

**THE CORPORATION OF THE UNITED COUNTIES
OF PRESCOTT AND RUSSELL
BY-LAW NUMBER 2013-24**

A BY-LAW TO AUTHORISE THE DIRECTOR OF PUBLIC WORKS TO ISSUE PERMITS TO MOVE VEHICLES, LOADS, OBJECTS OR STRUCTURES IN EXCESS OF WEIGHT AND SIZE LIMITS PRESCRIBED BY THE *HIGHWAY TRAFFIC ACT* ON COUNTY ROADS AND TO ESTABLISH CONDITIONS FOR WHICH SUCH PERMITS MAY BE ISSUED.

WHEREAS a municipal corporation or other authority having jurisdiction over a Highway may, upon application in writing, grant a Permit for the moving of overweight vehicles, loads, objects or structures in excess of the dimensional limits as set out in Part VII (being sections 108 to 113) or the weight limits set out in Part VIII (being Sections 114 to 127) of the *Highway Traffic Act* pursuant to the provisions of Section 110 of the *Highway Traffic Act*, R.S.O., 1990, Chapter H.8, as amended.

AND WHEREAS the Council of the Corporation of the United Counties of Prescott and Russell reserves the right to suspend or revoke a Permit and to establish an appeal procedure pursuant to the provisions of the Statutory Powers Procedure Act, R.S.O., 1990, Chapter S.22, as amended.

AND WHEREAS the Council of the Corporation of the United Counties of Prescott and Russell deems it desirable to establish procedures under which such Permits may be issued.

NOW THEREFORE BE IT ENACTED by the Council of the Corporation of the United Counties of Prescott and Russell that:

DEFINITIONS

1. In this by-law:
 - 1) "Applicant" means the Person making an application for a Permit under this by-law.
 - 2) "Committee" means at least (2) members of Council of the Corporation of the United Counties of Prescott and Russell designated to consider any matter under this by-law.
 - 3) "Corporation" means the Corporation of the United Counties of Prescott and Russell.
 - 4) "Counties" means the United Counties of Prescott and Russell.
 - 5) "Director" means the Director of Public Works of the Corporation of the United Counties of Prescott and Russell appointed to administer and manage the provisions of this by-law and includes his authorized subordinates and assistants.
 - 6) "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 pedestrians and includes the area between the lateral property lines thereof all of which are under the jurisdiction of the Corporation.

- 7) "Motor vehicle" includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine.
- 8) "Officer" includes a police officer, a special constable or an officer appointed for carrying out the provisions of the *Highway Traffic Act*.
- 9) "Operator" means the driver of any vehicle for which a Permit has been issued and includes any Person employed, engaged or contracted by the "Owner".
- 10) "Owner" means the owner of an overweight and oversized vehicle, load, object or structure for which a Permit is sought or has been issued.
- 11) "Permit" means a permit issued under this by-law which grants a privilege to the holder thereof.
- 12) "Permit Holder" means the Person to whom a Permit is issued and includes an authorised Owner or Operator.
- 13) "Person" includes an individual, but also a partnership and body corporate and any association and the heirs, executors, administrators, successors and assigns or other legal representatives thereof to whom the context may apply.
- 14) "Sign", "Official Sign" means any sign as prescribed by regulation of the Highway Traffic Act, R.S.O., 1990, Chapter H.8, as amended.
- 15) "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 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 is drawn.
- 16) (a) "Vehicle" includes a motor vehicle, 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;
- (b) "Emergency Vehicle" means a vehicle or combination of vehicles which provide any emergency service and includes an ambulance, a fire truck, a police vehicle, or a cardiac arrest emergency vehicle;
- (c) "Municipal Service Vehicle" means any vehicle owned by the Corporation or operated by employees of the Corporation and shall include any vehicle contracted by the Corporation for the purposes of providing municipal services.

GENERAL PROHIBITION

2. No Person shall move upon wheels, rollers or otherwise over or upon a Highway under the jurisdiction of the Corporation, heavy vehicles, loads, objects or structures in excess of the dimensional and weight limits prescribed by the *Highway Traffic Act*, without a Permit to do so issued by the Director .

EXEMPTION

3. The provisions of this by-law shall not apply to the following categories of vehicles:
 - (a) emergency vehicles, and;
 - (b) municipal service vehicles;
 - (c) vehicles hired by municipalities hauling chemical products for municipal spring emptying of sewage lagoons.

ADMINISTRATION AND ENFORCEMENT

4.
 - 1) The Council of the Corporation hereby appoints and authorises the Director to:
 - (a) administer the provisions of this by-law;
 - (b) issue Permits on behalf of the Corporation;
 - (c) sign all Permits on behalf of the Corporation;
 - (d) limit the time for which a Permit is issued;
 - (e) designate particular Highways or parts thereof which may be used by a Permit holder;
 - (f) make procedures relating to the protection of Persons and property from injury or damage;
 - (g) undertake any technical investigation or inspection for the purposes of administering this by-law;
 - 2) The Permits referred to in this section are to grant to an Applicant who has filed a written application the privilege of moving vehicles, loads, objects or structures in excess of weight and dimensional limits as set out in the appropriate sections in Part VII and Part VIII of the *Highway Traffic Act*.
 - 3) The Director is authorised to evaluate an application and may require that the Applicant provide a bond or other security sufficient to cover the cost of repairing any possible damage to a Highway.
 - 4) The Director is also authorised to demand identification of any documentary proof from any Person making an application for a Permit under this by-law.
 - 5) The Director may report to Council any breach of the law by any Permit holder.
 - 6) The Council of the Corporation hereby appoints any Officer to enforce the provisions of this by-law including the provisions of Sections 122 and 127 of the *Highway Traffic Act*.
 - 7) The Director and an Officer are authorised to:
 - (a) demand the Permit, identification, vehicle registration or other document from any Permit holder or operator to whom the by-law may apply, and;
 - (b) inspect any vehicle, load, object or structure and any ledger, weight bill or document for which a Permit was issued in order to verify or confirm the dimensions, weight, destination and type of materials as provided in the application.

OBSTRUCTION

5. No Person shall obstruct or cause to obstruct, hinder or interfere with the Director of Public Works or an Officer in the lawful performance of his duties.

PERMIT REQUIRED

6.
 - 1) A Permit shall be obtained annually by every Owner or Operator of any vehicles, loads, objects or structures for the purpose of this By-law.
 - 2) When required, a separate single move Permit shall be obtained by every Owner or Operator in respect of each vehicle, load, object or structure as required by this By-law.

APPLICATIONS

7.
 - 1) On the application for a Permit, the Applicant shall complete the prescribed form and shall furnish the Corporation such information, documents and other means of identification as the Corporation may direct to be furnished. Such application shall be submitted to the Director of Public Works.
 - 2) No Permit shall be issued by the Director of Public Works unless and until he is in receipt of full payment in the amount of:
 - (a) the Permit fees as set out in Schedule "A" attached hereto and forming part of this by-law and;
 - (b) when applicable, the bond or the security as prescribed in this by-law.
 - 3) Each Permit shall indicate the date on which it expires.
 - 4) Any Permit issued under this by-law shall remain the property of the Corporation and such a Permit is not transferable to any other Person and not transferable to any other vehicle, load, object or structure.
 - 3) No Person shall give false or incorrect information for the purposes of obtaining a Permit.

CONDITIONS FOR ISSUANCE OF A PERMIT

8.
 - 1) No Permit may be issued by the Director unless:
 - (a) the Applicant is at least eighteen (18) years of age;
 - (b) all the information pertaining to the vehicles, loads, objects or structure has been provided in writing on the application;
 - (c) such further personal history and related information as required has been provided;
 - (d) the Applicant has supplied proof of paid up property damage and public liability insurance for the minimum amount of five million (\$5,000,000) dollars for the vehicle to be used to transport such load for the duration of the move;
 - (e) the Applicant has paid all outstanding fines in respect to this by-law ordered by a court of competent jurisdiction at any time and in any year prior to making the application.

- (f) the Applicant has never contravened any provisions of this by-law in the past.
- (g) The Applicant has filed with the Corporation written acknowledgment from the applicable police and fire departments that the established date, duration and route of the move will not create unnecessary traffic hazards or delays.

PERMIT HOLDER'S DUTY

12. Every Permit holder shall ensure that:
- 1) the Permit is supplied to the Operator in order that it may be produced upon demand to the Director or an Officer;
 - 2) the Operator of the vehicle used to transport the item for which a Permit was issued travels upon the authorised route only;
 - 3) the Permit is used for only the item for which it was issued;
 - 4) the Operator stops when directed to do so by Officer.

OFFENCES

13. No Permit holder shall:
- 1) fail or refuse to produce the Permit upon demand;
 - 2) use any unauthorised Highway or part thereof;
 - 3) use the Permit to move anything other than the item for which the Permit was issued;
 - 4) fail or refuse to stop when directed to do so by an Officer;
 - 5) fail or refuse to identify himself to the to an Officer;
 - 6) fail or refuse to produce the motor vehicle registration to the Officer;
 - 7) when applicable, fail to produce the weigh bill for the current load to the Officer.
14. An Owner or operator who operates a vehicle for which a Permit is issued shall be deemed to be the Permit holder.

SUSPENSION / REVOCATION

15. 1) The Director may revoke any or each of the Permits issued to any Person for cause and without limiting the generality of the foregoing for:
- (a) a breach of the law;
 - (b) any material violation of the provisions of this by-law;
 - (c) failure to maintain sufficient liability insurance policy.
- 2) The Director may suspend a Permit for cause, during any period that is less than the unexpired portion of the Permit period in lieu of revocation as provided herein.

- 3) The provisions of this section may be exercised in addition to any prosecution or other legal action.

NOTICE OF SUSPENSION OR REVOCATION

16.
 - 1) When a Permit has been suspended or revoked, the Director shall send a notice of suspension or revocation by registered mail or personal service to the Permit holder at his last known address.
 - 2) Service by registered mail shall be deemed to have been made on the fifth (5th) day after the notice was mailed.
 - 3) The notice shall contain details of the reason(s) for the suspension or revocation and shall also contain a paragraph to advise the Person that he may appeal the decision by filing an appeal according to the provisions of Section 17 of this by-law.

APPEAL OF SUSPENSION OR REVOCATION

17.
 - 1) Any Person whose Permit has been suspended or revoked may appeal to the County Council (or to a committee to which such function has been delegated) within fifteen (15) days immediately following the service of the notice referred to in Section 16 hereof;
 - 2) An application for an appeal shall be made to the Director and shall be accompanied by a non-refundable administrative fee of \$500.00 for each application under the provisions of this by-law.
 - 3) County Council (or the applicable committee) shall, within a reasonable time after receiving an appeal notice, hold a hearing at a place and time convenient to both parties in order to allow the Person an opportunity to make representation.
 - 4) The decision of County Council (or the applicable committee) pursuant to an appeal hearing as set out above is final.

SEVERABILITY

18. If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this bylaw authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

PENALTIES

19.
 - 1) Any Person who contravenes any provision of this by-law, is guilty of an offence and upon conviction, is subject to the penalties provided therefore in this by-law and pursuant to the provisions of the Highway Traffic Act.
 - 2) In addition to imposing a fine, a Court of competent jurisdiction may, upon conviction of an offence under this by-law, issue an order prohibiting the continuation or repetition of the violation by the Person convicted.
 - 3) Every Person who operates or Permits the operation of a vehicle or combination of vehicles where the dimensions and/or the gross vehicle weight exceeds either the dimensions or the gross vehicle weight Permitted by the authority is guilty of an offence and on conviction, a fine

shall be imposed as if the Person had not been issued the authority and had been convicted of an offence.

20. This by-law shall come into effect on the day it is enacted by Council.

21. By-laws Number 99-05 and 2002-39 are hereby repealed.

DONE AND PASSED in open Council this 24th day of April 2013.

René P. Berthiaume, Warden

Stéphane P. Parisien, Clerk

**THE CORPORATION OF THE UNITED COUNTIES
OF PRESCOTT AND RUSSELL
BY-LAW NUMBER 2013-24**

SCHEDULE "A"

PERMIT FEES

The Council of the Corporation of the United Counties of Prescott and Russell hereby establishes the fees to be paid for a Permit to vehicles, loads, objects or structures in excess of weight and size limits prescribed by the Highway Traffic Act upon any Highway or part thereof.

REGULAR SEASON	REDUCED LOADING PERIOD AS DESCRIBED IN BY-LAW NUMBER 93-18 as amended
\$ 200.00 per vehicle/tractor (Owner) including all operators and trailers if applicable for registration	\$ 300.00 per vehicle/tractor (Owner) including all operators and trailers if applicable.
\$ 25.00 per vehicle/tractor (Owner) including all operators and trailers if applicable for single moves	