

The Corporation of the Township of Guelph/Eramosa

By-law Number 15/2013

To prohibit heavy trucks on certain highways in the Township of Guelph/Eramosa

WHEREAS section 9 of the *Municipal Act*, 2001 grants the council of a municipality the capacity, rights, powers and privileges of a natural person;

WHEREAS sections 10 and 11 of the *Municipal Act*, 2001, authorizes Council to pass by-law with respect to health, safety and well-being of persons and the economic, social and environmental well-being of the municipality;

WHEREAS section 11(3) assigns the Township the non-exclusive authority to pass bylaws for highways, including traffic on highways;

WHEREAS in the interest of health and safety of persons and the well-being of the environment, Council has concluded that heavy trucks should not be permitted to travel on a certain portion of Fife Road;

NOW THEREFORE the Council of the Corporation of the Township of Guelph/Eramosa enacts as follows:

1. Short Title

This by-law may be cited as the "Prohibition of Heavy Trucks By-law."

2. Definitions

In this by-law, the following terms have the following meanings:

2.1 "Commercial Vehicle" means a motor vehicle having permanently attached thereto a truck or delivery body for hauling purposes on a highway.

2.2 "Heavy Truck" shall mean any Commercial Motor Vehicle having an actual or registered gross vehicle weight of 3 tonnes or more, but does not include:

- a) Ambulances, police or fire department vehicles;
- b) School or transit busses;
- c) Emergency motor vehicles;
- d) Public utility vehicles;
- e) Motor vehicles owned or operated by the Township of Guelph/Eramosa or the Corporation of the County of Wellington;
- f) Motor vehicles owned or operated by the Province of Ontario.

2.2 "Prohibited highway" means the highway(s) set out in Schedule "A" of this by-law.

2.3 "Township of Guelph/Eramosa" or "Township" means the Corporation of the Township of Guelph/Eramosa.

3. Prohibitions

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- 3.1 No person shall move, drive, stop, park or operate a Heavy Truck on a prohibited highway listed in Schedule "A" of this by-law.
- 3.2 No person shall permit or allow a Heavy Truck to move, drive, stop, park or operate a Heavy Truck on a prohibited highway listed in Schedule "A" of this by-law.
- 3.3 The prohibitions in 3.1 and 3.2 shall not apply to a Heavy Truck actually engaged in making delivery to or a collection from premises which cannot be reached except by way of the prohibited highway or a portion thereof, provided that in making such delivery or collection, the said prohibited highway is travelled only insofar as is unavoidable in getting to and from such premises.

4. Detours

Section 3 hereof shall not, if compliance therewith would be impracticable, apply to the operation of any Heavy Truck upon any officially established detour.

5. Signs

The erection of heavy truck prohibition signs to give effect to this by-law is hereby authorized.

6. Enforcement

A police officer, provincial offences officer, or such other persons designated by by-law from time to time may enforce all provisions of this by-law.

7. Offences and Penalties

Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to the set fine prescribed in Schedule "B" for offences prosecuted under Part I of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended, or if otherwise prosecuted, such fine and other penalty as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended.

8. Precedence and Severability

- 8.1 Where this by-law conflicts with any other by-law of the Township of Guelph/Eramosa, this by-law shall take precedence to the extent of the conflict.
- 8.2 Should any section, paragraph or provision of this by-law, including any part of any schedule hereof be declared by a court of competent jurisdiction to be *ultra vires*, invalid or illegal for any reason, the same shall not affect the validity of the by-law as a whole.

9. Force and Effect

- 9.1 This By-law shall come into effect upon the date the appropriate signage is posted.

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READ three times and finally passed
this **4th** day of **March, 2013**.

Chris White, Mayor

Meaghen Reid, Clerk

SCHEDULE "A"

Township of Guelph/Eramosa

By-law 15/2013

**Being a By-law to prohibit heavy trucks on certain highways in the
Township of Guelph/Eramosa**

Part I of the Provincial Offences Act

PROHIBITED HIGHWAY		
Highway	From	To
Fife Road	Wellington Road 32	Whitelaw Road

SCHEDULE "B"

Township of Guelph/Eramosa
By-law 15/2013
Being a By-law to prohibit heavy trucks on a certain highways of the
Township of Guelph/Eramosa

Part I of the Provincial Offences Act

Item	Short form wording	Provision creating or defining offence	Set fine
1	Move, drive, stop, park or operate a Heavy Truck on a prohibited highway or	s. 3.1	\$400.00
2	Permit or allow a Heavy Truck to move, drive, stop, park or operate a Heavy Truck on a prohibited highway.	s. 3.2	\$400.00