

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2021 – 12

Being a By-law to designate Reduced Load Periods on Municipal Highways within the Municipality

WHEREAS the *Municipal Act, 2001*, as amended, Section 11(2) and Section 28, grant The Corporation of the Municipality of Magnetawan jurisdiction over road allowances located in the Municipality or made by Crown surveyors and all road allowances, highways, streets or lanes show on a register plan of subdivision;

AND WHEREAS the *Municipal Act, 2001*, as amended, Section 27 authorizes the Council of The Corporation of the Municipality of Magnetawan to pass By-law in respect to highways under its jurisdiction;

AND WHEREAS Section 122(7) of the *Highway Traffic Act*, R.S.O. 1990, c. 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 a reduced load period is deemed necessary for the protection of certain highways in the Municipality of Magnetawan;

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of Magnetawan hereby enacts as follows:

1. This By-law may be cited as the "Magnetawan Reduced Load By-law".
2. In this By-law unless otherwise stated in specific sections hereof, this By-law shall apply to the entirety of the Municipality of Magnetawan.

3. DEFINITIONS

- i. **"Highway"** means a highway within the meaning of the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, as amended;
- ii. **"Highway Traffic Act"** means the *Highway Traffic Act*, R.S.O.1990, c. H.8, as amended from time to time;
- iii. **"Motor Vehicle"** has the meaning ascribed thereto in the *Highway Traffic Act*;
- iv. **"Official Sign"** means a load restriction sign erected in accordance with the regulation under the *Highway Traffic Act*;
- v. **"Reduced Load Period"** means the period from the 15th day of February to the 31st day of May, inclusive of each and every year; and
- vi. **"Vehicle"** has the meaning ascribed thereto in the *Highway Traffic Act*.

4. **THAT** all highways within the Municipality of Magnetawan over which The Corporation of the Municipality of Magnetawan has jurisdiction are hereby designated as being subject to reduced load periods;
5. **THAT** the reduced load period shall generally be in effect commencing on or about the 15th day of February to the 31st day of May inclusive in each and every year;
6. **THAT** the reduced load period shall be in effect when appropriate signage indicating reduced loads is displayed on the highways and shall end when the signage is no longer on display;
7. **THAT** subject to Section 110 of the *Highway Traffic Act* and Section 13 herein, during a reduced load period, no commercial motor vehicle or trailer, other than a public vehicle or a vehicle referred to in Section 8 of this By-law, shall be operated or drawn upon any road or portion thereof that is part of the Municipal road system where the weight upon an axle exceeds 5,000 kilograms;
8. **THAT** subject to Section 110 of the *Highway Traffic Act*, and Section 13 herein during a reduced load period;
 - i. No two-axle tank-truck, while used exclusively for the transportation of liquid or gaseous heating fuel;
 - ii. No two-axle truck, while used exclusively for the transportation of stock feed; and
 - iii. No vehicle transporting live poultry shall be operated upon any road or portion thereof that is part of the Municipal road system where the weight upon an axle exceeds 7,500 kilograms;
9. **THAT** subject to Section 110 of the *Highway Traffic Act* during a reduced load period, no vehicle having a carrying capacity in excess of one thousand (1,000) kilograms, other than a motor vehicle or trailer, shall be

operated upon any road or portion thereof that is part of the Municipal road system where the weight upon any millimeter in the width of a tier exceed five (5) kilograms;

- 10. **THAT** the Public Works Superintendent or designate is authorized to amend the start and end date for the Reduced Load Period in any year where such reduction or expansion in time is deemed to be appropriate or necessary for the preservation of the road system. Determining criteria for the reduced load period or periods as the conditions warrant, will include but not be limited to the adequacy of the road base to withstand fully loaded vehicles, the adequacy and safety of the road surface to withstand fully loaded vehicles and the prevailing and forecast climatic conditions;
- 11. **THAT** exemptions to this By-law may be granted at the sole discretion of the Public Works Superintendent or designate and such exemptions shall be made in writing;
- 12. **THAT** the Public Works Superintendent, is hereby authorized to direct the erection and removal of official signs;
- 13. **THAT** any person who contravenes a provision of this By-Law is guilty of an offence and upon conviction shall be subject to a fine as set out in the Highway Traffic Act, R.S.O. 1990, as amended from time to time, and all such penalties shall be recoverable under the Provincial Offences Act;

14. EXISTING BY-LAWS REPEALED

THAT By-laws 2002-11 and 2007-14 are hereby repealed in their entirety.

READ A FIRST, SECOND, AND THIRD TIME, passed, signed and the Seal of the Corporation affixed hereto, this 17th day of March 2021.

**THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN**



Deputy Mayor



CAO/Clerk