

CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NO. 49 -2015

BY-LAW TO PROVIDE FOR REDUCED LOAD PERIODS WITHIN THE TOWNSHIP OF MELANCTHON AND TO PROVIDE FOR EXEMPTIONS

WHEREAS Section 122(7) of the *Highway Traffic Act, R.S.O. 1990, c.H.8* provides that 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; and

WHEREAS Section 27(1) of the *Municipal Act, S.O. 2001. C.25*, provides that a municipality may pass By-laws in respect of a highway over which it has jurisdiction; and

AND WHEREAS Section 425 of the *Municipal Act, 2001, S.O. 2001, c.25* as amended, provides that any person who contravenes any by-law of the municipality, passed under this Act, is guilty of an offence;

AND WHEREAS Section 125, of the *Highway Traffic Act, R.S.O. 1990, cH8*, as amended provides the offence and penalty for any contravention of a by-law under Section 122(1), (2) or (3);

WHEREAS the Council of the Corporation of the Township of Melancthon deems it necessary and expedient to pass a By-law to designate a Reduced Load Period for highways under the jurisdiction of the Township of Melancthon.

NOW THEREFORE the Council of the Corporation of the Township of Melancthon enacts as follows:

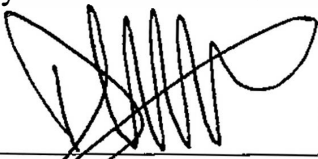
1. That the provisions of Subsection 1, 2, 3 and 4 of Section 122 of the *Highway Traffic Act, R.S.O. 1990, c.H.8* apply to all highways under the jurisdiction of the Township of Melancthon.
2. That a reduced load period be and is hereby established for all highways under the jurisdiction of the Township of Melancthon commencing on the first day of March and ending on the 15th day of May, inclusive each and every year henceforth;
3. That the reduced load period may be altered if the Road Superintendent determines that the condition of the highway is such that there is risk of damage to the highway if the reduced load is not imposed.
4. That the Road Superintendent or his designate is hereby directed to erect the necessary signs in accordance with the *Highway Traffic Act, R.S.O. 1990, c.H.8*.
5. Pursuant to section 110 of the *Highway Traffic Act*, this By-law does not apply to:
 - (a) vehicles operated by or on behalf of the 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 the highway, or the removal of snow from the highway;
 - (b) Vehicles used exclusively for the transportation of milk;
 - (c) Fire Apparatus;
 - (d) Vehicles operated by or on behalf of the municipality transporting waste; or


(e) Public utility emergency vehicles.

6. That 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 the reduced load periods. The holder of a permit is exempt from the provisions of Section 1 of this By-law to the extent as set out in the permit.
7. In accordance with Section 110 of the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8. *as amended*, the Road Superintendent is authorized to issue permits.
8. A non-refundable administrative fee, as determined from time to time by Council, applies to any application for a permit under Section 6 above.
9. Permits issued under Section 6 shall be effective only for that 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 6 applies strictly and solely to the highways and times prescribed by the permit itself. The issuance of such permit shall be subject to the terms and conditions and permits as per schedule "A".
10. The Road Superintendent may impose any other reasonable conditions with respect to the permit referred to in Section 5, 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.
11. It is deemed to be a condition of every permit issued, that the original of the permit be carried in the vehicle for which the permit was issued and be produced when demanded by the police officer or an officer appointed for carrying out the provisions of this By-law. Failure to comply with this condition constitutes an offence.
12. Any person who contravenes a provision of this by-law is guilty of an offence and upon conviction is liable to a fine set out in Section 125 of the *highway Traffic Act*, R.S.O. 1990, c.H.8.
13. 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 bylaw authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.
14. By-law No. 10-2014 is hereby repealed in its entirety.

By-law read a first and second time this 15th day of October, 2015

By-law read a third time and passed this 15th day of October, 2015.



MAYOR

CLERK

SCHEDULE "A" to By-law 49-2015
CONDITIONS OF SPECIAL VEHICLE PERMIT
(To Be Accompanied By The Special Vehicle Permit)

1. Acts and By-laws
 - a) The permit holder shall move the vehicle in accordance with the Highway Traffic Act of Ontario, Chapter H.8, R.S.O. 1990 and any amendments thereto.
 - b) This permit is not valid on roads 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 Personnel.
 - b) Roads or structures may be restricted at any time.
 - c) The permit is granted subject to the condition that the permit be used at and within the time limits specified and that the particular highways used will be in accordance with those designated by the Public Works Personnel.
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 of Ontario, 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 Public Works Personnel or Enforcement Authority. Any expenses so incurred will be borne by the applicant.
5. The applicant understands that under the provisions of the Highway Traffic Act, Chapter H.8, R.S.O. 1990, 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 Melancthon for all costs associated with repairing such damage.
6. The applicant shall indemnify and save harmless the Township of Melancthon 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.