



CORPORATION OF THE TOWNSHIP OF ST. CLAIR

BY-LAW NO. 42 OF 2021

A By-law to Prohibit Heavy Trucks on Certain roads in the Township of St. Clair

WHEREAS Section 9 of the *Municipal Act, 2001, S.O., c.25* (hereinafter referred to as the "MA") grants the Council of a municipality the capacity, rights, powers and privileges of a natural person;

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

WHEREAS without limiting the generality of Section 11 of the *MA*, Section 27 of the *MA* allows the Corporation of the Township of St. Clair (hereinafter called "Township") to enact a by-law in respect to a highway under its jurisdiction;

WHEREAS Section 35 of the *MA* allows the *Township* 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, the well being of the environment, and to protect certain highways, heavy trucks should not be permitted to travel on certain *Township* roads;

NOW THEREFORE Council for the Township of St. Clair enacts as follows:

DEFINITIONS

1. In this By-law, the following terms have the following meanings:
 - a) "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.
 - b) "Heavy Truck" means any Commercial Motor Vehicle having an actual or registered gross vehicle weight of eleven thousand (11,000) kilograms or more, but does not include:

- (i) Ambulances, police or fire department vehicles
- (ii) School and municipal busses
- (iii) Emergency motor vehicles
- (iv) Public utility motor vehicles
- (v) Motor vehicles owned or operated by the Township
- (vi) Motor vehicles owned or operated by the Ministry of Transportation or the Province of Ontario.

PROHIBITIONS

2. Except as provided by Sections 3 and 4 hereof, no person shall move, drive, park, or operate a Heavy Truck on any of the prohibited portions of any road identified by Schedule A attached hereto and forming part of this By-law.

3. Section 2 shall not apply to:
 - (i) And Heavy Truck actually engaged in making delivery to or a collection from a location in the Township which cannot be reached except by way of a portion of road prohibited by those identified in Schedule A to this Bylaw provided that in making such delivery or collection, the prohibited portion of the road is used only insofar as necessary in getting to and from the intended premises;
 - (ii) The driver of a Heavy Truck travelling to and from his or her residence, so long as the Heavy Truck is permitted to be stored in that location according to the Township Zoning Bylaw, and any other applicable Bylaw.
 - (iii) The driver of a Heavy Truck travelling to and from the business address of the registered owner of the Heavy Truck, provided that the prohibited portion of the road is used only insofar as necessary in getting to and from the identified business;
 - (iv) A Heavy Truck engaged in the repair, maintenance or construction of a highway for or on behalf of the Township but only in relation to the location required to be travelled to effect such repairs and maintenance.

OFFICIAL DETOURS

4. Section 2 shall not, if compliance therewith would be impractical, apply to the operation of any Heavy Truck upon any officially established detour.

SIGNS

5. The erection of Heavy Truck Restriction signs to give effect to this Bylaw is hereby authorized.

ENFORCEMENT

6. A Police Officer, and any Bylaw Enforcement Officer appointed by the Township may enforce all provisions of this Bylaw.

OFFENCES AND PENALTIES

7. Any person who contravenes any of the provisions of this Bylaw is guilty of an offence and upon conviction is liable to the set fine prescribed in Schedule "B" attached hereto and forming part of this Bylaw, 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. P33.

PRECEDENCE AND SEVERABILITY

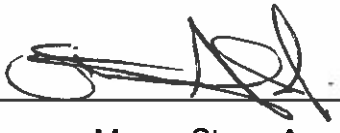
8. Where this Bylaw conflicts with any other Bylaw of the Township this Bylaw shall take precedence to the extent of the conflict.
9. Should any section, paragraph or provision of this Bylaw including any part of any Schedule hereof be declared by a court of competent jurisdiction to be ultra vires, invalid or illegal for any reason, the same shall not affect the validity of the Bylaw as a whole.

COMING INTO FORCE

10. This Bylaw shall come into force and take effect upon the passing thereof and upon placement of the appropriate signs.

By-law read a FIRST, SECOND, THIRD time and finally passed this the 20th day of September 2021.


Clerk Jeff Baranek


Mayor Steve Arnold





**THE CORPORATION OF THE TOWNSHIP OF ST. CLAIR
SCHEDULE 'A'
TO BYLAW 42 OF 2021**

The following sections of road are prohibited for use by Heavy Trucks by Section 2 of Bylaw 42 of 2021:

PROHIBITED ROAD	FROM	TO
St. Clair Parkway	Lasalle Line	Whitebread Line
Plank Road	Petrolia Line	Mandaumin Road
Rokeby Line	Main Entrance to Nova	Kimball Road



**THE CORPORATION OF THE TOWNSHIP OF ST. CLAIR
SCHEDULE 'B'
TO BYLAW 42 OF 2021**

Part 1 Provincial Offences Act

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Operate a Heavy Truck on a road identified by Schedule 'A'	s. 2	\$400.00

Note: The General Penalty Provision for the offence listed above is Section 7 of Bylaw 42 of 2021, a certified copy of which has been filed.