

THE CORPORATION OF THE TOWNSHIP OF EAST HAWKESBURY
BY-LAW NO. 2020-08

**BEING A BY-LAW TO PROHIBIT HEAVY TRUCKS ON CERTAIN HIGHWAYS IN
THE TOWNSHIP OF EAST HAWKESBURY**

WHEREAS under Section 11 of the Municipal Act, 2001, as amended, a lower tier municipality may pass by-laws respecting matters within the sphere of jurisdiction set out therein;

AND WHEREAS pursuant to the Municipal Act, 2001, S.O. 2001, c.25, Section 27 (1), as amended, authorizes Municipalities to enact By-Laws respecting matters regarding “highways, including parking and traffic on highways” it has jurisdiction over;

AND WHEREAS Section 30 of the Municipal Act 2001, S.O. 2001, c.25, states that a highway is owned by the Municipality that has jurisdiction over it subject to any rights reserved by a person who dedicated the highway or any interest in the land held by any other person;

AND WHEREAS Section 35 of the Municipal Act 2001, S.O. 2001, c.25, states that a Municipality may pass By-Laws removing or restricting the common law right of passage by the public over a highway and the common law right of access to the highway by an owner of land abutting a highway;

AND WHEREAS the Council of the Corporation of the Township of East Hawkesbury deems it necessary to enact heavy truck restrictions on certain highways within the municipality;

NOW THEREFORE, the Council of the Corporation of the Township of East Hawkesbury HEREBY ENACTS as follows:

1. Resign By-Law No. 99-42

2. Definitions In this By-Law:

- a) **“Director”** shall mean the Director of Public Works of the Township of East Hawkesbury or his designate.
- b) **“Heavy Truck”** is defined as any commercial vehicle having a registered gross weight greater than 4,500 kilograms, but does not include ambulances or fire trucks.
- c) **“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, which is owned by the Town of East Hawkesbury.
- d) **“Person”** includes an individual and/or a Corporation.
- e) **“Sign”** means a sign as described as “No Heavy Trucks”, sign Rb-62 in the Ontario Traffic Manual, pursuant to the Highway Traffic Act, R.R.O. 1990, and Regulation 615 – Signs, as amended.

3. Prohibitions

Where signage has been erected and is on display, no person shall drive, move, operate or park “Heavy Trucks” upon or over any of the highways or parts of highways named or described in Schedule “A” of this By-Law and as set forth in Column 1, between the sections identified in Column 2 and Column 3 of said Schedule.

4. Exemptions

The provisions of this Schedule shall not extend to the use of the said highway or parts of highway for deliveries to or removals from any premise abutting thereon, to emergency services vehicles, to public utility vehicles, or to waste management vehicles while engaged in picking up waste and/or recycling from premises abutting thereon. The Township of East Hawkesbury and their agents and Contractors retained by the Township of East Hawkesbury are exempt from this By-Law.

5. Enforcement

This By-Law may be enforced by an Ontario Provincial Police Officer, Ministry of Transportation Officer or Municipal Enforcement Officer.

6. Penalty Provisions

OFFENCES

6.1 Any person who fails to comply with any requirement or provisions of this By-Law or causes any other person to fail to comply with any requirement or provision of this By-law, is guilty of an offence and is subject to such fines and penalties authorized pursuant to the Municipal Act, 2001 S.O. 2001, c.25, as amended.

6.2 Any director or officer of a corporation who knowingly concurs in the contravention of any provisions of this By-law is guilty of an offence and is subject to such fines and penalties authorized pursuant to the Municipal Act, 2001, S.O.2001, c.25 as amended.

6.3 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-Law.

6.4 Any person who contravenes any section 2 shall, upon conviction, be liable to a minimum fine of \$300 dollars, to a maximum of \$100,000 dollars, or as permitted by the Act, for each contravention.

6. Designated Authority THAT the Director of Public Works and/or designate is hereby authorized to erect, or cause to be erected, the necessary signs in accordance with the Highway Traffic Act.

7. Citation THAT this By-Law shall be cited as the "Heavy Truck Restriction By-Law".

8. Effective Date THAT this By-Law shall come into force and take effect on the date of its final passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 27th DAY OF January, 2020.

X

Luc Lalonde
Clerk Treasurer

X

Robert Kirby
Mayor

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SCHEDULE "A"

HEAVY TRUCK RESTRICTION COLUMN

COLUMN 1 HIGHWAY	COLUMN 2 LIMITS	COLUMN 3 TIME
GOLF ROAD	GOLF ROAD	AT ALL TIMES
CHEMIN INTERPROVINCIALE	CHEMIN INTERPROVINCIALE	AT ALL TIMES