

THE MUNICIPALITY OF MARMORA AND LAKE

BYLAW NUMBER 2005-010

Being a bylaw to regulate the transportation
of oversized loads on highways within the
Municipality of Marmora and Lake

WHEREAS the Council of the Municipality of Marmora and Lake deems it in the public interest to regulate the moving and transportation of Oversized Loads on highways within the Municipality of Marmora and Lake.

AND WHEREAS pursuant to Section 210(123) and Section 314(1) of The Municipal Act, R.S.O. 1990, c. m.45 as amended, a Council may regulate traffic on its highways and prohibit or regulate the obstructing, encumbering, injuring of highways or bridges within its corporate limits;

AND WHEREAS Section 110(1) of the Highway traffic Act, R.S.O. 1990,C.h.8, as amended, authorizes a Municipal Corporation to grant permits for the moving of heavy vehicles, loads, objects or structures in excess of the weight limits and/or the dimensional limits as set out in the said Highway Traffic Act;

NOW THEREFORE the Municipal Council of the Municipality of Marmora and Lake enacts as follows:

1. This Bylaw shall be entitled **“The Oversized Loads Permit Bylaw”**
2. “Manager of Services” means the Manager of Services for the Municipality of Marmora and Lake.
3. In this By-law;
 - (a) “Applicant” means a person that is the owner or lessee of a vehicle used or to be used to move or transport any Oversized Load on any highway within the Municipality of Marmora and Lake and may include the owner’s or lessee’s agent duly authorized as such by the owner or lessee in writing;
 - (b) “Manager of Services” means the Manager of Services for the Municipality of Marmora and Lake.
 - (c) “Council” means the Municipal Council of the Municipality of Marmora and Lake.
 - (d) “Dimensional Limits” shall mean those limits as to width, length and height of vehicle loads or contents as set out in Section 109 of The Highway Traffic Act, R.S.O. 1990, C.h.8, as amended.
 - (e) “Highway” shall mean any road, road allowance, street, lane or other public thoroughfare under the jurisdiction of the Municipality of Marmora and Lake.
 - (f) “Person” shall include an individual, firm, society, joint venture, partnership, association or corporation and the legal representative of such;
 - (g) “Permit” shall mean a permit issued pursuant to this Bylaw.
1. (a) No person shall move or transport any Oversized Load on any highway within the Municipality of Marmora and Lake without a permit first being issued for such purpose by the Manager of Services pursuant to this Bylaw.
 - (b) No owner or lessee of a vehicle shall allow or permit the said vehicle to be used for the movement or transportation of any Oversized Load on any highway within the Municipality of Marmora and Lake without a permit first being issued for such purpose by the Manager of Services pursuant to this bylaw.

2. The duties of the Manager of Services under this Bylaw are:
 - (a) To furnish application forms to all applicants for permits to move or transport an Oversized Load on any highway within the Municipality of Marmora and Lake and to provide each applicant with a copy of this bylaw.
 - (b) To receive and process all applications for permit to move or transport an oversized load on any highway within the Municipality of Marmora and Lake.
 - (c) To receive all fees for applications for permits to move or transport an oversized load on any highway within the Municipality of Marmora and Lake.
 - (d) To issue permits to move or transport an Oversized Load on a highway with the Municipality of Marmora and Lake to persons in situations with meet the requirements of this bylaw.
 - (e) To enforce the provisions of this bylaw; and
 - (f) To report to Council with respect to the performances of his or her administrative duties under this bylaw as requested to do so from time to time.
1. The duties of the Manager of Services under this bylaw may be performed by any member of the Public Works Department for the Municipality of Marmora and Lake as designated in writing by the Manager of Services.
2. Each person who applies for a permit to move or transport an Oversized Load on any highway within the Municipality of Marmora and Lake shall:
 - (a) Properly complete an application for a permit in the form prescribed by the Municipality of Marmora and Lake.
 - (b) Submit to the Manager of Services the completed application form with the applicable application fee payable to the Municipality of Marmora and Lake.
 - (c) Provide to the Manager of Services, as part of the application, a letter from any insurance company, satisfactory to the Municipality of Marmora and Lake, and duly authorized by law to underwrite public liability and property damage insurance addressed to the Municipality certifying that the applicant has property damage and public liability insurance in an amount not less that Two Million Dollars (\$2,0000,000);
 - (d) Provide to the Manager of Services a Schedule setting out the specific date and time during which the Oversized Load shall be moved or transported within the Municipality.
 - (e) Provide to the Manager of Services the exact route to be followed in the movement or transportation of the Oversized Load with the Municipality of Marmora and Lake.
 - (f) A deposit may be required in cash or by certified cheque, in an amount to be established by the Manager of Services in his/her sole discretion., prior to the issuance of the permit to be applied towards any expenses that may be incurred by the Municipality as a result of the movement or transportation of the Oversized Load and/or the application for the permit. The said deposit or the balance thereof, if any, remaining after the deduction of any costs and/or expenses incurred by the Municipality of Marmora and Lake aforesaid, shall be returned to the applicant; and
 - (g) Obtain the written consent of the following persons and agencies, where applicable (as determined in the sole discretion by the Manager of Services)
 - 1) Fire Chief for the Municipality of Marmora and Lake
 - 2) Officer i/c OPP Central Hastings Detachment
 - 3) Bell Canada;
 - 4) Ontario Hydro;
 - 5) Ministry of Transportation (if applicable);
 - 6) Canadian National Railway and Canadian Pacific Railway
 - 7) Cable Television Company
 - 8) Any other government agency having jurisdiction or an interest that could be affected by the movement or transportation of the Oversized Load.

1. When an application for a Permit is made in accordance with the provisions of this Bylaw and the applicant meets all of the requirements of this bylaw, the Manger of Services shall issue a Permit.
2. The person moving or transporting the Oversized Load on a highway in the Municipality of Marmora and Lake shall carry on the work in such a manner as to create the least interference with traffic and shall use proper precautions during such moving operations.
3. No person shall be permitted to move or transport any Oversized Load on any highway within the Municipality of Marmora and Lake on any Saturday, Sunday or Statutory Holiday unless the prior written permission of the Manager of Services is obtained.
4. Any permit issued pursuant to the provisions of this Bylaw shall be valid for any only for the specific date, time and route specified therein.
5. Nothing in this Bylaw shall be deemed to restrict the responsibility and liability of the applicant for any and all costs and/or damages that may be caused to the Highway and/or any other public or private property by reason of or as a consequence of the moving and/or the transporting of the Oversized Load.
6. Every Permit issued pursuant to this bylaw shall be carried in the vehicle used in the moving or transporting of the Oversized Load and shall be produced forthwith upon demand by a police officer or any officer appointed for carrying out the provisions of the Highway Traffic Act.
7. Schedules A and B attached hereto are deemed to be a part of this Bylaw to the same extent and effect as if incorporated herein.
8. (a) Every person who contravenes any provision of this Bylaw shall, upon conviction, be guilty of an offence and subject to such penalties as are prescribed under the Provincial Offences Act, R.S.O. 1990, C.p.33, as amended from time to time.
 (b) In addition to the foregoing, if any provision of this Bylaw contravened is in respect of any weight allowed under the permit, a fine shall be imposed as if the person had not been issued a permit under this Bylaw and had been convicted of an offence under Section 116, 117 and 188 of The Highway Traffic Act in respect of any gross vehicle weight, axle unit weight or axle group weight in excess of the maximum allowable weights permitted under The Highway Traffic Act or the regulations there under.
9. If any provision or requirement of this Bylaw or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this bylaw or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable, shall not be provision and requirement of this bylaw shall be separately valid and enforceable to the fullest extent permitted bylaw.
10. In this Bylaw, words importing the singular shall include the plural and words importing the masculine gender shall include the feminine and neuter gender and vice versa.
11. This Bylaw shall come into force and take effect upon final passing hereof.

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THIS BYLAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 18TH DAY OF JANUARY, 2005.

 Reeve

 Clerk-Treasurer

MUNICIPALITY OF MARMORA AND LAKEBYLAW NUMBER 2005-010 "SCHEDULE A"

Application for permit to move Oversized Loads Within the Municipality of Marmora and Lake
Application Number _____

Name of Applicant: _____ Address: _____

Phone: _____ Name of Owner of Oversized Load to be moved: _____

Address: _____ 1.

Description of Oversized Load _____

Maximum width loaded _____ Maximum height loaded _____
 Maximum length loaded _____ Maximum weight loaded _____

2. Present Location: _____ 3. Destination: _____

4. Proposed Route: _____
 (Applicant to attach schedule describing in detail the exact route to be followed in moving the oversized load.)

5. Type of Permit - one month - Six month
 - Annual

6. Moving Equipment _____
 (Properly licensed motor vehicle & trailer) 7. Approvals: (Obtain where applicable and attach copies of approvals)

- (a) By Bell Canada _____
- (b) By Ontario Hydro _____
- (c) By Ministry of Transportation _____
- (d) By Railway companies CNR _____ CPR _____
- (e) By Cable T.V. Company _____
- (f) Officer i/c OPP Central Hastings Detachment _____
- (g) Fire Chief _____
- (h) Other _____

8. AGREEMENTS: In making this Application for a permit to move an oversized load, I agree:

- (a) To notify all the necessary authorities of the exact time of moving and to adhere to the approved route for such moving;
- (b) That the Municipality of Marmora and Lake reserves the right to change the hours of moving within a minimum of 24 hours notice;
- (c) That the Municipality of Marmora and Lake reserves the right to cancel the permit within a minimum of 24 hours notice;

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- (d) To provide to the Manager of Services, prior to the issuance of a permit pursuant to this Application, a letter from an insurance company satisfactory to the Municipality of Marmora Lake and duly authorized by law to underwrite public liability and property damage insurance addressed to the Municipality of Marmora and Lake certifying that the Applicant has property damage and public liability insurance in an amount not less than Two Million Dollars.

The applicant certifies that he/she/they have read and are familiar with the Municipality of Marmora and Lake Bylaw number _____, and the Highway Traffic Act and applicable regulations as they pertain to vehicle loads, weights and dimensions, and that they will comply with all requirements of the Bylaw, the Act and the regulations.

Dated at _____ this _____ day of _____

_____,
 Witness Signature of Applicant

Permit Fee: \$ _____ Approved: _____
 _____ Manager of Services _____ Date
 _____ Expiration
 Date of Permit

Note: Signature from above authorities is sufficient except in cases where there are special conditions in which approvals are to be in writing.

**THE MUNICIPALITY OF MARMORA AND LAKEBYLAW NUMBER 2005-
010“SCHEDULE B”**

FEE SCHEDULE FOR PERMIT TO MOVE OVERSIZED LOADS WITHIN THE MUNICIPAL LIMITS OF THE
MUNICIPALITY OF MARMORA AND LAKE

\$50.00 – permit valid for one month \$100.00 – permit valid for six months \$200.00 – permit valid
for one year