

# **The Corporation of the Municipality of Grey Highlands**

## **Consolidated By-law No. 2020-034**

### **A By-law to Prohibit Heavy Trucks on specific Highways in Grey Highlands**

#### **Office Consolidation of By-law 2020-034 and By-law 2023-125 (Replacement of Schedule A)**

**Whereas**, Section 8 of the Municipal Act 2001, R.S.O. 2001, as amended provides that a municipality has the authority to govern its affairs as it considers appropriate and enables the municipality to respond to municipal issues; and

**Whereas**, Section 5(3) of the Municipal Act 2001, R.S.O. 2001, as amended provides that a municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

**Whereas**, Section 27 of the Municipal Act 2001, R.S.O. 2001, as amended provides that a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway; and

**Whereas**, Section 28(1) of the Municipal Act 2001, R.S.O. 2001, as amended sets out the highways over which a municipality has jurisdiction; and

**Whereas**, Section 35 of the Municipal Act 2001, R.S.O. 2001, as amended provides that a municipality may pass by-laws removing or restricting the common law right of passage by the public over a highway and the common law right of access to the highway by an owner of land abutting a highway; and

**Whereas**, it is deemed necessary and desirable that the Council of the Corporation of the Municipality of Grey Highlands enact a by-law authorizing the Corporation to enact heavy truck restrictions on certain highways within the municipality; and

**Whereas**, the Council of the Corporation of the Municipality of Grey Highlands deems it necessary to repeal By-Law No. 2012-73 upon the passage of this by-law;

**Now Therefore the Council of the Municipality of Grey Highlands hereby enacts as follows:**

#### **1. Definitions**

- a. "Director" shall mean the Director of Transportation and Environmental Services of the Municipality of Grey Highlands or his/her designate.
- b. "Heavy Truck" is defined as any commercial vehicle having a registered gross weight greater than 4,500 kilograms but does not include ambulances or fire trucks.
- c. "Highway" includes a common or public highway, street, avenue, parkway, drive, 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, which is owned by the Municipality of Grey Highlands.

- d. "Person" includes an individual and/or a Corporation.
- e. "Sign" means a sign as described as "No Heavy Trucks" sign RB-62 in the Ontario Traffic Manual, pursuant to the Highway Traffic Act, R.S.O. 1990, as amended.

## **2. Prohibitions**

- a. Where signage has been erected and is on display, no person shall drive, move, operate or park "Heavy Trucks" upon or over any of the highways or parts of highways named or described in Schedule "A" of this By-law.
- b. No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law.

## **3. Exemptions**

- a. The provisions of this by-law shall not extend to the use of the said highway or parts of highways for deliveries to or removals from any premise abutting thereon.
- b. The provisions of this by-law shall not apply to emergency service vehicles, to public utility vehicles, or to waste management vehicles while engaged in picking up waste and/or recycling from premises abutting thereon.
- c. The provisions of this by-law shall not extend to the Municipality of Grey Highlands staff, the County of Grey staff or their agents and contractors in performing municipal work.

## **4. Enforcement**

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

## **5. Offence**

- a. Every 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. Designated Authority**

- a. The Director of Transportation and Environmental Services and/or designate is hereby authorized to erect, or cause to be erected, the necessary signs in accordance with the Highway Traffic Act.

## **7. Severability**

- a. If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

## **8. Force and Effect**

- a. That By-law No. 2012-73 of the Corporation of the Municipality of Grey Highlands is hereby repealed.
- b. That 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 bylaw and the same are hereby repealed or rescinded insofar as it is necessary to give effect to the provisions of this by-law.
- c. That Schedule A attached hereto is hereby declared to form part of this by-law; and

- d. That Schedule B in substantially the same for as attached hereto is hereby declared to form part of this by-law once approved by the Chief Justice or the Regional Senior Justice.

9. **Short Title**

- a. This by-law may be referred to as the “Heavy Truck Restriction By-law”.

Read a first, second and third time, and finally passed on April 15 2020.

The Corporation of the  
Municipality of Grey Highlands

Original Signed By

\_\_\_\_\_  
Paul McQueen, Mayor

Original Signed By

\_\_\_\_\_  
Amanda Fines-VanAlstine, Clerk

Status: Passed

**Schedule A**  
**Corporation of the Municipality of Grey Highlands**  
**By-law No. 2023-125**

**Heavy Truck Restrictions**

<b>Highway</b>	<b>From</b>	<b>To</b>
Osprey-Artemesia Townline	Grev Road 4	10th Concession
Road 45	Grev Road 4	8th Concession
Hill	Pretty River Road	4th Line / Osprey- Blue Mountains Townline
East Back Line	Grev Road 4	Grev Road 32
Sideroad 7A	Grev Road 7	7th Line
Sideroad 7B	Grev Road 13	3rd Line A
Campbell's Hill	Lower Valley Road	Grev Road 13
Grahams Hill	Grev Road 32	Lower Valley Road
Centre Line A	Grev Road 2	Road 49
Road 49	3rd Concession	Centre Line A
Sideroad 35	12th Concession B	Artemesia-Euphrasia Townline
Artemesia-Euphrasia Townline	3rd Line A	Sideroad 35
The Blue Mountains - Euphrasia Townline (Grier Creek Bridge)	Grey Road 40	Euphrasia - St. Vincent Townline (30th Sideroad)
Lower Valley Road	East Back Line	Grev Road 30
Herbert Avenue	Main Street East / Grey Road 12	End
Cambrai Road	Main Street East / Grey Road 12	Bradey Street
Bradey Street	Herbert Avenue	End

Schedule B

**Corporation of the Municipality of Grey Highlands**

**PART 1 Provincial Offences Act**

**By-law No. 2020-034 - Heavy Truck Restriction By-law**

<b>Item</b>	<b>Short Form Wording</b>	<b>Provision Creating or Defining Offence</b>	<b>Set Fine</b>
1	Heavy Truck on Restricted Highway	2. a	\$1000.00
2	Hinder or Obstruct Enforcement	2. b	\$1000.00

NOTE: The general penalty provision for the offences listed above is section 5 of the By-law 2020-034, a certified copy of which has been filed.

OFFICE OF THE REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE  
WEST REGION

80 DUNDAS STREET, 10<sup>th</sup> FLOOR, UNIT L  
LONDON, ONTARIO N6A 6A8



CABINET DU JUGE PRINCIPAL RÉGIONAL  
COUR DE JUSTICE DE L'ONTARIO  
RÉGION DE L'OUEST

80, RUE DUNDAS, 10<sup>e</sup> ÉTAGE, UNITÉ L  
LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292  
FAX/TÉLÉCOPIEUR (519) 660-3138

July 29<sup>th</sup>, 2020

Ms. Devyani Anandjit  
Crown Law Office, Criminal  
Ministry of the Attorney General  
720 Bay Street, 10th Floor  
Toronto, ON M7A 2S9

Dear Ms. Anandjit:

**Re: Set Fines - Provincial Offences Act - Part I  
By-law Number 2020-034, of the Municipality of Grey Highlands**

Please find enclosed a copy of the above Order, and a copy of a letter to the municipality as referenced above.

Should you have any questions or concerns, please do not hesitate to contact me at (519) 660-2293.

Yours truly,

Kendra Tracey  
Manager, Regional Judicial Support  
West Region

encl.  
/mg

**ONTARIO COURT OF JUSTICE**

**PROVINCIAL OFFENCES ACT**

**PART I**

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2020-034, of the Municipality of Grey Highlands, attached hereto are the set fines for those offences. This Order is to take effect July 29<sup>th</sup>, 2020.

Dated at London this 29<sup>th</sup> day of July, 2020.

A handwritten signature in black ink, appearing to read 'J. LeRoy', is positioned above the printed name and title of the signatory.

Jeanine E. LeRoy  
Regional Senior Justice  
West Region

Schedule B

**Corporation of the Municipality of Grey Highlands**

**PART 1 Provincial Offences Act**

**By-law No. 2020-034 - Heavy Truck Restriction By-law**

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Heavy Truck on Restricted Highway	2. a	<del>\$1000.00</del> <del>\$500.00</del> 750.00
2	Hinder or Obstruct Enforcement	2. b	<del>\$1000.00</del> <del>\$500.00</del> 750.00

NOTE: The general penalty provision for the offences listed above is section 5 of the By-law 2020-034, a certified copy of which has been filed.

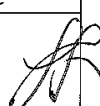
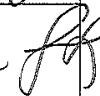


Schedule B

**Corporation of the Municipality of Grey Highlands**

**PART 1 Provincial Offences Act**

**By-law No. 2020-034 - Heavy Truck Restriction By-law**

<b>Item</b>	<b>Short Form Wording</b>	<b>Provision Creating or Defining Offence</b>	<b>Set Fine</b>
1	Heavy Truck on Restricted Highway	2. a	<del>\$1000.00</del> 750- 
2	Hinder or Obstruct Enforcement	2. b	<del>\$1000.00</del> 750- 

NOTE: The general penalty provision for the offences listed above is section 5 of the By-law 2020-034, a certified copy of which has been filed.

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FAX/TÉLÉCOPIEUR (519) 660-3138

July 29<sup>th</sup>, 2020

Raylene Martell  
Director of Legal Services/Municipal Clerk  
206 Toronto Street South, Unit 1  
P.O. Box 409  
Markdale, ON N0C 1H0

Dear Ms. Martell:

**Re: Set Fines - Provincial Offences Act - Part I**  
**By-law Number 2020-034, of the Municipality of Grey Highlands**

Enclosed herewith is an original Order, and an original schedule of set fines for the above referenced By-Law, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the copy of the Order and the schedule of set fines to the Provincial Offences Court in Owen Sound together with a copy of the By-law.

Yours truly,

A handwritten signature in black ink, appearing to read 'J. LeRoy'.

Jeanine E. LeRoy  
Regional Senior Justice  
West Region

encl.  
/mg