

## THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

### BY-LAW NUMBER 063-2021

Being a by-law to prohibit heavy vehicles on municipal highways and to repeal By-law 36/13.

**WHEREAS** by Section 11 of the *Municipal Act, 2001, S.O. 2001, c.25* authorizes municipalities to pass by-laws respecting matters within its spheres of jurisdiction;

**AND WHEREAS** highways, including regulating traffic on highways is within the sphere of jurisdiction of the Township of Puslinch;

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

**AND WHEREAS** the Council of the Corporation of the Township of Puslinch 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;

**NOW THEREFORE** the Council of the Corporation of the Township of Puslinch hereby enacts as follows:

#### 1. Definitions

"Heavy Vehicle" means a vehicle as defined in the *Highway Traffic Act*, as amended, having a manufacturer's gross vehicle weight rating greater than 4,600 Kilograms including a truck and trailer combination, but does not include ambulances, Police and Fire Department vehicles and any vehicle while actually engaged in works undertaken for or on behalf of the Corporation of the Township of Puslinch, the County of Wellington, the federal or provincial government, or any utility;

"Highway" includes a common or public highway any part of which is intended for or used by the general public for the passage of vehicles and pedestrians and includes the area between the lateral property lines thereof;

"Person" includes an individual and/or a corporation;

#### 2. Prohibitions

2.1 No person shall move, drive or operate a Heavy Vehicle on the Highways set out in Column I of Schedule "A" attached hereto and forming part this By-law between the limits set out in Column 2 of the said Schedule.

#### 3. Exemptions

3.1 Subsection 2.1 shall not apply to any Heavy Vehicle actually engaged in making delivery to or a collection from premises which cannot be reached except by way of a Highway or portion of Highway referred to in Schedule "A"; or to prohibit the use of such Heavy Vehicle, for such purposes, provided that in making such delivery or collection the said Highway or portion of Highway is travelled only in so far as is unavoidable in getting to and from such premises; and provided that the delivery or collection is not in violation of any other Township By-law.

3.2 Subsection 2.1 shall not apply to a Heavy Vehicle owned or operated by a person actually engaged in travelling to and from their place of residence or business located in the Township of Puslinch which cannot be reached except by way of Highway or portion of Highway referred to in Schedule A provided that said Highway or portion of Highway is travelled only in so far as is unavoidable in getting to and from the owner or operator's place of residence or business; and

provided that the parking of the heavy vehicle is permitted at the property in accordance with the Township's Zoning By-law.

3.3 This By-Law shall not apply to ambulances, Police and Fire Department vehicles and any vehicle while actually engaged in works undertaken for or on behalf of the Corporation of the Township of Puslinch, the County of Wellington, the federal or provincial government, or any utility.

#### 4. Enforcement

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

#### 5. Offences and Fines

5.1 Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O 1990, c. P. 33 as amended.

#### 6. Signage

6.1 The Director of Public Works, Parks and Facilities or designate, is authorized to erect or cause to be erected the necessary signs in accordance with the *Highway Traffic Act*, as amended.

#### 7. Validity

7.1 If any section, subsection, paragraph, sentence, clause, or provision of this By-Law be declared by a Court of competent jurisdiction to be invalid, illegal or ultra vires for any reason, all other provisions of this By-Law shall remain and continue in full force and effect and shall remain valid and binding.

#### 8. Repeal

8.1 That By-law 36/13 is hereby repealed.

#### 9. Effective Date

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

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;

Schedules "B" to this By-law shall be effective upon the approval and/or amendment by the Regional Senior Justice of the Ontario Court of Justice.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 15<sup>th</sup> DAY OF DECEMBER, 2021.**

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James Seeley, Mayor

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Courtenay Hoytfox, Clerk

**Schedule "A"**  
**To By-law No. 2021-063**

**The Corporation of the Township of Puslinch**

<b>Column 1</b>	<b>Column 2</b>
Forestell Road	Wellington Road 32 and Wellington Road 35
Pioneer Trail	Laird Road West and the Puslinch-Guelph (City) Townline/Boundary
Ellis Road	Wellington Road 33 and Wellington Road 32
Roszell Road	Puslinch-Cambridge Townline Road and Forestell Road
Victoria Road South	Wellington Road 34 and Maltby Road East
Watson Road South	Wellington Road 34 and Wellington Road 37/Arkell Road
Sideroad 12 North	Concession 4 Road and Forestell Road
Concession 7	Concession 1 and Gore Road
Gore Road	Concession 7 and Lennon Road
Concession 1	Concession 7 and Highway 6
Leslie Road	Concession 1 and Highway 6
Concession 2	Wellington Road 32 and Sideroad 20 South
Maltby Road	Victoria Road and Watson Road
Concession 4	Roszell Road and Highway 6 North
Sideroad 20 North	Wellington Road 34 and Forestell Road
Concession 7	Concession 2A and Concession 1
Concession 7	County Road 34 and Maltby Road
Watson Road South	Wellington Road 34 and Wellington Rd 36
MacPherson Lane	Highway 6 and Maddaugh Road

**Schedule "B"**  
**To By-law No. 2021-063**

**The Corporation of the Township of Puslinch**  
**Part I, *Provincial Offences Act***  
**By-law Number 2021-063 to Restrict Heavy Trucks on Township Highways**

<b>ITEM</b>	<b>SHORT FORM WORDING</b>	<b>PROVISION CREATING OF DEFINING OFFENCE</b>	<b>SET FINE</b>
1	Move, drive or operate a heavy vehicle on a prohibited route	Section 2	\$450