

**THE CORPORATION OF THE TOWN OF GREATER NAPANEE
BY-LAW NO. 2023-0087**

**Being a By-Law to Designate the Effective Dates of a Reduced Load Period on
Roads Under the Jurisdiction of the Corporation of the Town of Greater Napanee**

WHEREAS pursuant to Section 122 (7), Chapter H.8, of the Highway Traffic Act, R.S.O. 1990, as amended, (the "Highway Traffic Act") provides that a municipal corporation 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 Section 122(4)(e) of the Highway Traffic Act, provides for exceptions of public utility emergency vehicles including but not limited to Hydro One Networks Inc.;

AND WHEREAS Section 110(1) of the Highway Traffic Act enables a municipality having jurisdiction over a highway, upon application in writing, to grant a permit for the use of the highway or portion of thereof by a vehicle or combination of vehicles in excess of the limits set out in Section 122 of the Act;

AND WHEREAS a reduced load period is deemed necessary for the protection of certain highways located within the Corporation of the Town of Greater Napanee;

AND WHEREAS the structure of certain Town roads rehabilitated in recent years have been constructed to a standard that does not require a seasonal load restriction;

NOW THEREFORE the Council of the Corporation of the Town of Greater Napanee enacts as follows:

SECTION 1 – DEFINITIONS

1.1 For the purpose of this by-law the following definitions shall apply:

- a) **"Director of Public Works"** means the Director of Public Works for the Corporation of the Town of Greater Napanee or a designate in their absence.
- b) **"Highway"** means a common and public highway, road, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used by, the general public for the passage of vehicles.
- c) **"Motor Vehicle"** means a vehicle that is drawn, propelled or driven

- by any means other than by muscular power.
- d) **“Trailer”** means a vehicle that is at any time drawn upon a highway by a motor vehicle.
 - e) **“Official Sign”** means a load restriction sign erected in accordance with the regulation under the Highway Traffic Act.
 - f) **“Provincial Offences Officer”** has the meaning prescribed in the Provincial Offences Act and includes:
 - i. A police officer;
 - ii. A constable appointed pursuant to any Act;
 - iii. A municipal law enforcement officer;
 - iv. A by-law enforcement officer; and
 - v. An officer, employee or agent of a municipality or local board whose responsibilities include the enforcement of a by-law, an Act, or a regulation under an Act.
 - g) **“Reduced Load Period”** means a reduced load period within the meaning of the Highway Traffic Act.
 - h) **“Town”** means the Corporation of the Town of Greater Napanee

SECTION 2 – GENERAL REGULATIONS

- 2.1 That a reduced load period, as defined in the provisions of Section 122 (1), (2), (3) and (4) of the Highway Traffic Act, shall apply to the all highways under the jurisdiction of the Town of Greater Napanee, save and except those highways named in Schedule “A” attached hereto and forming part of this By-law, during the period from the fifteenth day of February to the fifteenth day of April inclusive in each and every year.
- 2.2 That when notice of the reduced load period has been posted, no commercial motor vehicle or trailer shall be operated on highways under the jurisdiction of the Town of Greater Napanee where the weight upon an axle exceeds 5 tonnes, save and except those highways as named in Schedule “A”, attached hereto and forming part of this By-law.
- 2.3 That if the Director of Public Works or their designate determines that there is a risk of damage to the highway if the reduced load is not imposed, the restrictions as specified under Section 2.1 may be implemented prior to or extend beyond the dates of any given year.
- 2.4 That if deemed appropriate by the Director of Public Works or their designate, the restrictions as specified under Section 2.1 above may be

terminated earlier at their discretion.

- 2.5 That the Director of Public Works or designate is authorized and directed to install, maintain, or remove such signs as may be necessary to give effect to this By-law, and to provide general notice to the public of the dates upon which reduced loads are anticipated to be put into effect and lifted and the roads to which the reduced loads apply.
- 2.6 That, pursuant to Section 110 of the Highway Traffic Act, if the Director of Public Works or their designate deems it appropriate they may permit loads in excess of 5 tonnes per axel on a case by case, road by road basis as outlined in Section 3 of this By-law if weather and road conditions can accommodate the request on a short-term basis. In all cases, an exemption permit shall not be issued for greater than a 24-hour period.
- 2.7 That Hydro One Networks Inc. is identified as a public utility emergency vehicle for the purposes of this By-law.
- 2.8 That this by-law may be referred to as the "Seasonal Load Restriction By-Law".

SECTION 3 – GRANT OF EXEMPTION PERMIT

- 3.1 That upon written application in the form established by the Director of Public Works, a Request for Exemption Permit may be granted to a person to permit the moving of heavy vehicles, loads, objects or structures in excess of the load restrictions set out in this by-law during the reduced load periods. The holder of a request for exemption permit is exempt from the provisions of this by-law to the extent as set out in the permit.
- 3.2 That a Request for Exemption Permit issued under section 3.1 shall be effective only for that time period specifically set out for that request, and for the particular highway or highways set out for that request. The exemption granted by section 2.6 applies strictly and solely to the highways and times prescribed by the request itself. The issuance of such request shall be subject to the terms and conditions and permits as per Schedule B.
- 3.3 That the Director of Public Works or their designate may impose any other reasonable conditions with respect to the permit referred to in section 3.1, including but not limited to those conditions necessary to:
 - a) Protect person and/or property from injury or damage;
 - b) Protect the structural integrity of the highway; and

- c) Prevent any further damage to the structure of the highway, persons, or property.
- 3.4 That it is deemed to be a condition of every Exemption Permit issued, that the Permit be carried in the vehicle for which the request was issued and be produced when demanded by a Provincial Offences Officer. Failure to comply with this condition constitutes an offence.
- 3.5 That the Director of Public Works may establish forms and procedures as deemed necessary for Town staff to administer Exemption Permits under this By-law.
- 3.6 That Council may establish a non-refundable administrative fee through the Fees and Charges By-law, as amended from time to time, for the issuance of Exemption Permits under this By-law.

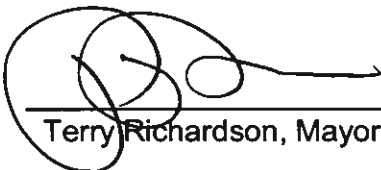
SECTION 4 – PENALTY

- 4.1 That the penalties provided in Section 125 of the Highway Traffic Act, R.S.O. 1990 C.H.8, as amended, shall apply to offenses against this by-law.

SECTION 5 – EFFECTIVE DATE

- 5.1 That this By-law shall come into force and take effect upon the date of passage, at which time all by-laws and resolutions that are inconsistent with the provisions of this By-law shall be repealed or rescinded.
- 5.2 That the following Schedules are annexed hereto:
- a) Schedule A – Highways Exempt from the Designation of a Reduced Load Period.
 - b) Schedule B – Conditions of a Request for Exemption.

Read a first, second and third time and finally passed this 19th day of December, 2023.



Terry Richardson, Mayor



Jessica Walters, Clerk

“Schedule A” to By-law 2023-0087

Highways Exempt from the Designation of a Reduced Load Period:

**For Town of Greater Napanee By-law No. 2023-0087
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The following roads and road sections shall be exempt from By-law No, 2023-0087:

Road Name	From	To
Jim Kimmett Boulevard	County Road 1 West	Centre Street North
Goodyear Road	County Road 41	Boundary between the Town of Greater Napanee and Stone Mills Township

“Schedule B” to By-law 2023-0087

Conditions of a Request for Exemption (To Be Accompanied by the Exemption Permit)

**For Town of Greater Napanee By-law No. 2023-0087
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1. Acts and By-Laws

- a. The permit holder shall move the vehicle in accordance with the Highway Traffic Act, R.S.O. 1990, Chapter H.8, as amended and any amendments thereto.
- b. This request is not valid on highways or structures otherwise restricted by Town By-law.
- c. All moves are subject to By-laws of the municipalities or corporations, within which the move is being made.

2. Control of Permit

- a. The permit may be withdrawn on written notice at any time by the Director of Public Works or their designate.
- b. Highways or structures may be restricted at any time.
- c. The permit is granted subject to the condition that the permit is used at and within the time limits specified and that the particular highways used will be in accordance with those designated by the Director of Public Works or their designate.

3. General

- a. No moves are to be made on Sundays.
- b. Vehicles, loads, objects, or structures that are in excess of the width, length or both, prescribed under section 109 of the Highway Traffic Act R.S.O. 1990, c.H.8, shall be marked with flags, lights or both and signs are prescribed.
- c. If it is necessary to cross a sidewalk with the load mentioned herein, the sidewalk must be covered with 4" planking.

4. Axle Loads

- a. Where the axle loads of any proposed loading arrangement cannot be easily calculated or are in doubt, it will be the applicant's responsibility to establish adequate proof of the accurate axle loadings, to the satisfaction of the Director of Public Works or their designate. Any expenses so incurred will be borne by the applicant.

The applicant understands that under the provisions of the Highway Traffic Act R.S.O. 1990, c.H.8, as amended, the owner, operator or mover of a heavy vehicle, load, object or structure, in respect of which a permit is granted under that section, is nevertheless responsible for all damages that may be caused to the highway by reason of the driving operating or moving of any such vehicle, load, object or structure and shall reimburse the Town of Greater Napanee for all costs associated with repairing such damage.

The applicant shall indemnify and save harmless the Town of Greater Napanee from any action, claim, damage or loss, arising from and in relation to the protection of persons and property, that may be caused by reason of driving, operating or moving of any such vehicle, object or structure.

