

# The Corporation of the Township of Southgate

## By-law No. 2021-007

### Being a by-law to designate reduced load periods and the highways or portions thereof to which the designation applies

**Whereas** Section 122 (7) of the Highway Traffic Act, R.S.O. 1990, chapter H.8, as amended, provides that 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; and

**Whereas** Section 122, (4) e of the Highway Traffic Act R.S.O. 1990, chapter H.8, provides for exceptions of public utility emergency vehicles including but not limited to Hydro One Networks Inc.; and

**Whereas** the reduced load period is deemed necessary for the protection of certain highways located within the Corporation of the Township of Southgate,

**Therefore be it resolved that** the Council of the Township of Southgate hereby enacts as follows:

#### 1. Definitions

- 1.1. "Public Works Manager" means the Manager of Transportation and Public Safety with the Corporation of the Township of Southgate;
- 1.2. "Highway" has the meaning prescribed thereto in the Highway Traffic Act and 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 thereof;
- 1.3. "Highway Traffic Act" means the Highway Traffic Act, R.S.O. 1990, c.H.8, as amended;
- 1.4. "Motor Vehicle" has the meaning ascribed thereto in the Highway Traffic Act;
- 1.5. "Provincial Offences Officer" has the meaning prescribed thereto in the Provincial Offences Act and includes:
  - a. A police officer,
  - b. A constable appointed pursuant to any Act,
  - c. A municipal law enforcement officer,
  - d. A by-law enforcement officer,
  - e. An officer, employee, or agent of any municipality or of any local board of any municipality whose responsibilities include the enforcement of a by-law, an Act or a regulation under an Act.
- 1.6. "Official Sign" means a load restriction sign erected in accordance with the regulations under the Highway Traffic Act;

- 1.7. "Provincial Offences Act" means the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended;
- 1.8. "Reduced Load Period" means a reduced load period within the meaning of the Highway Traffic Act.
- 1.9. "Vehicle" has the meaning prescribed thereto in the Highway Traffic Act.

## **2. General**

- 2.1 That the provisions of subsections 1, 2, 3 and 4 of section 122 of the Highway Traffic Act R.S.O. 1990, chapter H.8, shall apply to all highways under the jurisdiction of the Corporation of the Township of Southgate during the period from the 1st day of March to the 1st day of May inclusive in each and every year;
- 2.2 That when signs have been erected and are on display and so indicate, no commercial motor vehicle or trailer shall be operated from the 1st day of March to the 1st day of May, inclusive in each and every year, upon all highways where the weight upon an axle exceeds 5 tonnes;
- 2.3 That if deemed necessary by the Township of Southgate Public Works Manager or their designate, the period of the load restriction as noted in section 1 may commence prior to March 1st or may be extended beyond May 1st of any given year;
- 2.4 That if the Township of Southgate's Public Works Manager (or their designate) deems it appropriate; they may permit loads in excess of 5 tonnes per axel on a day by day, case by case, road by road basis. If the operator or driver submits by email a request for the exemption may be approved if weather and road conditions can accommodate the request on a short-term basis, if not greater than a 24-hour period;
- 2.5 That if the Township of Southgate's Public Works Manager (or their designate) deems it to be appropriate the termination of the restrictions may be applied at their discretion;
- 2.6 That Hydro One Networks Inc. is identified as a public utility emergency vehicle for the purposes of this By-law;
- 2.7 That the designation in this by-law shall apply to all highways within the jurisdiction of the Township of Southgate except the highway, or parts thereof, specified in Schedule A hereto.
- 2.8 That the provisions of Subsections (1), (2), (3), and (4) of Section 122, of the Highway Traffic Act apply to the highways within the jurisdiction of the Township of Southgate.

## **3. Request for Exemption**

- 3.1. That upon application, in writing, via email a Request for Exemption 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 the reduced load periods. The holder of a request for exemption email is exempt from the provisions of this by-law to the extent as set out in the email.

- 3.2. That the Public Works Manager or designate shall have the authority to grant a Request for Exemption when it is deemed to be required and necessary.
- 3.3. That a Request for Exemption issued under section 3.1 shall be effective only for that time period specifically set out for that request, and for the particular highway or highways set out for that request. The exemption granted by section 2.4 applies strictly and solely to the highways and times prescribed by the request itself. The issuance of such request shall be subject to the terms and conditions and permits as per Schedule B.
- 3.4. That the Public Works Manager may impose any other reasonable conditions with respect to the permit referred to in section 3.1, including but not limited to those conditions necessary to:
  - a. Protect person and/or property from injury or damage;
  - b. Protect the structural integrity of the highway; and
  - c. Prevent any further damage to the structure of the highway, persons, or property.
- 3.5. That it is deemed to be a condition of every Request for Exemption issued, that the original email be carried in the vehicle for which the request was issued and be produced when demanded by a Provincial Offences Officer. Failure to comply with this condition constitutes an offence.

#### **4. Offences and Penalties**

- 4.1. That the penalties provided in Section 125 of the Highway Traffic Act, R.S.O. 1990 C.H.8, shall apply to offenses against this by-law.

#### **5. Hinder/Obstruct Officer**

- 5.1. 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.

#### **6. Severability**

- 6.1. That if a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

#### **7. Force and Effect**

- 7.1. That this by-law shall come into full force and effect on the date of final passage hereof at which time all by-laws and/or resolutions that are inconsistent with the provisions of this by-law and the same are hereby repealed or rescinded insofar as it is necessary to give effect to the provisions of this by-law.
- 7.2. That the following Schedules are annexed hereto:

- a. Schedule A - Highways Under the Jurisdiction of the Township of Southgate Exempt from Reduced Load Restrictions
  - b. Schedule B - Conditions of Special Vehicle Permit
  - c. Schedule C - Excerpt from the Highway Traffic Act, R.S.O. 1990, Chapter H.8, as amended
- 7.3. That Schedules A and B annexed hereto are hereby declared to form part of this by-law.
- 7.4. That Schedule C annexed hereto is included for reference purposes only and may be updated as per legislation from time to time without prior leave of Council.

**8. Repeal**

- 8.1. That by-Law number 2018-040 of the Corporation of the Township of Southgate is hereby repealed.

**9. Short Title**

- 9.1. This by-law may be referred to as the "Load Restriction By-law."

**Be read a first, second and third time and finally passed this 13<sup>th</sup> day of January, 2021.**

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John Woodbury, Mayor

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Lindsey Green, Clerk

Schedule A

By-law No. 2021-007

**Highways Under the Jurisdiction of the Township of Southgate  
Exempt from Reduced Load Restrictions**

1. Ida Street South
2. Eco Parkway
3. Southgate Sideroad 55 north of Highway 89 for 200 metres

Schedule B

By-law No. 2021-007

**Conditions of a Request for Exemption  
(To Be Accompanied Via Email)**

**1. Acts and By-laws**

- a. The permit holder shall move the vehicle in accordance with the Highway Traffic Act, R.S.O. 1990, c.H.8, as amended and any amendments thereto.
- b. This request is not valid on highways or structures otherwise restricted by County By-law.
- c. All moves are subject to By-laws of the municipalities or corporations, within which the move is being made.

**2. Control of Permit**

- a. The permit may be withdrawn on written notice at any time by the Public Works Manager or his/her designate.
- b. Highways or structures may be restricted at any time.
- c. The permit is granted subject to the condition that the permit is used at and within the time limits specified and that the particular highways used will be in accordance with those designated by the Manger or designate.

**3. General**

- a. No moves are to be made on Sundays.
- b. Vehicles, loads, objects or structures that are in excess of the width, length or both, prescribed under section 109 of the Highway Traffic Act R.S.O. 1990, c.H.8, shall be marked with flags, lights or both and signs are prescribed.
- c. If it is necessary to cross a sidewalk with the load mentioned herein, the sidewalk must be covered with 4" planking.

**4. Axle Loads**

- a. Where the axle loads of any proposed loading arrangement cannot be easily calculated or are in doubt, it will be the applicant's responsibility to establish adequate proof of the accurate axle loadings, to the satisfaction of the Manager or Enforcement Authority. Any expenses so incurred will be borne by the applicant.

The applicant understands that under the provisions of the Highway Traffic Act R.S.O. 1990, c.H.8, as amended, the owner, operator or mover of a heavy vehicle, load, object or structure, in respect of which a permit is granted under that section, is nevertheless responsible for all damages that may be caused to the highway by reason of the driving operating or moving of any such vehicle, load, object or structure and shall reimburse the Township of Southgate for all costs associated with repairing such damage.

The applicant shall indemnify and save harmless the Township of Southgate from any action, claim, damage or loss, arising from and in relation to the protection of persons and property, that may be caused by reason of driving, operating or moving of any such vehicle, object or structure.

Schedule C

By-law No. 2021-007

**Excerpt from The Highway Traffic Act,  
R.S.O. 1990, Chapter H.8, as amended**

**Definitions**

1 (1) In this Act,

"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 thereof;

"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;

"official sign" means a sign approved by the Ministry;

"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;

**3.1 Reduced load periods**

122 (1) Subject to section 110, during a reduced load period no commercial motor vehicle or trailer, other than a public vehicle or a vehicle referred to in subsection (2), shall be operated or drawn upon any designated highway where the weight upon an axle exceeds 5,000 kilograms. R.S.O. 1990, c. H.8, s. 122 (1).

**3.2 Idem**

- (2) Subject to section 110, during a reduced load period,
- (a) no two axle tank-truck, while used exclusively for the transportation of liquid or gaseous heating fuel;
  - (b) no two axle truck, while used exclusively for the transportation of livestock feed; and
  - (c) no vehicle transporting live poultry, shall be operated upon any designated highway where the weight upon an axle exceeds 7,500 kilograms. R.S.O. 1990, c. H.8, s. 122 (2).

**3.3 Idem**

(3) Subject to section 110, during a reduced load period no vehicle having a carrying capacity in excess of 1,000 kilograms, other than a motor vehicle or trailer, shall be operated upon any designated highway where the weight upon any millimetre in the width of a tire exceeds five kilograms. R.S.O. 1990, c. H.8, s. 122 (3).

### **3.4 Exceptions**

(4) Subsections (1) and (3) do not apply to,

- (a) vehicles operated by or on behalf of a municipality 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. R.S.O. 1990, c. H.8, s. 122 (4); 2009, c. 5, s. 39.

### **3.5 Designation**

(5) An official of the Ministry authorized by the Minister in writing may designate the date on which a reduced load period shall start or end and the King's Highway or highway in territory without municipal organization, or portion thereof, to which the designation applies. R.S.O. 1990, c. H.8, s. 122 (5).

Legislation Act, 2006, Part III

(5) A designation under subsection (5) is not a regulation within the meaning of Part III (Regulations) of the Legislation Act, 2006 . R.S.O. 1990, c. H.8, s. 122 (6); 2006, c. 21, Sched. F, s. 136 (1).

### **3.6 Designation by municipality**

(5) The municipality 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. R.S.O. 1990, c. H.8, s. 122 (7); 2002, c. 17, Sched. F, Table.

### **3.7 Weight on bridges**

#### **Regulations limiting weight on bridges**

122 (1) The Minister may make regulations limiting the gross vehicle weight of any vehicle or any class thereof passing over a bridge forming part of the King's Highway or a highway in territory without municipal organization and notice of the limit of the weights fixed by the regulation, legibly printed, shall be posted up in a conspicuous place at each end of the bridge. R.S.O. 1990, c. H.8, s. 123 (1).

### **3.8 By-laws limiting weight on bridges**

(2) The municipality or other authority having jurisdiction over a bridge may by by-law limit the gross vehicle weight of any vehicle or any class thereof passing over the bridge, and the requirements of subsection (1) with respect to the posting up of notice apply thereto. R.S.O. 1990, c. H.8, s. 123 (2); 1996, c. 33, s. 13 (1); 2002, c. 17, Sched. F, Table.

### **3.9 Same, on connecting links**

(2) Despite subsection (2), where the bridge forms part of a highway designated as a connecting link under subsection 21 (1) of the Public Transportation and Highway Improvement Act, the by-law shall not become operative until it is approved by the Ministry. 1996, c. 33, s. 13 (2).

### **3.10 Regulations**

(2) The Minister may make regulations establishing standards to determine allowable gross vehicle weight for any vehicle or class of vehicle for the purpose of subsection (2). 1996, c. 33, s. 13 (2).

### **3.11 Power of officer to have vehicle weighed, examined**

122 (1) A police officer or officer appointed for carrying out the provisions of this Act may stop any vehicle or combination of vehicles, direct the driver to such location as is reasonable in the circumstances, direct the driver to drive the vehicle or combination of vehicles on or off of a scale in order to weigh the vehicle or combination of vehicles using portable or stationary scales, and measure and examine the vehicle or combination of vehicles to determine its nature and dimensions. 2002, c. 18, Sched. P, s. 28.

### **3.12 Load removed or redistributed**

(2) Where it is found that the gross vehicle weight, axle unit weight or axle group weight of any vehicle or combination of vehicles is in excess of the limits permitted under this Act or the regulations, or under the permit issued for the vehicle or combination of vehicles, the police officer or officer appointed for carrying out the provisions of this Act may require the driver to redistribute or remove as much of the load as is necessary to ensure compliance with this Act, the regulations and the permit. 2002, c. 18, Sched. P, s. 28.

### **3.13 Penalty**

(2) Every driver who, when required under subsection (1) to stop, drive to another location or drive the vehicle on or off of a scale, refuses or fails to do so is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$1,000 and to the suspension of his or her driver's licence for a period of not more than 30 days. 2002, c. 18, Sched. P, s. 28.

### **3.14 Same**

(2) Every driver is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$200 who,

- (a) when required under subsection (2) to redistribute or remove part of a load, refuses or fails to do so or to cause it to be done; or
- (b) obstructs any weighing, measuring or examination authorized by this section. 2002, c. 18, Sched. P, s. 28.

### **3.15 Penalty, commercial motor vehicle**

(3) Despite subsection (3), every driver of a commercial motor vehicle who, when required under subsection (1) to stop, drive to another location, or drive the vehicle on or off of a scale, refuses or fails to do so is guilty of an offence and on conviction is liable to a fine of not less

than \$200 and not more than \$20,000 and to the suspension of his or her driver's licence for a period of not more than 30 days. 2002, c. 18, Sched. P, s. 28; 2014, c. 9, Sched. 2, s. 36 (1).

### **3.16 Same**

(3) Despite subsection (4), every driver of a commercial motor vehicle is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$20,000 who,

(c) when required under subsection (2) to redistribute or remove part of a load, refuses or fails to do so or to cause it to be done; or

(d) obstructs any weighing, measuring or examination authorized by this section. 2002, c. 18, Sched. P, s. 28; 2014, c. 9, Sched. 2, s. 36 (2).

### **3.17 Offence and penalty, Part VIII**

122 (1) Every person who contravenes subsection 115 (1), section 116, 117 or 118, subsection 119 (4), section 120 or subsection 122 (1), (2) or (3) or a regulation made under subsection 123 (1) or a by-law made under subsection 123 (2) is guilty of an offence and on conviction is liable to a fine of,

(a) \$5 per 100 kilograms, or part thereof, for any weight in excess of that permitted under this Act or the regulations, where the overweight is less than 2,500 kilograms, but in no case shall the fine be less than \$100;

(b) \$10 per 100 kilograms, or part thereof, for any weight in excess of that permitted under this Act or the regulations, where the overweight is 2,500 kilograms or more but is less than 5,000 kilograms;

(c) \$12 per 100 kilograms, or part thereof, for any weight in excess of that permitted under this Act or the regulations, where the overweight is 5,000 kilograms or more but is less than 7,500 kilograms;

(d) \$15 per 100 kilograms, or part thereof, for any weight in excess of that permitted under this Act or the regulations, where the overweight is 7,500 kilograms or more but is less than 10,000 kilograms;

(e) \$20 per 100 kilograms, or part thereof, for any weight in excess of that permitted under this Act or the regulations, where the overweight is 10,000 kilograms or more but is less than 15,000 kilograms; and

(f) \$25 per 100 kilograms, or part thereof, for any weight in excess of that permitted under this Act or the regulations, where the overweight is 15,000 kilograms or more. 1996, c. 20, s. 28.