

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

OFFICE CONSOLIDATION OF BY-LAW 2005-147

Consolidated on August 21, 2008

Passed by Council on July 12, 2005.

Amendments:

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|--------------------|-------------------|--------------|
| 1) By-Law 2005-279 | November 15, 2005 | Schedule "A" |
| 2) By-Law 2008-127 | July 15, 2008 | Schedule "A" |
| 3) By-law 2008-145 | August 19, 2008 | Schedule "A" |

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2005- 147

**A BY-LAW TO LIMIT THE GROSS WEIGHT OF VEHICLES
PASSING OVER BRIDGES IN KAWARTHA LAKES**

Recitals:

1. Subsection 123(2) of the *Highway Traffic Act* provides that a municipality may limit the Gross Vehicle Weight of any vehicle or any class of vehicles passing over the bridge.
2. The Council deems it advisable to enact a by-law to limit the Gross Vehicle Weight of any vehicles passing over certain bridges in Kawartha Lakes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law No. 2005-147.

Article 1:00 Definitions and Interpretation

- 1.01 **Definitions:** Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in this Section. Where any word appears in ordinary case, its regularly applied meaning in the English language is intended.
- (a) **"By-law"** means this by-law, including all of its recitals and schedules, as amended from time to time.
 - (b) **"City"** means The Corporation of the City of Kawartha Lakes.
 - (c) **"Council"** means the elected Council of the City.
 - (d) **"Director"** means the Director of Public Works of the City of Kawartha Lakes and his/her successors or his/her duly authorized representative.
 - (e) **"Gross Vehicle Weight"** means the total weight in tonnes transmitted to the highway by a vehicle or combination of vehicles, and its load.
 - (f) **"Highway"** includes: 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. The definition includes the area between the lateral property lines of the road allowance.
 - (g) **"Kawartha Lakes"** means the geographic area occupied by the City.
 - (h) **"MTO"** means the Ministry of Transportation of Ontario.
 - (i) **"Vehicle"** includes: a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle 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.

1.02 **Interpretation Rules:**

- (a) Whenever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable in the circumstances.
- (b) References to items in the plural include the singular, as applicable.
- (c) The words “include”, “includes” and “including” are not to be read as limiting the phrases or descriptions that precede them.

1.03 **Statutes:** References to laws in this By-law are printed in italic font and are meant to refer to the current laws applicable within the Province of Ontario as at the time this By-law was passed. For Provincial laws, the reference is to the relevant chapter of the R.S.O. 1990 edition, as amended from time to time, including successor legislation.

1.04 **Severability:** 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 and effect.

Article 2:00 Load Restriction Details & Posting of Signs
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2.01 **Schedule “A”:** Schedule “A” to this By-law sets out the weight restrictions for the identified bridges in Kawartha Lakes, as established by engineers appointed by the City. The figures in Column 4 of Schedule “A” represent the maximum Gross Vehicle Weight for a single Vehicle unit (i.e. a cube van) permitted on the bridge located as per Column 3 of Schedule “A”. The figures in Column 5 of Schedule “A” allow for an increase in the amount of weight over that in Column 4 for Vehicles comprised of a combination of two Vehicle units (i.e. a tractor with a trailer). The figures in Column 6 of Schedule “A” allow for an increase in the amount of weight over that in Column 5 for Vehicles comprised of a combination of three Vehicle units (i.e. a tractor with two trailers).

2.02 **Prohibition (L1):** It is an offence for a person to drive or haul any Vehicle comprised of a single Vehicle unit with a Gross Vehicle Weight in excess of the weight described in Column 4 of Schedule “A” over the applicable bridge listed across from that weight in Column 3 of Schedule “A”.

2.03 **Prohibition (L2):** It is an offence for a person to drive or haul any Vehicle comprised of two Vehicle units with a Gross Vehicle Weight in excess of the weight described in Column 5 of Schedule “A” over the applicable bridge listed across from that weight in Column 3 of Schedule “A”.

2.04 **Prohibition (L3):** It is an offence for a person to drive or haul any Vehicle comprised of three (or more) Vehicle units with a Gross Vehicle Weight in excess of the weight described in Column 6 of Schedule “A” over the applicable bridge listed across from that weight in Column 3 of Schedule “A”.

2.05 **Posting:** The Director is authorized and directed to post signs at the bridges listed in Schedule “A” in order to advise the motoring public of the restrictions upon Gross Vehicle Weight imposed by this By-law. Signs shall be legibly printed and posted in a conspicuous place at each end of each bridge or culvert in question.

2.06 **Sign Tampering:** It is an offence to remove or to tamper with any sign posted in accordance with Section 2.05.

Article 3:00 Enforcement

3.01 **Enforcement:** This By-law may be enforced by municipal law enforcement officers, any Police Service with jurisdiction, or officers appointed by the Province of Ontario for the enforcement of by-laws passed pursuant to the *Highway Traffic Act*.

3.02 **Penalties:** Every person who commits an offence pursuant to this By-law is liable, upon conviction, to the penalties prescribed in the *Highway Traffic Act*.

- 3.03 **Multiple Offences:** The conviction of an offender for the breach of any provision of this By-law shall not operate as a bar to a prosecution against the same offender upon any subsequent or continued breach of any provision of this By-law.
- 3.04 **Posting Requirement:** The provisions of this By-law may not be enforced as it applies to any given bridge listed in Schedule "A", unless and until the signs with respect to that bridge have been erected in accordance with Section 2.05.

Article 4:00 Repeal & Effective Date

- 4.01 **Repeal:** By-law 2002-104 of The Corporation of the City of Kawartha Lakes, as amended, is repealed.
- 4.02 **Force and Effect:** This By-law shall come into force on the date it is finally passed.
- By-law read a first, second and third time, and finally passed, this 12th day of July, 2005.

Mayor

Clerk

Schedule "A"

To By-law 2005-147

LOADS ON BRIDGES

Column 1 City Bridge No.	Column 2 MTO Structure No. (where applicable)	Column 3 Name and Location of Bridge or Culvert	Column 4 Maximum Wt. L1 (tonnes)	Column 5 Maximum Wt. L2 (tonnes)	Column 6 Maximum Wt. L3 (tonnes)	Amending By-law Number and Date of Effect
100015	21-0022	t. Mary's Road, 1.55 km south of 31 – Mount Horeb Road	11	13	25	
100016	32-0155	Hogsback Road, 0.65 km south of #31 – Mount Horeb Road	18	27	32	
100018	32-0117	Mary St. E., Omemee, 0.3 km east of Sturgeon Road South	11	14	23	
300006		Cresswell Road, 1.4 km east of #6 - Eldon Road	15	25	35	
300017		Simcoe Street, 1.0 km north of #9 – Woodville Road	9			
300022		Palestine Road, 1.35 km east of #6 – Kirkfield Road	14	22	27	
300024	32-0052	Creekview Road, 0.23 km north of Palestine Road	11	15	25	
06656	22-0012	#6 Ramara/Dalton Boundary Road, 3.3 km north of #45 – Monck Road	10	10	10	(2005-279, effective Nov.15/05)
06715	32-0125	#6 - Chisholm Trail, 0.5 km north of Sadowa Road	14	19	28	
06754	32-0001	#6 Chisholm Trail, 0.1 km south of Black River Road	14	16	26	
400004	32-0030	Shrike Road, 0.66 km north of Talbot River Road	18	25	32	
400006		Fitzgerald Lane, 0.4 km north of #6 – Kirkfield Road	12	14	26	
400007	32-0016	Doyle Road, 2.43 km south of North Mountain Road	23	37	40	
400011	32-0007	Hills Road, 0.4 km south of Taylor Road	11	18	24	
400012	32-0006	Taylor Road, 0.9 km west of Hills Road	10	16	25	
400015	32-0126	Kett Road, 0.72 km west of #6 – Sadowa Road	14	19	28	
400016		Morton Lane Bridge, 2 km east of #6 – Sadowa Road	5			2008-145 effective Aug. 19/08
400018		Black River Road, 4.8 km east of Ragged Rapids	2	2	2	
400019	32-0002	Black River Road, 4.5 km east of Ragged Rapids	3	3	3	
400020	32-0043	Northline Road, 1.53 km north of Poulson Road	8	17	21	