

## MUNICIPALITY OF THE TOWNSHIP OF GILLIES

### BY-LAW NO. 557

**Being a by-law to restrict registered gross weight on highways within the jurisdiction of the Municipality of the Township of Gillies.**

*WHEREAS the Municipal Act, S.O. 2001 c.25 subsection 11.1 provides that a single tier municipality may pass by-laws respecting matters within the therein identified spheres of jurisdiction which include “Highways, including parking and traffic on highways”;*

*AND WHEREAS subsection 9(3) of the Act describes the scope of by-law making powers respecting matters within a sphere of jurisdiction as including the power to “regulate or prohibit respecting the matter” and the authority to “provide for a system of licences and permits”;*

**AND WHEREAS** the Council of the Township of Gillies deems it necessary to regulate travel on roads within the Township by vehicles above a specified, registered gross vehicle weight;

**NOW THEREFORE** the Council of the Township of Gillies hereby enacts as follows:

#### **1. Definitions**

In this by-law:

- a) “registered gross vehicle” weight means the weight for which a permit has been issued under the Highway Traffic Act, the fee for which permit is based on weight of the vehicle or combination of vehicles and load, regardless of the actual loaded weight;
- b) “vehicle” means a motor vehicle, trailer, traction engine, farm tractor, road building machine, 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;
- c) “highway” means 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.

#### **2. Weight Restrictions for Vehicles**

Except as otherwise permitted by this by-law no person shall operate, or cause to be operated, a vehicle having a registered gross vehicle weight of greater than 10,000 kilograms on any highway under the jurisdiction of the Municipality of the Township of Gillies.

#### **3. Exemptions**

The following are exempt from the prohibition imposed by section 2:

- a. any vehicle while actually engaged in construction or maintenance of a highway,
- b. vehicles operated by police or for fire or emergency purposes,
- c. a bus or public vehicle.

- d. a vehicle which would otherwise be prohibited from operating on a particular highway, if such vehicle is being operated for the purpose of making a delivery to or returning from a delivery to a residence or business in the municipality where there is no route to such residence or business available, except over a highway where a prohibition is otherwise in effect,
- e. a vehicle which would otherwise be prohibited from operating on a particular highway, if such a vehicle is being operated by an owner or operator for the purposes of leaving or returning to the residence of the owner or operator, where there is no route to such residence available, except over a highway where a prohibition is otherwise in effect,
- f. vehicles engaged in fuel or water delivery, the hauling of sewage, the construction or maintenance of septic systems, or the delivery of construction materials,
- g. vehicles operating during the months of January and February, and
- h. vehicles for which a permit has been issued under the authority of, and in accordance with, this by-law.

#### **4. Permits**

**4.1** A permit providing exemption from the restrictions imposed by this by-law may be issued by the Municipality subject to the following:

- 4.1.1 an application for a permit and a permit shall be in the form set forth in Schedule “A” to this by-law;
- 4.1.2 a permit shall subject to the terms and conditions as set out in the permit and shall be valid only when the holder, being the person or company to which the permit is issued, and the employees and contractors are in compliance with its terms and conditions; and
- 4.1.3 a permit may apply to all vehicles owned or operated by or contracted to the person or company to which the permit is issued.

#### **5. Revocation of Permits**

- 5.1 A permit may be immediately revoked in the event that the applicant, or the owner or operator of a vehicle to which the authority of the permit applies, fails to comply with any of the conditions of the permit.
- 5.2 A permit may be revoked or suspended in the event that it is determined by the Municipality that the suspension or revocation is necessary to prevent undue damage to the roadway or structures over which the subject vehicles are thereby permitted to travel or to permit the repair of such roadways or structures so as to ensure the safe and convenient passage of all vehicles using the roadway.
- 5.3 A permit shall be deemed to be revoked at such time as the person to whom the permit is issued or an employee or agent of such person is in possession of a written notice of revocation or suspension issued by the municipality.

**6. Administration**

6.1 The Roads Coordinator and the Clerk are hereby authorized to issue permits as provided for and in accordance with the provisions of the by-law.

6.2 The Roads Coordinator and the Clerk are hereby authorized to revoke permits as provided for and in accordance with the provisions of the by-law.

**7. Enforcement**

Every person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to the penalties provided for under the Provincial Offences Act.

**8. Bylaw 537 is hereby repealed.**

**This by-law shall come into force and effect as the date of this date of its adoption.**

**READ A FIRST AND SECOND TIME ON THE 13<sup>TH</sup> DAY OF OCTOBER, 2005 AND A THIRD TIME AND FINALLY PASSED THIS 27<sup>TH</sup> DAY OF OCTOBER, 2005**

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**REEVE**

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**CLERK**