



## THE CORPORATION OF THE TOWNSHIP OF TEHKUMMAH

### BYLAW 2020 – 003 (REVISED February 4, 2020)

#### BEING A BY-LAW TO PROHIBIT HEAVY VEHICLES ON CERTAIN MUNICIPAL ROADS IN THE TOWNSHIP OF TEHKUMMAH

WHEREAS under Section 11 of the *Municipal Act, 2001, as amended*, a 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;

NOW THEREFORE the Council of the Township of Tehkummah hereby enacts the following as a by-law;

#### Section 1.0 Definitions

- 1.1 “**Heavy Vehicle**” means as defined in the *Highway Traffic Act*, any commercial vehicle having a registered gross weight greater than 4,500 kilograms;
- 1.2 “**Highway**” means 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 Township of Tehkummah.
- 1.3 “**Person**” includes an individual and/or a Corporation.
- 1.4 “**Sign**” means a sign as described as “No Heavy Vehicles”, sign Rb-62 in the Ontario Traffic Manual, pursuant to the *Highway Traffic Act*, R.R.O. 1990, and Regulation 615 – Signs, as amended.
- 1.5 “**Premises**” in this by-law means properties which use the 6<sup>th</sup> Concession as access either to vacant land lots or residential units.
- 1.6 “**Officer**” means the Township of Tehkummah By-Law Officer, a member of the Ontario Provincial Police or an officer appointed by Council.

#### Section 2.0 Prohibitions

- 2.1 That where signs have been erected and are on display, **no owner and/or operator of vehicles defined as heavy vehicles shall use the highways or parts of highways, etc. named hereunder:**
  - 6<sup>th</sup> Concession, from a point commencing at Highway 6, easterly approximately 3 km. to the intersection with the Slash Road.
- 2.2 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. (See Schedule ‘A’)*
- 2.3 Any director or person in charge 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. (See Schedule ‘A’)*. **No director or person in charge of a corporation shall allow an operator to operate a heavy vehicle on a prohibited road.**



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- 2.4 Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

Section 3.0 Exceptions

- 3.1 That the provisions of the by-law shall not extend to the use of the said highways or parts of highways for deliveries to or removal from any premises, to ambulances, to police, to fire department vehicles, to vehicles used to service residences, i.e. oil and propane deliveries, septic tank pumper trucks, and other similar service vehicles, to vehicles primarily designed to carry passengers, to vehicles actually engaged in works undertaken by the Corporation, or to a privately owned unloaded vehicle driven to or from the owners premises.

Section 4.0 Enforcement

- 4.1 The provision of the By-Law will be enforced by an officer of the Corporation of the Township of Tehkummah or by the Ontario Provincial Police.
- 4.2 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.

Section 5.0 Enactment


- 5.1 This By-Law shall take effect on the *Date for Set Fines* when approved by the Ontario Court of Justice.
- 5.2 This By-Law shall be deemed to have a retroactive effect and apply to all infractions issued since the enactment of the By-Law 2020-003 until such time as Schedule 'A' has received provincial approval.
- 5.3 Schedule 'A' is Part of this By-Law.

Section 6.0 Effective

- 6.1 This by-law shall come into effect upon the third and final reading.

READ a first, second and third time and PASSED in OPEN COUNCIL, this 4<sup>TH</sup> day of February, 2020.

  
Reeve – David Jaggard

  
Clerk / Administrator – T. Silvio Bertl





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**Part I – Provincial Offences Act**

**SCHEDULE 'A'**

<b>Item</b>	<b>Column 1 Short Form Wording</b>	<b>Column 2 Provision Creating / Defining Offence</b>	<b>Column 3 Set Fine</b>
1	Operating a Heavy Vehicle on a Prohibited Road	Section 2.1	\$500.00
2	Corporation Director / Person in Charge allowing Operator to Operate Heavy Vehicle on Prohibited Road	Section 2.3	\$500.00

Note: The penalty provision for the offences indicated in the schedule above are Sections 2.2 and 2.3 of By-law No. 2020 – 003, a certified copy of which has been filed.