

THE CORPORATION OF THE COUNTY OF LAMBTON

BY-LAW NO. 39 OF 2009

"A By-Law to prohibit trucks on certain County highways."

WHEREAS section 9 of the *Municipal Act, 2001* (hereinafter, the "MA") grants the council of a municipality the capacity, rights, powers and privileges of a natural person;

WHEREAS sections 10 and 11 of the *MA* authorizes council to pass by-laws with respect to the health, safety and well-being of persons and the economic, social and environmental well-being of the municipality;

WHEREAS without limiting the generality of sections 10 and 11 of the *MA*, section 27 of the *MA* allows The Corporation of the County of Lambton (hereinafter the "*County*") to enact a by-law in respect of a highway under its jurisdiction;

WHEREAS section 35 of the *MA* allows the *County* to pass a by-law removing or restricting a right of passage over a highway under its jurisdiction; and

WHEREAS in the interest of health and safety of persons and the well-being of the environment, heavy trucks should not be permitted to travel on certain County highways.

NOW THEREFORE the Council of the Corporation of the County of Lambton enacts as follows:

Short Title

1. This by-law may be cited as the "Prohibition of Heavy Trucks By-Law."

Definitions

2. In this by-law the following terms have the following meanings:

2.1. "Commercial Motor Vehicle" means a motor vehicle having permanently attached thereto a truck or delivery body and includes buses and tractors used for hauling purposes on the highways.

2.2. "Heavy Truck" means any Commercial Motor Vehicle having an actual or registered gross vehicle weight of twenty-eight thousand and six hundred (28,600) kilograms or more, but does not include:

(a) ambulances, police or fire department vehicles,

(b) school and municipal busses,

(c) emergency motor vehicles;

(d) public utility motor vehicles;

(e) motor vehicles owned or operated by the County or by any municipality or First Nations within Lambton County;

(f) motor vehicles of the Ministry of Transportation of the Province of Ontario.

2.3. "Lambton County" means the geographic jurisdiction of The Corporation of the County of Lambton.

2.4. "Prohibited Highway 1" means the highway(s) set out in Schedule "1" hereto.

2.5. "Prohibited Highway 2" means the highway(s) set out in Schedule "2" hereto.

2.6. "Prohibited Highway 3" means the highway(s) set out in Schedule "3" hereto.

Prohibitions

A. Prohibited Highway 1

3. Except as provided in Section 4 and Section 9 hereof, no person shall move, drive, stop, park or operate a Heavy Truck on a Prohibited Highway 1.

4. Section 3 shall not apply to:

- i. any Heavy Truck actually engaged in making a delivery to or a collection from any location in Lambton County;
- ii. the driver of a Heavy Truck travelling to and from his or her personal residence, as evidenced by the operator's driver's license, provided that in so travelling, the Prohibited Highway 1 or portion of the Prohibited Highway 1 that is used is only traveled insofar as necessary in getting to and from said the driver's residence;
- iii. the driver of a Heavy Truck travelling to and from the business address of the registered owner of the Heavy Truck, as evidenced by the ownership permit of the Heavy Truck, provided that in so travelling, the Prohibited Highway 1 or portion of the Prohibited Highway 1 that is used is only traveled insofar as necessary in getting to and from said business location; and
- iv. a Heavy Truck engaged in the repair, maintenance or construction of a highway for or on behalf of the County or the municipality or First Nations but only in relation to the location required to be travelled on the Prohibited Highway 1 to effect such repairs, maintenance and/or construction.

B. Prohibited Highway 2

5. Except as provided in Section 6 and Section 9 hereof, no person shall move, drive, stop, park or operate a Heavy Truck on a Prohibited Highway 2.
6. Section 5 shall not apply to:
 - i. a Heavy Truck actually engaged in making a delivery to or a collection from a location within any municipality in Lambton County in which all or part of the Prohibited Highway 2 is located;
 - ii. the driver of a Heavy Truck travelling to and from his or her personal residence, as evidenced by the operator's driver's license, provided that in so travelling, the Prohibited Highway 2 or portion of the Prohibited Highway 2 that is used is only traveled

insofar as necessary in getting to and from said the driver's residence;

- iii. the driver of a Heavy Truck travelling to and from the business address of the registered owner of the Heavy Truck, as evidenced by the ownership permit of the Heavy Truck, provided that in so travelling, the Prohibited Highway 2 or portion of the Prohibited Highway 2 that is used is only traveled insofar as necessary in getting to and from said business location; and
- iv. a Heavy Truck engaged in the repair, maintenance or construction of a highway for or on behalf of the County or the municipality or First Nations but only in relation to the location required to be travelled on the Prohibited Highway 2 to effect such repairs, maintenance.

C. Prohibited Highway 3

7. Except as provided in Section 8 and Section 9 hereof, no person shall move, drive, stop, park or operate a Heavy Truck on a Prohibited Highway 3.
8. Section 7 shall not apply to:
 - i. any Heavy Truck actually engaged in making a delivery to or a collection from a location in Lambton County which cannot be reached except by way of a Prohibited Highway 3 or a portion of a Prohibited Highway 3, provided that in making such a delivery or collection, the Prohibited Highway 3 or portion of the Prohibited Highway 3 that is used is only traveled insofar as necessary in getting to and from said premises;
 - ii. the driver of a Heavy Truck travelling to and from his or her personal residence, as evidenced by the operator's driver's license, provided that in so travelling, the Prohibited Highway 3 or portion of the Prohibited Highway 3 that is used is only traveled insofar as necessary in getting to and from said the driver's residence;

- iii. the driver of a Heavy Truck travelling to and from the business address of the registered owner of the Heavy Truck, as evidenced by the ownership permit of the Heavy Truck, provided that in so travelling, the Prohibited Highway 3 or portion of the Prohibited Highway 3 that is used is only traveled insofar as necessary in getting to and from said business location; and
- iv. a Heavy Truck engaged in the repair, maintenance or construction of a highway for or on behalf of the County or the municipality or First Nations but only in relation to the location required to be travelled on the Prohibited Highway 3 to effect such repairs, maintenance.

Official Detours

- 9. Sections 3, 5 and 7 hereof shall not, if compliance therewith would be impracticable, apply to the operation of any Heavy Truck upon any officially established detour.

Signs

- 10. The erection of heavy truck restriction signs to give effect to this by-law is hereby authorized.

Enforcement

- 11. A police officer, provincial offences officer, or such other person designated by by-law from time to time may enforce all provisions of this by-law.

Offences and Penalties

- 12. Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to the set fine prescribed in Schedule "4" for offences prosecuted under Part 1 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33 as amended or if otherwise prosecuted, such fine and

other penalty as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33 as amended.

Precedence and Severability

13. Where this by-law conflicts with any other by-law of the *County* this by-law shall take precedence to the extent of the conflict.

14. Should any section, paragraph or provision of this by-law including any part of any schedule hereof be declared by a court of competent jurisdiction to be *ultra vires*, invalid or illegal for any reason, the same shall not affect the validity of the by-law as a whole.

Coming Into Force

15. This by-law shall come into force and take effect upon passing hereof and upon placement of the appropriate signs.

BY-LAW read a first, second and third time and finally passed this 7th day of October, 2009.

Jim Burns
Warden

Ronald G. Van Horne
Deputy Clerk