



**THE CORPORATION OF THE MUNICIPALITY
OF OLIVER PAIPOONGE**

BY-LAW NO. 746 - 2013

A By-Law to restrict registered gross vehicle weight on certain sections of highways within the Municipality of Oliver Paipoonge.

WHEREAS the *Municipal Act, 2001*, c. 25, s.s. 27 (1) provides that a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway; and

WHEREAS the Council of The Corporation of the Municipality of Oliver Paipoonge deems it necessary to restrict the registered gross vehicle weight on certain sections of highways within the Municipality;

NOW THEREFORE the Council of The Corporation of the Municipality of Oliver Paipoonge hereby enacts as follows;

1. DEFINITIONS

“bus” means a motor vehicle designed for carrying ten or more passengers and used for the transportation of persons;

“Corporation” means The Corporation of the Municipality of Oliver Paipoonge;

“highway” includes a common and public highway, street, concession, road, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle under the jurisdiction of the Corporation, any part of which is intended for, or used by, the general public for the passage of vehicles;

“Municipality” means the geographic area of the Municipality of Oliver Paipoonge;

“person” includes an individual or individuals, a partnership, a corporation, a business, a firm or other group or body;

“public vehicle” means a vehicle operated on a highway by, for, or on behalf of any person for the transportation for compensation of passengers;

“registered gross vehicle weight” of a vehicle means the weight for which a permit has been issued under the *Highway Traffic Act*, in force from time to time, the fee for which permit is based upon the weight of the vehicle or combination of vehicles and load, the same to govern for the purposes of this by-law, regardless of actual loaded weight;

“trailer” means a vehicle that is drawn upon a highway by a vehicle;

“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;

2. WEIGHT RESTRICTIONS FOR VEHICLES

- (a) This Section 2 shall not apply to the highways listed in Schedule “A” to this By-Law.
- (b) No vehicle having a registered gross vehicle weight greater than 28,000 kilograms shall be operated on any of the highways or portions thereof described in Schedule “B” to this By-Law.
- (c) Except as provided in Subsections 2(a) and 2(b) of this By-Law, no vehicle having a registered gross vehicle weight greater than 10,000 kg. shall be operated on any other highway.
- (d) In the case of intersections of highways, the greater permitted weight shall apply.

3. EXEMPTIONS

Section 2 shall not apply to the following:

- (i) any vehicle while actually engaged in the construction or maintenance of a highway or utility with the written authorization of the Corporation;
- (ii) vehicles operated by police, fire or other emergency services;
- (iii) public vehicles, including buses;
- (iv) a vehicle which would otherwise be prohibited from operating on a particular highway if such vehicle is being operated for making a delivery to, or returning from a delivery to a premises in the municipality where there is no route to such premises available, except over a highway where a prohibition is otherwise in effect;
- (v) a vehicle which would otherwise be prohibited from operating on a particular highway if such vehicle is being operated by a person for the purposes of leaving from or returning to his or her residence, place of employment or place of business where there is no route thereto except over a highway where a prohibition is otherwise in effect.

4. PENALTY

Every person who contravenes any of the provisions of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in Schedule "C" to this By-law.

5. REPEAL

By-Law No. 325-2004 of the Corporation of the Municipality of Oliver Paipoonge is hereby repealed.

Enacted and passed this 13th day of November, A.D. 2013, as witnessed by the Seal of the Corporation and the hands of its proper Officers.

THE CORPORATION OF THE MUNICIPALITY
OF OLIVER PAIPOONGE

Mayor Lucy Kloosterhuis

Margaret Dupuis, CAO/Clerk

SCHEDULE 'A'
OF
BY-LAW NO. 746-2013

28,000 KILOGRAM LIMIT

<u>HIGHWAY</u>	<u>FROM</u>	<u>TO</u>
Barrie Drive	Highway 130	River Road
John St. Road	Townline Road	Maki Road
Maki Road	Oliver Road	Millar Heights Drive
Mining Road	Poleline Road	Oliver Road
Mud Lake Road	Oliver Road	Highway 102
Oliver Road	Townline Road	Highway 11/17
Pebblestone Road	Highway 11/17	Poleline Road
Poleline Road	Twin City Crossroads	Highway 11/17
River Road	Barrie Drive	Highway 588
Townline Road	John Street Road N.	Highway 102

SCHEDULE 'B'
OF
BY-LAW NO. 746-2013

EXEMPTIONS

- i. Twin City Crossroads from the City of Thunder Bay Municipal boundary to Highway 130/Arthur Street;
- ii. Vibert Road from Highway 130 to the Northern Hardwood Mill entrance;
- iii. Arthur Street from City of Thunder Bay boundary to Highway 130/Twin City Crossroads;
- iv. Cooper Road from Highway 130 to its Southerly terminus;
- v. Haniak Road from Arthur Street to its Southerly terminus.

**THE CORPORATION OF THE MUNICIPALITY
OF OLIVER PAIPOONGE**

PART 1/ *PROVINCIAL OFFENCES ACT*

SET FINE

SCHEDULE 'C' to By-Law No. 746-2013

A By-Law to restrict registered gross vehicle weight on certain sections of highways within the Municipality of Oliver Paipoonge.

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining Offence	COLUMN 3 Set Fine
1	Operating a vehicle on a restricted highway with a registered gross vehicle weight in excess of 28,000 kg	Section 2 (b)	\$ 125.00
2	Operating a vehicle on a restricted highway with a registered gross vehicle weight in excess of 10,000 kg	Section 2 (c)	\$ 125.00

Note: The penalty provision for the offences listed above is Section 4 of By-law 476-2013, a certified copy of which has been filed and s. 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.