

THE CORPORATION OF THE TOWN OF COCHRANE

BY-LAW NUMBER 178-2002

Being a By-law to establish the dates for Reduced Load restrictions and to designate the Highways or parts thereof where such restrictions shall apply

WHEREAS the Municipal Corporation of the Town of Cochrane 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 pursuant to Subsection 7 of Section 122 of the *Highway Traffic Act, R.S.O. 1990, Chapter H.8* as amended;

AND WHEREAS the Council of the Corporation of the Town of Cochrane deems it desirable and necessary to protect the highways within its jurisdiction and to designate those roads and highways within the Town of Cochrane which shall be subject to reduced weight loads and the period of time when the restrictions shall apply.

NOW THEREFORE the Municipal Council of the Corporation of the Town of Cochrane enacts as follows:

1. DEFINITIONS

In this By-law:

- (a) **“Corporation”** means the Corporation of the Town of Cochrane.
- (b) **“Council”** means the Council of the Corporation of the Town of Cochrane.
- (c) **“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 line thereof.
- (d) **“Municipal Engineer”** means person(s) appointed by council for the administration of maintenance of highways within the corporate boundaries of the Town of Cochrane, and the person(s) responsible for the issuance of permits under this by-law.
- (e) **“Municipal Law Enforcement Officer”** or designate means the officer appointed to administer and enforce the provisions of this By-law or any other by-law and includes his authorized subordinates or assistants and by virtue of Section 15 of the *Police Services Act, R.S.O. 1990, Chapter P.15*, as amended.
- (f) **“Permit”** means a permit issued under any by-law of the Town of Cochrane which grants a privilege to the “Permit Holder” thereof.
- (g) **“Permit Holder”** means the person to whom a permit is issued.
- (h) **“Reduced Load Period”** means the period of time when reduced weight loads are required on designated highways in accordance with, and as determined by, section 122 of the *Highway Traffic Act, R.S.O. 1990, Chapter H.8*.
- (i) **“Trailer”** means a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, a mobile home, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such a highway, and except a side car attached to a motorcycle and shall be considered a separate vehicle and not part of the motor vehicle by which it's drawn.

2. SCOPE

- 2.1 The provisions of this By-law shall apply to all commercial motor vehicles or trailers traveling on highways or portions thereof under the jurisdiction of the Corporation, except as provided in this By-law.

3. DESIGNATION BY MUNICIPALITY

- 3.1 In accordance with subsection 7 of section 122 of the *Highway Traffic Act, R.S.O. 1990, Chapter H.8*, the Reduced Load period shall commence at 12:01 a.m. on the **1st day of January** in each and every year and shall end at midnight on the **31st day of December** in each and every year.
- 3.2 In accordance with subsection 7 of the *Highway Traffic Act, R.S.O. 1990, Chapter H. 8*, the Reduced Load Period shall apply, and be in effect upon, each and every Highway under the jurisdiction of the Corporation and within the boundaries of the urban and rural areas of the Corporation of the Town of Cochrane.
- 3.3 Official Signs shall be posted in compliance with the *Highway Traffic Act*, or any regulation thereto, upon the highways and at locations deemed appropriate by the Municipal Engineer within the boundaries of the Corporation of the Town of Cochrane. Enforcement of this By-law shall not commence until the signage has been posted advising the public that Reduced Loads are in effect.

4. EXEMPTIONS TO PERMIT HOLDERS

- 4.1 Permit Holders operating Commercial Motor Vehicles or trailers may, by special Permit issued under a By-law of the Corporation, be permitted to operate within the Reduce Load period on Highways under the jurisdiction of the Corporation for such periods of times, and upon certain designated Highways, and upon such terms, as provided for in a By-law of the Corporation passed by the Corporation and the Permit so issued by the Corporation.

5. ADMINISTRATION AND ENFORCEMENT

- 5.1 The Council of the Corporation hereby appoints and authorizes the Municipal Law Enforcement Officer or designate to administer and enforce the provisions of Sections 122 and 124 of the *Highway Traffic Act, R.S.O. 1990, Chapter H.8*, as amended and to undertake any technical investigation or inspection for the purposes of administering this by-law.
- 5.2 The Municipal Law Enforcement Officer, or designate, may:
- (a) Demand the permit, identification, vehicle registration or other document from any permit holder or operator to whom the by-law may apply;
 - (b) Require that any vehicle or combination of vehicle be driven to the nearest weigh scales in accordance with section 124 of the *Highway Traffic Act*;
 - (c) Inspect any commercial motor vehicle and any ledger, weight bill or document for which a permit was issued in order to verify or confirm the weight, destination and type of material, as provided in the application.
- 5.3 The Municipal Law Enforcement Officer or designate shall report to the Clerk of the Corporation any breach of the by-law.

6. OBSTRUCTION

- 6.1 No person shall obstruct, hinder or interfere with the Municipal Law Enforcement Officer or designate in the lawful performance of his duties.
- 6.2 No person shall refuse to bring his commercial motor vehicle to a full stop when so directed by the Municipal Law Enforcement Officer or designate.

7. PENALTIES AND OFFENCES

- 7.1 Section 122 of the *Highway Traffic Act, R.S.O. 1990, Chapter H.8*, as amended shall apply to regulate and limit weight loads during the Reduced Load Period upon Highways under the jurisdiction of the Corporation.
- 7.2 Every person who contravenes any provisions of this By-law is guilty of an offence and is subject to the provisions of the Provincial Offences Act.

8. ENACTMENT

- 8.1 This By-law shall come into full force and effect upon enactment.

READ a first and second time this 8th day of April, 2002.

MAYOR

CLERK

READ a third time and finally passed this 8th day of April, 2002.

MAYOR

CLERK