

THE CORPORATION OF THE COUNTY OF PRINCE EDWARD

BY-LAW NO. 2405 -2009

A BY-LAW TO DESIGNATE THE DATE ON WHICH A REDUCED LOAD PERIOD SHALL START AND END AND THE HIGHWAYS OR PORTIONS THEREOF TO WHICH THE DESIGNATION APPLIES.

WHEREAS Section 10 of the Municipal Act S.O. 2001, c. 25 as amended provides that a single tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS Section 122 (7) of the Highway Traffic Act, R.S.O. 1990, c.H.8, as amended, provides that a municipality may pass a by-law to designate the date on which a reduced load period shall start and end and the highways or portions thereof to which the designation applies;

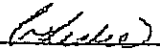
AND WHEREAS the reduced loads period is deemed necessary for the protection of certain highways in the County of Prince Edward.

NOW THEREFORE the Council of The Corporation of the County of Prince Edward hereby enacts as follows:

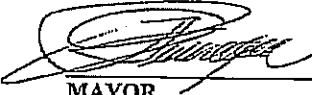
1. **THAT** the provisions of Subsections 1, 2, 3 and 4 of Section 122 of the Highway Traffic Act, R.S.O. 1990 as amended, shall apply to any road under the jurisdiction of the County of Prince Edward during the period from February 1st to April 30th inclusive in each and every year that is posted with a sign as provided for by Section 3 of this by-law.
2. **THAT** Council authorizes and directs, in any year, the Commissioner of Public Works or designate, as deemed appropriate, to post a reduced load sign on the portion of the road that is to be subject to the reduced load restriction, on any road or part of a road subject to a reduced load restriction.
3. **THAT** the reduced load sign to be posted by the Commissioner of Public Works pursuant to Section 2 above shall conform to provisions regarding reduced load signs as set out in the Highway Traffic Act R.S.O. 1990 c.H.8, as amended or in the Regulations enacted pursuant thereto.
4. **THAT** any person who owns or operates a vehicle in contravention of any provision of this by-law shall upon conviction be subject to such fines as may be provided for in Section 61 of the Provincial Offences Act as it may be amended from time to time.
5. **THAT** if any provision or requirement of this By-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-law or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable, shall not be affected thereby and it is hereby declared to be the intention of Council that each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.
6. **THAT** Council authorizes and directs the Commissioner of Public Works or designated staff to provide a Load Exemption letter to those who haul water for residential use and who may otherwise be affected by reduced load designations or roads under jurisdiction of the County of Prince Edward, and that the Load Exemption letter be provided if requested.
7. **THAT** By-law 366-2000 is hereby rescinded.

8. THAT this By-law shall take effect and come into force on the day this By-law is signed in accordance with the Act and the regulations pursuant thereto.

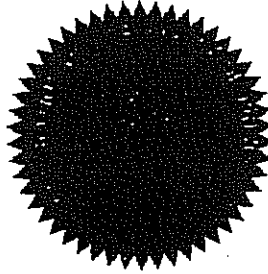
Read a first, second and third time and finally passed this 12th day of May, 2009.



CLERK
Victoria Leskie



MAYOR
Leo P. Finnegan



Legislation Act, 2006, Part III

(3) A designation under subsection (2) is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. R.S.O. 1990, c. H.8, s. 119 (3); 2006, c. 21, Sched. F, s. 136 (1).

Prohibition

(4) No vehicle or combination of vehicles having a weight in excess of that authorized in subsection (1) shall be operated on a highway. R.S.O. 1990, c. H.8, s. 119 (4).

Prohibition re operation on Class B Highway

120. Subject to section 110, no vehicle or combination of vehicles shall be operated on a Class B Highway where the weight upon one axle exceeds 8,200 kilograms, or, if the axles are spaced less than 2.4 metres apart, where the weight upon one axle exceeds 5,500 kilograms. R.S.O. 1990, c. H.8, s. 120.

Operating within permitted weight

121. (1) No vehicle or combination of vehicles having a permit issued in accordance with section 7 of this Act, the fee for which is based upon gross vehicle weight, shall be operated on any highway where the gross vehicle weight exceeds that for which the permit was issued. R.S.O. 1990, c. H.8, s. 121 (1); 1996, c. 9, s. 26.

Exception to subs. (1)

(2) Despite subsection (1) and subject to sections 116, 117 and 118, where a conversion unit is used to convert a two axle tractor into a three axle tractor and the fee prescribed in the regulations in respect of the conversion unit is paid, the vehicle or combination of vehicles to which the conversion unit is attached may operate on a highway at a maximum gross vehicle weight of 7,000 kilograms in excess of the gross vehicle weight for which a permit was issued for the vehicle or combination of vehicles in accordance with section 7 and the Ministry shall issue a receipt for the fee so prescribed and paid. R.S.O. 1990, c. H.8, s. 121 (2).

Receipt re excess weight payment to be carried

(3) The receipt issued by the Ministry in accordance with subsection (2) shall, whenever a vehicle is on a highway with the conversion unit referred to in subsection (2) attached, be carried by the driver of the vehicle or placed in some readily accessible position in the vehicle and shall be surrendered when demanded by a police officer or an officer appointed for carrying out the provisions of this Act. R.S.O. 1990, c. H.8, s. 121 (3); 2002, c. 18, Sched. P, s. 27.

Penalty

(4) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine as if the person had been convicted under section 125 and the Registrar may suspend the permit issued under section 7 for the vehicle or vehicles involved, and the suspension shall continue until a new permit at the maximum gross vehicle weight allowable has been issued for the vehicle or vehicles and the fee therefor has been paid. R.S.O. 1990, c. H.8, s. 121 (4).

Reduced load periods

122. (1) Subject to section 110, during a reduced load period no commercial motor vehicle or trailer, other than a public vehicle or a vehicle referred to in subsection (2), shall be operated or drawn upon any designated highway where the weight upon an axle exceeds 5,000 kilograms. R.S.O. 1990, c. H.8, s. 122 (1).

Idem

- (2) Subject to section 110, during a reduced load period,
- (a) no two axle tank-truck, while used exclusively for the transportation of liquid or gaseous heating fuel;
 - (b) no two axle truck, while used exclusively for the transportation of livestock feed; and
 - (c) no vehicle transporting live poultry,

shall be operated upon any designated highway where the weight upon an axle exceeds 7,500 kilograms. R.S.O. 1990, c. H.8, s. 122 (2).

Idem

(3) Subject to section 110, during a reduced load period no vehicle having a carrying capacity in excess of 1,000 kilograms, other than a motor vehicle or trailer, shall be operated upon any designated highway where the weight upon any millimetre in the width of a tire exceeds five kilograms. R.S.O. 1990, c. H.8, s. 122 (3).

Exceptions

- (4) Subsections (1) and (3) do not apply to,

- (a) vehicles operated by or on behalf of a 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 a highway, or the removal of snow from a highway;
- (b) vehicles used exclusively for the transportation of milk;
- (c) fire apparatus;
- (d) vehicles operated by or on behalf of a municipality transporting waste; or
- (e) public utility emergency vehicles. R.S.O. 1990, c. H.8, s. 122 (4); 2009, c. 5, s. 39.

Designation

(5) An official of the Ministry authorized by the Minister in writing may designate the date on which a reduced load period shall start or end and the King's Highway or highway in territory without municipal organization, or portion thereof, to which the designation applies. R.S.O. 1990, c. H.8, s. 122 (5).

Legislation Act, 2006, Part III

(6) A designation under subsection (5) is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. R.S.O. 1990, c. H.8, s. 122 (6); 2006, c. 21, Sched. F, s. 136 (1).

Designation by municipality

(7) 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. R.S.O. 1990, c. H.8, s. 122 (7); 2002, c. 17, Sched. F, Table.

Weight on bridges

Regulations limiting weight on bridges

123. (1) The Minister may make regulations limiting the gross vehicle weight of any vehicle or any class thereof passing over a bridge forming part of the King's Highway or a highway in territory without municipal organization and notice of the limit of the weights fixed by the regulation, legibly printed, shall be posted up in a conspicuous place at each end of the bridge. R.S.O. 1990, c. H.8, s. 123 (1).

By-laws limiting weight on bridges

(2) The municipality or other authority having jurisdiction over a bridge may by by-law limit the gross vehicle weight of any vehicle or any class thereof passing over the bridge, and the requirements of subsection (1) with respect to the posting up of notice apply thereto. R.S.O. 1990, c. H.8, s. 123 (2); 1996, c. 33, s. 13 (1); 2002, c. 17, Sched. F, Table.

Same, on connecting links

(3) Despite subsection (2), where the bridge forms part of a highway designated as a connecting link under subsection 21 (1) of the *Public Transportation and Highway Improvement Act*, the by-law shall not become operative until it is approved by the Ministry. 1996, c. 33, s. 13 (2).

Regulations

(4) The Minister may make regulations establishing standards to determine allowable gross vehicle weight for any vehicle or class of vehicle for the purpose of subsection (2). 1996, c. 33, s. 13 (2).

Power of officer to have vehicle weighed, examined

124. (1) A police officer or officer appointed for carrying out the provisions of this Act may stop any vehicle or combination of vehicles, direct the driver to such location as is reasonable in the circumstances, direct the driver to drive the vehicle or combination of vehicles on or off of a scale in order to weigh the vehicle or combination of vehicles using portable or stationary scales, and measure and examine the vehicle or combination of vehicles to determine its nature and dimensions. 2002, c. 18, Sched. P, s. 28.

Load removed or redistributed

(2) Where it is found that the gross vehicle weight, axle unit weight or axle group weight of any vehicle or combination of vehicles is in excess of the limits permitted under this Act or the regulations, or under the permit issued for the vehicle or combination of vehicles, the police officer or officer appointed for carrying out the provisions of this Act may require the driver to redistribute or remove as much of the load as is necessary to ensure compliance with this Act, the regulations and the permit. 2002, c. 18, Sched. P, s. 28.