

The Corporation of the Township of Centre Wellington

By-law 2020-46

A By-law to provide for reduced load limits in the Township of Centre Wellington and to repeal By-law 99-39

Whereas Section 8(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, hereinafter referred to as the “Municipal Act” provides that the powers of a municipality under the Municipal Act or any other Act shall be interpreted broadly so as to confer broad authority on a municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

Whereas Section 9 of the Municipal Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

Whereas Section 11(3) 1 and 11(3) 8 of the Municipal Act authorizes a municipality to pass By-laws regarding highways;

Whereas Section 122(7) 1 of the Highway Traffic Act R.S.O. 1990, c. H. 8, as amended, authorizes a municipality to pass By-laws to 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;

And Whereas Council of the Corporation of the Township of Centre Wellington deems it advisable and expedient to regulate the reduced load period for the protection of certain highways in the Township of Centre Wellington;

Now Therefore the Council of the Corporation of the Township of Centre Wellington hereby enacts as follows:

1. Short Title

1.1 This By-law may be cited as the “Reduced Load Limit By-law”.

2. Interpretation

2.1 Where words and phrases used in this by-law are defined in the Highway Traffic Act, but not defined in this By-law, the definitions in the Highway Traffic Act shall apply to such words and phrases.

2.2 The schedules attached to this By-law shall be considered part of this By-law.

3. Severability

3.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

4. Singular and Plural use

4.1 In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

5. Definitions

5.1 In this By-law:

“**Authorized sign**” means any sign, pavement marking or other device which has been placed, installed or erected by the Township, by another party acting under the direction or authority of the Township or as required by this By-law, to designate, regulate and/or enforce the provisions of this By-law.

“**Commercial motor vehicle**” means a motor vehicle having attached to it a truck or delivery body and includes an ambulance, hearse, a casket wagon, a fire apparatus, a bus and a tractor used for hauling purposes on a highway.

"**Director**" shall mean the Managing Director of Infrastructure Services or his or her designate.

"**Highway**" includes a common and public highway, street, road, 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 thereof;

"**Highway Traffic Act**" means the Highway Traffic Act, R.S.O. 1990, c. H. 8, as amended, and its regulations.

"**Motor vehicle**" includes an automobile, a motorcycle, a motor-assisted bicycle unless otherwise indicated in the Highway Traffic 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.

"**Officer**" means a police officer, municipal law enforcement officer, or any other person appointed by By-law to enforce the provisions of this By-law.

"**Person**" includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative.

"**Township**" shall mean the Corporation of the Township of Centre Wellington or the land within the geographic limit of the Corporation of the Township of Centre Wellington as the context requires.

"**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.

6. Authority

- 6.1 The Director is hereby authorized to place, erect and maintain such authorized sign as may be necessary to give effect to the provisions of this By-law.
- 6.2. No person shall alter, deface, injure, knock down, damage or remove without permission an authorized sign.
- 6.3 The Director, when authorized signs are displayed, is hereby delegated authority to extend or impose further reduced load period restrictions at any time during the year where in the opinion of the Director the circumstances warrant it for the protection of the Township's highways.

7. Reduced Vehicle Loads

- 7.1 No person shall operate a commercial motor vehicle or trailer, while either is used as referred to in Section 122 of the Highway Traffic Act on a highway under the jurisdiction of the Township during the months of March and April, when authorized signs are displayed, where any axle of such commercial motor vehicle or trailer transmits to the highway, weight in excess of 5,000 kilograms, with exception to those highways shown as "Township Roads Exempt from Half Load Restriction" as outlined in Schedules A and B of this By-law.
- 7.2 Notwithstanding Section 7.1, no person shall operate a:
 - (a) two axle tank-truck, while used exclusively for the transportation of liquid or gaseous heating fuel;
 - (b) two axle truck, while used exclusively for the transportation of livestock feed; and
 - (c) no vehicle transporting live poultry

on a highway under the jurisdiction of the Township during the months of March and April, when authorized signs are displayed, where the any axle of such two axle tank-truck, two axle truck or vehicle transmits to the highway, weight in excess of 7,500 kilograms, with exception to those highways shown as "Township Roads Exempt from Half Load Restriction" as outlined in Schedules A and B of this By-law.

- 7.3 Notwithstanding Section 7.1, no person shall operate a vehicle having a carrying capacity in excess of 1,000 kilograms, where the weight upon any millimetre in the width of a tire exceeds five kilograms on a highway under the jurisdiction of the Township during the months of March and April, when authorized signs are displayed, with exception to those highways shown as "Township Roads Exempt from Half Load Restriction" as outlined in Schedules A and B of this By-law.
- 7.4 Section 7.3 does not apply to a motor vehicle or trailer.
- 7.5 In accordance with Section 125 (4) of the Highway Traffic Act this By-law does not apply to:
- (a) vehicles operated by or on behalf of the Township 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 stockpiling 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 a municipality transporting waste; or
 - (e) public utility emergency vehicles.

8. Enforcement and Penalty Provisions

- 8.1 The penalty provisions of Section 125(1) of the Highway Traffic Act shall apply to contraventions of this By-law.
- 8.2 The enforcement of this By-law shall be conducted by an Officer.
- 8.3 No person shall hinder or obstruct an Officer in the enforcement of this By-law.

9. Repeal

- 9.1 That By-law 99-39 is hereby repealed.

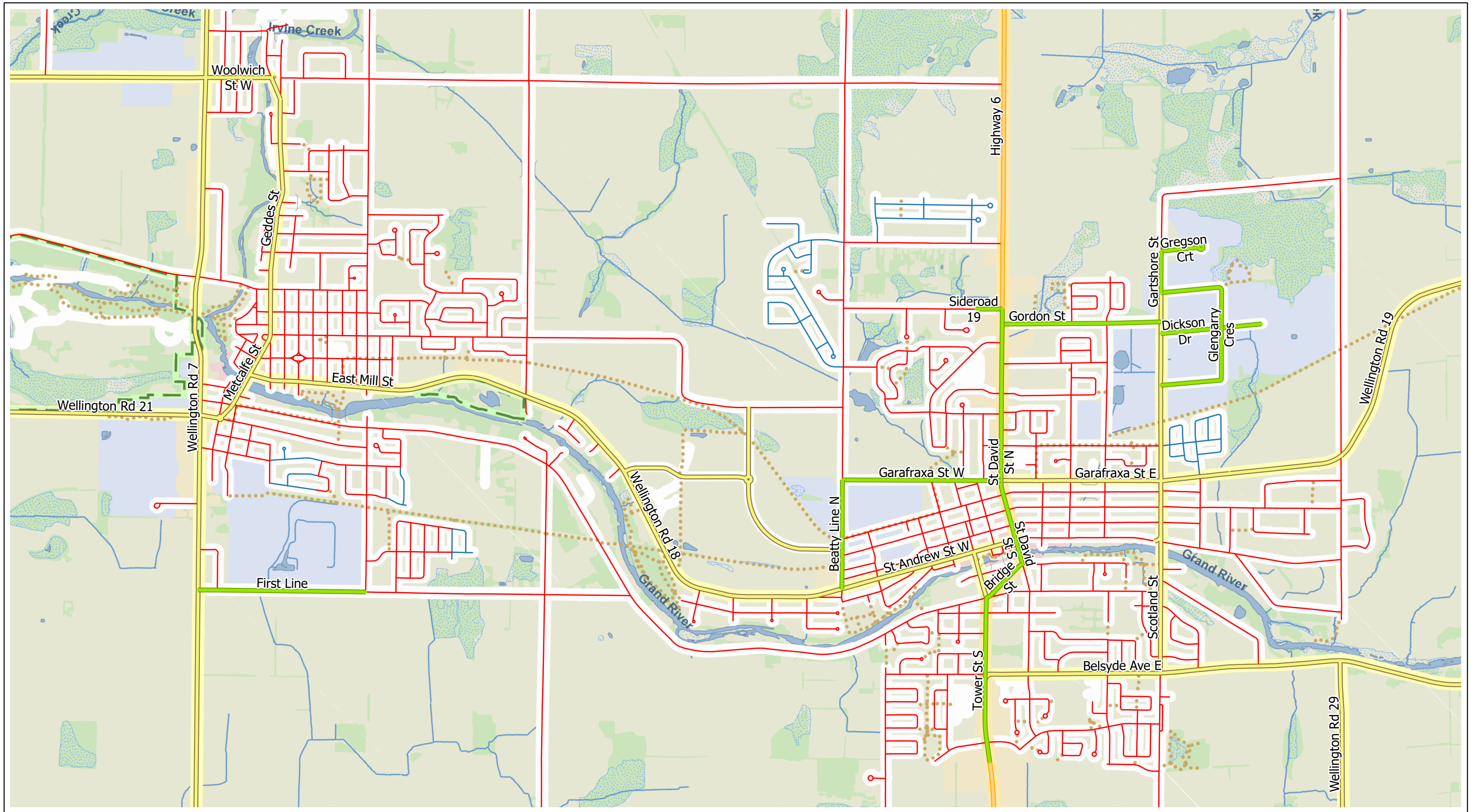
Read a first, second and third time and finally passed this 26th day of October, 2020.



Mayor – Kelly Linton



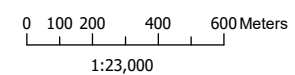
Clerk – Kerri O'Kane



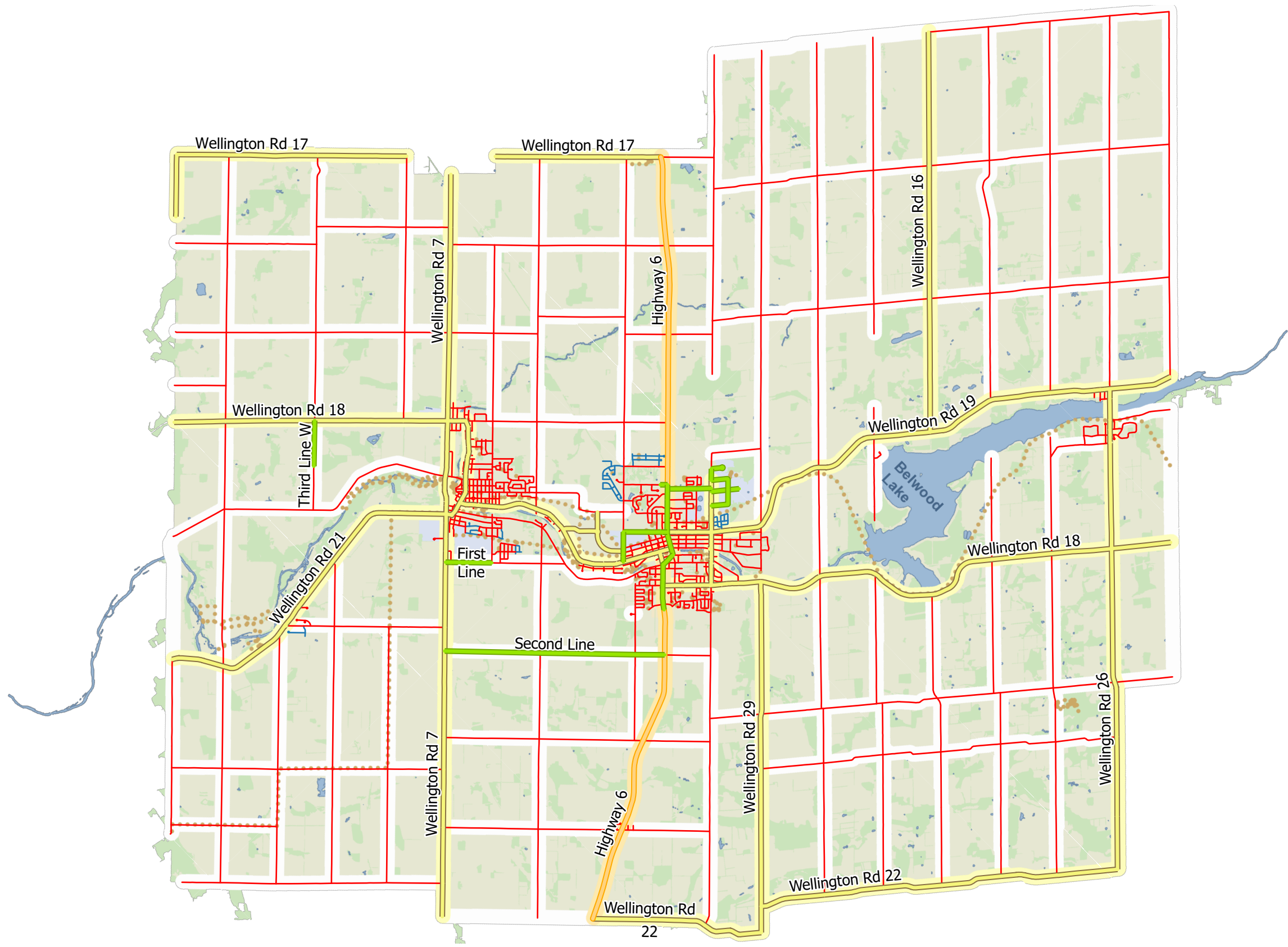
- Road Ownership
- Province
- County
- Township (Restricted)
- Developer
- Township Roads Exempt From Half Load Restriction

Centre Wellington Half Load Restrictions (March 1st to April 30th)

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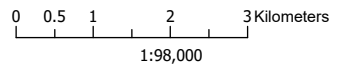


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Centre Wellington Half Load Restrictions (March 1st to April 30th)



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