

The Corporation of the Township of Gillies

By-Law Number 2024-08

Being a By-law to restrict the use of Township Highways by heavy truck traffic, and to regulate entry to Township Highways.

Recitals

1. Subsection 11(1) of the Municipal Act, 2001, S.O. 2001 c. 25, as amended (the “Act”) allows municipalities to pass by-laws respecting matters within certain “spheres of jurisdiction”, including highways. This includes parking and traffic on Highways.
2. Section 35 of the Act authorizes municipalities to pass by-laws removing or restricting the common law right of passage by the public over a highway, and the common law right of access to the highway by an owner of land abutting a highway.
3. The Council for The Corporation of the Township of Gillies (the “Township”) has identified a concern with the increased use of Township roads by logging companies and other operators of heavy trucks, and the corresponding increase in maintenance costs attributed to the heavy truck traffic. Restricting traffic on certain Highways will alleviate these additional costs.

The Council for the Township enacts as follows:

1. Definitions: The paragraphs of this Section set out the meanings of terms used within this By-law with their initial letters capitalized.
 - a) “Act” has the meaning set out in Recital # 1.
 - b) “By-law” means this by-law, as amended from time to time, including its recitals and schedules, which are integral parts of it.
 - c) “Gillies” means the geographical area within the Township’s jurisdiction.
 - d) “Gross Weight” means the weight of a vehicle when empty.
 - e) “Highway” means a road maintained by the Township. The term includes bridges, ditches, signs, culverts or any other Township structures within the Highway.
 - f) “Registered Gross Vehicle Weight” means the total weight for which a permit has been issued under the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended, 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) “Township” has the meaning set out in Recital # 3.
2. Half Load Restriction Time Period: Subject to Section 4, the Township will limit the weight of traffic on its Highways during the same period, annually as the Provincial Ministry of Transportation sets its half load restrictions on all Provincial highways.

3. Time Period Extension: Despite Section 2, the Council delegates authority to the Roads Maintenance Co-ordinator to extend the time period of half load restrictions should he determine that weather or other conditions warrant it.
4. Notice of Time Period Extension: If the Roads Maintenance Co-ordinator has extended the time period of half load restrictions as set out in Section 3, notice of this extension shall be posted at the Municipal Office and on the Municipality's web site.
5. Exemptions: The following operations are exempt:
 - a) the operations of the Township itself by its own workforce or by contractors engaged by the Township while actually engaged in construction, repair or maintenance of a Highway;
 - b) the operation of emergency vehicles by police, fire or ambulance while responding to emergency calls;
 - c) the operation of School buses;
 - d) the operation of any vehicle by an owner or operator for the purposes of leaving or returning to his or her residence, where there is no route to that residence available except over a Highway where a restriction is in effect;
or
 - e) the operation of any vehicle engaged in fuel, agricultural or water delivery, the hauling of sewage or the maintenance of septic systems.
6. Exemptions with Approval: The following operations are exempt upon approval of the Road Maintenance Co-Ordinator:
 - a) operations for which the operator has entered into an agreement with the Township; or
 - b) the operation of any vehicle for the purpose of making one delivery to, or returning from, a residence or business within Gillies, where there is no route to that residence or business available except over a Highway where a restriction is in effect.
7. Co-Operation; Interference: All persons shall co-operate with, and no person shall interfere with, an authorized Municipal Law Enforcement Officer, member of a police service, the Clerk or the Roads Maintenance Co-ordinator when he or she is in the process of enforcing the provisions of this By-law.
8. Offences: Violations of this By-law constitute an offence.
9. Penalties: Any person convicted of an offence under this By-law is subject to the penalties prescribed by the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.
10. By-law number 2015-011 is repealed.
11. Effective Date: This by-law shall come into force and take effect upon the date of final passing.

Enacted and passed this 13th Day of May 2024.

The Corporation of the Township of Gillies

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Wendy Wright, Reeve

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Laura Bruni, Clerk/Treasurer