

# THE CORPORATION OF THE MUNICIPALITY OF BRIGHTON

## BY-LAW NO. 038-2011

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### BEING A BY-LAW TO REGULATE SEMI-TRAILERS WITHIN THE BOUNDARIES OF THE MUNICIPALITY OF BRIGHTON

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**WHEREAS** Section 27 of the Municipal Act 2001, S.O. 2001, c.25, as amended, allows a municipality to pass a by-law in respect of a highway if it has jurisdiction over the highway;

**AND WHEREAS** Section 23.2(5) of the Municipal Act 2001, S.O. 2001, c.25, as amended, permits a municipality to delegate a legislative power to an officer, employee or agent of a municipality where such delegation is of a minor nature;

**AND WHEREAS** Section 30 of the Municipal Act 2001, S.O. 2001, c.25, as amended, states that a highway is owned by the municipality that has jurisdiction over it subject to any rights reserved by a person who dedicated the highway or any interest in the land held by any other person;

**AND WHEREAS** Section 35 of the Municipal Act 2001, S.O. 2001, c.25, as amended, states 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** Section 44 of the Municipal Act 2001, S.O. 2001, c.25, as amended, states that the municipality that has jurisdiction over a highway or bridge shall keep it in a state of repair that is reasonable in the circumstances, including the character and location of the highway or bridge;

**AND WHEREAS** the Municipality of Brighton wishes to regulate Semi-Trailers on highways under the jurisdiction of the Municipality for public safety reasons due to the premature deterioration of Municipal highways not designed to carry heavy truck load;

**NOW THEREFORE BE IT ENACTED** by Council of The Corporation of the Municipality of Brighton as follows:

#### **Short Title**

1. This by-law may be cited as the "Regulation of Semi-Trailers By-Law".

#### **Definitions**

2. (a) "**Commercial Bus**" means a commercially licensed passenger bus having a gross vehicle weight in excess of 20,000 kg or a seating capacity of more than 20 passengers, used to transport persons to and from local points of interest or specific destinations, but does not include a public transit motor vehicle, a school bus or a bus providing scheduled passenger transportation service between public bus terminals.  
  
(b) "**Emergency Detour Route (EDR)**" means the Emergency Detour Routes designated and signed as such by Council for the Municipality of Brighton;  
  
(c) "**Municipality**" – means the Municipality of Brighton;  
  
(d) "**Semi-Trailer**" means a trailer designed so that its forward part rests on or is carried by another vehicle or trailer converter dolly to which it is coupled by means of a fifth wheel assembly.

### **Delegation**

3. (a) The Director of Public Works or designate of the Municipality of Brighton is hereby authorized, directed and empowered,
  - (i) to evaluate the highways within the Municipality of Brighton with respect to their capability of sustaining Semi-Trailer and Commercial Bus traffic from a perspective of structural integrity of the road base, geometric design of the highway and public safety and convenience;
  - (ii) to place or erect and maintain, subject to the Highway Traffic Act and the regulations there under, such signage and traffic control signal systems as are required to give effect to the provisions of this by-law and as are required to warn or guide traffic for the safety or convenience of the public.
- (b) In exercising the delegation powers granted to the Director of Public Works, the Director of Public Works shall have regard for the following:
  - (i) whether or not the condition and design of the highway is suitable for sustaining Semi-Trailer and Commercial Bus traffic on an ongoing basis and whether or not it is appropriate to terminate any restrictions for that highway or portion of the highway; and
  - (ii) the status of flooding, groundwater, spring melt, road sub-grade construction, surfacing, geometric design, public safety and convenience and other conditions that may result in the road, highway or portion of highway being unsuitable for Semi-Trailer and Commercial Bus traffic.

### **Prohibition**

4. Except as provided in Sections 6, 7, 8 and 9 of this By-law, no person shall move, drive, stop, park or operate a Semi-Trailer or Commercial Bus on any highway within the boundaries of the Municipality that is signed with an official sign prohibiting such activity.
5. Section 4 shall not apply to any Semi-Trailer actually being used in making a delivery to or a collection from premises located in the Municipality or to a Commercial Bus picking up or dropping off passengers from premises located in the City nor shall it apply to any vehicles owned by the Municipality, or any utility company.
6. Section 4 of this By-law shall not apply to a Semi-Trailer or Commercial Bus being driven to or from the terminal or the residence of the owner or operator of the Semi-Trailer or Commercial Bus where the terminal or residence is located within the boundaries of the Municipality.
7. Semi-Trailers and Commercial Buses are permitted to move, drive, stop, park or operate on any Emergency Detour Route designated by sign as such that is located within the boundaries of the Municipality.

### **Offence & Penalties**

8. Any person who contravenes any of the provisions of this by-law is guilty of an offence and, upon conviction, shall be subject to a fine as prescribed by the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.

### **Severability**

9. If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and remain in full force and effect.

**Coming Into Force**

10. This by-law shall come into force and effect upon the date of its passage by Council.

Read a first, second time and third time, and finally passed this 20<sup>th</sup> day of June, 2011.

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Mark A. Walas, Mayor

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Gayle J. Frost, CAO/Clerk