

THE CORPORATION OF THE TOWNSHIP OF CONMEE

BY-LAW NO. 893

Being a by-law to restrict registered gross weight on highways within the jurisdiction of the Municipality of the Township of Conmee.

WHEREAS the Municipal Act, S.O. 2001, c. 25, Section 11.1 provides that a single tier municipality may pass by-laws respecting matters within the therein identified spheres of jurisdiction which include “Highways, including parking and traffic on highways”;

AND WHEREAS subsection 9(3) of the Act describes the scope of the by-law making powers respecting matters within a single sphere of jurisdiction as including the power to “regulate or prohibit respecting the matter” and authority to “provide for a system of licences and permits”;

AND WHEREAS the Council of the Township of Conmee deems it necessary to regulate travel on roads within the Township by vehicles above a specified, registered gross vehicle weight;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CONMEE HEREBY ENACTS AS FOLLOWS:

1. **Definitions** in this by-law:

- a) “registered gross vehicle” weight means for which a permit has been issued under the highway Traffic Act, the fee for which permit is based on weight of the vehicle or combination of vehicles and load, regardless of the actual loaded weight;
- b) “vehicle” means a motor vehicle, trailer, traction engine, farm tractor, road building, machine, 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;

2. **Weight Restrictions for Vehicles**

Except as otherwise permitted by this by-law no person shall operate, or cause to be operated, a vehicle having a registered gross vehicle weight of greater than 10,000 kilograms on any highway under the jurisdiction of the Municipality of the Township of Conmee.

3. **Exemptions**

The following are exempt from the prohibition imposed by section 2:

- a) any vehicle while actually engaged in construction or maintenance of a highway,
- b) vehicles operated by police or for fire or emergency purposes,
- c) a bus or public vehicle
- d) a vehicle which would otherwise be prohibited from operating on a particular highway, if such vehicle is being operated for the purpose of making a delivery to or returning from a delivery to a residence or business in the Municipality where there is no route to such residence or business available, except over a highways where a prohibition is otherwise in effect,

- e) a vehicle which would otherwise be prohibited from operating on a particular highway, if such a vehicle is being operated by an owner or operator for the purposes of leaving or returning to the residence of the owner or operator, where there is no route to such residence available, except over a highway where a prohibition is otherwise in effect,
- f) vehicles engaged in fuel or water delivery, the hauling of sewage, the maintenance of septic systems, or the delivery of construction materials,
- g) vehicles for which a permit has been issued under the authority of, and in accordance with, this by-law.
- h) Farm vehicles are exempt from the requirements of this by-law.

4. Permits

4.1 A permit providing exemption from the restrictions imposed by this by-law may be issued by the Municipality subject to the following:

- 4.1.1 an application for a permit and a permit shall be in the form set forth in Schedule "A" and "B" to this by-law;
- 4.1.2 a permit shall be subject to the terms and conditions as set out in the permit and shall be valid only when the holder, being the person or company to which the permit is issued, and the employees and contractors to which the permit is issued, and the employees and contractors are in compliance with its terms and conditions; and
- 4.1.3 a permit may apply to all vehicles owned or operated by or contracted to the person or company to which the permit is issued, and
- 4.1.4 Council may require a bond or security to be forwarded to the Township of Conmee before a haul begins. Such bond or security will be used to repair any damage done to the roads by any haul, and shall be returned to the permit holder if, in the opinion of the Operations Manager, no damage has been caused by the haul. The permit holder may appeal any decision of the Operations Manager to Council. The amount of security or bond shall be dependant on the time of year of the permit, the road conditions, the length of the haul and the number of trucks to be used, and
- 4.1.5 "Damage" shall also include being required to provide or pay for dust suppressant when required.

5. Revocation of Permits:

- 5.1 a permit may be immediately revoked in the event that the applicant, or the owner or operator of a vehicle to which the authority of the permit applies, fails to comply with any of the conditions of the permit.
- 5.2 a permit may be revoked or suspended in the event that it is determined by the Municipality that the suspension or revocation is necessary to prevent

undue damage to the roadway or structures over which the subject vehicles are thereby permitted to travel or to permit the repair of such roadways or structures so as to ensure the safe and conventional passage of all vehicles using the roadway.

5.3 a permit shall be deemed to be revoked at such time as the person to whom the permit is issued or an employee or agent of such person is in possession of a written notice of revocation or suspension issued by the Municipality.

6. **Administration**

6.1 the Operations Manager and the Clerk are hereby authorized to issue permits as provided for and in accordance with the provisions of the by-law.

6.2 the Operations Manger and the Clerk are hereby authorized to revoke permits as provided for and in accordance with the provision of the by-law.

7. **Enforcement**

Every person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to the penalties provided for under the Provincial Offences Act.

This by-law shall come into force and effect as the date of its adoption.

Read a first and second time this day of 2006.

Read a third time and finally passed this day of 2006.

THE CORPORATION OF THE
TOWNSHIP OF CONMEE

Reeve

Clerk

**THE MUNICIPALITY OF THE TOWNSHIP OF CONMEE
APPLICATION FOR A PERMIT TO EXCEED POSTED MAXIMUM
REGISTERED GROSS VEHICLE WEIGHTS**

APPLICANT INFORMATION:

Name of applicant:

Roadway(s) for which a permit is requested

Description of materials to be hauled:

Estimated total volume/weight of materials to be hauled:

Source of materials to be hauled:

Destination of materials to be hauled:

Number of vehicles utilised;

Names of owners/operators of vehicles to be utilised (including applicant):

(attach list more space is needed)

Approximate maximum load weight per vehicle:

Approximate total number of vehicle round-trips:

Requested commencement date for this permit:

Expected completion date of the haul:

_____ Bond/Surety Required \$ _____

In making this application i/we understand and accept that a permit will be subject to terms and conditions and we hereby agree to comply with all such terms and conditions and assume financial responsibility for any and all damages sustained by the roads or structures resulting from the activities for which the permit would be issued.

Signature of Applicant/Applicant's Agent

Date

Schedule "B" to By-law No.893

PERMIT

Exemption from the load restrictions imposed by By-law No. 893 of the Municipality of the Township of Conmee is hereby granted subject to the following conditions.

- 1) This exemption will apply only to those roads, on those dates and to those vehicles owned or operated by the applicant or contracted by the applicant and as stipulated above by the applicant.
- 2) The exemption will apply only between the hours of _____ and _____ on the dates specified in the application.
- 3) The applicant will be responsible for the cost of any repairs made necessary to the roads or structures over which the vehicles travel and which damage is the result of the activities of the applicant or the applicant's employees or of contractors engaged by the contractor.
- 4) The applicant will take all reasonable measures to ensure that no earth, wood or other material is deposited upon township roadways and will assume full responsibility for the cost of removing any such material deposited by the applicant or the applicant's employees or of contractors engaged by the contractor.
- 5) This permit may be suspended or revoked at any time if the applicant, an employee of the applicant or of contractors engaged by the applicant is in violation of any of the conditions of this permit.
- 6) This permit may be suspended or revoked at any time if, in the judgement of the Operations Manager or the Clerk of the Municipality, a cessation of the activity hereby authorized is necessary in order to ensure that the Municipality's roadways and structures can be maintained in, or restored to, a condition that will allow safe and convenient vehicular travel over such roadways and structures.
- 7) A copy of this permit must be carried in all vehicles to which the exemption applies during the time it is engaged in the activities authorized hereby.
- 8) This permit shall cease to be in effect on the later of the " Expected completion Date of the Haul" as specified above by the applicant or the 31st day of December of the year in which the permit is issued.

This permit is hereby approved subject to the terms and conditions as stipulated above.

On behalf of the Corporation of the Municipality of the Township of Conmee

Operations Manager or Clerk

Date

