutes an offence.

## **Section 65.00: Highway Damage**

**65.01 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 76.00: Enforcement and Penalties**

**76.01 Enforcement:** This by-law may be enforced by every municipal law enforcement officer, police officer, ~~or other authorized enforcement officer, or the Director and his or her~~ ~~their~~ designates for the City.

**76.02 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 87.00: Administration and Effective Date**

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

87.02 **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~~Cathie Ritchie, City Clerk

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**APPENDIX A - Permanently Reduced Load Restrictred Roads**

<u>Road Name</u>	<u>From</u>	<u>To</u>	<u>Weight Limit (Kilograms)</u>
<u>Blackschool Road</u>	<u>County Road 2 (Simcoe Street)</u>	<u>County Road 46</u>	<u>5,000 per axle</u>
<u>Victoria Road</u>	<u>150 meters North of McNamee Road</u>	<u>2,600 meters South of McNamee Road</u>	<u>8,200 for single axle</u> <u>5,500 per axle</u>
<u>Cedartree Lane</u>	<u>East Street North</u>	<u>Birch Crescent</u>	<u>4,545.45**</u>
<u>Birch Crescent</u>	<u>Riverside Drive</u>	<u>Cedartree Lane</u>	<u>4,545.45**</u>
<u>County Road 33 (Centennial Park Road)</u>	<u>County Road 6 (Kirkfield Road)</u>	<u>County Road 48 (Portage Road)</u>	<u>4,545.45**</u>
<u>Rohallion Road</u>	<u>County Road 33 (Centinnial Park Road)</u>	<u>County Road 47 (Mara/Carden Boundary)</u>	<u>4,545.45**</u>
<u>Hartley Road (Mitchell Lake Causeway)</u>	<u>Robinson Avenue</u>	<u>County Road 48 (Portage Road)</u>	<u>4,545.45**</u>
<u>Northline Road</u>	<u>County Road 121</u>	<u>Sommerville 3<sup>rd</sup> Concession</u>	<u>4,545.45**</u>
<u>County Road 43 (Sommerville 6<sup>th</sup> Concession)</u>	<u>County Road 44 (Burnt River Road)</u>	<u>Northline Road</u>	<u>4,545.45**</u>
<u>County Road 6 (Kirkfield Road)</u>	<u>County Road 48 (Portage Road)</u>	<u>1,500 meters North of the Kirkfield Lift Lock (Lock #36)</u>	<u>4,545.45**</u>
<u>County Road 37 (Bury's Green Road)</u>	<u>County Road 49</u>	<u>County Road 121</u>	<u>4,545.45**</u>
<u>County Road 24</u>	<u>Mansfield Street</u>	<u>Kenstone Beach Road</u>	<u>4,545.45**</u>
<u>Yelverton Road</u>	<u>Gray Road</u>	<u>County Road 5 (Janetvill Road)</u>	<u>Commercial Through Traffic of Any Weight Class</u>
<u>Ballyduff Road</u>	<u>Manvers/Scugog Townline</u>	<u>375 meters West of Highway 35</u>	<u>Commercial Through Traffic of Any Weight Class</u>

**Commented [A3]:** I thought there were 30 previous restricting By-laws? Why are there only 19 lines? Should we simply and establish one consistent weight limit? Or Maybe not so easy...

**Commented [A4R3]:** Up to Director. Not sure of the reason for the various weights, but we could do a blanket 5000 kg/axle (5 tonne) to make it easy and would have it align with standard restrictions

**Commented [A5]:** Need help with "Heavy Traffic" definition in bylaw 2007-031

**Commented [A6R5]:** No reference to 'Heavy Traffic' in this bylaw, as noted above, we can do blanket 5000 kg?

**Commented [A7]:** Need to confirm if we want to keep these

**Commented [A8R7]:** Will repeal as per Chris Porter

<a href="#">Waite Road</a>	<a href="#">Manvers/Scugog Townline</a>	<a href="#">Highway 35</a>	<a href="#">Commercial Through Traffic of Any Weight Class</a>
<a href="#">Drum Road</a>	<a href="#">Manvers/Scugog Townline</a>	<a href="#">1,700m Easterly</a>	<a href="#">Commercial Through Traffic of Any Weight Class</a>
<a href="#">Broad Street</a>	<a href="#">Angeline Street</a>	<a href="#">Wallace Drive</a>	<a href="#">Commercial Through Traffic of Any Weight Class</a>
<a href="#">Wallace Drive</a>	<a href="#">Mclaughlin Road</a>	<a href="#">Broad Street</a>	<a href="#">Commercial Through Traffic of Any Weight Class</a>
<a href="#">Commerce Road</a>	<a href="#">Briarwood Avenue</a>	<a href="#">230 meters Northerly</a>	<a href="#">Commercial Through Traffic of Any Weight Class</a>

**\*\*This weight restriction is the total overall weight of the vehicle, inclusive of any load, occupants or other equipment carried by the vehicle.**

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**APPENDIX AB - Roads Exempt from the Reduced Load Period**

<b>Road Name</b>	<b>From</b>	<b>To</b>
<a href="#">Village of Bobcaygeon</a>	<a href="#">All roads within Village of Bobcaygeon limits</a>	
<a href="#">Town of Lindsay</a>	<a href="#">All road within Town of Lindsay limits</a>	
<a href="#">Village of Fenelon Falls</a>	<a href="#">All road within Village of Fenelon Falls limits</a>	
<a href="#">County Road 49</a>	<a href="#">County Road 121</a>	<a href="#">Village of Bobcaygeon</a>
<a href="#">County Road 36</a>	<a href="#">Village of Bobcaygeon</a>	<a href="#">Highway 7</a>
<a href="#">County Road 121</a>	<a href="#">Boundary Road (Sommerville)</a>	<a href="#">Highway 35</a>
<a href="#">Wilson Road</a>	<a href="#">County Road 36</a>	<a href="#">North End</a>
<a href="#">County Road 31 (Mount Horeb Road)</a>	<a href="#">Highway 7</a>	<a href="#">1142 Mount Horeb Road (Young's Pit Gate East)</a>
<a href="#">Lifford Road</a>	<a href="#">739 Lifford Road (Lafarge Pit Gate West)</a>	<a href="#">Porter Road</a>
<a href="#">Porter Road</a>	<a href="#">Lifford Road</a>	<a href="#">Highway 7A</a>
<a href="#">Whiterock Road</a>	<a href="#">Highway 7</a>	<a href="#">Blackschool Road</a>
<a href="#">Blackschool Road</a>	<a href="#">Whiterock Road</a>	<a href="#">County Road 46</a>
<a href="#">Taylor Road</a>	<a href="#">Highway 7</a>	<a href="#">Skyline Road</a>
<a href="#">County Road 46</a>	<a href="#">Highway 7</a>	<a href="#">County Road 48</a>
<a href="#">County Road 9 (Woodville Road)</a>	<a href="#">County Road 46 (South)</a>	<a href="#">County Road 46 (North)</a>
<a href="#">County Road 48 (Portage Road)</a>	<a href="#">Highway 35</a>	<a href="#">Simcoe Street</a>
<a href="#">County Road 8 (Glenarm Road)</a>	<a href="#">Highway 35</a>	<a href="#">County Road 46 (at Argyle)</a>
<a href="#">Miller Road</a>	<a href="#">800 meters South of County Road 47 (Brechin Road)</a>	<a href="#">Scotts Road</a>
<a href="#">Scotts Road</a>	<a href="#">Miller Road</a>	<a href="#">County Road 47 (Mara/Carden Boundary)</a>

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County Road 47  
(Mara/Carden Boundary)

Scotts Road

Rohallion Road

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