

THE CORPORATION OF THE TOWN OF GORE BAY

BY-LAW NO. 2023-28

BEING A BY-LAW TO PROHIBIT HEAVY TRUCKS ON SPECIFIED TOWN OF GORE BAY HIGHWAYS

WHEREAS under Section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (“the *Municipal Act, 2001*”), a municipality may pass by-laws respecting matters within its sphere of jurisdiction;

AND WHEREAS under Section 27(1) of the *Municipal Act, 2001*, the Town may pass by-laws in respect of highways over which it has jurisdiction;

AND WHEREAS under Section 35 of the *Municipal Act, 2001*, the Town may pass by-laws restricting the common law rite of passage;

AND WHEREAS the Town has jurisdiction over the highways subject to this By-law;

AND WHEREAS the Council of the Corporation of the Town of Gore Bay deems it necessary to enact heavy truck prohibitions on the specified highways;

AND WHEREAS it is desirable to establish set fines for contravention of the heavy truck prohibitions on the specified highways;

AND WHEREAS the Council of the Corporation of the Town of Gore Bay has determined that this By-law is in the public interest;

AND WHEREAS this by law shall be called the “Truck Route By Law”,

NOW THEREFORE the Council of the Corporation of the Town of Gore Bay hereby enacts as follows:

1. Definitions

In this By-law:

- a) “Public Works Manager” means the head official of Public Works Department of the Town of Gore Bay or his designate;
- b) “Heavy Truck” means any commercial vehicle having a Manufacturer’s Gross Vehicle Weight Rating greater than 4,600 kilograms, including a truck and trailer combination, but does not include emergency service vehicles such as ambulances or fire trucks;
- c) “Highway ” means a common and public highway or street and includes any bridge, trestle, viaduct or other structure forming part of the highway or street and, except as otherwise provided, includes a portion of the highway or street;
- d) “Person” includes an individual and/or a corporation;
- e) “Sign” means a sign as described as “No Heavy Trucks” pursuant to the *Highway Traffic Act, as amended*, and *O. Regulation 615 – Signs as amended*.

2. Prohibitions Heavy Trucks

Where No Heavy Truck signage has been erected and are on display, no person shall drive, move, operate, or park heavy trucks upon or over any part of the highways as specified as follows:

- a) Agnes St. from its intersection with Bay St. To Meredith St. To the Meredith St. intersection with Borron St.

3. Exemptions Heavy Trucks

The following are exempted from the prohibition as set out in section 2 of this By-law:

- a) Any vehicles operated by the Town of Gore Bay and their agents and/or contractors, together with any emergency service vehicles, public utility vehicles and/or waste management vehicles;
- b) Any heavy truck actually engaged in making a delivery to or a collection from premises which cannot be reached except by way of the highways or part of the highways as set out in section 2, provided that in making such delivery or collection, the highways or part of the highways is travelled only insofar as is unavoidable in getting to and from such premises;
- c) Any heavy truck actually engaged in leaving from or returning to the heavy truck owner’s and/or operator’s principal residence provided that in so leaving or returning to their principal residence, the highways or part of the highways is travelled only insofar as is unavoidable in getting to and from such premises, and provided that the parking of the heavy truck is permitted at the residence under the Town’s Zoning By-law.

4. Enforcement

This By-law may be enforced by an Ontario Provincial Police Officer, Ministry of Transportation Officer and/or Municipal Enforcement Officer.

5. Signage

The Manager of Public Works is authorized to erect or cause to be erected the necessary signs in accordance with the *Highway Traffic Act*.

6. Offences and Fines

- a) Every person who contravenes section 2 of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33 as amended.

7. Effective Date

This By-law shall come into force and take effect on the date of its final passing with the following exceptions;

- a) Section 2 of this By-law shall come into effect upon No Heavy Trucks signs being erected in compliance with the *Highway Traffic Act* and its regulations;

READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS 13th DAY OF NOVEMBER, 2023.

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MAYOR

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CLERK

SCHEDULE "A"
To By-law Number 2023-28

**THE CORPORATION OF THE TOWN OF GORE
BAY**

PART I, *Provincial Offences Act*

By-Law Number 2023- 28 to Restrict Heavy Trucks on Town Highways

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Move, drive or operate a heavy truck on a prohibited route.	Section 2	\$300.00

NOTE: The general penalty provision for the offence listed above is section 6 a) of By-law Number 2023-28, a certified copy of which is filed.

SCHEDULE "B"
To By-law Number 2023-28

**THE CORPORATION OF THE TOWN OF GORE
BAY**

PART II, *Provincial Offences Act*

By-Law Number 2023-28 to Restrict Heavy Trucks on Town Highways

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Park a heavy truck on a prohibited route.	Section 2	\$300.00

NOTE: The general penalty provision for the offence listed above is section 6 a) of By-law Number 2023-28, a certified copy of which is filed.