

THE CORPORATION OF THE MUNICIPALITY OF NEEBING

BY-LAW NUMBER 943-2012

Being a by-law to restrict gross weight on highways within the jurisdiction of the Municipality of Neebing.

***WHEREAS** the Municipal Act, S.O. 2001 c.25 Section 10 provides that a single tier municipality may pass by-laws respecting matters within the therein identified spheres of jurisdiction which include "Highways, including parking and traffic on highways";*

***AND WHEREAS** subsection 9(3) of the Act describes the scope of by-law making powers respecting matters within a sphere of jurisdiction as including the power to "regulate or prohibit respecting the matter" and the authority to "provide for a system of licences and permits";*

AND WHEREAS the Council of The Corporation of the Municipality of Neebing deems it necessary to regulate travel on certain roads within the Municipality by vehicles above a specified, gross vehicle weight;

NOW THEREFORE the Council of The Corporation of the Municipality of Neebing hereby enacts as follows:

1. Definitions

In this by-law:

- a) "aggregate" shall mean any form of sand, gravel, rock or topsoil;
- b) "concrete" shall mean all, but not limited to, pre-mixed tumbler trucks, blocks and bricks but shall not include well tiles or septic tanks;
- c) "highway" shall mean a common and public highway, street, concession, road, avenue, bridge, within the jurisdiction of the municipality, designed and intended for, or used by, the general public for the passage of vehicles;
- d) "forestry" shall mean all raw wood products;
- e) "gross weight" shall mean the weight of the vehicle or combination when empty;
- f) "registered gross vehicle weight" shall mean the **total** weight for which a permit has been issued under the Highway Traffic Act, the fee for which permit is based on weight-of the vehicle or combination of vehicles and load, regardless of the actual loaded weight;
- g) "trailer" shall mean a vehicle that is attached to another vehicle and is drawn upon a highway;
- h) "vehicle" shall mean a motor vehicle, **tractor** trailer, traction engine, farm tractor, road building machine, 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;

2. Weight Restrictions for Vehicles

Except as otherwise permitted by this by-law no person shall operate, or cause to be operated, a vehicle having a registered gross vehicle weight of greater than 25,000

kilograms on roads as listed in Schedule "C" hereto attached and may be amended from time to time as Council desires.

3. Application

a) An application for a monthly, seasonal or specific period permit shall be made to the Municipality of Neebing Administration. Applications shall be made in the requisite form (attached hereto as Schedule "A") to this by-law, for any vehicle to operate when in excess of GWV of 25,000 kilograms. Such application shall be accompanied by payment of the amount of the fee applicable to the permit applied for, such fee to be prescribed from time to time by by-law of Council.

4. Approvals

a) Upon approval, permits shall be granted in the form as outlined as Schedule "B" (attached hereto) and shall include any additional conditions as determined by Council.

5. Exemptions

The following are exempt from the prohibition imposed by section 2:

- a) any Municipal of Neebing vehicle or those employed by the Municipality of Neebing while actually engaged in construction or maintenance of a highway;
- b) vehicles operated by police or for fire or emergency purposes;
- c) a bus or public vehicle;
- d) a vehicle which would otherwise be prohibited from operating on a particular highway, if such vehicle is being operated for the purpose of making one delivery to or returning from said delivery to a residence or business in the municipality where there is no route to such residence or business available, except over a highway where a prohibition is otherwise in effect;
- e) a vehicle which would otherwise be prohibited from operating on a particular highway, if such a vehicle is being operated by an owner or operator for the purposes of leaving or returning to the residence of the owner or operator, where there is no route to such residence available, except over a highway where a prohibition is otherwise in effect (alternate parking may be available for loaded trailers);
- f) vehicles engaged in fuel, agricultural or water delivery, the hauling of sewage, the maintenance of septic systems, or the delivery of construction materials (excluding aggregate or concrete) ;
- g) vehicles operating during the months of January and February;
- h) vehicles for which a permit has been issued under the authority of, and in accordance with, this by-law.

6. Permits

A permit providing exemption from the restrictions imposed by this by-law may be issued by the Municipality subject to the following:

- 6.1. an application for a permit and a permit shall be in the form set forth in Schedule "A" to this by-law;

- 6.2 a permit shall **be** subject to the terms and conditions as set out in the permit and shall be valid only when the holder, being the person or company to which the permit is issued, and the employees and contractors are in compliance with its terms and conditions;
- 6.3 a permit may apply to all vehicles owned or operated by or contracted to the person or company to which the permit is issued.
- 6.4 Council may require a bond or security to be forwarded to the Municipality of Neebing before a haul begins. Such bond or security will be used to repair any damage done to the roads by the haul, and shall be returned to the permit holder if, in the opinion of the Public Works Chairman (in consultation with the Public Works Foreman or their designate), no damage has been caused by the haul. The permit holder may appeal any decision of the Public Works Chairman to Council. The amount of security or bond shall be dependent on the time of year of the permit, the road conditions, the length of the haul and the number of trucks to be used. Council may require the contractor to provide dust suppressant when required;
- (i) bonds or security may be stipulated in the amount of \$40,000 depending on the nature of the haul.
- 6.5 No person shall operate a vehicle in violation of any weight or non-weight conditions attached to a permit issued pursuant to this by-law.
- 6.6 Every person who is issued a permit pursuant to this by-law shall place it in a visible location in the front window of the vehicle to which the permit applies and have it present there at all times.
- 6.7 Permits issued under this by-law are non-transferable.
- 6.8 Permits shall be issued in the following categories for the moving of equipment or loads to or from the Municipality of Neebing during a specified period:
- (i) Seasonal permits for the moving of equipment during and over a period of four (4) months or less from the end of the spring load restriction period to December 31;
- (iii) Specific Period permits will be issued for the moving of a specific heavy vehicle or loads over a period of up to thirty (30) days.
- 6.9 No permits will be issued during months designated the spring load restriction period.

7. Revocation of Permits

- 7.1 A permit may be immediately revoked in the event that the applicant, or the owner or operator of a vehicle to which the authority of the permit applies, fails to comply with any of the conditions of the permit.
- 7.2 A permit may be revoked or suspended in the event that it is determined by the Municipality that the suspension or revocation is necessary to prevent undue damage to the roadway or structures over which the subject vehicles are thereby permitted to travel or to permit the repair of such roadways or structures so as to ensure the safe and convenient passage of all vehicles using the roadway.

- 7.3** A permit shall be deemed to be revoked at such time as the person to whom the permit is issued or an employee or agent of such person is in possession of a written notice of revocation or suspension issued by the municipality.

8. Administration

- 8.1** The Public Works Foreman in consultation with the Public Works Chairman will assess the application and determine the appropriateness of the permit and any conditions that will apply;
- 8.2** The Public Works Foreman; the Clerk and/or their designates are hereby authorized to issue permits as provided for and in accordance with the provisions of the by-law.
- 8.3** The Public Works Foreman, in consultation with the Public Works Chairman and the Clerk and/or their designates are hereby authorized to revoke permits as provided for and in accordance with the provisions of the by-law.

9. Enforcement

Every person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to the penalties provided for under the Provincial Offences Act.

10. That Schedules "A, B and C" are in integral part of this by-law and may be amended from time to time as Council so desires.
11. This by-law shall come into force and effect once all proper signage has been erected.

ENACTED AND PASSED IN COUNCIL this 12th day of September, 2012, as witnessed by the Corporation seal of the Corporation and the hands of its proper Officers duly authorized in that behalf.

THE CORPORATION OF THE
MUNICIPALITY OF NEEBING

Mayor

Clerk

Read for a first time this 12th day of September, 2012.

Read for a second time this 12th day of September, 2012.

Read for a third time and finally passed this 12th day of September, 2012.

Schedule "A" to By-law 943-2012

**The Municipality NEEBING
Application for a Permit/Permit to Exceed Posted Maximum Registered Gross
Vehicle Weights**

APPLICANT INFORMATION

Name of Applicant _____

Type of Permit Requested: _____

Roadways for Which a Permit is Requested:

Description of the Materials to be Hauled

Estimated Total Volume/Weight of Materials to be Hauled _____

Source of Materials to be Hauled _____

Destination of Materials to be Hauled _____

Number of Vehicles to be Utilized _____

Name of Owners/Operators of Vehicles to be Utilized (including the applicant)

(attached a list if insufficient space is provided)

Approximate Maximum Loaded Weight per Vehicle _____

Approximate Total Number of Vehicle (round)Trips _____

Requested Commencement Date for the Permit _____

Expected Completion Date of the Haul _____

In making this application I /we understand and accept that a permit will be subject to terms and conditions and we here by agree to comply with all such terms and conditions and to assume financial responsibility for any and all damages sustained by the roads or structures resulting from the activities for which a the permit would be issued.

Signature of the Applicant or the Applicant's Agent Date: _____

THE CORPORATION OF THE MUNICIPALITY OF NEEBING

PERMIT

Exemption from the load restrictions imposed by By-law No. 943-2012 of the Municipality of Neebing is hereby granted subject to the following conditions.

- 1) This exemption will apply only to those roads, on those dates and to those vehicles owned or operated by the applicant or contracted by the applicant and as stipulated above by the applicant.
- 2) The exemption will apply only between the hours of _____ and _____ on the dates specified in the application.
- 3) The applicant will be responsible for the cost of any repairs made necessary to the roads or structures over which the vehicles travel and which damage is the result of the activities of the applicant, or the applicant's employees or of contractors engaged by the contractor.
- 4) The applicant will take all reasonable measures to ensure that no earth, wood, or other material is deposited upon township roadways and will assume full responsibility for the cost of removing any such material deposited by the applicant or the applicant's employees or by contractors engaged by the contractor.
- 5) This permit may be suspended or revoked at any time if the applicant, an employee of the applicant or a contractor engaged by the applicant is in violation of any of the conditions of this permit.
- 6) This permit may be suspended or revoked at any time if in the judgment of The Public Works Foreman; the Clerk and/or their designates of the Municipality, a cessation of the activity hereby authorized is necessary in order to ensure that the Municipality's roadways and structures can be maintained in, or restored to, a condition that will allow safe and convenient vehicular travel over such roadways and structures.
- 7) A copy of this permit must be carried in all vehicles to which the exemption applies during the time it is engaged in the activities authorized hereby.
- 8) This permit shall cease to be in effect on the later of the "Expected Completion Date of the Haul" as specified above by the applicant or the 31st day of December of the year in which the permit is issued.

This permit is hereby approved subject to the terms and conditions as stipulated above.

On behalf of the Corporation of the Municipality of Neebing

_____ Date: _____
Neebing Representative

THE CORPORATION OF THE
Municipality of Neebing

Schedule "B" to By-law 943-2012

Permit #

PERMIT TO EXCEED POSTED MAXIMUM GROSS VEHICLE WEIGHTS

Note This permit is granted under the authority of By-Law No 943-2012 and the Municipal Act, 2001 and conditions contained in the above said Act and Permit will be enforced. It is the responsibility of the applicant to ensure that the information contained on the application is correct and that all conditions and or special instructions contained on the application or permit are fulfilled.

Permits must be maintained in a visible location in the front window of the vehicle listed below for the moving of heavy vehicles or loads over the highways within the Municipality of Neebing.

THIS PERMIT IS SUBJECT TO THE FOLLOWING CONDITIONS

- 1 A copy of Schedule "A" Application and Permit to be kept in the vehicle
- 2 That the information contained on the application is correct

The Council of Corporation of the Municipality of Neebing reserves the right to alter the route or cancel or suspend this permit if necessary for the protection of the highway or of persons or property generally.

Additional Conditions

PERMIT ISSUED TO

Name of Applicant _____

Street _____

City _____ Province _____ Postal Code _____

TYPE OF PERMIT GRANTED AND PERMIT FEE RECEIVED (CIRCLE ONE)

Seasonal

Specific Period

\$ _____

\$ _____

Issued By _____

Approved By _____

Date _____

Distribute Copies to: Customer/Clerk/By-Law Enforcement/Public Works/OPP

THE CORPORATION OF THE
Municipality of Neebing

Schedule "C" to By-law Number 943-2012

25,000 KILOGRAM LIMIT
Registered Gross Vehicle Weight

<u>HIGHWAY</u>	<u>FROM</u>	<u>TO</u>
Sturgeon Bay Road Boundary Drive West	Hwy 61 The Oliver Paipoonge Boundary Line	8.75 Km East Oliver Creek Road
Boundary Drive East	Wilderness Drive	Falls Road