

THE CORPORATION OF HALDIMAND COUNTY

By-law No. 2079/19

Being a by-law to identify Truck Routes and to restrict Heavy Trucks on Non-Truck Routes within Haldimand County

WHEREAS Section 10 (2) subsection 7 of the *Municipal Act*, 2001, c. 25, as amended, (the Act) provides that a municipality may pass by-laws to provide any service or thing that the municipality considers necessary or desirable to the public;

WHEREAS Section 27 (1) of the Act authorizes municipalities to pass by-laws in respect of a highway under its jurisdiction;

WHEREAS Section 429 (1) of the Act authorizes a municipality to establish a system of fines for offences under a by-law of the municipality;

AND WHEREAS Section 122 (7) of the *Highway Traffic Act*, R.S.O 1990, c.H.8, as amended, provides that 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,

NOW THEREFORE the Council of The Corporation of Haldimand County enacts as follows:

PART I – SHORT TITLE

This by-law may be cited as the Heavy Truck By-law.

PART II – DEFINITIONS:

1. In this by-law,

“Agricultural Purposes” means land where animals or birds are kept for grazing, breeding, raising, boarding, training, or for the tillage of soil rowing, harvesting of vegetables, fruits, field crops or landscaping materials;

“County Engineer” means General Manager of Public Works Operations or any employee or agent of the Corporation designated by the said General Manager of Public Works Operations to act on their behalf;

"Commercial Motor Vehicle" means a motor vehicle having permanently attached thereto a truck or delivery body, and includes ambulances, hearses, casket wagons, fire apparatus, motor buses and tractors used for hauling purposes on the highways;

“County” means the Corporation of Haldimand County;

"Council" means the Council of the Corporation of Haldimand County;

"Heavy Truck(s)" means:

- i. any commercial motor vehicle which has a registered gross vehicle weight exceeding 5 tonne (5,000 kilograms or 11,023 pounds) according to the current permit or vehicle registration which has been issued under the *Highway Traffic Act*, or its foreign equivalent for such vehicle, regardless of the actual weight of such vehicles; or
- ii. a trailer that has a manufacturer's gross weight rating exceeding 1,360 kilograms, regardless of the actual weight of such trailer, but does not include a vehicle operated by or on behalf of the Corporation or a school bus which is in the course of transporting children or mentally challenged adults to and from school;

"Highway" means a common and public highway and includes one or both of the following:

- i. any street, road, avenue, parkway, lane, driveway, boulevard, sidewalk, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles or persons; or
- ii. the area between the lateral property lines of any highway or road allowance including any curbs, gutters, boulevards, culverts, ditches and retaining wall;

"Motor Vehicle" includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in this by-law, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the *Highway Traffic Act*;

"Municipal Law Enforcement Officer" means a person or persons duly appointed, pursuant to the *Police Services Act*, by Council;

"Municipality" means the municipality of Haldimand County;

"Non-Truck Route" means any *Highway* or part thereof within the County not set forth in Schedule A of this by-law and further not signed as a *Truck Route*;

"Officer" means a *Municipal Law Enforcement Officer* duly appointed by Council, and includes any police officer appointed pursuant to the *Police Services Act* and any enforcement officer for the Ministry of Transportation;

"Person" includes any individual, driver, vehicle operator, firm, partnership, association, corporation, company or organization of any kind;

"Reduced Load Limit" means and refers to a *Heavy Truck* restricted to a limit of a maximum weight of five (5) tonnes per axle for any vehicle traveling on the said *Highways* during the *Reduced Load Period* in any year;

“Reduced Load Period” means the period between March 1st to April 30th inclusive in any year;

"Road Allowance" means all allowances for roads, except in so far as they have been stopped up according to law, made by the Crown surveyors, all *Highways* laid out or established under the authority of any statute, all roads on which public money has been expended for opening them or on which statute labour has been usually performed, all roads dedicated by the owner of the land to public use, and all alterations and deviations of and all bridges over any such allowance for *Highway* or road;

"School Bus" means a chrome yellow bus that is used for the transportation of:

- i. children; or
- ii. mentally or physically disabled people to or from a training centre that bears on the front and rear thereof the words "school bus" and on the rear thereof the words "Do not pass when signals flashing";

“Site Alteration Agreement” means a permit issued pursuant to the provisions of the Haldimand County Site Alteration By-law;

“Truck Route” means a *Highway* identified in Schedule A of this by-law;

“Water Hauler” means vehicles transporting potable water in a water tank fixed to a truck.

PART III – HEAVY VEHICLES

2. Heavy Truck Routes

- a. No *Person* shall operate or permit the operation of a *Heavy Truck* except on a *Truck Route*, unless otherwise exempt or provided for in this by-law.
- b. The *County Engineer* is hereby authorized to cause the *Highways* listed in Schedule A attached hereto with signs identifying the *Highways* as *Truck Routes*.
- c. The *County Engineer* is hereby authorized to cause the *Highways* not listed in Schedule A attached hereto to be marked with signs to prohibit their use by *Heavy Trucks*.

3. Reduced Load Limit

- a. The *Highways* set out in Schedule B to this by-law are restricted to a *Reduced Load Limit* during the *Reduced Load Period*.
- b. The *County Engineer* is hereby authorized to erect such signage as is required to properly designate and identify the *Highways* listed in Schedule B of this by-law as having *Reduced Load Limits* during the *Reduced Load Period*.

- c. No *Person* shall operate or permit the operation of a vehicle on a *Highway* that does not comply with the *Reduced Load Limit* during the *Reduced Load Period*.

4. **Exceptions**

- a. Section 2 above does not apply in the following circumstances:
 - i. To a *Person* operating a *Heavy Truck* by or on behalf of the *County*, for the purposes of *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*;
 - ii. To a *Person* operating a *Heavy Truck* following a route that has been approved through a *Site Alteration Agreement* with the *County*;
 - iii. To a *Person* operating fire apparatus or other vehicles which are responding to bona fide emergency situation;
 - iv. To a *Person* operating *Heavy Trucks* on behalf of the *County* for the purposes of transporting waste;
 - v. To a *Person* operating a Public utility emergency vehicle;
 - vi. To a *Person* operating a *School Bus*; or
 - vii. To a *Person* operating a *Heavy Truck* on a *Non-Truck Route* when instructed to do so by a police officer.
- b. Section 2 does not apply to a *Person* operating a *Heavy Truck* in the usual conduct of business, (existing or established place of business) and proceeding by way of the shortest route to or from any *Truck Route* in respect of the following vehicles:
 - i. *Water Haulers*;
 - ii. *Heavy Trucks* used exclusively for the transportation of milk;
 - iii. *Heavy Trucks* being used for *Agricultural Purposes*;
 - iv. *Heavy Trucks* on any *Highway* or part of *Highway* which has been properly authorized as a temporary detour route;
 - v. *Heavy Trucks* delivering or providing goods or services.

PART IV – PENALTY

5. Every *Person* who contravenes any of the provisions of this by-law and, if the *Person* is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable:
 - a. On a first conviction, to a fine of not more than \$10,000; and
 - b. On a subsequent conviction, to a fine of not more than \$10,000 for each day, or part thereof, upon which the contravention has continued after the day on which the *Person* was first convicted.
6. Notwithstanding Section 5 above, where the *Person* convicted is a Corporation, the maximum penalty that may be imposed is:
 - a. On a first conviction, a fine of not more than \$50,000; and

- b. On a subsequent conviction, a fine of not more than \$25,000 for each day, or part thereof, upon which the contravention has continued after the day on which the corporation was first convicted, and not as provided in subsection (a).
7. For the purposes of establishing set fines, every Person who contravenes any provision of this by-law is guilty of an offence and is subject to a fine pursuant to the provisions of the *Provincial Offences Act*, R.S.O., 1990, c. P.33, as amended, or any other applicable legislation or successor thereto.

PART V – OBSTRUCTION

- 8. No *Person* shall hinder or attempt to hinder, or obstruct an *Officer* in carrying out their duties under this by-law.
- 9. No *Person* shall obstruct any employee or agent authorized in carrying out work for the County required to bring any adjacent boulevard into compliance with this by-law.

PART VI – SEVERABILITY

- 10. If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law will be considered to be severed from the balance of the by-law, which will continue to operate in full force.

PART VII – ENFORCEMENT

- 11. This by-law may be enforced by any *Officer* as defined in this by-law.

PART VIII – REPEALS

- 12. By-law 2036/19 be hereby repealed.

PART IX – ENACTMENT

- 13. **AND THAT** this by-law comes into force and effect on the date of its passing.

READ a first and second time this 3rd day of September, 2019.

READ a third time and finally passed this 3rd day of September, 2019.

MAYOR

DEPUTY CLERK

Schedule A: Truck Routes

| Road Number / Name | From | To |
|---|---|--------------------------------------|
| Concession 2 Walpole | Haldimand Road 55 / Nanticoke Rd | Haldimand Road 18 / Sandusk Rd |
| Concession 3 Walpole | Haldimand Road 55 / Nanticoke Rd | Haldimand Road 18 / Sandusk Rd |
| Dry Lake Rd | Haldimand Road 9 | Hwy 3 |
| Greens Rd | Mines Rd | Hwy 6 |
| Haldimand Road 2 / Caistorville Rd | Haldimand Road Roads 14 and 63 | Region of Niagara Boundary |
| Haldimand Road 3 / Rainham Rd | Haldimand Road 3 / Concession 2 Walpole | Norfolk Boundary |
| Haldimand Road 3 / Concession 2 Walpole | Haldimand Road 55 / Nanticoke Rd | Haldimand Road 3 / Rainham Rd |
| Haldimand Road 3 / Rainham Rd | Haldimand Road 55 / Nanticoke Rd | Riverside Dr |
| Haldimand Road 3 / Rainham Rd | Haldimand Road 55 / Nanticoke Townline | Haldimand Road 3 / Main St Dunnville |
| Haldimand Road 3 / Northshore Dr | Haldimand Road 61 / Taylor Rd Dunnville | Haldimand Road 65 / Hutchinson Rd |
| Haldimand Road 3 / Northshore Dr | Haldimand Road 65 / Hutchinson Rd | Wainfleet Townline |
| Haldimand Road 7 / Marshagan Rd | Hwy 3 | Wainfleet Townline |
| Haldimand Road 8 / Kohler Rd | Haldimand Road 3 / Rainham Rd | Lakeshore Rd |
| Haldimand Road 8 / Kohler Rd | Hwy 3 | Haldimand Road 3 / Rainham Rd |
| Haldimand Road 9 | Haldimand Road 54 | Region of Niagara Boundary |
| Haldimand Road 9 | Haldimand Road 20 / Indian Line | Haldimand Road 54 |
| Haldimand Road 9 | Haldimand Road 74 / County Line | Hwy 6 |
| Haldimand Road 11 / Port Maitland Rd | Haldimand Road 3 / Rainham Rd | Kings Row |
| Haldimand Road 12 / Fisherville Rd | Haldimand Road 20 | Haldimand Road 3 / Rainham Rd |
| Haldimand Road 14 / Smithville Rd | Haldimand Road 2 and 63 | Region of Niagara Boundary |
| Haldimand Road 15 / Robinson Rd | Hwy 3 | Region of Niagara Boundary |
| Haldimand Road 17 | Hwy 3 Cayuga | Hwy 3 Dunnville |
| Haldimand Road 18 / Sandusk Rd | Hwy 6 | Haldimand Road 20 / Indian Line |

| Road Number / Name | From | To |
|---|--------------------------------------|--------------------------------------|
| Haldimand Road 18 / Sandusk Rd | Hwy 6 | Haldimand Road 3 / Rainham Rd |
| Haldimand Road 20 | Haldimand Road 3 / Rainham Rd | Hwy 3 |
| Haldimand Road 20 / Indian Line | Haldimand Road 74 | Hwy 3 |
| Haldimand Road 22 / McClung Rd | Haldimand Road 54 | Haldimand Road 66 |
| Haldimand Road 27 / Concession 11 W | Haldimand Road 18 | Haldimand Road 20 / Indian Line |
| Haldimand Road 29 / 4th Line | Haldimand Road 9 | Hwy 6 |
| Haldimand Road 32 / Dairy Side Rd | Hwy 3 | Haldimand Road 17 |
| Haldimand Road 33 / Tyneside Rd | Haldimand Road 66 | Haldibrook Rd |
| Haldimand Road 48 | Haldimand Road 11 / Port Maitland Rd | End |
| Haldimand Road 49 / Aikens Rd | Haldimand Road 3 / Rainham Rd | Lakeview Line |
| Haldimand Road 50 | Haldimand Road 3 / Rainham Rd | Lakeshore Rd |
| Haldimand Road 50 | Haldimand Road 20 | Haldimand Road 3 / Rainham Rd |
| Haldimand Road 53 / Selkirk Townline Rd | Haldimand Road 3 / Rainham Rd | Lakeshore Rd |
| Haldimand Road 53 / Selkirk Townline Rd | Haldimand Road 20 | Haldimand Road 3 / Rainham |
| Haldimand Road 54 | Brant Haldimand Boundary | Mines Rd |
| Haldimand Road 54 | Hwy 3 Cayuga | Haldimand Road 22 / McClung Rd |
| Haldimand Road 55 / Nanticoke Rd | Haldimand Road 20 / Indian Line | Hickory Beach Lane |
| Haldimand Road 56 | Hwy 3 | Haldibrook Road |
| Haldimand Road 61 / Taylor Rd | Hwy 3 / Broad St | Haldimand Road 3 / Northshore Dr |
| Haldimand Road 62 / Brooklin Rd | Haldimand Road 3 / Rainham Rd | Southcoast Dr |
| Haldimand Road 63 / Canborough Rd | Hwy 3 | Region of Niagara Boundary |
| Haldimand Road 64 / Rymer Rd | Haldimand Road 3 / Northshore Dr | Siddall Rd |
| Haldimand Road 65 / Hutchinson Rd | Haldimand Road 3 / Northshore Rd | Hwy 3 |
| Haldimand Road 66 | Hwy 6 | Stoney Creek Road |
| Haldimand Road 69 / Nanticoke Creek Parkway | Haldimand Road 55 | Haldimand Road 74 / Townsend Parkway |

| Road Number / Name | From | To |
|--------------------------------------|---|---------------------------------|
| Haldimand Road 70 | Hwy 6 | Hwy 3 |
| Haldimand Road 70 | Haldimand Road 3 / Rainham Rd | Hwy 6 |
| Haldimand Road 74 / County Line Rd | Stone Quarry Rd | Haldimand Road 9 |
| Haldimand Road 74 / County Line Rd | Norfolk Road 9 / Thompson Rd | Haldimand Road 20 / Indian Line |
| Haldimand Road 74 / County Line Rd | Haldimand Road 69 | Hwy 3 |
| Haldimand Road 74 / County Line Rd | Haldimand Road 9 | Norfolk Road 9 / Thompson Rd |
| Haldimand Road 74 / Townsend Parkway | Haldimand Road 69 / Nanticoke Creek Parkway | Stone Quarry Rd |
| James Rd | Hwy 3 | Moote Rd |
| Main St Dunnville | Hwy 3 / George St | Haldimand Road 61 / Taylor Rd |
| Main St Hagersville / Hwy 6 | North Connecting Link | Parkview Rd |
| Main S Jarvis / Hwy 6 | North Connecting Link | South Connecting Link |
| Mines Rd | Haldimand Road 54 | Greens Rd |
| Ramsey Rd | Broad St | Industrial Crt |
| Riverside Dr | Concession 2 Walpole | Rainham Rd |
| Stoney Creek Rd | Haldimand Road 66 | Haldimand Rd 54 |
| Talbot St, Cayuga / Hwy 3 | Cayuga Bridge | Monture St |
| Talbot Street, Jarvis / Hwy 3 | East Connecting Link | West Connecting Link |

Schedule B
Reduced Load Limit Highways

| Road Number / Name | From | To |
|---|-----------------------------------|---------------------------------|
| Haldimand Road 3 / Rainham Rd | Haldimand Road 55 / Nanticoke Rd | Riverside Dr |
| Haldimand Road 3 / Northshore Dr | Haldimand Road 65 / Hutchinson Rd | Wainfleet Townline |
| Haldimand Road 7 / Marshagan Rd | Hwy 3 | Wainfleet Townline |
| Haldimand Road 8 / Kohler Rd | Haldimand Road 3 / Rainham Rd | Lakeshore Rd |
| Haldimand Road 18 / Sandusk Rd | Hwy 6 | Haldimand Road 20 / Indian Line |
| Haldimand Road 27 / Concession 11 W | Haldimand Road 18 | Haldimand Road 20 / Indian Line |
| Haldimand Road 49 / Aikens Rd | Haldimand Road 3 / Rainham Rd | Lakeview Line |
| Haldimand Road 50 | Haldimand Road 3 / Rainham Rd | Lakeshore Rd |
| Haldimand Road 53 / Selkirk Townline Rd | Haldimand Road 3 / Rainham Rd | Lakeshore Rd |
| Haldimand Road 62 / Brooklin Rd | Haldimand Road 3 / Rainham Rd | Southcoast Dr |
| Haldimand Road 70 | Hwy 6 | Hwy 3 |
| Haldimand Road 74 / County Line Rd | Stone Quarry Rd | Haldimand Road 9 |
| Haldimand Road 74 / County Line Rd | Norfolk Road 9 / Thompson Rd | Haldimand Road 20 / Indian Line |
| Riverside Dr | Concession 2 Walpole | Rainham Rd |
| Stoney Creek Rd | Haldimand Road 66 | Haldimand Rd 54 |