

# THE CORPORATION OF THE TOWNSHIP OF SOUTHGATE

## BY-LAW NUMBER 2020-124

being a by-law to prohibit heavy trucks on certain highways in the Township of Southgate

**Whereas** Section 5(3) of the Municipal Act, 2001, Chapter 25, as amended, states that municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

**Whereas** Section 8 of the Municipal Act, 2001, Chapter 25, as amended, provides that a municipality has the authority to govern its affairs as it considers appropriate and enables the municipality to respond to municipal issues; and

**Whereas** Section 9 of the Municipal Act, 2001, Chapter 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

**Whereas** Section 11(3) of the Municipal Act, 2001, Chapter 25, as amended, provides that a lower tier municipality may pass by-laws respecting highways, including parking and traffic on highways; and

**Whereas** the Council of the Corporation of the Township of Southgate deems it appropriate and in the public interest to prohibit heavy trucks on certain highways in the Township of Southgate,

**Now therefore be it resolved that** the Council of the Corporation of the Township of Southgate hereby enacts as follows:

### Section 1 – Definitions

In this by-law, the following definitions apply:

- a) "Commercial Motor Vehicle" means any motor vehicle having permanently attached thereto a truck or delivery body and includes, but is not limited to, ambulances, hearses, casket wagons, fire apparatus, buses and tractors used for hauling purposes on the highways.
- b) "Heavy Truck" means any Commercial Motor Vehicle having a total rated vehicle weight when unloaded of two (2) tonnes or more according to the Highway Traffic Act registration permit number relating thereto, said weight being transmitted to the highway, and excluding the following:
  - a) Emergency Vehicles, including but not limited to, ambulances, police or fire department vehicles;
  - b) School or Transit busses;
  - c) Public Utility Vehicles;
  - d) Motor Vehicles owned or operated by the Township of Southgate or the County of Grey;
  - e) Motor Vehicles owned or operated by the Province of Ontario
- c) "Prohibited Highway" means the highway(s) set out in Schedule A of this by-law.

### Section 2 – Prohibitions

- a) No person shall move, drive, stop, park, or operate a Heavy Truck on a prohibited highway listed in Schedule "A" of this by-law.
- b) No person shall permit or allow a Heavy Truck to move, drive, stop, park, or operate a Heavy Truck on a prohibited highway listed in Schedule "A" of this by-law.

- c) The prohibitions in 2 a) and 2 b) shall not apply to a Heavy Truck actually engaged in making delivery to or a collection from premises which cannot be reached except by way of the prohibited highway or a portion thereof, provided that in making such delivery or collection, the said prohibited highway is travelled only insofar as is unavoidable in getting to and from such premises.

### **Section 3 – Detours**

Section 2 hereof shall not, if compliance therewith would be impracticable, apply to the operation of any Heavy Truck upon any officially established detour.

### **Section 4 – Enforcement**

A member of the Ontario Provincial Police and/or a Municipal By-law Enforcement Officer shall enforce all provisions of this by-law.

### **Section 5 – Offences and Penalties**

Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

### **Section 6 – Hinder/Obstruct Officer**

No person shall hinder or otherwise obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this by-law.

### **Section 7 – Precedence and Severability**

- a) Where this by-law conflicts with any other by-law of the Township of Southgate, this by-law shall take precedence to the extent of the conflict.
- b) Should any section, paragraph or provision of this by-law, including any part of any Schedule hereof be declared by a court of competent jurisdiction to be *ultra vires*, invalid or illegal for any reason, the same shall not affect the validity of the by-law as a whole.

### **Section 8 – Short Title**

This by-law may be cited as the "Prohibition of Heavy Trucks By-law."

### **Section 9 – Force and Effect**

This By-law shall come into effect upon the date signage conveying the prohibition is posted, as specified in the Ontario Traffic Manual.

**Read a first, second and third time and finally passed this 21<sup>st</sup> day of October, 2020.**

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**John Woodbury – Mayor**

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**Lindsey Green – Clerk**

**Schedule A to By-law 2020-124**

**Prohibited Highway(s)**

<b>Highway</b>	<b>From</b>	<b>To</b>
Southgate Sideroad 41	Grey County Road 9	Southgate Road 14
Artemesia Street North	Owen Sound Street	Grey Street

**Corporation of the Township of Southgate**

**Schedule B to By-law 2020-124**

Township of Southgate Prohibition of Heavy Trucks By-law

**Part I Provincial Offences Act  
Short Form Wording**

<b>Item</b>	<b>Short Form Wording</b>	<b>Provision Creating or Defining Offence</b>	<b>Set Fine</b>
<b>1</b>	Move, drive, or operate a Heavy Truck on a prohibited highway listed in Schedule "A" of this by-law.	2 a)	\$400.00
<b>2</b>	Permit or allow a Heavy Truck to be moved, driven, stopped, parked, or operated on a prohibited highway listed in Schedule "A" of this by-law.	2 b)	\$400.00

**Note: The penalty provision for the offences indicated above is Section 5 of By-law Number 2020-124, a certified copy of which has been filed.**

**Corporation of the Township of Southgate**

**Schedule C to By-law 2020-124**

Township of Southgate Prohibition of Heavy Trucks By-law

**Part II Provincial Offences Act  
Short Form Wording**

<b>Item</b>	<b>Short Form Wording</b>	<b>Provision Creating or Defining Offence</b>	<b>Set Fine</b>
<b>1</b>	Stop or park a Heavy Truck on a prohibited highway listed in Schedule "A" of this by-law.	2 a)	\$400.00

**Note: The penalty provision for the offences indicated above is Section 5 of By-law Number 2020-124, a certified copy of which has been filed.**