

MUNICIPALITY OF CENTRAL MANITOULIN

BY-LAW 2024-13

REDUCED LOAD RESTRICTIONS

BEING A BY-LAW to designate reduced load periods on the highways within the Municipality of Central Manitoulin.

WHEREAS Subsection 7 of Section 122 of the Highway Traffic Act, R.S.O 1990, c. H.8, as amended, provides that a municipality or other authority having jurisdiction over a highway 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 in the Municipality of Central Manitoulin; **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 dimensional limits set out in Section 122 of the Act;

AND WHEREAS the Farming, Food and Protection Act SO 1998, c1 Section 6(1) as amended provides that No municipal by-law applies to restrict a normal farm practice carried on as a part of an agricultural operation;

NOW THEREFORE the Council of the Municipality of Central Manitoulin enacts as follows:

1. DEFINITIONS

“Highway” shall mean 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 includes the area between the lateral property lines thereof.

“Highway Traffic Act” shall mean the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended from time to time;

“Manager” shall mean the Manager of Operations for the Municipality of Central Manitoulin;

“Motor Vehicle” shall mean the meaning ascribed thereto in the Highway Traffic Act;

“Official Sign” shall mean a load restriction sign erected in accordance with the regulations under the Highway Traffic Act;

“Person” shall mean an individual or a corporation;

“Reduced Load Period” shall mean a reduced load period within the meaning of section 122 of the Highway Traffic Act;

“Vehicle” shall mean the prescribed thereto in the Highway Traffic Act.

- 2.** THAT all highways within the Municipality of Central Manitoulin, over which the Municipality of Central Manitoulin has jurisdiction, are hereby designated as being subject to the provisions of this By-law and shall apply to all highways within the Municipality of Central Manitoulin. Provincially designated highways are not the jurisdiction of the Municipality of Central Manitoulin.
- 3.** THAT weight restrictions or reduced load restrictions shall be effective during such time or times and on such portion or portions of the highway to which the weight restriction or reduced load restriction are to apply when reduced load signs are erected and on display and/or notice is placed on the Municipality’s website.
- 4.** THAT the provisions of Subsections 1,2, 3, 4 and 7 of Section 122 of the Highway Traffic Act shall apply to all highways within the Municipality of Central Manitoulin during the period of January 1 to May 30, in each and every year, and may be adjusted from time to time at the Roads Superintendent’s discretion.
- 5.** THAT should the Roads Superintendent deem that an additional time frame will be applied as noted in section 4, that the weight restriction or reduced load restriction additional time frame will be posted by reduced load signs being erected and/or notice is placed on the Municipality’s website.

6. THAT notwithstanding anything to the contrary, section 3, 4 and 5 shall only apply during such times when and where the official signs have been erected.
7. THAT the Manager or his/her designate, shall have the authority to place or remove any or all reduced load signs as may be necessary to implement this By-law.
8. THAT the Manager or his/her designate, shall have the authority to grant permits for use of highway or portion thereof for a fee, during any reduced load period by a vehicle in excess of limits set out in this By-law, where such a permit is deemed to be required and necessary. See Schedule “B” for “Overweight Permit Application”.
9. THAT no person shall operate a vehicle with a heavier load than permitted during a reduced load restriction period.
10. THAT 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.
11. THAT no person shall hinder or obstruct or attempt to hinder or obstruct an officer who is exercising a power or performing a duty under this By-Law.
12. **Exemptions**
 - i) As per the *Farming and Food Production Protection Act, 1998, S.O. 1998,c.1 s. 7(1)* A Municipal by-law that has the effect of restricting the times during which a vehicle may travel does not apply to the vehicle if;
 - a) The vehicle is going to or from an agricultural operation;
 - b) The purpose for which the vehicle is going to or from an agricultural operation and the times during which the vehicle is arriving at or leaving the operation are part of normal farm practice; and
 - c) There is no road that could serve as a reasonable alternative that the vehicle may use to travel to or from the agricultural operation.
 - ii) As per the *Highway Traffic Act R.S.O. 1990, C. H.8, s.113(1)* This Part, other than regulations made under this section, does not apply to over-dimensional farm vehicles.
13. Any person who contravenes or fails to comply with any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided by the Provincial Offences Act, R.S.O. 1990, Chapter P.33. (See Schedule “A”).
14. Each day that a contravention of this By-Law continues shall constitute a separate offence.
15. This By-law repeals Municipality of Central Manitoulin By-law 99-04.
16. THAT this By-law shall come into effect upon the passing thereof.

READ A FIRST AND SECOND TIME THIS 28th DAY OF November, 2024.

READ A THIRD TIME, FINALLY PASSED, SIGNED, AND SEALED THIS _____ DAY OF _____, 2025.

Mayor – Richard Stephens

CAO/Clerk – Denise Deforge

I, _____, Clerk of the Municipality of Central Manitoulin, hereby certify that the following is a true copy of By-Law Number 2024-13 passed by the Municipality of Central Manitoulin on the _____ of _____ 2025.

Clerk

**MUNICIPALITY OF CENTRAL MANITOULIN
PART 1**

PROVINCIAL OFFENCES ACT

BY-LAW 2024-13; REDUCED LOAD RESTRICTIONS

SCHEDULE "A"

Item	Short Form Wording	Provision creating or defining offence	Set Fine
1.	Operate a vehicle with a heavier load than permitted during a reduced load restriction period.	9	\$1000.00
2.	Hinder or obstruct an officer performing their duty.	10	\$500.00

Note: The penalty provision for the offences indicated above is section 13 of this By-Law 2024-13 of which a certified copy has been filed.

DRAFT

Schedule "B" Oversize/Overweight Permit Application

- Copy of approved permit must accompany vehicle;
- 2 Business days notice required for issuance of permit;
- Insurance Certificate with Municipality of Central Manitoulin named as additional insured and copy of applicable MTO permits must be submitted at time of application;

SECTION 1: APPLICANT INFORMATION

Company Name:	Email:
Address:	
Business Phone:	Fax:
Contact Name:	Contact Phone:
CVOR #	

SECTION 2: PERMIT REQUIRED & FEES

Temporary Permit - \$180/trip incl. HST (per trip).
Date(s) Required:

SECTION 3: LOAD INFORMATION

DIMENSIONS (in metric)	LOAD INFORMATION:
LENGTH (m)	Detailed description of vehicle and cargo/load including # of axles, etc.
HEIGHT AT HIGHEST POINT (m)	
WIDTH AT WIDEST POINT (m)	
GROSS WEIGHT (kgs) or HTA	

SECTION 4: ROUTE INFORMATION

ORIGIN:	ATTACH MAP WITH ROUTE IDENTIFIED
DESTINATION:	Valid on roads under jurisdiction of the Municipality of Central Manitoulin ONLY.

SECTION 5: AUTHORIZATION

I accept the terms and conditions on the reverse and I have authority to sign this form.

Applicant Signature: _____ Date: _____

Municipal Approval: _____ Date: _____

Oversize/Overweight Permit Application

Issued Under Section 110 of the Highway Traffic Act

PROVISIONS AND CONDITIONS

PERMIT IS NOT VALID:

1. On any road or highway other than roads under the jurisdiction of the Municipality of Central Manitoulin.
2. On Municipality of Central Manitoulin roads under construction or during load restriction periods as determined from time to time.
3. On Saturdays, Sundays and Statutory Holidays except Easter Monday and Remembrance Day when Remembrance Day falls on Monday to Friday inclusive.
4. From 2 hours after sunset to 2 hours before sunrise or at any other time when, due to insufficient light or unfavourable atmospheric conditions, person and vehicle on the road are not clearly discernable at a distance of 150 metres or less.

CONDITIONS:

1. All conditions that are contained on the Ontario Ministry of Transportations Permit shall apply to this permit.
2. When transporting a load in excess of 3.7 metres in width an escort proceed must follow the vehicle.
3. A photocopy of this permit and an original of the Ontario Ministry of Transportations permit must be carried in the vehicle and produced on demand of a police officer or an officer for carrying out enforcement of the Highway Traffic Act.
4. The permit is issued on the condition the permit holder accepts responsibility for any and all damage that may be caused to overhead wires, structures, roads and encroachments.

ROUTE:

Clearly indicate route to be taken on a map and list the road numbers (and name if applicable) and attach to this application.