

# **THE CORPORATION OF THE TOWNSHIP OF MALAHIDE**

## **BY-LAW NO. 14-89**

Being a By-law to establish a reduced load period for the protection of certain highways located within the Township of Malahide.

**WHEREAS** subsection 122(7) of the Highway Traffic Act, R.S.O. 1990, c. H. 8, as amended ("Act") provides that the Township 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;

**AND WHEREAS** the reduced load period is deemed necessary for the protection of certain highways located within the Township of Malahide;

**AND WHEREAS** it is the opinion of Council that the power to pass a by-law designating the date on which a reduced load period shall start or end is of a minor nature;

**AND WHEREAS** section 110(1) of the Act enables a municipality having jurisdiction over a highway, upon application in writing, to grant a permit for use of the highway or portion thereof by a vehicle or combination of vehicles in excess of the limits set out in section 122 of the Act;

**NOW THEREFORE** the Council of The Corporation of the Township of Malahide **HEREBY ENACTS AS FOLLOWS:**

### **Short Title**

1. This By-law shall be known and may be cited as the "Reduced Load Restriction By-law".

### **Definitions**

2. In this By-law:
  - (a) "Director" means the Director of Physical Services;
  - (b) "Highway Traffic Act" means the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended;
  - (c) "Official Sign" means a load restriction sign erected in accordance with the regulations under the Highway Traffic Act;
  - (d) "Reduced Load Period" means a reduced load period within the meaning of section 122 of the Highway Traffic Act;

(e) "Vehicle" has the same meaning as it does in the Highway Traffic Act.

#### **Reduced Load Period**

3. A Reduced Load Period for all highways within the Township of Malahide shall start on March 1 and shall end on April 30 inclusive in each and every year.
4. The Director is authorized to amend the start and end date for the Reduced Load Period in any year where such reduction or expansion in time is deemed by the Director to be required and necessary for the protection of highways located within the Township of Malahide.

#### **Official Signs**

5. The Director or his/her designate is authorized to erect, place or remove such signage as may be necessary to designate and identify the highways having reduced load limits during the Reduced Load Period. The designation of highways having reduced load limits in this by-law shall apply at all times and in all locations as set out in this By-law or as deemed by the Director pursuant to section 4 of this By-law whether or not signs have been erected..

#### **Permits**

6. The Director or his/her designate shall have the authority to grant permits for use of any highway or portion thereof during any Reduced Load Period by a vehicle or combination of vehicles in excess of the limits set out in this By-law, where such permit is deemed by the Director to be required and necessary.

#### **Penalty and Enforcement**

7. Subject to vehicles or combinations of vehicles permitted pursuant to section 6 herein, no person shall operate a vehicle or combination of vehicles that does not comply with the reduced load limit requirements as set out in section 122 of the Act on any highway or portion thereof within the Township of Malahide during any Reduced Load Period.
8. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as set out in the Highway Traffic Act.

#### **Headings Not Part of By-law**

9. The headings in the body of this By-law form no a part of the By-law but are inserted for convenience of reference only.

**Repeal and Commencement**

10. By-law No. 22-90 of The Corporation of the Township of Malahide is hereby repealed in its entirety.

11. This by-law shall come into full force and effect on the date of final passage hereof at which time all by-laws and/or resolutions that are inconsistent with the provisions of this by-law and the same are hereby repealed or rescinded insofar as it is necessary to give effect to the provisions of this by-law

**READ a FIRST and SECOND** time this 4<sup>th</sup> day of December, 2014.

**READ a THIRD** time and **FINALLY PASSED** this 4<sup>th</sup> day of December, 2014.



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Mayor, D. Mennill



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Clerk, M. Casavecchia-Somers