

**MUNICIPALITY OF THE TOWNSHIP OF CONMEE
BY-LAW NO. 1272**

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 subsection 11 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 8(3) of the Act describes the scope of by-law making powers respecting matters within a sphere of jurisdiction as including the power to “regulate or prohibit respecting the matter” and the 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 Township of Conmee hereby enacts as follows:

1. Definitions

In this by-law:

- a) “registered gross vehicle” weight means the weight 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;
- c) “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.

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 highway 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 servicing of septic systems, the construction or maintenance of septic systems, or the delivery of construction materials,
- h. vehicles for which a permit has been issued under the authority of, and in accordance with, 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" to this by-law;
- 4.1.2 a permit shall 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 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.

5. Administration

- 5.1. A hauling permit application shall be submitted to the Clerk by all heavy vehicle operators before beginning use of the Township Roads. The completed application shall be presented to Council for their approval at the next regular Council meeting.
- 5.2. Council may require a bond to be forwarded to the Township to cover the costs of any increased maintenance attributable to the use of the roads by the heavy trucks. If no increased maintenance costs are incurred, the bond shall be returned at the end of the haul. The amount of the bond shall be established based on the number of loads and/or length of haul. Bonds may be in the form of a cheque payable to the Township of Conmee, or a security established, with the Township named as having authority to access/cash the security, or any other method as approved by Council.
- 5.3. Council or the Public Works Manager may require the applicant to operate at reduced speeds regardless of posted speed limits.
- 5.4. Unless an entrance to the applicable property has already been established, an entrance permit will be required. The Conmee Public Works Manager or his designate, shall approve all such entrances, having regard for the safety of the location of the proposed entrance. Entrance Permits may be issued for temporary entrances, provided that they are removed on or before the expiry date of the permit.
- 5.5. The Public Works Manager shall inspect all roads to be used before and after each haul, as well as monitoring the roads during the haul. The Public Works Manager will ensure that all operators comply with the conditions of the hauling permit, entrance permit, speed limits or other restrictions established on Township Roads. The Public Works Manager has the authority to require the operator to cease his haul if, in the opinion of the Public Works Manager, the conditions of the applicable permits are not being adhered to.
- 5.6. If the Public Works Manager determines that damage has been done to the roads by the heavy truck traffic, he shall have the authority to use the bond to repair the road to the condition it was in before the haul. Only the actual amount of the cost of repair/maintenance shall be used.

- 5.7. The Public Works Manager shall be the ultimate authority on what, when and where damage has occurred, however, operators shall have the right to appeal the decision to the Council for the Township of Conmee. Appeals shall be in writing and shall include the reasons for the appeal.

6. Revocation of Permits

- 6.1 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.
- 6.2 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 convenient passage of all vehicles using the roadway.
- 6.3 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.
- 6.4 The Public Works Manager and the Clerk are hereby authorized to revoke permits as provided for and in accordance with the provisions 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.

8. Repeal of Previous By-Laws

Any previous by-laws pertaining to gross weight restriction or hauling thereto are hereby rescinded.

9. Effective Date

This by-law shall take force and come into effect on March 29th, 2021.

THE CORPORATION OF THE TOWNSHIP
OF CONMEE

Mayor Kevin Holland

Clerk Shara Lavallee

Schedule "A" to By-law No. 1272

The Municipality of the Township of Conmee

**Application for a Permit
to Exceed Posted Maximum Registered Gross Vehicle Weights**

(to be completed by applicant)

APPLICANT INFORMATION

Name of Applicant _____

Roadways for Which a Permit is Requested:

Description of the 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 _____

Approximate Maximum Loaded Weight per Vehicle _____

Number of Vehicles to be Utilized _____

Approximate Total Number of Vehicle (round) Trips _____

Name of Owners/Operators of Vehicles to be Utilized (including the applicant)

Requested Commencement Date for the Permit _____

Expected Completion Date of the Haul _____

GENERAL PROVISIONS

1. The Public Works Manager or Council may change or cancel this permit at any time it is deemed necessary.
2. All weight limits, speed limits, no engine compression style brakes (ex. Jake Brakes), stop or caution signs, or other road restrictions shall be observed at all times.
3. The applicant may be required to file a bond(s) in the amount, as in the opinion of Council and the Public Works Manager, is sufficient to cover the cost of repairing any possible damage to the Highway resulting from the haul.
4. The applicant, his heirs, executors, administrators or assignees, hereby agree to indemnify and save harmless the above noted authorities from any action, claim, damages or loss whatsoever arising from operations carried out under this permit.
5. The applicant may be given the opportunity to repair any damage to the highway as identified by the Public Works Manager. If the damage is not repaired within 24 hours of the giving of notice of the damage, the Public Works Manager shall cause the damage to be repaired, and all costs incurred shall be deducted from the bond. The decisions of the Public Works Manager may be appealed to Council, in writing, stating the reasons for the appeal.
6. An overweight permit will also be required during Half Load Restrictions.
7. This permit must accompany the vehicle at all times.
8. Company owners must ensure that all vehicle operators are aware of the restrictions of this permit and carry a copy of the permit in the vehicles.
9. This Permit is issued under authority of Township By-law No. XXX and the Municipal Act, 2001 c.25.

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

_____ Date: _____

Signature of the Applicant or the Applicant's Agent

HAULING PERMIT
(to be completed by Public Works Manager)

Applicant _____

Roadways for Which a Permit is Approved:

Description of the Materials to be Hauled _____

Name of Owners/Operators of Vehicles to be Utilized (including the applicant)

Requested Commencement Date for the Permit _____

Expected Completion Date of the Haul _____

Exemption from the load restrictions imposed by By-law No. 1272 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) A bond in the amount of _____ is required before hauling may commence.
- 4) Maximum speed for vehicles shall be _____ regardless of posted speed limits.
- 5) 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.

- 6) 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 by contractors engaged by the contractor.
- 7) This permit may be suspended or revoked at any time if the applicant, an employee of the applicant or a contractor engaged by the applicant is in violation of any of the conditions of this permit.
- 8) This permit may be suspended or revoked at any time if in the judgement of the Public Works 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.
- 9) 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.
- 10) 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

Signature of Applicant

Date

Council Approval Resolution No.

Date

Date Applicable Bond Received
And Permit Issued

Signature of Issuing Authority