

# THE CORPORATION OF THE MUNICIPALITY OF POWASSAN

## BY-LAW NO. 2021-10

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Being a By-Law to provide for Reduced Load Periods within the  
Municipality of Powassan

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**WHEREAS** Section 122, Sub-section 7 of the *Highway Traffic Act, R.S.O. 1990* as amended, provides that a Municipal Corporation or other Authority having jurisdiction over a Highway, may through the adoption of a by-law, designate the date on which the reduced load period shall start or finish and the highway or portion thereof under its jurisdiction to which the designation applies;

**AND WHEREAS** the Council of the Corporation of the Municipality of Powassan, deem it necessary for the preservation and protection of certain highways to regulate the reduced load periods within the Municipality of Powassan.

**NOW THEREFORE** The Council of the Corporation of the Municipality of Powassan enacts as follows:

1. That for the purpose of this By-Law, the term "Highway" shall be defined as 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.
2. That the term reduced load shall refer to section 122 of the *Highway Traffic Act*, whereas the maximum allowable weight per axle is reduced to 5,000 kg.
3. That Section 122, Subsections 1, 2, 3, and 4 of the *Highway Traffic Act* apply to all Municipal highways within the boundaries of the Municipality of Powassan, except as identified in Appendix A; annually between the 1<sup>st</sup> day of March starting at 12:01am, until the 31<sup>th</sup> day of May ending at 11:59pm.
4. Notwithstanding to the contrary, section 3 shall only be enforceable and applicable where official signs are erected advertising the reduced load period.

5. That the Public Works Engineer and/or Public Works Foreman, are hereby authorized to extend/reduce annual reduced load period(s), and place new reduced load period(s) as they deem necessary to preserve and protect the Municipal highway infrastructure.
6. That in exercising the authority granted by Section 5 of this By-Law, the Public Works Engineer and/or Foreman have regard for the following:
  - I. whether the condition of Municipal highways is suitable to withstand full loads year round, if it is appropriate to terminate load restrictions periods, or if reduced load periods need to be reduced or extended on Municipal highways;
  - II. if spring flooding, snow melt, ground water, or other extenuating circumstances results in the inability of a highway to sustain full loads; and
  - III. determining the criteria for reducing/extending the reduced load period based on the adequacy and safety of highway road base and surface in supporting and transporting fully loaded vehicles.
7. That the following vehicles be exempt from this By-Law as per Section 122, Subsection 4 of the *Highway Traffic Act*:
  - I. Vehicles operated by or on behalf of the Municipality or other authority having jurisdiction and control of a highway, where the vehicles are engaged in highway maintenance.
  - II. Vehicles used exclusively for the transportation of milk
  - III. Fire apparatus
  - IV. Vehicles operated by or on behalf of a municipality 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.
8. That pursuant to Section 110 of the Highway Traffic Act, permits may be issued, upon application in writing to the Public Works Engineer and Public Works Foreman, for the exemption of reduced loads for the moving of heavy vehicles, loads, objects, or structures. The approval of permits will be at the discretion of the Public Works Engineer and/or Public Works Foreman.
9. That every person, business, or corporation to contravene the provisions of this By-Law shall be guilty of an offence, and subject to section 10 of this By-Law.

10. That a police officer or officer appointed for carrying out the provisions of the *Highway Traffic Act* may stop any vehicle or combination of vehicles, and direct said vehicle to portable or stationary scales, as per Section 124 of the *Highway Traffic Act*; and apply the appropriate offence or penalty stated in Section 125 of the Act.
11. That the Corporation of the Municipality of Powassan By-Law 2019-26 be hereby repealed.
12. That this By-Law shall come into force and take effect immediately following the third reading and passing of this By-Law.

READ A FIRST AND

SECOND TIME: March 16, 2021

READ A THIRD AND

FINAL TIME: April 6, 2021

THE CORPORATION OF THE MUNICIPALITY OF POWASSAN



Mayor



Clerk/CAO

## THE CORPORATION OF THE MUNICIPALITY OF POWASSAN

### APPENDIX A TO BY-LAW NO. 2021-10

Road Name	From	To	Municipal Road Section Number
Big Bend Avenue	Memorial Park Drive	145m South of Catherine Avenue	1190, 1195
Chisholm Street	Main Street	End	1025, 1030
Chiswick Line	Main Street	84 Chiswick Line	2410
Clark Street	Main Street	Highway 534	1085, 1090
Industrial Park Drive	Fairview Line	End	1240
King Street	Main Street	End – East Limit of Roadway	1055
Latour Crescent	Peever Line	Himsworth North Boundary	2240
Main Street	Highway 11	Pine Tree Way	1005, 1010, 1015, 2265, 2430
Main Street West	Highway 522B	Highway 522 (Barrett Street)	145
Memorial Park Drive	Main Street	Big Bend Avenue	1080
Peever Line	Highway 11	Latour Crescent	2220