

# **CORPORATION OF THE VILLAGE OF MERRICKVILLE - WOLFORD**

## **BY-LAW No. 58-2019**

This By-Law may be cited as the Heavy Motor Vehicle By-Law

**BEING** a By-Law to regulate and prohibit the use of "Heavy Motor Vehicles" on certain Municipal Streets or Highways within the Village of Merrickville-Wolford

**WHEREAS** the Village of Merrickville - Wolford has determined that specific streets or highways should not be used by heavy motor vehicles

**AND WHEREAS** Section 27 (1) of the *Municipal Act, 2001*, as amended, provides for a Municipal Council to control traffic on highways over which it has jurisdiction

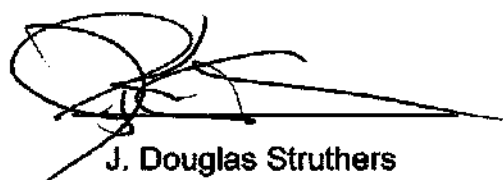
**NOW THEREFOR** the Council of the Corporation of the Village of Merrickville - Wolford does enact as follows that:

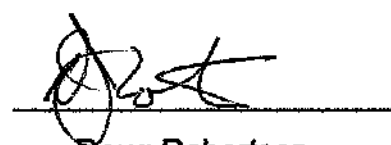
1. For the purposes of this By-Law:
  - a) "By-Law Enforcement Officer" shall mean a By-Law Enforcement Officer as appointed by the Council of the Village of Merrickville-Wolford;
  - b) "Defined Street" means those streets within the Village of Merrickville-Wolford or parts thereof as set out in Schedule 'A' hereto;
  - c) "Heavy Motor Vehicle" means any motor vehicle, having a Gross Vehicle Weight Rating (GVWR) inclusive of any trailer drawn in excess of 5,000 kilograms;
  - d) "Recognized Authority" shall mean a Police Officer, Fire Official, Provincially or Federally authorized Officer or By-Law Enforcement Officer; and,
  - e) "Trailer" means a vehicle that is at any time drawn upon a street or highway by a motor vehicle, except an implement of husbandry, a mobile home, another motor vehicle or any device not designated to transport property.
2. As attached herein, Schedule 'A' and Schedule 'B' shall form part of this By-Law.
3.
  - a) No person shall operate a Heavy Motor Vehicle upon a Defined Street as set out in schedule 'A'.
  - b) No person who is an owner of a Heavy Motor Vehicle shall allow the operation of a Heavy Motor Vehicle on a Defined Street.
4. Notwithstanding the foregoing, this By-Law does not prohibit the following Heavy Motor Vehicles from operating upon a Defined Street:
  - a) Vehicles owned, operated, or contracted by the Village of Merrickville-Wolford, any school board or any agents thereof;
  - b) Emergency vehicles;
  - c) Vehicles necessary for the installation or maintenance of public utilities including telephone, natural gas, water, hydro and cable television or satellite services;
  - d) Vehicles whose destination for delivery or pick-up of goods and/or the provision of services is located on a Defined Street as per Schedule 'A'; and

- e) Recreational Vehicles (RV's) where the owner of which resides on one of the Defined Streets.
5. There shall be fines as set in Schedule 'B'.
  6. There shall be a voluntary payment for each Heavy Motor Vehicle infraction notice issued as set out in 'Schedule B' to this By-Law.
  7. Nothing as set out in section 5 and 6 above shall prevent the Corporation of the Village of Merrickville-Wolford from applying to the Court for higher fines for repeat offences.
  8. Any person who contravenes any provision of this by-law shall be guilty of an offence and shall be liable, upon conviction, to such fine or penalty as is provided in Schedule 'B' and/or the provisions of the Provincial Offences Act, as amended, as well as any other applicable law, exclusive of costs, for each offence.
  9. Upon registering a conviction for a contravention of any provision of this by-law, the Superior Court of Justice, may in addition to any other remedy and to any penalty imposed by this by-law, make an order prohibiting the continuation or repetition of the offence by the person convicted, pursuant to Section 444 of the Ontario Municipal Act, R.S.O., 2001, as amended.
  10. This By-Law shall not apply during the activation by a Recognized Authority of a designated Emergency Detour Route (EDR) impacting a Defined Street.
  11. By-Law 19-14 is hereby repealed.
  12. This By-Law shall come into force and effect upon passage thereof.
  13. Where a court of competent jurisdiction should determine that a section of this By-Law is invalid, the remainder of the By-Law shall remain in force and effect.
  14. This By-Law may be cited as the "Heavy Motor Vehicle By-Law".

**READ** a first and second time this 28<sup>th</sup> day of October, 2019

**READ** a third and final time and passed this 28<sup>th</sup> day of October, 2019.

  
J. Douglas Struthers  
MAYOR

  
Doug Robertson  
CAO/CLERK

## **SCHEDULE 'A' to By-Law 58-2019**

The use of Heavy Motor Vehicles, including a trailer, are prohibited on the following defined streets;

1. Charlotte Street
2. Collar Hill Road, extending south from Brock Street East to the north limit of HF McLean Road
3. Julia Street
4. Church Street
5. Elgin Street, extending south from the south limit of Main Street East
6. Wellington Street East
7. Brock Street East
8. Drummond Street East
9. Lewis Street East
10. Colbourne Street East
11. Bruce Street East

**SCHEDULE "B" to By-Law 58-2019**  
Set fines for the use under Part 1 of the Provincial Offences Act

| Item | COLUMN 1<br>Short Form Wording                                        | COLUMN 2<br>Provision Creating or<br>Defining Offence | COLUMN<br>3<br>Set Fine |
|------|-----------------------------------------------------------------------|-------------------------------------------------------|-------------------------|
| 1    | Operating a heavy motor vehicle on restricted street                  | 3. a)                                                 | \$100.00                |
| 2    | Owning a heavy motor vehicle that is operating on a restricted street | 3. b)                                                 | \$150.00                |

**CORPORATION OF THE VILLAGE OF MERRICKVILLE - WOLFORD**

**BY-LAW NO. 64-2019**

**BEING A BY-LAW TO AMEND SCHEDULES "A" and "B" OF BY-LAW 58-2019, THE  
HEAVY MOTOR VEHICLES BY-LAW**

WHEREAS section 9(3) of the *Municipal Act, 2001*, as amended, does authorize that the council of a local municipality may pass by-laws as part of its general municipal powers;

AND WHEREAS Section 27 (1) of the *Municipal Act, 2001*, as amended, provides for a Municipal Council to control traffic on highways over which it has jurisdiction;

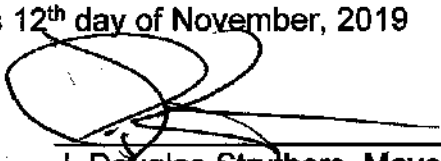
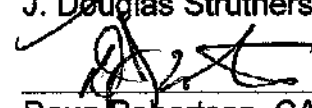
AND WHEREAS the Village of Merrickville-Wolford has passed By-law 58-2019, being a by-law to regulate and prohibit the use of "Heavy Motor Vehicles" on certain Municipal Streets or Highways within the Village of Merrickville-Wolford

NOW THEREFORE the Council of the Corporation of the Village of Merrickville-Wolford enacts as follows:

1. THAT Schedule "A" of By-law 58-2019 be hereby repealed and replaced with the Schedule "A" attached hereto.
2. THAT Schedule "B" of By-law 58-2019 be hereby repealed and replaced with the Schedule "B" attached hereto.
3. THAT this by-law be consolidated with By-law 58-2019 for ease of reference.
4. THAT this by-law shall come into full force and effect upon its final passage.

**READ** a first and second time this 12<sup>th</sup> day of November, 2019

**READ** a third and final time and passed this 12<sup>th</sup> day of November, 2019

  
\_\_\_\_\_  
J. Douglas Struthers, Mayor  
\_\_\_\_\_  
Doug Robertson, CAO/Clerk

**The Corporation of the Village of Merrickville-Wolford**  
**SCHEDULE 'A' to By-Law 58-2019: Heavy Motor Vehicles**

The use of Heavy Motor Vehicles, including a trailer, are prohibited on the following defined streets;

1. Charlotte Street
2. Collar Hill Road extending south from the south limit of Brock Street East to the north limit of HF McLean Road
3. Julia Street
4. Church Street
5. Elgin Street extending south from the south limit of Main Street East
6. Wellington Street East
7. Brock Street East
8. Drummond Street East
9. Lewis Street East
10. Colbourne Street East
11. Bruce Street East

**The Corporation of the Village of Merrickville-Wolford**  
**SCHEDULE "B" to By-Law 58-2019: Heavy Motor Vehicles**  
**Set fines for the use under Part 1 of the Provincial Offences Act**

| <b>Item</b> | <b>COLUMN 1<br/>Short Form Wording</b>                                           | <b>COLUMN 2<br/>Provision Creating or<br/>Defining Offence</b> | <b>COLUMN<br/>3<br/>Set Fine</b> |
|-------------|----------------------------------------------------------------------------------|----------------------------------------------------------------|----------------------------------|
| <b>1</b>    | <b>Operating a heavy motor vehicle on restricted<br/>street</b>                  | <b>3. a)</b>                                                   | <b>\$100.00</b>                  |
| <b>2</b>    | <b>Owning a heavy motor vehicle that is<br/>operating on a restricted street</b> | <b>3. b)</b>                                                   | <b>\$150.00</b>                  |

**Note:** The general penalty provision for the offences listed above is Section 8 of By-law 58-2019, a certified copy of which has been filed.