

CORPORATION OF THE MUNICIPALITY OF CALVIN

BY-LAW NO. 2025-16

BEING A BY-LAW FOR REDUCED LOAD RESTRICTIONS AND EXEMPTIONS ON HIGHWAYS WITHIN
THE CORPORATION OF THE MUNICIPALITY OF CALVIN

WHEREAS the Highway Traffic Act, R.S.O. 1990, c.H.8, section 110 (1) provides that a municipal corporation or other authority having jurisdiction over the highway may, upon application in writing, grant a permit for use of the highway by a vehicle or combination of vehicles in excess of the dimensional limits set out in section 109 or the weight limits set out in Part VIII in order to allow the movement of:

- A) a load, object or structure that cannot reasonably be divided and moved within those limits;
- B) a vehicle that cannot reasonably be divided and moved within those limits and that is not itself carrying a load, object or structure or drawing or carrying a vehicle;
- C) a vehicle or combination of vehicles that is used exclusively to move a load, object or structure or to draw or carry a vehicle as described in clauses (A) and (B);

AND WHEREAS the Highway Traffic Act, R.S.O. 1990, c.H.8, section 110 (2) also provides that a permit referred to in subsection (1) may be general, or may limit the time and the particular highway that may be used, and may contain conditions relating to the protection of persons and property from injury or damage and the municipal corporation or other authority may require a bond or other security sufficient to cover the cost of repairing any possible damage to the highway;

AND WHEREAS the Highway Traffic Act, R.S.O. 1990, c.H.8, section 110 (3) states that the council of any municipality may by by-law provide that a permit referred to in subsection (1) may be issued by an officer of the corporation named therein;

AND WHEREAS the Municipal Act, 2001, S.O. 2001, C.25, part II section 11 (3) provides the authority for a lower-tier municipality and an upper-tier municipality may pass by-laws, subject to the rules set out in subsection (4), respecting matters within the following spheres of jurisdiction 1. Highways, including parking and traffic on highways;

AND WHEREAS the Council of the Corporation of the Municipality of Calvin finds it expedient to align the Reduced Loads Restrictions By-law to the provisions outlined in the Highway Traffic Act, R.S.O. 1990, c.H.8 sections 110 and 122, to provide consistency for the enforcement of the by-law by the Ministry of Transportation and the Ontario Provincial Police;

AND FURTHERMORE, that the short form of the by-law be referred to as the “Overweight Permit By-Law.”

1.0 DEFINITIONS

“**Commercial Motor Vehicle**”, unless otherwise defined by regulation, means a motor vehicle having attached to it a truck or delivery body and includes an ambulance, a hearse, a casket wagon, a fire apparatus, a bus and a tractor used for hauling purposes on a highway;

“**Driver**” means a person who drives a vehicle on a highway;

“**Fire Department Vehicle**” includes an emergency crash extrication vehicle owned and operated by a rescue organization approved by the Minister in writing for the purposes of this Act and a vehicle designated in writing by the Fire Marshal of Ontario as a fire department vehicle;

“**Goods**” includes all classes of materials, wares and merchandise and livestock;

“**Gross Weight**” means the combined weight of vehicle and load;

“**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 and includes the area between the lateral property lines thereof;

“Municipality” means the Municipality of Calvin.

“Road Service Vehicle” means a vehicle while it is being used for Highway maintenance purposes by or on behalf of a Municipality or other authority with jurisdiction and control of the Highway.

2.0 PROCEDURE FOR THE ONSET AND REMOVAL OF REDUCED LOAD PERIODS

2.1 Reduced load period shall commence when the cumulative thawing index is greater than the cumulative thawing index threshold. In Zone 3 the threshold values shall be eight degrees Celsius(8°C) for three consecutive days. Historical data provides that the cumulative thawing index generally in or around March 01st of every year.

The Municipality 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.

2.2 The Public Works Road Superintendent or designate shall have the sole discretion for the reduced load period onset and removal dates.

2.3 The Public Works Superintendent or designate shall place reduced load restrictions on Highways within the Municipality, when deemed necessary to preserve Highways, construction projects or maintenance thereof.

2.4 Reduced load periods shall be indicated with an RB-76 sign as per Book Seven Ontario Traffic Control Manual.

2.5 The onset and removal dates will be posted to the Township website as well as the Township’s social media.

3.0 EXCEPTIONS TO REDUCED LOADS

3.1 During a reduced load period no Commercial Motor Vehicle or trailer, other than a vehicle referred to in 3.2, shall be operated or drawn upon any designated Highway where the weight upon an axle exceeds 5,000 kilograms.

3.2 During a reduced load period,

- I. no two-axle tank-truck, while used exclusively for the transportation of liquid or gaseous heating fuel;
 - II. no two-axle truck, while used exclusively for the transportation of livestock feed; and
 - III. no vehicle transporting live poultry;
- shall be operated upon any designated highway where the weight upon an axle exceeds 7,500 kilograms.

3.3 During a reduced load period no vehicle having a carrying capacity in excess of 1,000 kilograms other than a motor vehicle or trailer, shall be operated upon any designated Highway where the weight upon any millimeter in the weight of a tire exceeds five kilograms.

3.4 Exceptions when 3.2 and 3.3 do not apply to:

- I. vehicles operated by or on behalf of a Municipality or other authority having jurisdiction and control of a Highway, where the vehicles are engaged in Highway maintenance, including the carriage and application of abrasives or chemicals to the Highway, the stockpiling 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. vehicles used exclusively for the transportation of milk;
- III. fire apparatus;
- IV. vehicles operated by or on behalf of the Township for transporting waste,
- V. public utility emergency vehicles, or
- VI. vehicles used to transport passengers for compensation, other than those operated solely within the limits of one Municipality.

4.0 **OVERWIEGHT PERMIT**

4.1 The Municipality having jurisdiction over the Highway may, upon application, in writing, grant a permit for use of the Highway by a vehicle or combination of vehicles in excess of the dimensional limits set out in the reduced load period.

4.2 The permit may be general or may limit the time and particular highway that may be used and may contain conditions relating to the protection of persons and property from injury or damage and the Municipal corporation may require a bond or other security sufficient to cover the cost of repairing any possible damage to the Highway. Dependent on the need for the permit, the Public Works Superintendent or designate shall have the discretion to require a bond or security.

4.3 The owner, operator or mover of a heavy vehicle, load, object or structure in respect of which a permit is granted under this section is nevertheless responsible for all damage that may be caused to the highway be reason of the driving, operating or moving of any such heavy vehicle, load, object or structure.

4.4 It is the condition of every permit issued under this section that the original permit or a copy of it be carried in the vehicle for which the permit was issued an be produced when demanded by a police officer or an officer appointed for carrying out the provisions of this by-law and the Highway Traffic Act.

4.5 The onus is on the applicant to establish that a permit should be granted and the Public Works Superintendent or designate may refuse any application unless satisfied that the permit should be granted.

4.6 The Public Works Superintendent shall consider an applicant's submissions relating to the issuance of a permit and the conditions that they consider appropriate.

4.7 The Municipality may set fees for the issuance, renewal and replacement of permits issued for the purpose of this by-law.

4.8 The Municipality may set different fees and different validity periods for different classes of vehicles, combination of vehicles or persons and may exempt classes of vehicles, combination of vehicles or persons from fees.

- 4.9** The Municipality may suspend, refuse to renew, modify or cancel a permit on the grounds of:
- I. breach of conditions of the permit or of any other permit held by the holder;
 - II. false or incomplete information in the application for the permit or its renewal or for any other permit held by the holder;
 - III. an outstanding fee in respect of the permit or any other permit held by the holder, or an outstanding penalty or interest in respect of the fee or damages caused by the holder.
- 4.10** Before taking action, the Municipality shall notify the permit holder of the proposed action and give the holder the opportunity to make written submissions about the proposed action and give the holder fifteen (15) days from actual or deemed receipt of the notice to make submissions.
- 4.11** Notice of 4.10 is sufficiently given if:
- I. it is delivered by mail addressed to the permit holder at the latest address for the person appearing on the record of the application and permit or;
 - II. emailed to the permit holder at the email address appearing on the record of the application.

5.0 **ENFORCEMENT**

5.1 A police officer or officer appointed for carrying out the provisions of this by-law and the provisions of the Highway Traffic Act R.S.O. 1990, c.H.8, may stop any vehicle or combination of vehicles, direct the driver to such a location as is reasonable in the circumstances, direct the driver to drive the vehicle or combination of vehicles on or off a scale in order to weigh the

vehicle or combination of vehicles using portable or stationary scales, and measure and examine the vehicle or combination of vehicles to determine its nature and dimensions.

- 5.2** Where it is found that the gross vehicle weight, axle unit weight or axle group weight of any vehicle or combination of vehicles is in excess of the limits permitted under the Highway Traffic Act or the regulations, may require a driver to redistribute or remove as much of the load as is necessary to ensure compliance with this by-law and the Highway Traffic Act.

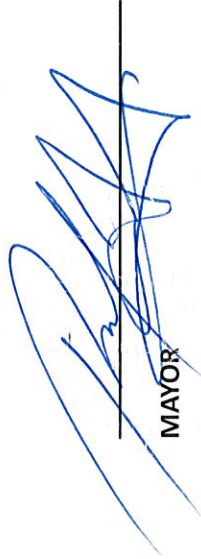
6.0 PENALTY

- 6.1** Every person who contravenes subsection 122 (1), (2) or (3) or regulation issued in respect to this by-law is guilty of an offence and on conviction is liable to a fine defined in the Highway Traffic Act, R.S.O. 1990, c.H.8, as amended from time to time.
- 6.2** Damages caused to the roads under the jurisdiction of the Municipality of Calvin are subject to the provisions of the Highway Traffic Act, R.S.O. 1990, c.H.8, section 110 for the purpose of cost recovery.

7.0 THE BY-LAW

- 7.1** That this by-law will repeal all other by-laws for the purpose of reduced load periods including By-Law 2003-007 and By-Law 2005-007.
- 7.2** Schedule "A" for the application and approval shall form part of this by-law.
- 7.3** If a portion of this by-law is amended by the Highway Traffic Act, R.S.O. 1990, c.H.8, the Highway Traffic Act shall prevail.
- 7.4** If a section of this by-law is found to be invalid or enforceable the remainder of the by-law shall remain in effect.

THIS BY-LAW SHALL BE PASSED AND ENACTED THIS DAY 25th OF MARCH 2025.


MAYOR


CAO, CLERK

SCHEDULE "A"

BY-LAW 2025- 16

THE CORPORATION OF THE MUNICIPALITY OF CALVIN

OVERWEIGHT PERMIT/APPROVAL

Section 110, subsection (1) Highway Traffic Act R.S.O. 1990, c.H.8

Applicants Name _____ Phone No. _____

Applicants Address _____

Company Name _____ Phone No. _____

Company Address _____

Company Contact Name _____ Email _____

Make and Model of Vehicle _____

Serial No. of Vehicle _____ Year/Colour of Vehicle _____

PROPOSED MOVEMENT INFORMATION

Start Date and End Date _____

Destination (Street Address) From _____ to _____

Route to be taken: _____

This request is for the movement of what type of material?

DECLARATION

I/we understand that the provisions of Section 110 and Section 122 of the Highway Traffic Act R.S.O. 1990, c.H.8, as amended from time to time, the owner, operator and /or mover of a heavy vehicle, load, object or structure who has obtained a permit is nevertheless responsible for all damage that may be caused to the highway, encroachments, or railway right of way by reason of driving, or operating or moving of any heavy vehicle, load, object or structure. The applicant certifies that the information contained in this application is true and acknowledges and accepts the responsibilities imposed by law on the applicant in relation to the operation of a commercial motor vehicle under the authority of the permit issued pursuant to this application. PERMITS ARE INVALID IF FALSE INFORMATION IS GIVEN AND THE MUNICIPALITY MAY SUSPEND ALL OVERWEIGHT PERMIT PRIVELEGES.

Name (Please Print) _____ Signature of Applicant _____ Date _____

APPROVAL OF APPLICATION

This application has been approved by the Road Authority for the Municipality of Calvin.

THERE MUST BE NO ALTERATIONS FROM THIS ROUTE UNLESS AUTHORIZED.

TIME OF MOVEMENT PERMITTED: Between the hours of: _____ a.m. to _____ p.m.

ROAD AUTHORITY SIGNATURE _____ DATE _____